



CRIMINAL SENTENCING COMMISSION

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## AGENDA

March 21, 2019 10:00 a.m.

- I. Call to order, roll call & approval of meeting notes from December 13, 2018  
Vice-Chair Selvaggio
- II. Justice Michael Donnelly
- III. Andy Wilson, Senior Criminal Justice Advisor to Governor DeWine
- IV. SB3 – discussion and possible vote
- V. Reagan Tokes Act Implementation
- VI. General Updates
  - Written update provided
  - School safety funding, Erin Davies
- VII. Adjourn

### **2019 Full Commission Meeting Dates**

**Thursday, June 20, 2019 *Ohio Judicial Center, Room 101***

**Thursday, September 19, 2019 *Riffe Center – 31<sup>st</sup> floor***

**Thursday, December 12, 2019 *Riffe Center – 31<sup>st</sup> floor***

Additional information is available on the Commission website

<http://www.supremecourt.ohio.gov/Boards/Sentencing/>

**TO:** Sentencing Commission Members & Advisory Committee  
**FROM:** Sara Andrews, Director  
**DATE:** March 21, 2019  
**RE:** Committee Updates

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### **JUVENILE JUSTICE COMMITTEE**

The Juvenile Justice Committee remains focused on moving forward recommendations which formed much of what was HB394 in the 132<sup>nd</sup> General Assembly – including proposals for revising confinement credit for juveniles, changes to fines/fees/restitution, juvenile bindover procedures, and juvenile life without parole removal and parole eligibility. On March 11, 2019, Senator Thomas introduced SB99 Mandatory Bindovers and SB100 Parole Eligibility.

The Committee continues to seek funding sources for a juvenile probation study proposed by Case Western Reserve University researchers. The cost of the proposal is approximately \$60,000. The Committee has long stressed the need for good data on juvenile probation efforts throughout the state, and believes this study could provide strong evidence for policy recommendations in the area. While that project remains ongoing, members still wish to engage in making policy recommendations for statutory changes to the legislature based on review of JDAI initiatives in the state and best practices nationwide.

### **SENTENCING AND CRIMINAL JUSTICE COMMITTEE**

**Appellate Review Workgroup:** Sentencing Commission staff have worked over the last year with the Ohio Judicial Conference and others on a redraft of the ORC chapter dealing with appellate review of felony sentencing. Judge Sean Gallagher of the 8<sup>th</sup> district Court of Appeals has volunteered a substantial amount of his time and effort to working on the draft, as have all members of the workgroup. The currently code contains a problematic “contrary to law” standard that remains undefined and has been subject to conflicting interpretation throughout the state.

The appellate review draft was presented to the Sentencing and Criminal Justice Committee in February of 2019. There is agreement on the vast majority of the draft but there is a sticking point regarding expansion of the state’s right to appeal. After lengthy discussion, members believe consensus can be reached but wished to discuss compromise with their respective organizations before voting on the proposed draft. The draft will be presented to the Committee again in April 2019, and subsequently presented to the full Commission in June 2019.

**Drug Chapter Workgroup:** In light of the myriad proposals regarding drug chapter reform that were presented at the full Commission meeting in December 2018, a workgroup of interested parties convened to attempt to harmonize the various proposals. That workgroup has identified topics of agreement including:

- Diminishing or eliminating the stigma of a felony through 1.) Expanded use of and access to diversion options such as Intervention in Lieu of Conviction and 2.) Improving processes of Record Sealing
- Using or revising the civil commitment process (legal mechanism – i.e. diverting before charge; how to get person connected and program availability, resources)

The workgroup will meet again on March 25, 2019 to further discuss reforms in light of Substitute Senate Bill 3, introduced on March 6<sup>th</sup>, 2019.

## Sentencing Commission Position: School Safety Funding 2018

Recent events and incidents in schools across the country and in Ohio have made school safety a priority for Ohio's policymakers, school administrators, students, teachers, and families. In July 2018, the Ohio legislature passed HB 318, which included \$12 million in grants to enhance school safety. These grants can be used for: 1) School Resource Officer (SRO) training or certification, 2) active shooter training, 3) educational resources, 4) training on identifying and assisting students with mental health issues, or 5) any other safety training. In addition, several districts across the state are putting forward school safety levies on local ballots.

**Link Between School Safety and the Juvenile Courts:** The Sentencing Commission has a direct interest in Ohio policymakers investing in effective school safety programs. As the National Council of Juvenile and Family Court Judges (NCJFCJ)<sup>1</sup> has recognized, school safety responses, including security or law enforcement presence or suspending or expelling students, can increase youth involved in the juvenile courts through:

- More students *arrested on school property* during school or a school-sponsored event due to "relying on law enforcement to settle minor disputes" or "offenses that easily could have been handled in school."
- Increased *charges filed or law enforcement referrals* for behavior at school. Some of these referrals "might result in arrest at school even though they would not have if the same incident occurred on the street (e.g., disrespect, fighting, carrying a toy gun, etc.)."
- Higher rates of missed school if students do not feel safe, leading to increased *truancy caseloads and charges*.
- Increased likelihood of court involvement of *youth who have been suspended or expelled* as these students are likely to lack supervision, be less engaged in school, and more likely to drop out. Students can receive "double punishment" for incidents by both getting a law enforcement referral plus a suspension or expulsion.

The NCJFCJ recognizes that students who become court-involved through a school referral will "remain involved in or go deeper into the juvenile justice system" and are less likely to stay engaged in school, leading to potential dropout, long-term economic costs to society, and a criminal record, which "dramatically curtails employment opportunities and potentially leads to a life of poverty or crime."

**Effective School Safety Investments:** Research shows that school safety is more likely to be achieved through investments to create positive school climates instead of punitive options. Investments in school security – such as security personnel and hardware (i.e. cameras, metal detectors, etc.) – are "associated with more incidents of school crime and disruption[,] higher levels of disorder in schools," increased violence due to an heightened sense of students to engage in self-protection, and "negatively impacts students' perception of safety and even increases fear among some students."<sup>2</sup> Additionally, placing law enforcement and security personnel in schools cannot – and has not – prevented all school violence, including school shootings. School resource officers and armed guards have been present at four out of the five worst school shootings in U.S. history, including

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<sup>1</sup> Villalobos, J.G., & Bohannon, T.L. (2017). *The Intersection of Juvenile Courts and Exclusionary School*. National Council of Juvenile and Family Court Judges. Available at [https://www.ncjfcj.org/sites/default/files/NCJFCJ\\_SJP\\_Courts\\_SchoolDiscipline\\_Final.pdf](https://www.ncjfcj.org/sites/default/files/NCJFCJ_SJP_Courts_SchoolDiscipline_Final.pdf).

<sup>2</sup> National Association of School Psychologists, *Research Summaries: School Security Measures and Their Impact on Students* (2018), available at [https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School\\_Security\\_Measures\\_Impact.pdf](https://www.nasponline.org/Documents/Research%20and%20Policy/Research%20Center/School_Security_Measures_Impact.pdf).

Columbine and Parkland.<sup>3</sup> Finally, the FBI has warned that “[d]isciplinary action alone, unaccompanied by any effort to evaluate the threat or the student's intent, may actually exacerbate the danger.”<sup>4</sup>

Instead, research shows that effective investments in school safety should focus on:

- Developing a threat assessment approach to school safety issues that includes: 1) an individual in the school specifically trained in threat assessment who can evaluate threats based on the specific circumstances, including the nature of the threat, the student’s personality, and the family, school, and social dynamics at play and 2) a plan in place to deal with threats, including clear policies and a designated staff person who can call together a multidisciplinary team to respond. This approach is recommended by both the FBI and the Secret Service.<sup>5</sup>
- Creating a positive school climate; positive school climates work because when schools are “safe, supportive learning environments where youth become connected to school, students are less likely to engage in disruptive and destructive behavior and more likely to graduate from high school.”<sup>6</sup> HB 318 also included \$2 million grants to improve school climates in districts across the state.
- Increasing student support staff – including psychologists, school nurses, social workers, and counselors – who can intervene and either directly work with students or connect them to resources in their communities. While law enforcement officials and security personnel may be able to help identify threats, they are not trained to work with students more holistically to prevent violent acts from occurring.

**\*Suggested statement for approval:**

*The Sentencing Commission recommends that Ohio’s stakeholders invest in research-based approaches to school safety – including implementing threat assessment protocols, improving school climate, and increasing student supports (i.e. psychologists, nurses, social workers, and counselors) – to make Ohio’s schools as safe as possible and to keep students out of Ohio’s courts unnecessarily.*

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<sup>3</sup> Marjory Stoneman Douglas (2018), Marshall County High (2018), Santana High School (2001), and Columbine High School (1999).

<sup>4</sup> Federal Bureau of Investigation, *The School Shooter: A Threat Assessment Perspective*, available at <http://www.doe.in.gov/sites/default/files/safety/fbi-report.pdf>.

<sup>5</sup> United States Secret Service and United States Department of Education, *The Final Report and Findings of the Safe School Initiative: Implications for the Prevention of School Attacks in the United States* (July 2004), available at <https://www2.ed.gov/admins/lead/safety/preventingattacksreport.pdf>.

<sup>6</sup> [https://saferschools.ohio.gov/content/ohio\\_school\\_climate\\_guidelines](https://saferschools.ohio.gov/content/ohio_school_climate_guidelines)

**I\_133\_0567-2**

**133rd General Assembly  
Regular Session  
2019-2020**

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

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**A BILL**

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

**Sec. 2925.01.** As used in this chapter: 159

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

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

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

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

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

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

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

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

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

mixture, preparation, or substance that is or contains any 196  
amount of a schedule II opiate or opium derivative; 197

(e) An amount equal to or exceeding five grams or ten unit 198  
doses of a compound, mixture, preparation, or substance that is 199  
or contains any amount of phencyclidine; 200

(f) An amount equal to or exceeding one hundred twenty 201  
grams or thirty times the maximum daily dose in the usual dose 202  
range specified in a standard pharmaceutical reference manual of 203  
a compound, mixture, preparation, or substance that is or 204  
contains any amount of a schedule II stimulant that is in a 205  
final dosage form manufactured by a person authorized by the 206  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 207  
U.S.C.A. 301, as amended, and the federal drug abuse control 208  
laws, as defined in section 3719.01 of the Revised Code, that is 209  
or contains any amount of a schedule II depressant substance or 210  
a schedule II hallucinogenic substance; 211

(g) An amount equal to or exceeding three grams of a 212  
compound, mixture, preparation, or substance that is or contains 213  
any amount of a schedule II stimulant, or any of its salts or 214  
isomers, that is not in a final dosage form manufactured by a 215  
person authorized by the Federal Food, Drug, and Cosmetic Act 216  
and the federal drug abuse control laws. 217

(2) An amount equal to or exceeding one hundred twenty 218  
grams or thirty times the maximum daily dose in the usual dose 219  
range specified in a standard pharmaceutical reference manual of 220  
a compound, mixture, preparation, or substance that is or 221  
contains any amount of a schedule III or IV substance other than 222  
an anabolic steroid or a schedule III opiate or opium 223  
derivative; 224

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

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

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

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

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

(F) "Cultivate" includes planting, watering, fertilizing, 255  
or tilling. 256

(G) "Drug abuse offense" means any of the following: 257

(1) A violation of division (A) of section 2913.02 that 258  
constitutes theft of drugs, or a violation of section 2925.02, 259  
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 260  
2925.06, 2925.11, 2925.111, 2925.12, 2925.13, 2925.22, 2925.23, 261  
2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 262  
Code; 263

(2) A violation of an existing or former law of this or 264  
any other state or of the United States that is substantially 265  
equivalent to any section listed in division (G) (1) of this 266  
section; 267

(3) An offense under an existing or former law of this or 268  
any other state, or of the United States, of which planting, 269  
cultivating, harvesting, processing, making, manufacturing, 270  
producing, shipping, transporting, delivering, acquiring, 271  
possessing, storing, distributing, dispensing, selling, inducing 272  
another to use, administering to another, using, or otherwise 273  
dealing with a controlled substance is an element; 274

(4) A conspiracy to commit, attempt to commit, or 275  
complicity in committing or attempting to commit any offense 276  
under division (G) (1), (2), or (3) of this section. 277

(H) "Felony drug abuse offense" means any drug abuse 278  
offense that would constitute, or that at the time it was 279  
committed constituted, a felony under the laws of this state, 280  
any other state, or the United States. 281

(I) "Harmful intoxicant" does not include beer or 282  
intoxicating liquor but means any of the following: 283

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

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

(b) Any aerosol propellant; 294

(c) Any fluorocarbon refrigerant; 295

(d) Any anesthetic gas. 296

(2) Gamma Butyrolactone; 297

(3) 1,4 Butanediol. 298

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(28) A person who has been issued a class A, class B, or 482  
class C license or who has been registered as an investigator or 483  
security guard employee under Chapter 4749. of the Revised Code; 484

(29) A person licensed and registered to practice as a 485  
nursing home administrator under Chapter 4751. of the Revised 486  
Code; 487

(30) A person licensed to practice as a speech-language 488  
pathologist or audiologist under Chapter 4753. of the Revised 489  
Code; 490

(31) A person issued a license as an occupational 491  
therapist or physical therapist under Chapter 4755. of the 492  
Revised Code; 493

(32) A person who is licensed as a licensed professional 494  
clinical counselor, licensed professional counselor, social 495  
worker, independent social worker, independent marriage and 496  
family therapist, or marriage and family therapist, or 497  
registered as a social work assistant under Chapter 4757. of the 498  
Revised Code; 499

(33) A person issued a license to practice dietetics under 500  
Chapter 4759. of the Revised Code; 501

(34) A person who has been issued a license or limited 502  
permit to practice respiratory therapy under Chapter 4761. of 503  
the Revised Code; 504

(35) A person who has been issued a real estate appraiser 505  
certificate under Chapter 4763. of the Revised Code; 506

(36) A person who has been issued a home inspector license 507  
under Chapter 4764. of the Revised Code; 508

(37) A person who has been admitted to the bar by order of 509

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

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

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

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

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

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

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

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

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

juvenile actually views the commission of the offense. 538

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

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

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

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

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

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

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

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

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



tavern, store, arena, hall, or other place of public 566  
accommodation, business, amusement, or resort. 567

(II) "Methamphetamine" means methamphetamine, any salt, 568  
isomer, or salt of an isomer of methamphetamine, or any 569  
compound, mixture, preparation, or substance containing 570  
methamphetamine or any salt, isomer, or salt of an isomer of 571  
methamphetamine. 572

(JJ) "Deception" has the same meaning as in section 573  
2913.01 of the Revised Code. 574

(KK) "Fentanyl-related compound" means any of the 575  
following: 576

(1) Fentanyl; 577

(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 578  
phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2- 579  
phenylethyl)-4-(N-propanilido) piperidine); 580

(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2- 581  
thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide); 582

(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4- 583  
piperidinyl]-N-phenylpropanamide); 584

(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2- 585  
hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N- 586  
phenylpropanamide); 587

(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4- 588  
piperidyl]-N- phenylpropanamide); 589

(7) 3-methylthiofentanyl (N-[3-methyl-1-[2- 590  
(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 591

(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2- 592

phenethyl)-4-piperidinyl]propanamide; 593

(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide; 594  
595

(10) Alfentanil; 596

(11) Carfentanil; 597

(12) Remifentanil; 598

(13) Sufentanil; 599

(14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 600  
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(15) Any compound that meets all of the following fentanyl 602  
pharmacophore requirements to bind at the mu receptor, as 603  
identified by a report from an established forensic laboratory, 604  
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 605  
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 606  
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 607  
fluorofentanyl: 608

(a) A chemical scaffold consisting of both of the 609  
following: 610

(i) A five, six, or seven member ring structure containing 611  
a nitrogen, whether or not further substituted; 612

(ii) An attached nitrogen to the ring, whether or not that 613  
nitrogen is enclosed in a ring structure, including an attached 614  
aromatic ring or other lipophilic group to that nitrogen. 615

(b) A polar functional group attached to the chemical 616  
scaffold, including but not limited to a hydroxyl, ketone, 617  
amide, or ester; 618

(c) An alkyl or aryl substitution off the ring nitrogen of 619

the chemical scaffold; and 620

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

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

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

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

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

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

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

(1) Gamma hydroxybutyric acid; 657

(2) Flunitrazepam; 658

(3) Clonazepam; 659

(4) Alprazolam; 660

(5) Ketamine. 661

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

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

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

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

or resale by the offender or another person.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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~~(f) If the amount of the drug involved equals or exceeds one hundred times the bulk amount and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated trafficking in drugs is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~

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

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

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~~(b) Except as otherwise provided in division (C) (2) (c), (d), or (e) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~

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~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of~~

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~~section 2929.13 of the Revised Code applies in determining 823  
whether to impose a prison term for the offense. If the amount 824  
of the drug involved is within that range and if the offense was 825  
committed in the vicinity of a school or in the vicinity of a 826  
juvenile, trafficking in drugs is a felony of the third degree, 827  
and there is a presumption for a prison term for the offense. 828~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~applies in determining whether to impose a prison term on the  
offender.—~~

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~~(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds five grams but is  
less than ten grams of cocaine, trafficking in cocaine is a  
felony of the fourth degree, and division (B) of section 2929.13  
of the Revised Code applies in determining whether to impose a  
prison term for the offense. If the amount of the drug involved  
is within that range and if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in cocaine is a felony of the third degree, and  
there is a presumption for a prison term for the offense.—~~

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~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds ten grams but is  
less than twenty grams of cocaine, trafficking in cocaine is a  
felony of the third degree, and, except as otherwise provided in  
this division, there is a presumption for a prison term for the  
offense. If trafficking in cocaine is a felony of the third  
degree under this division and if the offender two or more times  
previously has been convicted of or pleaded guilty to a felony  
drug abuse offense, the court shall impose as a mandatory prison  
term one of the prison terms prescribed for a felony of the  
third degree. If the amount of the drug involved is within that  
range and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in cocaine  
is a felony of the second degree, and the court shall impose as  
a mandatory prison term a second degree felony mandatory prison  
term.—~~

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~~(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds twenty grams but—~~

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~~is less than twenty seven grams of cocaine, trafficking in~~ 973  
~~cocaine is a felony of the second degree, and the court shall~~ 974  
~~impose as a mandatory prison term a second degree felony~~ 975  
~~mandatory prison term. If the amount of the drug involved is~~ 976  
~~within that range and if the offense was committed in the~~ 977  
~~vicinity of a school or in the vicinity of a juvenile,~~ 978  
~~trafficking in cocaine is a felony of the first degree, and the~~ 979  
~~court shall impose as a mandatory prison term a first degree~~ 980  
~~felony mandatory prison term.~~ 981

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

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

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

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

~~L.S.D. is a felony of the fifth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining  
whether to impose a prison term on the offender.~~

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

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

~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty unit doses  
but is less than two hundred fifty unit doses of L.S.D. in a  
solid form or equals or exceeds five grams but is less than  
twenty-five grams of L.S.D. in a liquid concentrate, liquid  
extract, or liquid distillate form, trafficking in L.S.D. is a  
felony of the third degree, and, except as otherwise provided in~~



~~this division, there is a presumption for a prison term for the  
offense. If trafficking in L.S.D. is a felony of the third  
degree under this division and if the offender two or more times  
previously has been convicted of or pleaded guilty to a felony  
drug abuse offense, the court shall impose as a mandatory prison  
term one of the prison terms prescribed for a felony of the  
third degree. If the amount of the drug involved is within that  
range and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in L.S.D.  
is a felony of the second degree, and the court shall impose as  
a mandatory prison term a second degree felony mandatory prison  
term.~~

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

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

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~~of a school or in the vicinity of a juvenile, trafficking in~~ 1064  
~~L.S.D. is a felony of the first degree, and the court shall~~ 1065  
~~impose as a mandatory prison term a first degree felony~~ 1066  
~~mandatory prison term.~~ 1067

~~(g) If the amount of the drug involved equals or exceeds~~ 1068  
~~five thousand unit doses of L.S.D. in a solid form or equals or~~ 1069  
~~exceeds five hundred grams of L.S.D. in a liquid concentrate,~~ 1070  
~~liquid extract, or liquid distillate form and regardless of~~ 1071  
~~whether the offense was committed in the vicinity of a school or~~ 1072  
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony~~ 1073  
~~of the first degree, the offender is a major drug offender, and~~ 1074  
~~the court shall impose as a mandatory prison term a maximum~~ 1075  
~~first degree felony mandatory prison term.~~ 1076

~~(6) If the drug involved in the violation is heroin or a~~ 1077  
~~compound, mixture, preparation, or substance containing heroin,~~ 1078  
~~whoever violates division (A) of this section is guilty of~~ 1079  
~~trafficking in heroin. The penalty for the offense shall be~~ 1080  
~~determined as follows:~~ 1081

~~(a) Except as otherwise provided in division (C) (6) (b),~~ 1082  
~~(c), (d), (e), (f), or (g) of this section, trafficking in~~ 1083  
~~heroin is a felony of the fifth degree, and division (B) of~~ 1084  
~~section 2929.13 of the Revised Code applies in determining~~ 1085  
~~whether to impose a prison term on the offender.~~ 1086

~~(b) Except as otherwise provided in division (C) (6) (c),~~ 1087  
~~(d), (e), (f), or (g) of this section, if the offense was~~ 1088  
~~committed in the vicinity of a school or in the vicinity of a~~ 1089  
~~juvenile, trafficking in heroin is a felony of the fourth~~ 1090  
~~degree, and division (C) of section 2929.13 of the Revised Code~~ 1091  
~~applies in determining whether to impose a prison term on the~~ 1092  
~~offender.~~ 1093

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

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

~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the~~

~~court shall impose as a mandatory prison term a first degree  
felony mandatory prison term.~~ 1125  
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~~(f) If the amount of the drug involved equals or exceeds  
five hundred unit doses but is less than one thousand unit doses  
or equals or exceeds fifty grams but is less than one hundred  
grams and regardless of whether the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in heroin is a felony of the first degree, and the  
court shall impose as a mandatory prison term a first degree  
felony mandatory prison term.~~ 1127  
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~~(g) If the amount of the drug involved equals or exceeds  
one thousand unit doses or equals or exceeds one hundred grams  
and regardless of whether the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in heroin is a felony of the first degree, the  
offender is a major drug offender, and the court shall impose as  
a mandatory prison term a maximum first degree felony mandatory  
prison term.~~ 1135  
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~~(7) If the drug involved in the violation is hashish or a  
compound, mixture, preparation, or substance containing hashish,  
whoever violates division (A) of this section is guilty of  
trafficking in hashish. The penalty for the offense shall be  
determined as follows:~~ 1143  
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~~(a) Except as otherwise provided in division (C) (7) (b),  
(c), (d), (e), (f), or (g) of this section, trafficking in  
hashish is a felony of the fifth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining  
whether to impose a prison term on the offender.~~ 1148  
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~~(b) Except as otherwise provided in division (C) (7) (c),~~ 1153

~~(d), (e), (f), or (g) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in hashish is a felony of the fourth  
degree, and division (B) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.~~

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

~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty grams but is  
less than two hundred fifty grams of hashish in a solid form or  
equals or exceeds ten grams but is less than fifty grams of  
hashish in a liquid concentrate, liquid extract, or liquid  
distillate form, trafficking in hashish is a felony of the third  
degree, and division (C) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender. If the amount of the drug involved is within that  
range and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in hashish~~

~~is a felony of the second degree, and there is a presumption  
that a prison term shall be imposed for the offense.~~

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~~(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two hundred fifty-  
grams but is less than one thousand grams of hashish in a solid-  
form or equals or exceeds fifty grams but is less than two-  
hundred grams of hashish in a liquid concentrate, liquid-  
extract, or liquid distillate form, trafficking in hashish is a  
felony of the third degree, and there is a presumption that a  
prison term shall be imposed for the offense. If the amount of  
the drug involved is within that range and if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in hashish is a felony of the second-  
degree, and there is a presumption that a prison term shall be  
imposed for the offense.~~

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~~(f) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds one thousand grams  
but is less than two thousand grams of hashish in a solid form-  
or equals or exceeds two hundred grams but is less than four-  
hundred grams of hashish in a liquid concentrate, liquid-  
extract, or liquid distillate form, trafficking in hashish is a  
felony of the second degree, and the court shall impose as a  
mandatory prison term a second degree felony mandatory prison-  
term of five, six, seven, or eight years. If the amount of the  
drug involved is within that range and if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in hashish is a felony of the first-  
degree, and the court shall impose as a mandatory prison term a  
maximum first degree felony mandatory prison term.~~

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~~(g) Except as otherwise provided in this division, if the~~

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

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

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

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

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

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

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

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~~(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds thirty grams but  
is less than forty grams, trafficking in a controlled substance  
analog is a felony of the second degree, and the court shall  
impose as a mandatory prison term a second degree felony  
mandatory prison term. If the amount of the drug involved is  
within that range and if the offense was committed in the~~

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~~vicinity of a school or in the vicinity of a juvenile,~~ 1275  
~~trafficking in a controlled substance analog is a felony of the~~ 1276  
~~first degree, and the court shall impose as a mandatory prison a~~ 1277  
~~first degree felony mandatory prison term.~~ 1278

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



(1) If the amount of the drug involved equals or exceeds 1511  
thirty grams but is less than forty grams, aggravated 1512  
trafficking in a controlled substance analog is a felony of the 1513  
second degree, and the court shall impose as a mandatory prison 1514  
term a second degree felony mandatory prison term. 1515

(2) If the amount of the drug involved equals or exceeds 1516  
forty grams but is less than fifty grams, aggravated trafficking 1517  
in a controlled substance analog is a felony of the first 1518  
degree, and the court shall impose as a mandatory prison term a 1519  
first degree felony mandatory prison term. 1520

(3) If the amount of the drug involved equals or exceeds 1521  
fifty grams, aggravated trafficking in a controlled substance 1522  
analog is a felony of the first degree, the offender is a major 1523  
drug offender, and the court shall impose as a mandatory prison 1524  
term a first degree felony mandatory prison term of ten or 1525  
eleven years. 1526

(L) In addition to any prison term authorized or required 1527  
by ~~division~~ divisions (C) to (K) of this section and sections 1528  
2929.13 and 2929.14 of the Revised Code, and in addition to any 1529  
other sanction imposed for the offense under this section or 1530  
sections 2929.11 to 2929.18 of the Revised Code, the court that 1531  
sentences an offender who is convicted of or pleads guilty to a 1532  
violation of division (A) (1) of this section may suspend the 1533  
driver's or commercial driver's license or permit of the 1534  
offender in accordance with division ~~(G)~~ (O) of this section. 1535  
However, if the offender pleaded guilty to or was convicted of a 1536  
violation of section 4511.19 of the Revised Code or a 1537  
substantially similar municipal ordinance or the law of another 1538  
state or the United States arising out of the same set of 1539  
circumstances as the violation, the court shall suspend the 1540

offender's driver's or commercial driver's license or permit in 1541  
accordance with division ~~(G)~~(O) of this section. If applicable, 1542  
the court also shall do the following: 1543

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

(1) Manufacturers, licensed health professionals 1809

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

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

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

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

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

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

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

applies: 1839

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Except as otherwise provided in division (C) of this 1956  
section, no person shall obtain or possess, with purpose to 1957  
distribute or sell, a controlled substance or controlled 1958  
substance analog in an amount listed in division (A) (2) of this 1959  
section. 1960

(c) Except as otherwise provided in division (C) of this 1961  
section, no person shall prepare for shipment, ship, transport, 1962  
deliver, prepare for distribution, or distribute a controlled 1963  
substance or controlled substance analog in an amount listed in 1964  
division (A) (2) of this section when the person knows or has 1965  
reasonable cause to believe that the controlled substance or 1966  
controlled substance analog is intended for sale or resale. 1967

(2) Division (A) (1) of this section applies to conduct 1968  
involving all of the following: 1969

(a) If the drug involved in the conduct described in 1970  
division (A) (1) of this section is any compound, mixture, 1971  
preparation, or substance included in schedule I or schedule II, 1972  
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 1973  
related compound, hashish, or a controlled substance analog, an 1974  
amount of the drug so involved that equals or exceeds twenty- 1975  
five one-thousandths of one gram but is less than the bulk 1976  
amount; 1977

(b) If the drug involved in the conduct described in 1978  
division (A) (1) of this section is any compound, mixture, 1979  
preparation, or substance included in schedule III, schedule IV, 1980  
or schedule V, an amount of the drug so involved that equals or 1981  
exceeds twenty-five one-thousandths of one gram but is less than 1982  
five times the bulk amount; 1983

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



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

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

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

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

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

but is less than one thousand grams; 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

prison term on the offender.

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

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

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

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

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

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

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(c), or (d) of this section, trafficking in a fentanyl-related 2132  
compound is a felony of the fifth degree, and division (B) of 2133  
section 2929.13 of the Revised Code applies in determining 2134  
whether to impose a prison term on the offender. 2135

(b) If the offense was committed in the vicinity of a 2136  
school or in the vicinity of a juvenile, except as otherwise 2137  
provided in division (B)(6)(c) or (d) of this section, 2138  
trafficking in a fentanyl-related compound is a felony of the 2139  
fourth degree, and division (C) of section 2929.13 of the 2140  
Revised Code applies in determining whether to impose a prison 2141  
term on the offender. 2142

(c) If the amount of the drug involved equals or exceeds 2143  
ten unit doses but is less than fifty unit doses or equals or 2144  
exceeds one gram but is less than five grams, except as 2145  
otherwise provided in division (B)(6)(d) of this section, 2146  
trafficking in a fentanyl-related compound is a felony of the 2147  
fourth degree, and division (B) of section 2929.13 of the 2148  
Revised Code applies in determining whether to impose a prison 2149  
term for the offense. 2150

(d) If the amount of the drug involved is within the range 2151  
specified in division (B)(6)(c) of this section and the offense 2152  
was committed in the vicinity of a school or in the vicinity of 2153  
a juvenile, trafficking in a fentanyl-related compound is a 2154  
felony of the third degree, and there is a presumption for a 2155  
prison term for the offense. 2156

(7) If the drug involved in the violation of division (A) 2157  
(1) of this section is a compound, mixture, preparation, or 2158  
substance that is a combination of a fentanyl-related compound 2159  
and marihuana, one of the following applies: 2160

(a) Except as otherwise provided in division (B) (7) (b) of 2161  
this section, the offender is guilty of trafficking in marihuana 2162  
and shall be punished under division (B) (8) of this section. The 2163  
offender is not guilty of trafficking in a fentanyl-related 2164  
compound and shall not be charged with, convicted of, or 2165  
punished under division (B) (6) of this section for trafficking 2166  
in a fentanyl-related compound. 2167

(b) If the offender knows or has reason to know that the 2168  
compound, mixture, preparation, or substance that is the drug 2169  
involved contains a fentanyl-related compound, the offender is 2170  
guilty of trafficking in a fentanyl-related compound and shall 2171  
be punished under division (B) (6) of this section. 2172

(8) Whoever violates division (A) (1) of this section based 2173  
on an amount specified in division (A) (2) (g) of this section, 2174  
subject to division (D) of this section, is guilty of 2175  
trafficking in marihuana. The penalty for the offense shall be 2176  
determined as follows: 2177

(a) Except as otherwise provided in division (B) (8) (b) of 2178  
this section, trafficking in marihuana is a felony of the fifth 2179  
degree, and division (B) of section 2929.13 of the Revised Code 2180  
applies in determining whether to impose a prison term on the 2181  
offender. 2182

(b) If the amount of the drug involved is a gift of less 2183  
than twenty grams, trafficking in marihuana is a minor 2184  
misdemeanor on a first offense and a misdemeanor of the third 2185  
degree on a subsequent offense. 2186

(9) Whoever violates division (A) (1) of this section based 2187  
on an amount specified in division (A) (2) (h) of this section is 2188  
guilty of trafficking in hashish. Trafficking in hashish is a 2189

felony of the fifth degree, and division (B) of section 2929.13 2190  
of the Revised Code applies in determining whether to impose a 2191  
prison term on the offender. 2192

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

involved that is less than the bulk amount; 2307

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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~~(c) If the amount of the drug involved equals or exceeds  
five times the bulk amount but is less than fifty times the bulk  
amount, aggravated possession of drugs is a felony of the second  
degree, and the court shall impose as a mandatory prison term a  
second degree felony mandatory prison term.~~

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

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

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

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

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~~(b) If the amount of the drug involved equals or exceeds  
the bulk amount but is less than five times the bulk amount,  
possession of drugs is a felony of the fourth degree, and~~

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~~division (C) of section 2929.13 of the Revised Code applies in~~ 2508  
~~determining whether to impose a prison term on the offender.~~ 2509

~~(c) If the amount of the drug involved equals or exceeds~~ 2510  
~~five times the bulk amount but is less than fifty times the bulk~~ 2511  
~~amount, possession of drugs is a felony of the third degree, and~~ 2512  
~~there is a presumption for a prison term for the offense.~~ 2513

~~(d) If the amount of the drug involved equals or exceeds~~ 2514  
~~fifty times the bulk amount, possession of drugs is a felony of~~ 2515  
~~the second degree, and the court shall impose upon the offender~~ 2516  
~~as a mandatory prison term a second degree felony mandatory~~ 2517  
~~prison term.~~ 2518

~~(3) If the drug involved in the violation is marihuana or~~ 2519  
~~a compound, mixture, preparation, or substance containing~~ 2520  
~~marihuana other than hashish, whoever violates division (A) of~~ 2521  
~~this section is guilty of possession of marihuana. The penalty~~ 2522  
~~for the offense shall be determined as follows:~~ 2523

~~(a) Except as otherwise provided in division (C) (3) (b),~~ 2524  
~~(c), (d), (e), (f), or (g) of this section, possession of~~ 2525  
~~marihuana is a minor misdemeanor.~~ 2526

~~(b) If the amount of the drug involved equals or exceeds~~ 2527  
~~one hundred grams but is less than two hundred grams, possession~~ 2528  
~~of marihuana is a misdemeanor of the fourth degree.~~ 2529

~~(c) If the amount of the drug involved equals or exceeds~~ 2530  
~~two hundred grams but is less than one thousand grams,~~ 2531  
~~possession of marihuana is a felony of the fifth degree, and~~ 2532  
~~division (B) of section 2929.13 of the Revised Code applies in~~ 2533  
~~determining whether to impose a prison term on the offender.~~ 2534

~~(d) If the amount of the drug involved equals or exceeds~~ 2535  
~~one thousand grams but is less than five thousand grams,~~ 2536

~~possession of marihuana is a felony of the third degree, and~~ 2537  
~~division (C) of section 2929.13 of the Revised Code applies in~~ 2538  
~~determining whether to impose a prison term on the offender.~~ 2539

~~(e) If the amount of the drug involved equals or exceeds~~ 2540  
~~five thousand grams but is less than twenty thousand grams,~~ 2541  
~~possession of marihuana is a felony of the third degree, and~~ 2542  
~~there is a presumption that a prison term shall be imposed for~~ 2543  
~~the offense.~~ 2544

~~(f) If the amount of the drug involved equals or exceeds~~ 2545  
~~twenty thousand grams but is less than forty thousand grams,~~ 2546  
~~possession of marihuana is a felony of the second degree, and~~ 2547  
~~the court shall impose as a mandatory prison term a second~~ 2548  
~~degree felony mandatory prison term of five, six, seven, or~~ 2549  
~~eight years.~~ 2550

~~(g) If the amount of the drug involved equals or exceeds~~ 2551  
~~forty thousand grams, possession of marihuana is a felony of the~~ 2552  
~~second degree, and the court shall impose as a mandatory prison~~ 2553  
~~term a maximum second degree felony mandatory prison term.~~ 2554

~~(4) If the drug involved in the violation is cocaine or a~~ 2555  
~~compound, mixture, preparation, or substance containing cocaine,~~ 2556  
~~whoever violates division (A) of this section is guilty of~~ 2557  
~~possession of cocaine. The penalty for the offense shall be~~ 2558  
~~determined as follows:~~ 2559

~~(a) Except as otherwise provided in division (C) (4) (b),~~ 2560  
~~(c), (d), (e), or (f) of this section, possession of cocaine is~~ 2561  
~~a felony of the fifth degree, and division (B) of section~~ 2562  
~~2929.13 of the Revised Code applies in determining whether to~~ 2563  
~~impose a prison term on the offender.~~ 2564

~~(b) If the amount of the drug involved equals or exceeds~~ 2565

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

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

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

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

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

~~(5) If the drug involved in the violation is L.S.D.,~~ 2595  
~~whoever violates division (A) of this section is guilty of~~ 2596  
~~possession of L.S.D. The penalty for the offense shall be~~ 2597  
~~determined as follows:—~~ 2598

~~(a) Except as otherwise provided in division (C) (5) (b),~~ 2599  
~~(c), (d), (e), or (f) of this section, possession of L.S.D. is a~~ 2600  
~~felony of the fifth degree, and division (B) of section 2929.13~~ 2601  
~~of the Revised Code applies in determining whether to impose a~~ 2602  
~~prison term on the offender.—~~ 2603

~~(b) If the amount of L.S.D. involved equals or exceeds ten~~ 2604  
~~unit doses but is less than fifty unit doses of L.S.D. in a~~ 2605  
~~solid form or equals or exceeds one gram but is less than five~~ 2606  
~~grams of L.S.D. in a liquid concentrate, liquid extract, or~~ 2607  
~~liquid distillate form, possession of L.S.D. is a felony of the~~ 2608  
~~fourth degree, and division (C) of section 2929.13 of the~~ 2609  
~~Revised Code applies in determining whether to impose a prison~~ 2610  
~~term on the offender.—~~ 2611

~~(c) If the amount of L.S.D. involved equals or exceeds~~ 2612  
~~fifty unit doses, but is less than two hundred fifty unit doses~~ 2613  
~~of L.S.D. in a solid form or equals or exceeds five grams but is~~ 2614  
~~less than twenty-five grams of L.S.D. in a liquid concentrate,~~ 2615  
~~liquid extract, or liquid distillate form, possession of L.S.D.~~ 2616  
~~is a felony of the third degree, and there is a presumption for~~ 2617  
~~a prison term for the offense.—~~ 2618

~~(d) If the amount of L.S.D. involved equals or exceeds two~~ 2619  
~~hundred fifty unit doses but is less than one thousand unit~~ 2620  
~~doses of L.S.D. in a solid form or equals or exceeds twenty-five~~ 2621  
~~grams but is less than one hundred grams of L.S.D. in a liquid~~ 2622  
~~concentrate, liquid extract, or liquid distillate form,~~ 2623  
~~possession of L.S.D. is a felony of the second degree, and the~~ 2624

~~court shall impose as a mandatory prison term a second degree  
felony mandatory prison term.~~ 2625  
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~~(e) If the amount of L.S.D. involved equals or exceeds one  
thousand unit doses but is less than five thousand unit doses of  
L.S.D. in a solid form or equals or exceeds one hundred grams  
but is less than five hundred grams of L.S.D. in a liquid  
concentrate, liquid extract, or liquid distillate form,  
possession of L.S.D. is a felony of the first degree, and the  
court shall impose as a mandatory prison term a first degree  
felony mandatory prison term.~~ 2627  
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~~(f) If the amount of L.S.D. involved equals or exceeds  
five thousand unit doses of L.S.D. in a solid form or equals or  
exceeds five hundred grams of L.S.D. in a liquid concentrate,  
liquid extract, or liquid distillate form, possession of L.S.D.  
is a felony of the first degree, the offender is a major drug  
offender, and the court shall impose as a mandatory prison term  
a maximum first degree felony mandatory prison term.~~ 2635  
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~~(6) If the drug involved in the violation is heroin or a  
compound, mixture, preparation, or substance containing heroin,  
whoever violates division (A) of this section is guilty of  
possession of heroin. The penalty for the offense shall be  
determined as follows:~~ 2642  
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2645  
2646

~~(a) Except as otherwise provided in division (C) (6) (b),  
(c), (d), (e), or (f) of this section, possession of heroin is a  
felony of the fifth degree, and division (B) of section 2929.13  
of the Revised Code applies in determining whether to impose a  
prison term on the offender.~~ 2647  
2648  
2649  
2650  
2651

~~(b) If the amount of the drug involved equals or exceeds  
ten unit doses but is less than fifty unit doses or equals or~~ 2652  
2653

~~exceeds one gram but is less than five grams, possession of~~ 2654  
~~heroin is a felony of the fourth degree, and division (C) of~~ 2655  
~~section 2929.13 of the Revised Code applies in determining~~ 2656  
~~whether to impose a prison term on the offender.~~ 2657

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

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

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

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

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



~~whoever violates division (A) of this section is guilty of~~ 2683  
~~possession of hashish. The penalty for the offense shall be~~ 2684  
~~determined as follows:—~~ 2685

~~(a) Except as otherwise provided in division (C) (7) (b),~~ 2686  
~~(c), (d), (e), (f), or (g) of this section, possession of~~ 2687  
~~hashish is a minor misdemeanor.—~~ 2688

~~(b) If the amount of the drug involved equals or exceeds~~ 2689  
~~five grams but is less than ten grams of hashish in a solid form~~ 2690  
~~or equals or exceeds one gram but is less than two grams of~~ 2691  
~~hashish in a liquid concentrate, liquid extract, or liquid~~ 2692  
~~distillate form, possession of hashish is a misdemeanor of the~~ 2693  
~~fourth degree.—~~ 2694

~~(c) If the amount of the drug involved equals or exceeds~~ 2695  
~~ten grams but is less than fifty grams of hashish in a solid~~ 2696  
~~form or equals or exceeds two grams but is less than ten grams~~ 2697  
~~of hashish in a liquid concentrate, liquid extract, or liquid~~ 2698  
~~distillate form, possession of hashish is a felony of the fifth~~ 2699  
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 2700  
~~applies in determining whether to impose a prison term on the~~ 2701  
~~offender.—~~ 2702

~~(d) If the amount of the drug involved equals or exceeds~~ 2703  
~~fifty grams but is less than two hundred fifty grams of hashish~~ 2704  
~~in a solid form or equals or exceeds ten grams but is less than~~ 2705  
~~fifty grams of hashish in a liquid concentrate, liquid extract,~~ 2706  
~~or liquid distillate form, possession of hashish is a felony of~~ 2707  
~~the third degree, and division (C) of section 2929.13 of the~~ 2708  
~~Revised Code applies in determining whether to impose a prison~~ 2709  
~~term on the offender.—~~ 2710

~~(e) If the amount of the drug involved equals or exceeds~~ 2711

~~two hundred fifty grams but is less than one thousand grams of~~ 2712  
~~hashish in a solid form or equals or exceeds fifty grams but is~~ 2713  
~~less than two hundred grams of hashish in a liquid concentrate,~~ 2714  
~~liquid extract, or liquid distillate form, possession of hashish~~ 2715  
~~is a felony of the third degree, and there is a presumption that~~ 2716  
~~a prison term shall be imposed for the offense.~~ 2717

~~(f) If the amount of the drug involved equals or exceeds~~ 2718  
~~one thousand grams but is less than two thousand grams of~~ 2719  
~~hashish in a solid form or equals or exceeds two hundred grams~~ 2720  
~~but is less than four hundred grams of hashish in a liquid~~ 2721  
~~concentrate, liquid extract, or liquid distillate form,~~ 2722  
~~possession of hashish is a felony of the second degree, and the~~ 2723  
~~court shall impose as a mandatory prison term a second degree~~ 2724  
~~felony mandatory prison term of five, six, seven, or eight~~ 2725  
~~years.~~ 2726

~~(g) If the amount of the drug involved equals or exceeds~~ 2727  
~~two thousand grams of hashish in a solid form or equals or~~ 2728  
~~exceeds four hundred grams of hashish in a liquid concentrate,~~ 2729  
~~liquid extract, or liquid distillate form, possession of hashish~~ 2730  
~~is a felony of the second degree, and the court shall impose as~~ 2731  
~~a mandatory prison term a maximum second degree felony mandatory~~ 2732  
~~prison term.~~ 2733

~~(8) If the drug involved is a controlled substance analog~~ 2734  
~~or compound, mixture, preparation, or substance that contains a~~ 2735  
~~controlled substance analog, whoever violates division (A) of~~ 2736  
~~this section is guilty of possession of a controlled substance~~ 2737  
~~analog. The penalty for the offense shall be determined as~~ 2738  
~~follows:~~ 2739

~~(a) Except as otherwise provided in division (C) (8) (b),~~ 2740  
~~(c), (d), (e), or (f) of this section, possession of a~~ 2741

~~controlled substance analog is a felony of the fifth degree, and~~ 2742  
~~division (B) of section 2929.13 of the Revised Code applies in~~ 2743  
~~determining whether to impose a prison term on the offender.~~ 2744

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

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

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

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

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

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

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

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds 2803  
the bulk amount but is less than five times the bulk amount, 2804  
possession of a controlled substance committed in those 2805  
circumstances is a felony of the fourth degree, and division (C) 2806  
of section 2929.13 of the Revised Code applies in determining 2807  
whether to impose a prison term on the offender. 2808

(4) If the drug involved in the violation is a compound, 2809  
mixture, preparation, or substance that is a combination of a 2810  
fentanyl-related compound and marihuana, one of the following 2811  
applies: 2812

(a) Except as otherwise provided in division (C) ~~(9)~~ (4) (b) 2813  
of this section, the offender is guilty of possession of 2814  
marihuana and shall be punished as provided in ~~division (C) (3)~~ 2815  
~~of this section 2925.111 of the Revised Code.~~ Except as 2816  
otherwise provided in division (C) ~~(9)~~ (4) (b) of this section, the 2817  
offender is not guilty of possession of a controlled substance 2818  
requiring sentencing for a fentanyl-related compound under 2819  
division (C) ~~(11)~~ (6) of this section and shall not be ~~charged~~ 2820  
~~with, convicted of, or~~ punished under division (C) ~~(11)~~ (6) of 2821  
this section for possession of a fentanyl-related compound. 2822

(b) If the offender knows or has reason to know that the 2823  
compound, mixture, preparation, or substance that is the drug 2824  
involved contains a fentanyl-related compound, the offender is 2825  
guilty of possession of a controlled substance requiring 2826  
sentencing for a fentanyl-related compound and shall be punished 2827  
under division (C) ~~(11)~~ (6) of this section. 2828

~~(10)~~ (5) If the drug involved in the violation is a 2829

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

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

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

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

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

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

(b) If the amount of the drug involved equals or exceeds 2868  
ten unit doses but is less than fifty unit doses or equals or 2869  
exceeds one gram but is less than five grams, possession of a 2870  
~~fentanyl-related compound~~ controlled substance in those 2871  
circumstances is a felony of the fourth degree, and division (C) 2872  
of section 2929.13 of the Revised Code applies in determining 2873  
whether to impose a prison term on the offender. 2874

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised  
Code and in addition to any other sanction that is imposed for  
the offense under this section, sections 2929.11 to 2929.18, or  
sections 2929.21 to 2929.28 of the Revised Code, the court that  
sentences an offender who is convicted of or pleads guilty to a  
violation of division (A) (1) of this section may suspend the  
offender's driver's or commercial driver's license or permit for  
not more than five years. However, if the offender pleaded  
guilty to or was convicted of a violation of section 4511.19 of  
the Revised Code or a substantially similar municipal ordinance  
or the law of another state or the United States arising out of  
the same set of circumstances as the violation, the court shall  
suspend the offender's driver's or commercial driver's license  
or permit for not more than five years. If applicable, the court  
also shall do the following:

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

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

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

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

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

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

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

amount of the controlled substance involved at the time of the 3067  
offense. 3068

(H) It is an affirmative defense to a charge of possession 3069  
of a controlled substance involving a controlled substance 3070  
analog under ~~division (C) (8) of this section~~ that the person 3071  
charged with ~~violating~~ that offense obtained, possessed, or used 3072  
one of the following items that are excluded from the meaning of 3073  
"controlled substance analog" under section 3719.01 of the 3074  
Revised Code: 3075

(1) A controlled substance; 3076

(2) Any substance for which there is an approved new drug 3077  
application; 3078

(3) With respect to a particular person, any substance if 3079  
an exemption is in effect for investigational use for that 3080  
person pursuant to federal law to the extent that conduct with 3081  
respect to that substance is pursuant to that exemption. 3082

(I) Any offender who received a mandatory suspension of 3083  
the offender's driver's or commercial driver's license or permit 3084  
under this section prior to September 13, 2016, may file a 3085  
motion with the sentencing court requesting the termination of 3086  
the suspension. However, an offender who pleaded guilty to or 3087  
was convicted of a violation of section 4511.19 of the Revised 3088  
Code or a substantially similar municipal ordinance or law of 3089  
another state or the United States that arose out of the same 3090  
set of circumstances as the violation for which the offender's 3091  
license or permit was suspended under this section shall not 3092  
file such a motion. 3093

Upon the filing of a motion under division (I) of this 3094  
section, the sentencing court, in its discretion, may terminate 3095

the suspension.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

**Sec. 2929.01.** As used in this chapter: 3171

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

jail for a misdemeanor conviction. 3299

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A stated prison term; 3382

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



applicable if it makes both of the following findings: 3859

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(16) Kidnapping, abduction, compelling prostitution, 4034

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

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

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

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

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

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

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

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



2929.14 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

(K) As used in this section: 4213

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

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

section 2925.01 of the Revised Code. 4217

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

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

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

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

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

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

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

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

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

years. 4276

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

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

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

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

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

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

the type described in division (A) of section 2941.144 of the 4305  
Revised Code that charges the offender with having a firearm 4306  
that is an automatic firearm or that was equipped with a firearm 4307  
muffler or suppressor on or about the offender's person or under 4308  
the offender's control while committing the offense; 4309

(ii) A prison term of three years if the specification is 4310  
of the type described in division (A) of section 2941.145 of the 4311  
Revised Code that charges the offender with having a firearm on 4312  
or about the offender's person or under the offender's control 4313  
while committing the offense and displaying the firearm, 4314  
brandishing the firearm, indicating that the offender possessed 4315  
the firearm, or using it to facilitate the offense; 4316

(iii) A prison term of one year if the specification is of 4317  
the type described in division (A) of section 2941.141 of the 4318  
Revised Code that charges the offender with having a firearm on 4319  
or about the offender's person or under the offender's control 4320  
while committing the offense; 4321

(iv) A prison term of nine years if the specification is 4322  
of the type described in division (D) of section 2941.144 of the 4323  
Revised Code that charges the offender with having a firearm 4324  
that is an automatic firearm or that was equipped with a firearm 4325  
muffler or suppressor on or about the offender's person or under 4326  
the offender's control while committing the offense and 4327  
specifies that the offender previously has been convicted of or 4328  
pleaded guilty to a specification of the type described in 4329  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4330  
the Revised Code; 4331

(v) A prison term of fifty-four months if the 4332  
specification is of the type described in division (D) of 4333  
section 2941.145 of the Revised Code that charges the offender 4334



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

division for the offense.

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(4) If the offender is being sentenced for a third or  
fourth degree felony OVI offense under division (G) (2) of  
section 2929.13 of the Revised Code, the sentencing court shall  
impose upon the offender a mandatory prison term in accordance  
with that division. In addition to the mandatory prison term, if  
the offender is being sentenced for a fourth degree felony OVI  
offense, the court, notwithstanding division (A) (4) of this  
section, may sentence the offender to a definite prison term of  
not less than six months and not more than thirty months, and if  
the offender is being sentenced for a third degree felony OVI  
offense, the sentencing court may sentence the offender to an  
additional prison term of any duration specified in division (A)  
(3) of this section. In either case, the additional prison term  
imposed shall be reduced by the sixty or one hundred twenty days  
imposed upon the offender as the mandatory prison term. The  
total of the additional prison term imposed under division (B)  
(4) of this section plus the sixty or one hundred twenty days  
imposed as the mandatory prison term shall equal a definite term  
in the range of six months to thirty months for a fourth degree  
felony OVI offense and shall equal one of the authorized prison  
terms specified in division (A) (3) of this section for a third  
degree felony OVI offense. If the court imposes an additional  
prison term under division (B) (4) of this section, the offender  
shall serve the additional prison term after the offender has  
served the mandatory prison term required for the offense. In  
addition to the mandatory prison term or mandatory and  
additional prison term imposed as described in division (B) (4)  
of this section, the court also may sentence the offender to a  
community control sanction under section 2929.16 or 2929.17 of  
the Revised Code, but the offender shall serve all of the prison

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

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

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

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

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

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

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

(ii) If the offense is a felony of the second or third 4732  
degree, a definite prison term of not less than three years and 4733  
not greater than the maximum prison term allowed for the offense 4734  
by division (A) (2) (b) or (3) of this section, except that if the 4735  
offense is a felony of the second degree committed on or after 4736  
the effective date of this amendment, the court shall impose as 4737  
the minimum prison term a mandatory term of not less than three 4738  
years and not greater than eight years; 4739

(iii) If the offense is a felony of the fourth or fifth 4740  
degree, a definite prison term that is the maximum prison term 4741  
allowed for the offense by division (A) of section 2929.14 of 4742  
the Revised Code. 4743

(b) Subject to divisions (C) to (I) of section 2967.19 of 4744  
the Revised Code, the prison term imposed under division (B) (7) 4745  
(a) of this section shall not be reduced pursuant to section 4746  
2929.20, section 2967.19, section 2967.193, or any other 4747  
provision of Chapter 2967. of the Revised Code. A court shall 4748  
not impose more than one prison term on an offender under 4749  
division (B) (7) (a) of this section for felonies committed as 4750  
part of the same act, scheme, or plan. 4751

(8) If an offender is convicted of or pleads guilty to a 4752  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4753  
Revised Code and also is convicted of or pleads guilty to a 4754  
specification of the type described in section 2941.1423 of the 4755  
Revised Code that charges that the victim of the violation was a 4756  
woman whom the offender knew was pregnant at the time of the 4757  
violation, notwithstanding the range prescribed in division (A) 4758  
of this section as the definite prison term or minimum prison 4759  
term for felonies of the same degree as the violation, the court 4760  
shall impose on the offender a mandatory prison term that is 4761

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

felony violation of division (B) of section 2921.331 of the 4913  
Revised Code, the offender shall serve that prison term 4914  
consecutively to any other prison term or mandatory prison term 4915  
previously or subsequently imposed upon the offender. 4916

(4) If multiple prison terms are imposed on an offender 4917  
for convictions of multiple offenses, the court may require the 4918  
offender to serve the prison terms consecutively if the court 4919  
finds that the consecutive service is necessary to protect the 4920  
public from future crime or to punish the offender and that 4921  
consecutive sentences are not disproportionate to the 4922  
seriousness of the offender's conduct and to the danger the 4923  
offender poses to the public, and if the court also finds any of 4924  
the following: 4925

(a) The offender committed one or more of the multiple 4926  
offenses while the offender was awaiting trial or sentencing, 4927  
was under a sanction imposed pursuant to section 2929.16, 4928  
2929.17, or 2929.18 of the Revised Code, or was under post- 4929  
release control for a prior offense. 4930

(b) At least two of the multiple offenses were committed 4931  
as part of one or more courses of conduct, and the harm caused 4932  
by two or more of the multiple offenses so committed was so 4933  
great or unusual that no single prison term for any of the 4934  
offenses committed as part of any of the courses of conduct 4935  
adequately reflects the seriousness of the offender's conduct. 4936

(c) The offender's history of criminal conduct 4937  
demonstrates that consecutive sentences are necessary to protect 4938  
the public from future crime by the offender. 4939

(5) If a mandatory prison term is imposed upon an offender 4940  
pursuant to division (B) (5) or (6) of this section, the offender 4941

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

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

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

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

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

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

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

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

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(D) (1) If a court imposes a prison term, other than a term of life imprisonment, for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and that is not a felony sex offense, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with section 2967.28 of the Revised Code. If a court imposes a sentence including a prison term of a type described in this division on or after July 11, 2006, the failure of a court to include a post-release control requirement in the sentence pursuant to this division does not negate, limit, or otherwise affect the mandatory period of post-release control that is required for the offender under division (B) of section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(E) The court shall impose sentence upon the offender in 5034  
accordance with section 2971.03 of the Revised Code, and Chapter 5035  
2971. of the Revised Code applies regarding the prison term or 5036  
term of life imprisonment without parole imposed upon the 5037  
offender and the service of that term of imprisonment if any of 5038  
the following apply: 5039

(1) A person is convicted of or pleads guilty to a violent 5040  
sex offense or a designated homicide, assault, or kidnapping 5041  
offense, and, in relation to that offense, the offender is 5042  
adjudicated a sexually violent predator. 5043

(2) A person is convicted of or pleads guilty to a 5044  
violation of division (A) (1) (b) of section 2907.02 of the 5045  
Revised Code committed on or after January 2, 2007, and either 5046  
the court does not impose a sentence of life without parole when 5047  
authorized pursuant to division (B) of section 2907.02 of the 5048  
Revised Code, or division (B) of section 2907.02 of the Revised 5049  
Code provides that the court shall not sentence the offender 5050  
pursuant to section 2971.03 of the Revised Code. 5051

(3) A person is convicted of or pleads guilty to attempted 5052  
rape committed on or after January 2, 2007, and a specification 5053  
of the type described in section 2941.1418, 2941.1419, or 5054  
2941.1420 of the Revised Code. 5055

(4) A person is convicted of or pleads guilty to a 5056  
violation of section 2905.01 of the Revised Code committed on or 5057  
after January 1, 2008, and that section requires the court to 5058  
sentence the offender pursuant to section 2971.03 of the Revised 5059  
Code. 5060

(5) A person is convicted of or pleads guilty to 5061  
aggravated murder committed on or after January 1, 2008, and 5062



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

department of probation for purposes of reporting to the court a 5276  
violation of any condition of the sanctions, any condition of 5277  
release under a community control sanction imposed by the court, 5278  
a violation of law, or the departure of the offender from this 5279  
state without the permission of the court or the offender's 5280  
probation officer, subject to the jurisdiction of the trial 5281  
judge over and with respect to the person of the offender, and 5282  
to the rules governing that department of probation. 5283

If there is no department of probation in the county that 5284  
serves the court, the court shall place the offender, regardless 5285  
of the offender's county of residence, under the general control 5286  
and supervision of the adult parole authority or an entity 5287  
authorized under division (B) of section 2301.27 of the Revised 5288  
Code to provide probation and supervisory services to counties 5289  
for purposes of reporting to the court a violation of any of the 5290  
sanctions, any condition of release under a community control 5291  
sanction imposed by the court, a violation of law, or the 5292  
departure of the offender from this state without the permission 5293  
of the court or the offender's probation officer. 5294

(b) If the court imposing sentence upon an offender 5295  
sentences the offender to any community control sanction or 5296  
combination of community control sanctions authorized pursuant 5297  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 5298  
if the offender violates any condition of the sanctions, any 5299  
condition of release under a community control sanction imposed 5300  
by the court, violates any law, or departs the state without the 5301  
permission of the court or the offender's probation officer, the 5302  
public or private person or entity that operates or administers 5303  
the sanction or the program or activity that comprises the 5304  
sanction shall report the violation or departure directly to the 5305  
sentencing court, or shall report the violation or departure to 5306



the county or multicounty department of probation with general 5307  
control and supervision over the offender under division (A) (2) 5308  
(a) of this section or the officer of that department who 5309  
supervises the offender, or, if there is no such department with 5310  
general control and supervision over the offender under that 5311  
division, to the adult parole authority or an entity authorized 5312  
under division (B) of section 2301.27 of the Revised Code to 5313  
provide probation and supervisory services to the county. If the 5314  
public or private person or entity that operates or administers 5315  
the sanction or the program or activity that comprises the 5316  
sanction reports the violation or departure to the county or 5317  
multicounty department of probation, the adult parole authority, 5318  
or any other entity providing probation and supervisory services 5319  
to the county, the department's, authority's, or other entity's 5320  
officers may treat the offender as if the offender were on 5321  
probation and in violation of the probation, and shall report 5322  
the violation of the condition of the sanction, any condition of 5323  
release under a community control sanction imposed by the court, 5324  
the violation of law, or the departure from the state without 5325  
the required permission to the sentencing court. 5326

(3) If an offender who is eligible for community control 5327  
sanctions under this section admits to being drug addicted or 5328  
the court has reason to believe that the offender is drug 5329  
addicted, and if the offense for which the offender is being 5330  
sentenced was related to the addiction, the court may require 5331  
that the offender be assessed by a properly credentialed 5332  
professional within a specified period of time and shall require 5333  
the professional to file a written assessment of the offender 5334  
with the court. If a court imposes treatment and recovery 5335  
support services as a community control sanction, the court 5336  
shall direct the level and type of treatment and recovery 5337

support services after consideration of the written assessment, 5338  
if available at the time of sentencing, and recommendations of 5339  
the professional and other treatment and recovery support 5340  
services providers. 5341

(4) If an assessment completed pursuant to division (A) (3) 5342  
of this section indicates that the offender is addicted to drugs 5343  
or alcohol, the court may include in any community control 5344  
sanction imposed for a violation of section 2925.02, 2925.03, 5345  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 5346  
2925.36, or 2925.37 of the Revised Code a requirement that the 5347  
offender participate in alcohol and drug addiction services and 5348  
recovery supports certified under section 5119.36 of the Revised 5349  
Code or offered by a properly credentialed community addiction 5350  
services provider. 5351

(B) (1) If the conditions of a community control sanction 5352  
imposed for a felony are violated or if the offender violates a 5353  
law or leaves the state without the permission of the court or 5354  
the offender's probation officer, the sentencing court may 5355  
impose upon the violator one or more of the following penalties: 5356

(a) A longer time under the same sanction if the total 5357  
time under the sanctions does not exceed the five-year limit 5358  
specified in division (A) of this section; 5359

(b) A more restrictive sanction under section 2929.16, 5360  
2929.17, or 2929.18 of the Revised Code, including but not 5361  
limited to, a new term in a community-based correctional 5362  
facility, halfway house, or jail pursuant to division (A) (6) of 5363  
section 2929.16 of the Revised Code; 5364

(c) A prison term on the offender pursuant to section 5365  
2929.14 of the Revised Code and division (B) (3) of this section, 5366

provided that a prison term imposed under this division is 5367  
subject to the following limitations, as applicable: 5368

(i) If the prison term is imposed for any technical 5369  
violation of the conditions of a community control sanction 5370  
imposed for a felony of the fifth degree ~~or for any violation of~~ 5371  
~~law committed while under a community control sanction imposed~~ 5372  
~~for such a felony that consists of a new criminal offense and~~ 5373  
~~that is not a felony,~~ the prison term shall not exceed ninety 5374  
days. 5375

(ii) If the prison term is imposed for any technical 5376  
violation of the conditions of a community control sanction 5377  
imposed for a felony of the fourth degree that is not an offense 5378  
of violence and is not a sexually oriented offense ~~or for any~~ 5379  
~~violation of law committed while under a community control~~ 5380  
~~sanction imposed for such a felony that consists of a new~~ 5381  
~~criminal offense and that is not a felony,~~ the prison term shall 5382  
not exceed one hundred eighty days. 5383

(2) If an offender was acting pursuant to division (B) (2) 5384  
(b) of section 2925.11 of the Revised Code and in so doing 5385  
violated the conditions of a community control sanction based on 5386  
a minor drug possession offense, as defined in section 2925.11 5387  
of the Revised Code, the sentencing court may consider the 5388  
offender's conduct in seeking or obtaining medical assistance 5389  
for another in good faith or for self or may consider the 5390  
offender being the subject of another person seeking or 5391  
obtaining medical assistance in accordance with that division as 5392  
a mitigating factor before imposing any of the penalties 5393  
described in division (B) (1) of this section. 5394

(3) The prison term, if any, imposed upon a violator 5395  
pursuant to this division and division (B) (1) of this section 5396

shall be within the range of prison terms described in this 5397  
division and shall not exceed the prison term specified in the 5398  
notice provided to the offender at the sentencing hearing 5399  
pursuant to division (B) (2) of section 2929.19 of the Revised 5400  
Code. The court may reduce the longer period of time that the 5401  
offender is required to spend under the longer sanction, the 5402  
more restrictive sanction, or a prison term imposed pursuant to 5403  
division (B) (1) of this section by the time the offender 5404  
successfully spent under the sanction that was initially 5405  
imposed. Except as otherwise specified in this division, the 5406  
prison term imposed under this division and division (B) (1) of 5407  
this section shall be within the range of prison terms available 5408  
as a definite term for the offense for which the sanction that 5409  
was violated was imposed. If the offense for which the sanction 5410  
that was violated was imposed is a felony of the first or second 5411  
degree committed on or after ~~the effective date of this~~ 5412  
~~amendment~~ March 22, 2019, the prison term so imposed under this 5413  
division shall be within the range of prison terms available as 5414  
a minimum term for the offense under division (A) (1) (a) or (2) 5415  
(a) of section 2929.14 of the Revised Code. 5416

(4) As used in divisions (B) (1) to (3) of this section, 5417  
"technical violation" means a violation of the conditions of a 5418  
community control sanction imposed for a felony of the fifth 5419  
degree, or for a felony of the fourth degree that is not an 5420  
offense of violence and is not a sexually oriented offense, to 5421  
which both of the following apply: 5422

(a) The violation does not consist of a new criminal 5423  
offense that is a felony or that is a misdemeanor other than a 5424  
minor misdemeanor. 5425

(b) The violation is committed while under the community 5426

control sanction. 5427

(C) If an offender, for a significant period of time, 5428  
fulfills the conditions of a sanction imposed pursuant to 5429  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 5430  
exemplary manner, the court may reduce the period of time under 5431  
the sanction or impose a less restrictive sanction, but the 5432  
court shall not permit the offender to violate any law or permit 5433  
the offender to leave the state without the permission of the 5434  
court or the offender's probation officer. 5435

(D) (1) If a court under division (A) (1) of this section 5436  
imposes a condition of release under a community control 5437  
sanction that requires the offender to submit to random drug 5438  
testing, the department of probation, the adult parole 5439  
authority, or any other entity that has general control and 5440  
supervision of the offender under division (A) (2) (a) of this 5441  
section may cause the offender to submit to random drug testing 5442  
performed by a laboratory or entity that has entered into a 5443  
contract with any of the governmental entities or officers 5444  
authorized to enter into a contract with that laboratory or 5445  
entity under section 341.26, 753.33, or 5120.63 of the Revised 5446  
Code. 5447

(2) If no laboratory or entity described in division (D) 5448  
(1) of this section has entered into a contract as specified in 5449  
that division, the department of probation, the adult parole 5450  
authority, or any other entity that has general control and 5451  
supervision of the offender under division (A) (2) (a) of this 5452  
section shall cause the offender to submit to random drug 5453  
testing performed by a reputable public laboratory to determine 5454  
whether the individual who is the subject of the drug test 5455  
ingested or was injected with a drug of abuse. 5456

(3) A laboratory or entity that has entered into a 5457  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 5458  
Revised Code shall perform the random drug tests under division 5459  
(D) (1) of this section in accordance with the applicable 5460  
standards that are included in the terms of that contract. A 5461  
public laboratory shall perform the random drug tests under 5462  
division (D) (2) of this section in accordance with the standards 5463  
set forth in the policies and procedures established by the 5464  
department of rehabilitation and correction pursuant to section 5465  
5120.63 of the Revised Code. An offender who is required under 5466  
division (A) (1) of this section to submit to random drug testing 5467  
as a condition of release under a community control sanction and 5468  
whose test results indicate that the offender ingested or was 5469  
injected with a drug of abuse shall pay the fee for the drug 5470  
test if the department of probation, the adult parole authority, 5471  
or any other entity that has general control and supervision of 5472  
the offender requires payment of a fee. A laboratory or entity 5473  
that performs the random drug testing on an offender under 5474  
division (D) (1) or (2) of this section shall transmit the 5475  
results of the drug test to the appropriate department of 5476  
probation, the adult parole authority, or any other entity that 5477  
has general control and supervision of the offender under 5478  
division (A) (2) (a) of this section. 5479

**Sec. 2941.1410.** (A) Except as provided in sections 5480  
2925.03, 2925.031, 2925.032, and 2925.11 and division (E) (1) of 5481  
section 2925.05 of the Revised Code, the determination by a 5482  
court that an offender is a major drug offender is precluded 5483  
unless the indictment, count in the indictment, or information 5484  
charging the offender specifies that the offender is a major 5485  
drug offender. The specification shall be stated at the end of 5486  
the body of the indictment, count, or information, and shall be 5487

stated in substantially the following form: 5488

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5489  
Grand Jurors (or insert the person's or prosecuting attorney's 5490  
name when appropriate) further find and specify that (set forth 5491  
that the offender is a major drug offender)." 5492

(B) Imposition of a three, four, five, six, seven, or 5493  
eight-year mandatory prison term upon an offender under division 5494  
(B) ~~(9)~~ (11) of section 2929.14 of the Revised Code, pursuant to 5495  
determination by a court that an offender is a major drug 5496  
offender, is precluded unless the indictment, count in the 5497  
indictment, or information charging the offender with the 5498  
violation of section 2925.03, 2925.031, 2925.032, 2925.05, or 5499  
2925.11 of the Revised Code specifies that the offender is a 5500  
major drug offender and that the drug involved in the violation 5501  
is a fentanyl-related compound or a compound, mixture, 5502  
preparation, or substance containing a fentanyl-related 5503  
compound. The specification shall be stated at the end of the 5504  
body of the indictment, count, or information, and shall be 5505  
stated in substantially the following form: 5506

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5507  
Grand Jurors (or insert the person's or prosecuting attorney's 5508  
name when appropriate) further find and specify that (set forth 5509  
that the offender is a major drug offender and the drug involved 5510  
in the violation is a fentanyl-related compound or a compound, 5511  
mixture, preparation, or substance containing a fentanyl-related 5512  
compound)." 5513

(C) The court shall determine the issue of whether an 5514  
offender is a major drug offender. 5515

(D) As used in this section, "major drug offender" has the 5516

same meaning as in section 2929.01 of the Revised Code. 5517

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of 5518  
the Revised Code: 5519

(A) (1) "Eligible offender" means either of the following: 5520

(a) Anyone who has been convicted of one or more offenses, 5521  
but not more than five felonies, in this state or any other 5522  
jurisdiction, if all of the offenses in this state are felonies 5523  
of the fourth or fifth degree ~~or,~~ misdemeanors, or reclassified 5524  
misdemeanor drug possession offenses and none of those offenses 5525  
are an offense of violence or a felony sex offense and all of 5526  
the offenses in another jurisdiction, if committed in this 5527  
state, would be felonies of the fourth or fifth degree ~~or,~~ 5528  
misdemeanors, or reclassified misdemeanor drug possession 5529  
offenses and none of those offenses would be an offense of 5530  
violence or a felony sex offense; 5531

(b) Anyone who has been convicted of an offense in this 5532  
state or any other jurisdiction, to whom division (A) (1) (a) of 5533  
this section does not apply, and who has not more than one 5534  
felony conviction, not more than two misdemeanor convictions, or 5535  
not more than one felony conviction and one misdemeanor 5536  
conviction in this state or any other jurisdiction. When two or 5537  
more convictions result from or are connected with the same act 5538  
or result from offenses committed at the same time, they shall 5539  
be counted as one conviction. When two or three convictions 5540  
result from the same indictment, information, or complaint, from 5541  
the same plea of guilty, or from the same official proceeding, 5542  
and result from related criminal acts that were committed within 5543  
a three-month period but do not result from the same act or from 5544  
offenses committed at the same time, they shall be counted as 5545  
one conviction, provided that a court may decide as provided in 5546



division (C) (1) (a) of section 2953.32 of the Revised Code that 5547  
it is not in the public interest for the two or three 5548  
convictions to be counted as one conviction. 5549

(2) For purposes of, and except as otherwise provided in, 5550  
division (A) (1) (b) of this section, a conviction for a minor 5551  
misdemeanor, for a violation of any section in Chapter 4507., 5552  
4510., 4511., 4513., or 4549. of the Revised Code, or for a 5553  
violation of a municipal ordinance that is substantially similar 5554  
to any section in those chapters is not a conviction. However, a 5555  
conviction for a violation of section 4511.19, 4511.251, 5556  
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 5557  
4549.41 to 4549.46 of the Revised Code, for a violation of 5558  
section 4510.11 or 4510.14 of the Revised Code that is based 5559  
upon the offender's operation of a vehicle during a suspension 5560  
imposed under section 4511.191 or 4511.196 of the Revised Code, 5561  
for a violation of a substantially equivalent municipal 5562  
ordinance, for a felony violation of Title XLV of the Revised 5563  
Code, or for a violation of a substantially equivalent former 5564  
law of this state or former municipal ordinance shall be 5565  
considered a conviction. 5566

(B) "Prosecutor" means the county prosecuting attorney, 5567  
city director of law, village solicitor, or similar chief legal 5568  
officer, who has the authority to prosecute a criminal case in 5569  
the court in which the case is filed. 5570

(C) "Bail forfeiture" means the forfeiture of bail by a 5571  
defendant who is arrested for the commission of a misdemeanor, 5572  
other than a defendant in a traffic case as defined in Traffic 5573  
Rule 2, if the forfeiture is pursuant to an agreement with the 5574  
court and prosecutor in the case. 5575

(D) "Official records" has the same meaning as in division 5576

(D) of section 2953.51 of the Revised Code. 5577

(E) "Official proceeding" has the same meaning as in 5578  
section 2921.01 of the Revised Code. 5579

(F) "Community control sanction" has the same meaning as 5580  
in section 2929.01 of the Revised Code. 5581

(G) "Post-release control" and "post-release control 5582  
sanction" have the same meanings as in section 2967.01 of the 5583  
Revised Code. 5584

(H) "DNA database," "DNA record," and "law enforcement 5585  
agency" have the same meanings as in section 109.573 of the 5586  
Revised Code. 5587

(I) "Fingerprints filed for record" means any fingerprints 5588  
obtained by the superintendent of the bureau of criminal 5589  
identification and investigation pursuant to sections 109.57 and 5590  
109.571 of the Revised Code. 5591

(J) (1) "Reclassified misdemeanor drug possession offense" 5592  
means any of the following: 5593

(a) Any offense that is a qualifying misdemeanor drug 5594  
possession offense; 5595

(b) Any offense committed in any jurisdiction other than 5596  
this state that, if committed in this state, would be an offense 5597  
described in division (J) (1) (a) of this section. 5598

(2) Any reference in sections 2953.31 to 2953.36 of the 5599  
Revised Code to a felony does not include any reclassified 5600  
misdemeanor drug possession offense, and references in those 5601  
sections to a misdemeanor shall include reclassified misdemeanor 5602  
drug possession offenses. 5603

(K) "Qualifying misdemeanor drug possession offense" means 5604  
a violation of section 2925.11 of the Revised Code that was 5605  
committed prior to the effective date of this amendment and to 5606  
which both of the following apply: 5607

(a) At the time of the commission of the violation, the 5608  
violation was a felony under the version of section 2925.11 of 5609  
the Revised Code that then was in effect. 5610

(b) On the effective date of this amendment, the offense 5611  
classification of the violation was reduced to a misdemeanor 5612  
under the version of section 2925.11 or 2925.111 of the Revised 5613  
Code that took effect on that date. 5614

**Sec. 2953.32.** (A) (1) Except as provided in section 2953.61 5615  
of the Revised Code, an eligible offender may apply to the 5616  
sentencing court if convicted in this state, or to a court of 5617  
common pleas if convicted in another state or in a federal 5618  
court, for the sealing of the record of the case that pertains 5619  
to the conviction. Application may be made at one of the 5620  
following times: 5621

(a) At the expiration of three years after the offender's 5622  
final discharge if convicted of one felony, provided that 5623  
application may be made prior to that time if authorized under 5624  
division (A) (1) (d) of this section; 5625

(b) When division (A) (1) (a) of section 2953.31 of the 5626  
Revised Code applies to the offender, at the expiration of four 5627  
years after the offender's final discharge if convicted of two 5628  
felonies, or at the expiration of five years after final 5629  
discharge if convicted of three, four, or five felonies; 5630

(c) At the expiration of one year after the offender's 5631  
final discharge if convicted of a misdemeanor, provided that 5632

application may be made prior to that time if authorized under 5633  
division (A) (1) (d) of this section; 5634

(d) If the conviction was of a violation of section 5635  
2925.11 or 2925.111 of the Revised Code that is a misdemeanor or 5636  
a felony of the fourth or fifth degree or that was a violation 5637  
of a municipal ordinance of a municipal corporation of this 5638  
state that is substantially equivalent to either section, at any 5639  
time after successful completion of either of the following: 5640

(i) A treatment program or other type of program imposed 5641  
on the eligible offender with respect to the offense, by a drug 5642  
court; 5643

(ii) An intervention plan imposed on the eligible offender 5644  
with respect to the offense, pursuant to a grant of intervention 5645  
in lieu of conviction under section 2951.041 of the Revised 5646  
Code. 5647

(2) Any person who has been arrested for any misdemeanor 5648  
offense and who has effected a bail forfeiture for the offense 5649  
charged may apply to the court in which the misdemeanor criminal 5650  
case was pending when bail was forfeited for the sealing of the 5651  
record of the case that pertains to the charge. Except as 5652  
provided in section 2953.61 of the Revised Code, the application 5653  
may be filed at any time after the expiration of one year from 5654  
the date on which the bail forfeiture was entered upon the 5655  
minutes of the court or the journal, whichever entry occurs 5656  
first. 5657

(3) On and after the effective date of this amendment, any 5658  
conviction of a violation of section 2925.11 of the Revised Code 5659  
that, prior to that date, was a felony and that is a 5660  
reclassified misdemeanor drug possession offense on and after 5661

that date shall be considered and treated for purposes of 5662  
sections 2953.31 to 2953.36 of the Revised Code as if it were, 5663  
and always had been, a conviction of a misdemeanor. 5664

(B) Upon the filing of an application under this section, 5665  
the court shall set a date for a hearing and shall notify the 5666  
prosecutor for the case of the hearing on the application. The 5667  
prosecutor may object to the granting of the application by 5668  
filing an objection with the court prior to the date set for the 5669  
hearing. The prosecutor shall specify in the objection the 5670  
reasons for believing a denial of the application is justified. 5671  
The court shall direct its regular probation officer, a state 5672  
probation officer, or the department of probation of the county 5673  
in which the applicant resides to make inquiries and written 5674  
reports as the court requires concerning the applicant. The 5675  
probation officer or county department of probation that the 5676  
court directs to make inquiries concerning the applicant shall 5677  
determine whether or not the applicant was fingerprinted at the 5678  
time of arrest or under section 109.60 of the Revised Code. If 5679  
the applicant was so fingerprinted, the probation officer or 5680  
county department of probation shall include with the written 5681  
report a record of the applicant's fingerprints. If the 5682  
applicant was convicted of or pleaded guilty to a violation of 5683  
division (A) (2) or (B) of section 2919.21 of the Revised Code, 5684  
the probation officer or county department of probation that the 5685  
court directed to make inquiries concerning the applicant shall 5686  
contact the child support enforcement agency enforcing the 5687  
applicant's obligations under the child support order to inquire 5688  
about the offender's compliance with the child support order. 5689

(C) (1) The court shall do each of the following: 5690

(a) Determine whether the applicant is an eligible 5691

offender or whether the forfeiture of bail was agreed to by the 5692  
applicant and the prosecutor in the case. If the applicant 5693  
applies as an eligible offender pursuant to division (A)(1) of 5694  
this section and has two or three convictions that result from 5695  
the same indictment, information, or complaint, from the same 5696  
plea of guilty, or from the same official proceeding, and result 5697  
from related criminal acts that were committed within a three- 5698  
month period but do not result from the same act or from 5699  
offenses committed at the same time, in making its determination 5700  
under this division, the court initially shall determine whether 5701  
it is not in the public interest for the two or three 5702  
convictions to be counted as one conviction. If the court 5703  
determines that it is not in the public interest for the two or 5704  
three convictions to be counted as one conviction, the court 5705  
shall determine that the applicant is not an eligible offender; 5706  
if the court does not make that determination, the court shall 5707  
determine that the offender is an eligible offender. 5708

(b) Determine whether criminal proceedings are pending 5709  
against the applicant; 5710

(c) If the applicant is an eligible offender who applies 5711  
pursuant to division (A)(1) of this section, determine whether 5712  
the applicant has been rehabilitated to the satisfaction of the 5713  
court; 5714

(d) If the prosecutor has filed an objection in accordance 5715  
with division (B) of this section, consider the reasons against 5716  
granting the application specified by the prosecutor in the 5717  
objection; 5718

(e) Weigh the interests of the applicant in having the 5719  
records pertaining to the applicant's conviction or bail 5720  
forfeiture sealed against the legitimate needs, if any, of the 5721

government to maintain those records.

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(2) If the court determines, after complying with division  
(C) (1) of this section, that the applicant is an eligible  
offender or the subject of a bail forfeiture, that no criminal  
proceeding is pending against the applicant, that the interests  
of the applicant in having the records pertaining to the  
applicant's conviction or bail forfeiture sealed are not  
outweighed by any legitimate governmental needs to maintain  
those records, and that the rehabilitation of an applicant who  
is an eligible offender applying pursuant to division (A) (1) of  
this section has been attained to the satisfaction of the court,  
the court, except as provided in division (C) (4), (G), (H), or  
(I) of this section, shall order all official records of the  
case that pertain to the conviction or bail forfeiture sealed  
and, except as provided in division (F) of this section, all  
index references to the case that pertain to the conviction or  
bail forfeiture deleted and, in the case of bail forfeitures,  
shall dismiss the charges in the case. The proceedings in the  
case that pertain to the conviction or bail forfeiture shall be  
considered not to have occurred and the conviction or bail  
forfeiture of the person who is the subject of the proceedings  
shall be sealed, except that upon conviction of a subsequent  
offense, the sealed record of prior conviction or bail  
forfeiture may be considered by the court in determining the  
sentence or other appropriate disposition, including the relief  
provided for in sections 2953.31 to 2953.33 of the Revised Code.

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(3) An applicant may request the sealing of the records of  
more than one case in a single application under this section.  
Upon the filing of an application under this section, the  
applicant, unless indigent, shall pay a fee of fifty dollars,  
regardless of the number of records the application requests to

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have sealed. The court shall pay thirty dollars of the fee into 5753  
the state treasury. It shall pay twenty dollars of the fee into 5754  
the county general revenue fund if the sealed conviction or bail 5755  
forfeiture was pursuant to a state statute, or into the general 5756  
revenue fund of the municipal corporation involved if the sealed 5757  
conviction or bail forfeiture was pursuant to a municipal 5758  
ordinance. 5759

(4) If the court orders the official records pertaining to 5760  
the case sealed, the court shall do one of the following: 5761

(a) If the applicant was fingerprinted at the time of 5762  
arrest or under section 109.60 of the Revised Code and the 5763  
record of the applicant's fingerprints was provided to the court 5764  
under division (B) of this section, forward a copy of the 5765  
sealing order and the record of the applicant's fingerprints to 5766  
the bureau of criminal identification and investigation. 5767

(b) If the applicant was not fingerprinted at the time of 5768  
arrest or under section 109.60 of the Revised Code, or the 5769  
record of the applicant's fingerprints was not provided to the 5770  
court under division (B) of this section, but fingerprinting was 5771  
required for the offense, order the applicant to appear before a 5772  
sheriff to have the applicant's fingerprints taken according to 5773  
the fingerprint system of identification on the forms furnished 5774  
by the superintendent of the bureau of criminal identification 5775  
and investigation. The sheriff shall forward the applicant's 5776  
fingerprints to the court. The court shall forward the 5777  
applicant's fingerprints and a copy of the sealing order to the 5778  
bureau of criminal identification and investigation. 5779

Failure of the court to order fingerprints at the time of 5780  
sealing does not constitute a reversible error. 5781



(D) Inspection of the sealed records included in the order 5782  
may be made only by the following persons or for the following 5783  
purposes: 5784

(1) By a law enforcement officer or prosecutor, or the 5785  
assistants of either, to determine whether the nature and 5786  
character of the offense with which a person is to be charged 5787  
would be affected by virtue of the person's previously having 5788  
been convicted of a crime; 5789

(2) By the parole or probation officer of the person who 5790  
is the subject of the records, for the exclusive use of the 5791  
officer in supervising the person while on parole or under a 5792  
community control sanction or a post-release control sanction, 5793  
and in making inquiries and written reports as requested by the 5794  
court or adult parole authority; 5795

(3) Upon application by the person who is the subject of 5796  
the records, by the persons named in the application; 5797

(4) By a law enforcement officer who was involved in the 5798  
case, for use in the officer's defense of a civil action arising 5799  
out of the officer's involvement in that case; 5800

(5) By a prosecuting attorney or the prosecuting 5801  
attorney's assistants, to determine a defendant's eligibility to 5802  
enter a pre-trial diversion program established pursuant to 5803  
section 2935.36 of the Revised Code; 5804

(6) By any law enforcement agency or any authorized 5805  
employee of a law enforcement agency or by the department of 5806  
rehabilitation and correction or department of youth services as 5807  
part of a background investigation of a person who applies for 5808  
employment with the agency or with the department; 5809

(7) By any law enforcement agency or any authorized 5810

employee of a law enforcement agency, for the purposes set forth 5811  
in, and in the manner provided in, section 2953.321 of the 5812  
Revised Code; 5813

(8) By the bureau of criminal identification and 5814  
investigation or any authorized employee of the bureau for the 5815  
purpose of providing information to a board or person pursuant 5816  
to division (F) or (G) of section 109.57 of the Revised Code; 5817

(9) By the bureau of criminal identification and 5818  
investigation or any authorized employee of the bureau for the 5819  
purpose of performing a criminal history records check on a 5820  
person to whom a certificate as prescribed in section 109.77 of 5821  
the Revised Code is to be awarded; 5822

(10) By the bureau of criminal identification and 5823  
investigation or any authorized employee of the bureau for the 5824  
purpose of conducting a criminal records check of an individual 5825  
pursuant to division (B) of section 109.572 of the Revised Code 5826  
that was requested pursuant to any of the sections identified in 5827  
division (B) (1) of that section; 5828

(11) By the bureau of criminal identification and 5829  
investigation, an authorized employee of the bureau, a sheriff, 5830  
or an authorized employee of a sheriff in connection with a 5831  
criminal records check described in section 311.41 of the 5832  
Revised Code; 5833

(12) By the attorney general or an authorized employee of 5834  
the attorney general or a court for purposes of determining a 5835  
person's classification pursuant to Chapter 2950. of the Revised 5836  
Code; 5837

(13) By a court, the registrar of motor vehicles, a 5838  
prosecuting attorney or the prosecuting attorney's assistants, 5839

or a law enforcement officer for the purpose of assessing points 5840  
against a person under section 4510.036 of the Revised Code or 5841  
for taking action with regard to points assessed. 5842

When the nature and character of the offense with which a 5843  
person is to be charged would be affected by the information, it 5844  
may be used for the purpose of charging the person with an 5845  
offense. 5846

(E) In any criminal proceeding, proof of any otherwise 5847  
admissible prior conviction may be introduced and proved, 5848  
notwithstanding the fact that for any such prior conviction an 5849  
order of sealing previously was issued pursuant to sections 5850  
2953.31 to 2953.36 of the Revised Code. 5851

(F) The person or governmental agency, office, or 5852  
department that maintains sealed records pertaining to 5853  
convictions or bail forfeitures that have been sealed pursuant 5854  
to this section may maintain a manual or computerized index to 5855  
the sealed records. The index shall contain only the name of, 5856  
and alphanumeric identifiers that relate to, the persons who are 5857  
the subject of the sealed records, the word "sealed," and the 5858  
name of the person, agency, office, or department that has 5859  
custody of the sealed records, and shall not contain the name of 5860  
the crime committed. The index shall be made available by the 5861  
person who has custody of the sealed records only for the 5862  
purposes set forth in divisions (C), (D), and (E) of this 5863  
section. 5864

(G) Notwithstanding any provision of this section or 5865  
section 2953.33 of the Revised Code that requires otherwise, a 5866  
board of education of a city, local, exempted village, or joint 5867  
vocational school district that maintains records of an 5868  
individual who has been permanently excluded under sections 5869

3301.121 and 3313.662 of the Revised Code is permitted to 5870  
maintain records regarding a conviction that was used as the 5871  
basis for the individual's permanent exclusion, regardless of a 5872  
court order to seal the record. An order issued under this 5873  
section to seal the record of a conviction does not revoke the 5874  
adjudication order of the superintendent of public instruction 5875  
to permanently exclude the individual who is the subject of the 5876  
sealing order. An order issued under this section to seal the 5877  
record of a conviction of an individual may be presented to a 5878  
district superintendent as evidence to support the contention 5879  
that the superintendent should recommend that the permanent 5880  
exclusion of the individual who is the subject of the sealing 5881  
order be revoked. Except as otherwise authorized by this 5882  
division and sections 3301.121 and 3313.662 of the Revised Code, 5883  
any school employee in possession of or having access to the 5884  
sealed conviction records of an individual that were the basis 5885  
of a permanent exclusion of the individual is subject to section 5886  
2953.35 of the Revised Code. 5887

(H) For purposes of sections 2953.31 to 2953.36 of the 5888  
Revised Code, DNA records collected in the DNA database and 5889  
fingerprints filed for record by the superintendent of the 5890  
bureau of criminal identification and investigation shall not be 5891  
sealed unless the superintendent receives a certified copy of a 5892  
final court order establishing that the offender's conviction 5893  
has been overturned. For purposes of this section, a court order 5894  
is not "final" if time remains for an appeal or application for 5895  
discretionary review with respect to the order. 5896

(I) The sealing of a record under this section does not 5897  
affect the assessment of points under section 4510.036 of the 5898  
Revised Code and does not erase points assessed against a person 5899  
as a result of the sealed record. 5900

**Sec. 2953.52.** (A) (1) Any person, who is found not guilty 5901  
of an offense by a jury or a court or who is the defendant named 5902  
in a dismissed complaint, indictment, or information, including 5903  
a dismissal of the type described in division (D) (2) (b) of 5904  
section 2925.11 of the Revised Code, may apply to the court for 5905  
an order to seal the person's official records in the case. 5906  
Except as provided in section 2953.61 of the Revised Code, the 5907  
application may be filed at any time after the finding of not 5908  
guilty or the dismissal of the complaint, indictment, or 5909  
information is entered upon the minutes of the court or the 5910  
journal, whichever entry occurs first. 5911

(2) Any person, against whom a no bill is entered by a 5912  
grand jury, may apply to the court for an order to seal his 5913  
official records in the case. Except as provided in section 5914  
2953.61 of the Revised Code, the application may be filed at any 5915  
time after the expiration of two years after the date on which 5916  
the foreperson or deputy foreperson of the grand jury reports to 5917  
the court that the grand jury has reported a no bill. 5918

(B) (1) Upon the filing of an application pursuant to 5919  
division (A) of this section, the court shall set a date for a 5920  
hearing and shall notify the prosecutor in the case of the 5921  
hearing on the application. The prosecutor may object to the 5922  
granting of the application by filing an objection with the 5923  
court prior to the date set for the hearing. The prosecutor 5924  
shall specify in the objection the reasons the prosecutor 5925  
believes justify a denial of the application. 5926

(2) The court shall do each of the following, except as 5927  
provided in division (B) (3) of this section: 5928

(a) (i) Determine whether the person was found not guilty 5929  
in the case, or the complaint, indictment, or information in the 5930

case was dismissed, or a no bill was returned in the case and a 5931  
period of two years or a longer period as required by section 5932  
2953.61 of the Revised Code has expired from the date of the 5933  
report to the court of that no bill by the foreperson or deputy 5934  
foreperson of the grand jury; 5935

(ii) If the complaint, indictment, or information in the 5936  
case was dismissed, determine whether it was dismissed with 5937  
prejudice or without prejudice and, if it was dismissed without 5938  
prejudice, determine whether the relevant statute of limitations 5939  
has expired~~+~~, provided that this division does not apply if the 5940  
complaint, indictment, or information was a charge of a drug 5941  
possession offense and the charge was dismissed as described in 5942  
division (D) (2) (b) of section 2925.11 of the Revised Code. 5943

(b) Determine whether criminal proceedings are pending 5944  
against the person; 5945

(c) If the prosecutor has filed an objection in accordance 5946  
with division (B) (1) of this section, consider the reasons 5947  
against granting the application specified by the prosecutor in 5948  
the objection; 5949

(d) Weigh the interests of the person in having the 5950  
official records pertaining to the case sealed against the 5951  
legitimate needs, if any, of the government to maintain those 5952  
records. 5953

(3) If the court determines after complying with division 5954  
(B) (2) (a) of this section that the person was found not guilty 5955  
in the case, that the complaint, indictment, or information was 5956  
a charge of a drug possession offense and the charge was 5957  
dismissed as described in division (D) (2) (b) of section 2925.11 5958  
of the Revised Code, that the complaint, indictment, or 5959

information in the case was a charge other than a charge of a 5960  
drug possession offense and was dismissed with prejudice, or 5961  
that the complaint, indictment, or information in the case was a 5962  
charge other than a charge of a drug possession offense and was 5963  
dismissed without prejudice and that the relevant statute of 5964  
limitations has expired, the court shall issue an order to the 5965  
superintendent of the bureau of criminal identification and 5966  
investigation directing that the superintendent seal or cause to 5967  
be sealed the official records in the case consisting of DNA 5968  
specimens that are in the possession of the bureau and all DNA 5969  
records and DNA profiles. The determinations and considerations 5970  
described in divisions (B) (2) (b), (c), and (d) of this section 5971  
do not apply with respect to a determination of the court 5972  
described in this division. 5973

(4) The determinations described in this division are 5974  
separate from the determination described in division (B) (3) of 5975  
this section. If the court determines, after complying with 5976  
division (B) (2) of this section, that the person was found not 5977  
guilty in the case, that the complaint, indictment, or 5978  
information was a charge of a drug possession offense and the 5979  
charge was dismissed as described in division (D) (2) (b) of 5980  
section 2925.11 of the Revised Code, that the complaint, 5981  
indictment, or information in the case was a charge other than a 5982  
charge of a drug possession offense and was dismissed, or that a 5983  
no bill was returned in the case and that the appropriate period 5984  
of time has expired from the date of the report to the court of 5985  
the no bill by the foreperson or deputy foreperson of the grand 5986  
jury; that no criminal proceedings are pending against the 5987  
person; and the interests of the person in having the records 5988  
pertaining to the case sealed are not outweighed by any 5989  
legitimate governmental needs to maintain such records, or if 5990

division (E) (2) (b) of section 4301.69 of the Revised Code 5991  
applies, in addition to the order required under division (B) (3) 5992  
of this section, the court shall issue an order directing that 5993  
all official records pertaining to the case be sealed and that, 5994  
except as provided in section 2953.53 of the Revised Code, the 5995  
proceedings in the case be deemed not to have occurred. 5996

(5) Any DNA specimens, DNA records, and DNA profiles 5997  
ordered to be sealed under this section shall not be sealed if 5998  
the person with respect to whom the order applies is otherwise 5999  
eligible to have DNA records or a DNA profile in the national 6000  
DNA index system. 6001

(C) As used in this section, "drug possession offense" 6002  
means a violation of section 2925.11 or 2925.111 of the Revised 6003  
Code. 6004

**Sec. 5119.93.** (A) A person may initiate proceedings for 6005  
treatment for an individual suffering from alcohol and other 6006  
drug abuse by filing a verified petition in the probate court— 6007  
~~and paying a filing fee in the same amount, if any, that is—~~ 6008  
~~charged for the filing under section 5122.11 of the Revised Code~~ 6009  
~~of an affidavit seeking the hospitalization of a person.~~ The 6010  
petition and all subsequent court documents shall be entitled: 6011  
"In the interest of (name of respondent)." A spouse, relative, 6012  
or guardian of the individual concerning whom the petition is 6013  
filed shall file the petition. 6014

(B) A petition filed under division (A) of this section 6015  
shall set forth all of the following: 6016

(1) The petitioner's relationship to the respondent; 6017

(2) The respondent's name, residence address, and current 6018  
location, if known; 6019



(3) The name and residence of the respondent's parents, if 6020  
living and if known, or of the respondent's legal guardian, if 6021  
any and if known; 6022

(4) The name and residence of the respondent's spouse, if 6023  
any and if known; 6024

(5) The name and residence of the person having custody of 6025  
the respondent, if any, or if no such person is known, the name 6026  
and residence of a near relative or a statement that the person 6027  
is unknown; 6028

(6) The petitioner's belief, including the factual basis 6029  
for the belief, that the respondent is suffering from alcohol 6030  
and other drug abuse and presents an imminent danger or imminent 6031  
threat of danger to self, family, or others if not treated for 6032  
alcohol or other drug abuse, and including any evidence that the 6033  
respondent has overdosed and been revived at least three times 6034  
by an opioid antagonist, overdosed in a vehicle, or overdosed in 6035  
the presence of a minor. 6036

(C) (1) Any petition filed pursuant to divisions (A) and 6037  
(B) of this section shall be accompanied by a certificate of a 6038  
physician who has examined the respondent within two days prior 6039  
to the day that the petition is filed in the probate court. The 6040  
physician shall be authorized to practice medicine and surgery 6041  
or osteopathic medicine and surgery under Chapter 4731. of the 6042  
Revised Code. The physician's certificate shall set forth the 6043  
physician's findings in support of the need to treat the 6044  
respondent for alcohol or other drug abuse. The certificate 6045  
shall indicate if the respondent presents an imminent danger or 6046  
imminent threat of danger to self, family, or others if not 6047  
treated. Further, the certificate shall indicate the type and 6048  
length of treatment required and if the respondent can 6049

reasonably benefit from treatment. If the physician's 6050  
certificate indicates that inpatient treatment is required, the 6051  
certificate shall identify any inpatient facilities known to the 6052  
physician that are able and willing to provide the recommended 6053  
inpatient treatment. 6054

If the respondent refuses to undergo an examination with a 6055  
physician concerning the respondent's possible need for 6056  
treatment for alcohol or other drug abuse, the petition shall 6057  
state that the respondent has refused all requests made by the 6058  
petitioner to undergo a physician's examination. In that case, 6059  
the petitioner shall not be required to provide a physician's 6060  
certificate with the petition. 6061

(2) Any petition filed pursuant to divisions (A) and (B) 6062  
of this section shall contain a statement that the petitioner 6063  
has arranged for treatment of the respondent. Further, the 6064  
petition shall be accompanied by a statement from the person or 6065  
facility who has agreed to provide the treatment that verifies 6066  
that the person or facility has agreed to provide the treatment 6067  
and the estimated cost of the treatment. 6068

(D) Any petition filed pursuant to divisions (A) and (B) 6069  
of this section shall be accompanied by both of the following: 6070

(1) ~~A-Either a security deposit to be deposited with the~~ 6071  
clerk of the probate court that will cover half of the estimated 6072  
cost of treatment of the respondent, or documentation 6073  
establishing that insurance coverage of the petitioner or 6074  
respondent will cover at least half of that estimated cost; 6075

(2) One of the following: 6076

(a) A guarantee, signed by the petitioner or another 6077  
person authorized to file the petition obligating the guarantor 6078

to pay the costs of the examinations of the respondent conducted 6079  
by the physician and qualified health professional under 6080  
division (B) (5) of section 5119.94 of the Revised Code, the 6081  
costs of the respondent that are associated with a hearing 6082  
conducted in accordance with section 5119.94 of the Revised Code 6083  
and that the court determines to be appropriate, and the costs 6084  
of any treatment ordered by the court; 6085

(b) Documentation establishing that insurance coverage of 6086  
the petitioner or respondent will cover the costs described in 6087  
division (D) (2) (a) of this section. 6088

**Sec. 5119.94.** (A) Upon receipt of a petition filed under 6089  
section 5119.93 of the Revised Code ~~and the payment of the~~ 6090  
~~appropriate filing fee, if any,~~ the probate court shall examine 6091  
the petitioner under oath as to the contents of the petition. 6092

(B) If, after reviewing the allegations contained in the 6093  
petition and examining the petitioner under oath, it appears to 6094  
the probate court that there is probable cause to believe the 6095  
respondent may reasonably benefit from treatment, the court 6096  
shall do all of the following: 6097

(1) Schedule a hearing to be held within seven days to 6098  
determine if there is clear and convincing evidence that the 6099  
respondent may reasonably benefit from treatment for alcohol and 6100  
other drug abuse; 6101

(2) Notify the respondent, the legal guardian, if any and 6102  
if known, and the spouse, parents, or nearest relative or friend 6103  
of the respondent concerning the allegations and contents of the 6104  
petition and of the date and purpose of the hearing; 6105

(3) Notify the respondent that the respondent may retain 6106  
counsel and, if the person is unable to obtain an attorney, that 6107

the respondent may be represented by court-appointed counsel at 6108  
public expense if the person is indigent. Upon the appointment 6109  
of an attorney to represent an indigent respondent, the court 6110  
shall notify the respondent of the name, address, and telephone 6111  
number of the attorney appointed to represent the respondent. 6112

(4) Notify the respondent that the court shall cause the 6113  
respondent to be examined not later than twenty-four hours 6114  
before the hearing date by a physician for the purpose of a 6115  
physical examination and by a qualified health professional for 6116  
the purpose of a drug and alcohol addiction assessment and 6117  
diagnosis. In addition, the court shall notify the respondent 6118  
that the respondent may have an independent expert evaluation of 6119  
the person's physical and mental condition conducted at the 6120  
respondent's own expense. 6121

(5) Cause the respondent to be examined not later than 6122  
twenty-four hours before the hearing date by a physician for the 6123  
purpose of a physical examination and by a qualified health 6124  
professional for the purpose of a drug and alcohol addiction 6125  
assessment and diagnosis; 6126

(6) Conduct the hearing. 6127

(C) The physician and qualified health professional who 6128  
examine the respondent pursuant to division (B)(5) of this 6129  
section or who are obtained by the respondent at the 6130  
respondent's own expense shall certify their findings to the 6131  
court within twenty-four hours of the examinations. The findings 6132  
of each qualified health professional shall include a 6133  
recommendation for treatment if the qualified health 6134  
professional determines that treatment is necessary. 6135

(D) (1) If upon completion of the hearing held under this 6136

section the probate court finds by clear and convincing evidence 6137  
that the respondent may reasonably benefit from treatment, the 6138  
court may order the treatment after considering the qualified 6139  
health professionals' recommendations for treatment that have 6140  
been submitted to the court under division (C) of this section. 6141  
Evidence that the respondent has overdosed and been revived at 6142  
least three times by an opioid antagonist, overdosed in a 6143  
vehicle, or overdosed in the presence of a minor is sufficient 6144  
to satisfy this evidentiary requirement. If the court orders the 6145  
treatment under this division, the court shall order the 6146  
treatment to be provided through a community addiction services 6147  
provider or by an individual licensed or certified by the state 6148  
medical board under Chapter 4731. of the Revised Code, the 6149  
chemical dependency professionals board under Chapter 4758. of 6150  
the Revised Code, the counselor, social worker, and marriage and 6151  
family therapist board under Chapter 4757. of the Revised Code, 6152  
or a similar board of another state authorized to provide 6153  
substance abuse treatment. In addition, the court also may order 6154  
that the respondent submit to periodic examinations by a 6155  
qualified mental health professional to determine if the 6156  
treatment remains necessary. 6157

(2) Failure of a respondent to undergo and complete any 6158  
treatment ordered pursuant to this division is contempt of 6159  
court. Any community addiction services provider or person 6160  
providing treatment under this division shall notify the probate 6161  
court of a respondent's failure to undergo or complete the 6162  
ordered treatment. 6163

(E) If, at any time after a petition is filed under 6164  
section 5119.93 of the Revised Code, the probate court finds 6165  
that there is not probable cause to continue treatment or if the 6166  
petitioner withdraws the petition, then the court shall dismiss 6167

the proceedings against the respondent.

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**Section 2.** That existing sections 1901.20, 1907.02,  
2925.01, 2925.03, 2925.11, 2929.01, 2929.13, 2929.14, 2929.15,  
2941.1410, 2953.31, 2953.32, 2953.52, 5119.93, and 5119.94 of  
the Revised Code are hereby repealed.

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**Section 3.** That sections 109.572, 128.04, 177.01,  
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41,  
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22,  
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21,  
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041,  
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31,  
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44,  
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36,  
5119.37, 5119.391, 5120.53, 5153.111, and 5502.13 of the Revised  
Code be amended to read as follows:

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**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised  
Code, a completed form prescribed pursuant to division (C) (1) of  
this section, and a set of fingerprint impressions obtained in  
the manner described in division (C) (2) of this section, the  
superintendent of the bureau of criminal identification and  
investigation shall conduct a criminal records check in the  
manner described in division (B) of this section to determine  
whether any information exists that indicates that the person  
who is the subject of the request previously has been convicted  
of or pleaded guilty to any of the following:

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(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23,

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2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6198  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 6199  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 6200  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 6201  
Code, felonious sexual penetration in violation of former 6202  
section 2907.12 of the Revised Code, a violation of section 6203  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 6204  
a violation of section 2919.23 of the Revised Code that would 6205  
have been a violation of section 2905.04 of the Revised Code as 6206  
it existed prior to July 1, 1996, had the violation been 6207  
committed prior to that date, or a violation of section 2925.11 6208  
or 2925.111 of the Revised Code that is not a minor drug 6209  
possession offense; 6210

(b) A violation of an existing or former law of this 6211  
state, any other state, or the United States that is 6212  
substantially equivalent to any of the offenses listed in 6213  
division (A)(1)(a) of this section; 6214

(c) If the request is made pursuant to section 3319.39 of 6215  
the Revised Code for an applicant who is a teacher, any offense 6216  
specified in section 3319.31 of the Revised Code. 6217

(2) On receipt of a request pursuant to section 3712.09 or 6218  
3721.121 of the Revised Code, a completed form prescribed 6219  
pursuant to division (C)(1) of this section, and a set of 6220  
fingerprint impressions obtained in the manner described in 6221  
division (C)(2) of this section, the superintendent of the 6222  
bureau of criminal identification and investigation shall 6223  
conduct a criminal records check with respect to any person who 6224  
has applied for employment in a position for which a criminal 6225  
records check is required by those sections. The superintendent 6226  
shall conduct the criminal records check in the manner described 6227

in division (B) of this section to determine whether any 6228  
information exists that indicates that the person who is the 6229  
subject of the request previously has been convicted of or 6230  
pleaded guilty to any of the following: 6231

(a) A violation of section 2903.01, 2903.02, 2903.03, 6232  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6233  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 6234  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 6235  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 6236  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 6237  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 6238  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 6239  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 6240  
3716.11 of the Revised Code; 6241

(b) An existing or former law of this state, any other 6242  
state, or the United States that is substantially equivalent to 6243  
any of the offenses listed in division (A)(2)(a) of this 6244  
section. 6245

(3) On receipt of a request pursuant to section 173.27, 6246  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 6247  
5123.081, or 5123.169 of the Revised Code, a completed form 6248  
prescribed pursuant to division (C)(1) of this section, and a 6249  
set of fingerprint impressions obtained in the manner described 6250  
in division (C)(2) of this section, the superintendent of the 6251  
bureau of criminal identification and investigation shall 6252  
conduct a criminal records check of the person for whom the 6253  
request is made. The superintendent shall conduct the criminal 6254  
records check in the manner described in division (B) of this 6255  
section to determine whether any information exists that 6256  
indicates that the person who is the subject of the request 6257



previously has been convicted of, has pleaded guilty to, or 6258  
(except in the case of a request pursuant to section 5164.34,  
5164.341, or 5164.342 of the Revised Code) has been found 6259  
eligible for intervention in lieu of conviction for any of the 6260  
following, regardless of the date of the conviction, the date of 6261  
entry of the guilty plea, or (except in the case of a request 6262  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 6263  
Revised Code) the date the person was found eligible for 6264  
intervention in lieu of conviction: 6265  
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(a) A violation of section 959.13, 959.131, 2903.01, 6267  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 6268  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 6269  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 6270  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 6271  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 6272  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 6273  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 6274  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 6275  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 6276  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 6277  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 6278  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 6279  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 6280  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 6281  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 6282  
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 6283  
2925.06, 2925.09, 2925.11, 2925.111, 2925.13, 2925.14, 2925.141, 6284  
2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, 6285  
or 3716.11 of the Revised Code; 6286

(b) Felonious sexual penetration in violation of former 6287  
section 2907.12 of the Revised Code; 6288

(c) A violation of section 2905.04 of the Revised Code as 6289  
it existed prior to July 1, 1996; 6290

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 6291  
the Revised Code when the underlying offense that is the object 6292  
of the conspiracy, attempt, or complicity is one of the offenses 6293  
listed in divisions (A) (3) (a) to (c) of this section; 6294

(e) A violation of an existing or former municipal 6295  
ordinance or law of this state, any other state, or the United 6296  
States that is substantially equivalent to any of the offenses 6297  
listed in divisions (A) (3) (a) to (d) of this section. 6298

(4) On receipt of a request pursuant to section 2151.86 of 6299  
the Revised Code, a completed form prescribed pursuant to 6300  
division (C) (1) of this section, and a set of fingerprint 6301  
impressions obtained in the manner described in division (C) (2) 6302  
of this section, the superintendent of the bureau of criminal 6303  
identification and investigation shall conduct a criminal 6304  
records check in the manner described in division (B) of this 6305  
section to determine whether any information exists that 6306  
indicates that the person who is the subject of the request 6307  
previously has been convicted of or pleaded guilty to any of the 6308  
following: 6309

(a) A violation of section 959.13, 2903.01, 2903.02, 6310  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 6311  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 6312  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 6313  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 6314  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 6315  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 6316  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 6317  
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 6318

2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 6319  
Code, a violation of section 2905.04 of the Revised Code as it 6320  
existed prior to July 1, 1996, a violation of section 2919.23 of 6321  
the Revised Code that would have been a violation of section 6322  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 6323  
had the violation been committed prior to that date, a violation 6324  
of section 2925.11 or 2925.111 of the Revised Code that is not a 6325  
minor drug possession offense, two or more OVI or OVUAC 6326  
violations committed within the three years immediately 6327  
preceding the submission of the application or petition that is 6328  
the basis of the request, or felonious sexual penetration in 6329  
violation of former section 2907.12 of the Revised Code; 6330

(b) A violation of an existing or former law of this 6331  
state, any other state, or the United States that is 6332  
substantially equivalent to any of the offenses listed in 6333  
division (A) (4) (a) of this section. 6334

(5) Upon receipt of a request pursuant to section 5104.013 6335  
of the Revised Code, a completed form prescribed pursuant to 6336  
division (C) (1) of this section, and a set of fingerprint 6337  
impressions obtained in the manner described in division (C) (2) 6338  
of this section, the superintendent of the bureau of criminal 6339  
identification and investigation shall conduct a criminal 6340  
records check in the manner described in division (B) of this 6341  
section to determine whether any information exists that 6342  
indicates that the person who is the subject of the request has 6343  
been convicted of or pleaded guilty to any of the following: 6344

(a) A violation of section 2151.421, 2903.01, 2903.02, 6345  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 6346  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 6347  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 6348

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 6349  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 6350  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 6351  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 6352  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 6353  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 6354  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 6355  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 6356  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 6357  
2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 6358  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 6359  
sexual penetration in violation of former section 2907.12 of the 6360  
Revised Code, a violation of section 2905.04 of the Revised Code 6361  
as it existed prior to July 1, 1996, a violation of section 6362  
2919.23 of the Revised Code that would have been a violation of 6363  
section 2905.04 of the Revised Code as it existed prior to July 6364  
1, 1996, had the violation been committed prior to that date, a 6365  
violation of section 2925.11 or 2925.111 of the Revised Code 6366  
that is not a minor drug possession offense, a violation of 6367  
section 2923.02 or 2923.03 of the Revised Code that relates to a 6368  
crime specified in this division, or a second violation of 6369  
section 4511.19 of the Revised Code within five years of the 6370  
date of application for licensure or certification. 6371

(b) A violation of an existing or former law of this 6372  
state, any other state, or the United States that is 6373  
substantially equivalent to any of the offenses or violations 6374  
described in division (A) (5) (a) of this section. 6375

(6) Upon receipt of a request pursuant to section 5153.111 6376  
of the Revised Code, a completed form prescribed pursuant to 6377  
division (C) (1) of this section, and a set of fingerprint 6378  
impressions obtained in the manner described in division (C) (2) 6379

of this section, the superintendent of the bureau of criminal 6380  
identification and investigation shall conduct a criminal 6381  
records check in the manner described in division (B) of this 6382  
section to determine whether any information exists that 6383  
indicates that the person who is the subject of the request 6384  
previously has been convicted of or pleaded guilty to any of the 6385  
following: 6386

(a) A violation of section 2903.01, 2903.02, 2903.03, 6387  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 6388  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 6389  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 6390  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6391  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 6392  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 6393  
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 6394  
3716.11 of the Revised Code, felonious sexual penetration in 6395  
violation of former section 2907.12 of the Revised Code, a 6396  
violation of section 2905.04 of the Revised Code as it existed 6397  
prior to July 1, 1996, a violation of section 2919.23 of the 6398  
Revised Code that would have been a violation of section 2905.04 6399  
of the Revised Code as it existed prior to July 1, 1996, had the 6400  
violation been committed prior to that date, or a violation of 6401  
section 2925.11 or 2925.111 of the Revised Code that is not a 6402  
minor drug possession offense; 6403

(b) A violation of an existing or former law of this 6404  
state, any other state, or the United States that is 6405  
substantially equivalent to any of the offenses listed in 6406  
division (A)(6)(a) of this section. 6407

(7) On receipt of a request for a criminal records check 6408  
from an individual pursuant to section 4749.03 or 4749.06 of the 6409

Revised Code, accompanied by a completed copy of the form 6410  
prescribed in division (C) (1) of this section and a set of 6411  
fingerprint impressions obtained in a manner described in 6412  
division (C) (2) of this section, the superintendent of the 6413  
bureau of criminal identification and investigation shall 6414  
conduct a criminal records check in the manner described in 6415  
division (B) of this section to determine whether any 6416  
information exists indicating that the person who is the subject 6417  
of the request has been convicted of or pleaded guilty to a 6418  
felony in this state or in any other state. If the individual 6419  
indicates that a firearm will be carried in the course of 6420  
business, the superintendent shall require information from the 6421  
federal bureau of investigation as described in division (B) (2) 6422  
of this section. Subject to division (F) of this section, the 6423  
superintendent shall report the findings of the criminal records 6424  
check and any information the federal bureau of investigation 6425  
provides to the director of public safety. 6426

(8) On receipt of a request pursuant to section 1321.37, 6427  
1321.53, or 4763.05 of the Revised Code, a completed form 6428  
prescribed pursuant to division (C) (1) of this section, and a 6429  
set of fingerprint impressions obtained in the manner described 6430  
in division (C) (2) of this section, the superintendent of the 6431  
bureau of criminal identification and investigation shall 6432  
conduct a criminal records check with respect to any person who 6433  
has applied for a license, permit, or certification from the 6434  
department of commerce or a division in the department. The 6435  
superintendent shall conduct the criminal records check in the 6436  
manner described in division (B) of this section to determine 6437  
whether any information exists that indicates that the person 6438  
who is the subject of the request previously has been convicted 6439  
of or pleaded guilty to any of the following: a violation of 6440

section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 2925.031, or 2925.032 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. Subject to division (F) of this section, the superintendent shall send the results of a check requested under section

113.041 of the Revised Code to the treasurer of state and shall 6472  
send the results of a check requested under any of the other 6473  
listed sections to the licensing board specified by the 6474  
individual in the request. 6475

(10) On receipt of a request pursuant to section 124.74, 6476  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 6477  
completed form prescribed pursuant to division (C)(1) of this 6478  
section, and a set of fingerprint impressions obtained in the 6479  
manner described in division (C)(2) of this section, the 6480  
superintendent of the bureau of criminal identification and 6481  
investigation shall conduct a criminal records check in the 6482  
manner described in division (B) of this section to determine 6483  
whether any information exists that indicates that the person 6484  
who is the subject of the request previously has been convicted 6485  
of or pleaded guilty to any criminal offense under any existing 6486  
or former law of this state, any other state, or the United 6487  
States. 6488

(11) On receipt of a request for a criminal records check 6489  
from an appointing or licensing authority under section 3772.07 6490  
of the Revised Code, a completed form prescribed under division 6491  
(C)(1) of this section, and a set of fingerprint impressions 6492  
obtained in the manner prescribed in division (C)(2) of this 6493  
section, the superintendent of the bureau of criminal 6494  
identification and investigation shall conduct a criminal 6495  
records check in the manner described in division (B) of this 6496  
section to determine whether any information exists that 6497  
indicates that the person who is the subject of the request 6498  
previously has been convicted of or pleaded guilty or no contest 6499  
to any offense under any existing or former law of this state, 6500  
any other state, or the United States that is a disqualifying 6501  
offense as defined in section 3772.07 of the Revised Code or 6502



substantially equivalent to such an offense.

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(12) On receipt of a request pursuant to section 2151.33  
or 2151.412 of the Revised Code, a completed form prescribed  
pursuant to division (C)(1) of this section, and a set of  
fingerprint impressions obtained in the manner described in  
division (C)(2) of this section, the superintendent of the  
bureau of criminal identification and investigation shall  
conduct a criminal records check with respect to any person for  
whom a criminal records check is required under that section.  
The superintendent shall conduct the criminal records check in  
the manner described in division (B) of this section to  
determine whether any information exists that indicates that the  
person who is the subject of the request previously has been  
convicted of or pleaded guilty to any of the following:

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(a) A violation of section 2903.01, 2903.02, 2903.03,  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02,  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11,  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25,  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031,  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or  
3716.11 of the Revised Code;

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(b) An existing or former law of this state, any other  
state, or the United States that is substantially equivalent to  
any of the offenses listed in division (A)(12)(a) of this  
section.

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(13) On receipt of a request pursuant to section 3796.12  
of the Revised Code, a completed form prescribed pursuant to

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division (C) (1) of this section, and a set of fingerprint 6533  
impressions obtained in a manner described in division (C) (2) of 6534  
this section, the superintendent of the bureau of criminal 6535  
identification and investigation shall conduct a criminal 6536  
records check in the manner described in division (B) of this 6537  
section to determine whether any information exists that 6538  
indicates that the person who is the subject of the request 6539  
previously has been convicted of or pleaded guilty to the 6540  
following: 6541

(a) A disqualifying offense as specified in rules adopted 6542  
under division (B) (2) (b) of section 3796.03 of the Revised Code 6543  
if the person who is the subject of the request is an 6544  
administrator or other person responsible for the daily 6545  
operation of, or an owner or prospective owner, officer or 6546  
prospective officer, or board member or prospective board member 6547  
of, an entity seeking a license from the department of commerce 6548  
under Chapter 3796. of the Revised Code; 6549

(b) A disqualifying offense as specified in rules adopted 6550  
under division (B) (2) (b) of section 3796.04 of the Revised Code 6551  
if the person who is the subject of the request is an 6552  
administrator or other person responsible for the daily 6553  
operation of, or an owner or prospective owner, officer or 6554  
prospective officer, or board member or prospective board member 6555  
of, an entity seeking a license from the state board of pharmacy 6556  
under Chapter 3796. of the Revised Code. 6557

(14) On receipt of a request required by section 3796.13 6558  
of the Revised Code, a completed form prescribed pursuant to 6559  
division (C) (1) of this section, and a set of fingerprint 6560  
impressions obtained in a manner described in division (C) (2) of 6561  
this section, the superintendent of the bureau of criminal 6562

identification and investigation shall conduct a criminal 6563  
records check in the manner described in division (B) of this 6564  
section to determine whether any information exists that 6565  
indicates that the person who is the subject of the request 6566  
previously has been convicted of or pleaded guilty to the 6567  
following: 6568

(a) A disqualifying offense as specified in rules adopted 6569  
under division (B) (8) (a) of section 3796.03 of the Revised Code 6570  
if the person who is the subject of the request is seeking 6571  
employment with an entity licensed by the department of commerce 6572  
under Chapter 3796. of the Revised Code; 6573

(b) A disqualifying offense as specified in rules adopted 6574  
under division (B) (14) (a) of section 3796.04 of the Revised Code 6575  
if the person who is the subject of the request is seeking 6576  
employment with an entity licensed by the state board of 6577  
pharmacy under Chapter 3796. of the Revised Code. 6578

(15) On receipt of a request pursuant to section 4768.06 6579  
of the Revised Code, a completed form prescribed under division 6580  
(C) (1) of this section, and a set of fingerprint impressions 6581  
obtained in the manner described in division (C) (2) of this 6582  
section, the superintendent of the bureau of criminal 6583  
identification and investigation shall conduct a criminal 6584  
records check in the manner described in division (B) of this 6585  
section to determine whether any information exists indicating 6586  
that the person who is the subject of the request has been 6587  
convicted of or pleaded guilty to a felony in this state or in 6588  
any other state. 6589

(16) On receipt of a request pursuant to division (B) of 6590  
section 4764.07 of the Revised Code, a completed form prescribed 6591  
under division (C) (1) of this section, and a set of fingerprint 6592

impressions obtained in the manner described in division (C) (2) 6593  
of this section, the superintendent of the bureau of criminal 6594  
identification and investigation shall conduct a criminal 6595  
records check in the manner described in division (B) of this 6596  
section to determine whether any information exists indicating 6597  
that the person who is the subject of the request has been 6598  
convicted of or pleaded guilty to any crime of moral turpitude, 6599  
a felony, or an equivalent offense in any other state or the 6600  
United States. 6601

(B) Subject to division (F) of this section, the 6602  
superintendent shall conduct any criminal records check to be 6603  
conducted under this section as follows: 6604

(1) The superintendent shall review or cause to be 6605  
reviewed any relevant information gathered and compiled by the 6606  
bureau under division (A) of section 109.57 of the Revised Code 6607  
that relates to the person who is the subject of the criminal 6608  
records check, including, if the criminal records check was 6609  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 6610  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 6611  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 6612  
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 6613  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 6614  
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 6615  
the Revised Code, any relevant information contained in records 6616  
that have been sealed under section 2953.32 of the Revised Code; 6617

(2) If the request received by the superintendent asks for 6618  
information from the federal bureau of investigation, the 6619  
superintendent shall request from the federal bureau of 6620  
investigation any information it has with respect to the person 6621  
who is the subject of the criminal records check, including 6622

fingerprint-based checks of national crime information databases 6623  
as described in 42 U.S.C. 671 if the request is made pursuant to 6624  
section 2151.86 or 5104.013 of the Revised Code or if any other 6625  
Revised Code section requires fingerprint-based checks of that 6626  
nature, and shall review or cause to be reviewed any information 6627  
the superintendent receives from that bureau. If a request under 6628  
section 3319.39 of the Revised Code asks only for information 6629  
from the federal bureau of investigation, the superintendent 6630  
shall not conduct the review prescribed by division (B)(1) of 6631  
this section. 6632

(3) The superintendent or the superintendent's designee 6633  
may request criminal history records from other states or the 6634  
federal government pursuant to the national crime prevention and 6635  
privacy compact set forth in section 109.571 of the Revised 6636  
Code. 6637

(4) The superintendent shall include in the results of the 6638  
criminal records check a list or description of the offenses 6639  
listed or described in division (A)(1), (2), (3), (4), (5), (6), 6640  
(7), (8), (9), (10), (11), (12), (13), (14), (15), or (16) of 6641  
this section, whichever division requires the superintendent to 6642  
conduct the criminal records check. The superintendent shall 6643  
exclude from the results any information the dissemination of 6644  
which is prohibited by federal law. 6645

(5) The superintendent shall send the results of the 6646  
criminal records check to the person to whom it is to be sent 6647  
not later than the following number of days after the date the 6648  
superintendent receives the request for the criminal records 6649  
check, the completed form prescribed under division (C)(1) of 6650  
this section, and the set of fingerprint impressions obtained in 6651  
the manner described in division (C)(2) of this section: 6652

(a) If the superintendent is required by division (A) of 6653  
this section (other than division (A)(3) of this section) to 6654  
conduct the criminal records check, thirty; 6655

(b) If the superintendent is required by division (A)(3) 6656  
of this section to conduct the criminal records check, sixty. 6657

(C)(1) The superintendent shall prescribe a form to obtain 6658  
the information necessary to conduct a criminal records check 6659  
from any person for whom a criminal records check is to be 6660  
conducted under this section. The form that the superintendent 6661  
prescribes pursuant to this division may be in a tangible 6662  
format, in an electronic format, or in both tangible and 6663  
electronic formats. 6664

(2) The superintendent shall prescribe standard impression 6665  
sheets to obtain the fingerprint impressions of any person for 6666  
whom a criminal records check is to be conducted under this 6667  
section. Any person for whom a records check is to be conducted 6668  
under this section shall obtain the fingerprint impressions at a 6669  
county sheriff's office, municipal police department, or any 6670  
other entity with the ability to make fingerprint impressions on 6671  
the standard impression sheets prescribed by the superintendent. 6672  
The office, department, or entity may charge the person a 6673  
reasonable fee for making the impressions. The standard 6674  
impression sheets the superintendent prescribes pursuant to this 6675  
division may be in a tangible format, in an electronic format, 6676  
or in both tangible and electronic formats. 6677

(3) Subject to division (D) of this section, the 6678  
superintendent shall prescribe and charge a reasonable fee for 6679  
providing a criminal records check under this section. The 6680  
person requesting the criminal records check shall pay the fee 6681  
prescribed pursuant to this division. In the case of a request 6682

under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 6683  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 6684  
fee shall be paid in the manner specified in that section. 6685

(4) The superintendent of the bureau of criminal 6686  
identification and investigation may prescribe methods of 6687  
forwarding fingerprint impressions and information necessary to 6688  
conduct a criminal records check, which methods shall include, 6689  
but not be limited to, an electronic method. 6690

(D) The results of a criminal records check conducted 6691  
under this section, other than a criminal records check 6692  
specified in division (A) (7) of this section, are valid for the 6693  
person who is the subject of the criminal records check for a 6694  
period of one year from the date upon which the superintendent 6695  
completes the criminal records check. If during that period the 6696  
superintendent receives another request for a criminal records 6697  
check to be conducted under this section for that person, the 6698  
superintendent shall provide the results from the previous 6699  
criminal records check of the person at a lower fee than the fee 6700  
prescribed for the initial criminal records check. 6701

(E) When the superintendent receives a request for 6702  
information from a registered private provider, the 6703  
superintendent shall proceed as if the request was received from 6704  
a school district board of education under section 3319.39 of 6705  
the Revised Code. The superintendent shall apply division (A) (1) 6706  
(c) of this section to any such request for an applicant who is 6707  
a teacher. 6708

(F) (1) Subject to division (F) (2) of this section, all 6709  
information regarding the results of a criminal records check 6710  
conducted under this section that the superintendent reports or 6711  
sends under division (A) (7) or (9) of this section to the 6712

director of public safety, the treasurer of state, or the 6713  
person, board, or entity that made the request for the criminal 6714  
records check shall relate to the conviction of the subject 6715  
person, or the subject person's plea of guilty to, a criminal 6716  
offense. 6717

(2) Division (F)(1) of this section does not limit, 6718  
restrict, or preclude the superintendent's release of 6719  
information that relates to the arrest of a person who is 6720  
eighteen years of age or older, to an adjudication of a child as 6721  
a delinquent child, or to a criminal conviction of a person 6722  
under eighteen years of age in circumstances in which a release 6723  
of that nature is authorized under division (E)(2), (3), or (4) 6724  
of section 109.57 of the Revised Code pursuant to a rule adopted 6725  
under division (E)(1) of that section. 6726

(G) As used in this section: 6727

(1) "Criminal records check" means any criminal records 6728  
check conducted by the superintendent of the bureau of criminal 6729  
identification and investigation in accordance with division (B) 6730  
of this section. 6731

(2) "Minor drug possession offense" has the same meaning 6732  
as in section 2925.01 of the Revised Code. 6733

(3) "OVI or OVUAC violation" means a violation of section 6734  
4511.19 of the Revised Code or a violation of an existing or 6735  
former law of this state, any other state, or the United States 6736  
that is substantially equivalent to section 4511.19 of the 6737  
Revised Code. 6738

(4) "Registered private provider" means a nonpublic school 6739  
or entity registered with the superintendent of public 6740  
instruction under section 3310.41 of the Revised Code to 6741



participate in the autism scholarship program or section 3310.58 6742  
of the Revised Code to participate in the Jon Peterson special 6743  
needs scholarship program. 6744

**Sec. 128.04.** (A) Public safety answering point personnel 6745  
who are certified as emergency service telecommunicators under 6746  
section 4742.03 of the Revised Code shall receive training in 6747  
informing individuals who call about an apparent drug overdose 6748  
about the immunity from prosecution for a minor drug possession 6749  
offense created by ~~section~~sections 2925.11 and 2925.111 of the 6750  
Revised Code. 6751

(B) Public safety answering point personnel who receive a 6752  
call about an apparent drug overdose shall make reasonable 6753  
efforts, upon the caller's inquiry, to inform the caller about 6754  
the immunity from prosecution for a minor drug possession 6755  
offense created by ~~section~~sections 2925.11 and 2925.111 of the 6756  
Revised Code. 6757

**Sec. 177.01.** (A) The organized crime investigations 6758  
commission, consisting of seven members, is hereby established 6759  
in the office of the attorney general. One of the members shall 6760  
be the attorney general. Of the remaining members, each of whom 6761  
shall be appointed by the governor with the advice and consent 6762  
of the senate, two shall be prosecuting attorneys, two shall be 6763  
county sheriffs, and two shall be chief municipal law 6764  
enforcement officers. No more than four members of the 6765  
commission shall be members of the same political party. 6766

Of the initial appointments to the commission, one member 6767  
who is a prosecuting attorney and one who is a county sheriff 6768  
each shall be appointed for terms ending September 3, 1987, one 6769  
member who is a prosecuting attorney and one who is a chief 6770  
municipal law enforcement officer each shall be appointed for 6771

terms ending September 3, 1988, and one member who is a county 6772  
sheriff and one who is a chief municipal law enforcement officer 6773  
each shall be appointed for terms ending September 3, 1989. 6774  
Thereafter, terms of office of persons appointed to the 6775  
commission shall be for three years, with each term ending on 6776  
the same day of the same month of the year as did the term that 6777  
it succeeds. Members may be reappointed. Each appointed member 6778  
shall hold office from the date of the member's appointment 6779  
until the end of the term for which the member was appointed, 6780  
except that an appointed member who ceases to hold the office or 6781  
position of prosecuting attorney, county sheriff, or chief 6782  
municipal law enforcement officer prior to the expiration of the 6783  
member's term of office on the commission shall cease to be a 6784  
member of the commission on the date that the member ceases to 6785  
hold the office or position. Vacancies shall be filled in the 6786  
manner provided for original appointments. Any member appointed 6787  
to fill a vacancy occurring prior to the expiration of the term 6788  
for which the member's predecessor was appointed shall take 6789  
office on the commission when the member is confirmed by the 6790  
senate and shall hold office for the remainder of such term. Any 6791  
member shall continue in office subsequent to the expiration 6792  
date of the member's term until the member's successor takes 6793  
office, or until a period of sixty days has elapsed, whichever 6794  
occurs first. 6795

The attorney general shall become a member of the 6796  
commission on September 3, 1986. Successors in office to that 6797  
attorney general shall become members of the commission on the 6798  
day they assume the office of attorney general. An attorney 6799  
general's term of office as a member of the commission shall 6800  
continue for as long as the person in question holds the office 6801  
of attorney general. 6802

Each member of the commission may designate, in writing, 6803  
another person to represent the member on the commission. If a 6804  
member makes such a designation, either the member or the 6805  
designee may perform the member's duties and exercise the 6806  
member's authority on the commission. If a member makes such a 6807  
designation, the member may revoke the designation by sending 6808  
written notice of the revocation to the commission. Upon such a 6809  
revocation, the member may designate a different person to 6810  
represent the member on the commission by sending written notice 6811  
of the designation to the commission at least two weeks prior to 6812  
the date on which the new designation is to take effect. 6813

The attorney general or a person the attorney general 6814  
designates pursuant to this division to represent the attorney 6815  
general on the commission shall serve as chairperson of the 6816  
commission. The commission shall meet within two weeks after all 6817  
appointed members have been appointed, at a time and place 6818  
determined by the governor. The commission shall organize by 6819  
selecting a vice-chairperson and other officers who are 6820  
necessary and shall adopt rules to govern its procedures. 6821  
Thereafter, the commission shall meet at least once every six 6822  
months, or more often upon the call of the chairperson or the 6823  
written request of two or more members. Each member of the 6824  
commission shall have one vote. Four members constitute a 6825  
quorum, and four votes are required to validate an action of the 6826  
commission. 6827

The members of the commission shall serve without 6828  
compensation, but each member shall be reimbursed for actual and 6829  
necessary expenses incurred in the performance of official 6830  
duties. In the absence of the chairperson, the vice-chairperson 6831  
shall perform the duties of the chairperson. 6832

(B) The commission shall coordinate investigations of 6833  
organized criminal activity and perform all of the functions and 6834  
duties relative to the investigations that are set forth in 6835  
section 177.02 of the Revised Code, and it shall cooperate with 6836  
departments and officers of the government of the United States 6837  
in the suppression of organized criminal activity. 6838

(C) The commission shall appoint and fix the compensation 6839  
of a director and such technical and clerical employees who are 6840  
necessary to exercise the powers and carry out the duties of the 6841  
commission, may enter into contracts with one or more 6842  
consultants to assist in exercising those powers and carrying 6843  
out those duties, and may enter into contracts and purchase any 6844  
equipment necessary to the performance of its duties. The 6845  
director and employees of the commission shall be members of the 6846  
unclassified service as defined in section 124.11 of the Revised 6847  
Code. The commission shall require the director and each 6848  
employee, prior to commencing employment with the commission, to 6849  
undergo an investigation for the purpose of obtaining a security 6850  
clearance and, after the initial investigation, may require the 6851  
director and each employee to undergo an investigation for that 6852  
purpose at any time during the director's or employee's 6853  
employment with the commission. The commission may require any 6854  
consultant with whom it contracts to undergo an investigation 6855  
for the purpose of obtaining a security clearance. An 6856  
investigation under this division may include, but is not 6857  
limited to, a polygraph examination and shall be conducted by an 6858  
organization designated by the commission. 6859

(D) An appointed commission member may be removed from 6860  
office as a member of the commission by the vote of four members 6861  
of the commission or by the governor for any of the following 6862  
reasons: 6863

(1) Neglect of duty, misconduct, incompetence, or malfeasance in office; 6864  
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(2) Conviction of or a plea of guilty to a felony or an offense of moral turpitude; 6866  
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(3) Being mentally ill or mentally incompetent; 6868

(4) Being the subject of an investigation by a task force established by the commission or another law enforcement agency, where the proof of criminal activity is evident or the presumption great; 6869  
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(5) Engaging in any activity or associating with any persons or organization inappropriate to the member's position as a member of the commission. 6873  
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(E) As used in sections 177.01 to 177.03 of the Revised Code: 6876  
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(1) "Organized criminal activity" means any combination or conspiracy to engage in activity that constitutes "engaging in a pattern of corrupt activity;" any violation, combination of violations, or conspiracy to commit one or more violations of section 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, ~~or 2925.11, or 2925.111~~ of the Revised Code other than a violation of section 2925.11 or 2925.111 of the Revised Code that is a minor drug possession offense; or any criminal activity that relates to the corruption of a public official, as defined in section 2921.01 of the Revised Code, or of a public servant of the type described in division (B) (3) of that section. 6878  
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(2) A person is engaging in an activity that constitutes "engaging in a pattern of corrupt activity" if any of the following apply: 6890  
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(a) The person is or was employed by, or associated with, 6893  
an enterprise and the person conducts or participates in, 6894  
directly or indirectly, the affairs of the enterprise through a 6895  
pattern of corrupt activity or the collection of an unlawful 6896  
debt. 6897

(b) The person, through a pattern of corrupt activity or 6898  
the collection of an unlawful debt, acquires or maintains, 6899  
directly or indirectly, an interest in, or control of, an 6900  
enterprise or real property. 6901

(c) The person knowingly has received proceeds derived, 6902  
directly or indirectly, from a pattern of corrupt activity or 6903  
the collection of an unlawful debt and the person uses or 6904  
invests, directly or indirectly, a part of those proceeds, or 6905  
proceeds derived from the use or investment of any of those 6906  
proceeds, in the acquisition of title to, or a right, interest, 6907  
or equity in, real property or the establishment or operation of 6908  
an enterprise. A purchase of securities on the open market with 6909  
intent to make an investment, without intent to control or 6910  
participate in the control of the issuer, and without intent to 6911  
assist another to do so is not an activity that constitutes 6912  
"engaging in a pattern of corrupt activity" if the securities of 6913  
the issuer held after the purchase by the purchaser, the members 6914  
of the purchaser's immediate family, and the purchaser's or 6915  
members' accomplices in any pattern of corrupt activity or the 6916  
collection of an unlawful debt, do not aggregate one per cent of 6917  
the outstanding securities of any one class of the issuer and do 6918  
not confer, in law or in fact, the power to elect one or more 6919  
directors of the issuer. 6920

(3) "Pattern of corrupt activity" means two or more 6921  
incidents of corrupt activity, whether or not there has been a 6922

prior conviction, that are related to the affairs of the same  
enterprise, are not isolated, and are not so closely related to  
each other and connected in time and place that they constitute  
a single event. At least one of the incidents forming the  
pattern shall occur on or after September 3, 1986. Unless any  
incident was an aggravated murder or murder, the most recent of  
the incidents forming the pattern shall occur within six years  
after the commission of any prior incident forming the pattern,  
excluding any period of imprisonment served by any person  
engaging in the corrupt activity.

(4) "Corrupt activity," "unlawful debt," "enterprise,"  
"person," "real property," and "beneficial interest" have the  
same meanings as in section 2923.31 of the Revised Code.

(5) "Minor drug possession offense" has the same meaning  
as in section 2925.01 of the Revised Code.

**Sec. 2152.021.** (A) (1) Subject to division (A) (2) of this  
section, any person having knowledge of a child who appears to  
be a juvenile traffic offender or to be a delinquent child may  
file a sworn complaint with respect to that child in the  
juvenile court of the county in which the child has a residence  
or legal settlement or in which the traffic offense or  
delinquent act allegedly occurred. The sworn complaint may be  
upon information and belief, and, in addition to the allegation  
that the child is a delinquent child or a juvenile traffic  
offender, the complaint shall allege the particular facts upon  
which the allegation that the child is a delinquent child or a  
juvenile traffic offender is based.

If a child appears to be a delinquent child who is  
eligible for a serious youthful offender dispositional sentence  
under section 2152.11 of the Revised Code and if the prosecuting

attorney desires to seek a serious youthful offender 6953  
dispositional sentence under section 2152.13 of the Revised Code 6954  
in regard to the child, the prosecuting attorney of the county 6955  
in which the alleged delinquency occurs may initiate a case in 6956  
the juvenile court of the county by presenting the case to a 6957  
grand jury for indictment, by charging the child in a bill of 6958  
information as a serious youthful offender pursuant to section 6959  
2152.13 of the Revised Code, by requesting a serious youthful 6960  
offender dispositional sentence in the original complaint 6961  
alleging that the child is a delinquent child, or by filing with 6962  
the juvenile court a written notice of intent to seek a serious 6963  
youthful offender dispositional sentence. This paragraph does 6964  
not apply regarding the imposition of a serious youthful 6965  
offender dispositional sentence pursuant to section 2152.121 of 6966  
the Revised Code. 6967

(2) Any person having knowledge of a child who appears to 6968  
be a delinquent child for violating a court order regarding the 6969  
child's adjudication as an unruly child for being an habitual 6970  
truant, may file a sworn complaint with respect to that child, 6971  
or with respect to that child and the parent, guardian, or other 6972  
person having care of the child, in the juvenile court of the 6973  
county in which the child has a residence or legal settlement or 6974  
in which the child is supposed to attend public school. The 6975  
sworn complaint may be upon information and belief and shall 6976  
allege that the child is a delinquent child for violating a 6977  
court order regarding the child's prior adjudication as an 6978  
unruly child for being a habitual truant and, in addition, the 6979  
particular facts upon which that allegation is based. If the 6980  
complaint contains allegations regarding the child's parent, 6981  
guardian, or other person having care of the child, the 6982  
complaint additionally shall allege that the parent, guardian, 6983



or other person having care of the child has failed to cause the  
child's attendance at school in violation of section 3321.38 of  
the Revised Code and, in addition, the particular facts upon  
which that allegation is based.

(B) Any person with standing under applicable law may file  
a complaint for the determination of any other matter over which  
the juvenile court is given jurisdiction by section 2151.23 of  
the Revised Code. The complaint shall be filed in the county in  
which the child who is the subject of the complaint is found or  
was last known to be found.

(C) Within ten days after the filing of a complaint or the  
issuance of an indictment, the court shall give written notice  
of the filing of the complaint or the issuance of an indictment  
and of the substance of the complaint or indictment to the  
superintendent of a city, local, exempted village, or joint  
vocational school district if the complaint or indictment  
alleges that a child committed an act that would be a criminal  
offense if committed by an adult, that the child was sixteen  
years of age or older at the time of the commission of the  
alleged act, and that the alleged act is any of the following:

(1) A violation of section 2923.122 of the Revised Code  
that relates to property owned or controlled by, or to an  
activity held under the auspices of, the board of education of  
that school district;

(2) A violation of section 2923.12 of the Revised Code, of  
a substantially similar municipal ordinance, or of section  
2925.03, 2925.031, or 2925.032 of the Revised Code that was  
committed on property owned or controlled by, or at an activity  
held under the auspices of, the board of education of that  
school district;

(3) A violation of section 2925.11 or 2925.111 of the Revised Code that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, other than a violation of that section that would be a minor drug possession offense if committed by an adult;

(4) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised Code, or a violation of former section 2907.12 of the Revised Code, that was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district, if the victim at the time of the commission of the alleged act was an employee of the board of education of that school district;

(5) Complicity in any violation described in division (C) (1), (2), (3), or (4) of this section that was alleged to have been committed in the manner described in division (C) (1), (2), (3), or (4) of this section, regardless of whether the act of complicity was committed on property owned or controlled by, or at an activity held under the auspices of, the board of education of that school district.

(D) A public children services agency, acting pursuant to a complaint or an action on a complaint filed under this section, is not subject to the requirements of section 3127.23 of the Revised Code.

(E) For purposes of the record to be maintained by the clerk under division (B) of section 2152.71 of the Revised Code, when a complaint is filed that alleges that a child is a delinquent child, the court shall determine if the victim of the alleged delinquent act was sixty-five years of age or older or

permanently and totally disabled at the time of the alleged 7044  
commission of the act. 7045

(F)(1) At any time after the filing of a complaint 7046  
alleging that a child is a delinquent child and before 7047  
adjudication, the court may hold a hearing to determine whether 7048  
to hold the complaint in abeyance pending the child's successful 7049  
completion of actions that constitute a method to divert the 7050  
child from the juvenile court system if the child agrees to the 7051  
hearing and either of the following applies: 7052

(a) The act charged would be a violation of section 7053  
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 7054  
were an adult. 7055

(b) The court has reason to believe that the child is a 7056  
victim of a violation of section 2905.32 of the Revised Code, 7057  
regardless of whether any person has been convicted of a 7058  
violation of that section or of any other section for 7059  
victimizing the child, and the act charged is related to the 7060  
child's victimization. 7061

(2) The prosecuting attorney has the right to participate 7062  
in any hearing held under division (F)(1) of this section, to 7063  
object to holding the complaint that is the subject of the 7064  
hearing in abeyance, and to make recommendations related to 7065  
diversion actions. No statement made by a child at a hearing 7066  
held under division (F)(1) of this section is admissible in any 7067  
subsequent proceeding against the child. 7068

(3) If either division (F)(1)(a) or (b) of this section 7069  
applies, the court shall promptly appoint a guardian ad litem 7070  
for the child. The court shall not appoint the child's attorney 7071  
as guardian ad litem. If the court decides to hold the complaint 7072

in abeyance, the guardian ad litem shall make recommendations 7073  
that are in the best interest of the child to the court. 7074

(4) If after a hearing the court decides to hold the 7075  
complaint in abeyance, the court may make any orders regarding 7076  
placement, services, supervision, diversion actions, and 7077  
conditions of abeyance, including, but not limited to, 7078  
engagement in trauma-based behavioral health services or 7079  
education activities, that the court considers appropriate and 7080  
in the best interest of the child. The court may hold the 7081  
complaint in abeyance for up to ninety days while the child 7082  
engages in diversion actions. If the child violates the 7083  
conditions of abeyance or does not complete the diversion 7084  
actions to the court's satisfaction within ninety days, the 7085  
court may extend the period of abeyance for not more than two 7086  
additional ninety-day periods. 7087

(5) If the court holds the complaint in abeyance and the 7088  
child complies with the conditions of abeyance and completes the 7089  
diversion actions to the court's satisfaction, the court shall 7090  
dismiss the complaint and order that the records pertaining to 7091  
the case be expunged immediately. If the child fails to complete 7092  
the diversion actions to the court's satisfaction, the court 7093  
shall proceed upon the complaint. 7094

**Sec. 2152.18.** (A) When a juvenile court commits a 7095  
delinquent child to the custody of the department of youth 7096  
services pursuant to this chapter, the court shall not designate 7097  
the specific institution in which the department is to place the 7098  
child but instead shall specify that the child is to be 7099  
institutionalized in a secure facility. 7100

(B) When a juvenile court commits a delinquent child to 7101  
the custody of the department of youth services pursuant to this 7102

chapter, the court shall state in the order of commitment the 7103  
total number of days that the child has been confined in 7104  
connection with the delinquent child complaint upon which the 7105  
order of commitment is based. The court shall not include days 7106  
that the child has been under electronic monitoring or house 7107  
arrest or days that the child has been confined in a halfway 7108  
house. The department shall reduce the minimum period of 7109  
institutionalization that was ordered by both the total number 7110  
of days that the child has been so confined as stated by the 7111  
court in the order of commitment and the total number of any 7112  
additional days that the child has been confined subsequent to 7113  
the order of commitment but prior to the transfer of physical 7114  
custody of the child to the department. 7115

(C) (1) When a juvenile court commits a delinquent child to 7116  
the custody of the department of youth services pursuant to this 7117  
chapter, the court shall provide the department with the child's 7118  
medical records, a copy of the report of any mental examination 7119  
of the child ordered by the court, the Revised Code section or 7120  
sections the child violated and the degree of each violation, 7121  
the warrant to convey the child to the department, a copy of the 7122  
court's journal entry ordering the commitment of the child to 7123  
the legal custody of the department, a copy of the arrest record 7124  
pertaining to the act for which the child was adjudicated a 7125  
delinquent child, a copy of any victim impact statement 7126  
pertaining to the act, and any other information concerning the 7127  
child that the department reasonably requests. The court also 7128  
shall complete the form for the standard predisposition 7129  
investigation report that the department furnishes pursuant to 7130  
section 5139.04 of the Revised Code and provide the department 7131  
with the completed form. 7132

The department may refuse to accept physical custody of a 7133

delinquent child who is committed to the legal custody of the 7134  
department until the court provides to the department the 7135  
documents specified in this division. No officer or employee of 7136  
the department who refuses to accept physical custody of a 7137  
delinquent child who is committed to the legal custody of the 7138  
department shall be subject to prosecution or contempt of court 7139  
for the refusal if the court fails to provide the documents 7140  
specified in this division at the time the court transfers the 7141  
physical custody of the child to the department. 7142

(2) Within twenty working days after the department of 7143  
youth services receives physical custody of a delinquent child 7144  
from a juvenile court, the court shall provide the department 7145  
with a certified copy of the child's birth certificate and the 7146  
child's social security number or, if the court made all 7147  
reasonable efforts to obtain the information but was 7148  
unsuccessful, with documentation of the efforts it made to 7149  
obtain the information. 7150

(3) If an officer is preparing pursuant to section 2947.06 7151  
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 7152  
presentence investigation report pertaining to a person, the 7153  
department shall make available to the officer, for use in 7154  
preparing the report, any records or reports it possesses 7155  
regarding that person that it received from a juvenile court 7156  
pursuant to division (C) (1) of this section or that pertain to 7157  
the treatment of that person after the person was committed to 7158  
the custody of the department as a delinquent child. 7159

(D) (1) Within ten days after an adjudication that a child 7160  
is a delinquent child, the court shall give written notice of 7161  
the adjudication to the superintendent of a city, local, 7162  
exempted village, or joint vocational school district, and to 7163

the principal of the school the child attends, if the basis of 7164  
the adjudication was the commission of an act that would be a 7165  
criminal offense if committed by an adult, if the act was 7166  
committed by the delinquent child when the child was fourteen 7167  
years of age or older, and if the act is any of the following: 7168

(a) An act that would be a felony or an offense of 7169  
violence if committed by an adult, an act in the commission of 7170  
which the child used or brandished a firearm, or an act that is 7171  
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 7172  
2907.24, or 2907.241 of the Revised Code and that would be a 7173  
misdemeanor if committed by an adult; 7174

(b) A violation of section 2923.12 of the Revised Code or 7175  
of a substantially similar municipal ordinance that would be a 7176  
misdemeanor if committed by an adult and that was committed on 7177  
property owned or controlled by, or at an activity held under 7178  
the auspices of, the board of education of that school district; 7179

(c) A violation of division (A) of section 2925.03~~or, 2925.031, 2925.032, 2925.11, or 2925.111~~ of the Revised Code 7180  
that would be a misdemeanor if committed by an adult, that was 7181  
committed on property owned or controlled by, or at an activity 7182  
held under the auspices of, the board of education of that 7183  
school district, and that is not a minor drug possession 7184  
offense; 7185  
7186

(d) An act that would be a criminal offense if committed 7187  
by an adult and that results in serious physical harm to persons 7188  
or serious physical harm to property while the child is at 7189  
school, on any other property owned or controlled by the board, 7190  
or at an interscholastic competition, an extracurricular event, 7191  
or any other school program or activity; 7192

(e) Complicity in any violation described in division (D) 7193  
(1) (a), (b), (c), or (d) of this section that was alleged to 7194  
have been committed in the manner described in division (D) (1) 7195  
(a), (b), (c), or (d) of this section, regardless of whether the 7196  
act of complicity was committed on property owned or controlled 7197  
by, or at an activity held under the auspices of, the board of 7198  
education of that school district. 7199

(2) The notice given pursuant to division (D) (1) of this 7200  
section shall include the name of the child who was adjudicated 7201  
to be a delinquent child, the child's age at the time the child 7202  
committed the act that was the basis of the adjudication, and 7203  
identification of the violation of the law or ordinance that was 7204  
the basis of the adjudication. 7205

(3) Within fourteen days after committing a delinquent 7206  
child to the custody of the department of youth services, the 7207  
court shall give notice to the school attended by the child of 7208  
the child's commitment by sending to that school a copy of the 7209  
court's journal entry ordering the commitment. As soon as 7210  
possible after receipt of the notice described in this division, 7211  
the school shall provide the department with the child's school 7212  
transcript. However, the department shall not refuse to accept a 7213  
child committed to it, and a child committed to it shall not be 7214  
held in a county or district detention facility, because of a 7215  
school's failure to provide the school transcript that it is 7216  
required to provide under this division. 7217

(4) Within fourteen days after discharging or releasing a 7218  
child from an institution under its control, the department of 7219  
youth services shall provide the court and the superintendent of 7220  
the school district in which the child is entitled to attend 7221  
school under section 3313.64 or 3313.65 of the Revised Code with 7222



the following: 7223

(a) An updated copy of the child's school transcript; 7224

(b) A report outlining the child's behavior in school 7225  
while in the custody of the department; 7226

(c) The child's current individualized education program, 7227  
as defined in section 3323.01 of the Revised Code, if such a 7228  
program has been developed for the child; 7229

(d) A summary of the institutional record of the child's 7230  
behavior. 7231

The department also shall provide the court with a copy of 7232  
any portion of the child's institutional record that the court 7233  
specifically requests, within five working days of the request. 7234

(E) At any hearing at which a child is adjudicated a 7235  
delinquent child or as soon as possible after the hearing, the 7236  
court shall notify all victims of the delinquent act who may be 7237  
entitled to a recovery under any of the following sections of 7238  
the right of the victims to recover, pursuant to section 3109.09 7239  
of the Revised Code, compensatory damages from the child's 7240  
parents; of the right of the victims to recover, pursuant to 7241  
section 3109.10 of the Revised Code, compensatory damages from 7242  
the child's parents for willful and malicious assaults committed 7243  
by the child; and of the right of the victims to recover an 7244  
award of reparations pursuant to sections 2743.51 to 2743.72 of 7245  
the Revised Code. 7246

**Sec. 2743.60.** (A) The attorney general or the court of 7247  
claims shall not make or order an award of reparations to a 7248  
claimant if the criminally injurious conduct upon which the 7249  
claimant bases a claim never was reported to a law enforcement 7250  
officer or agency. 7251

(B) (1) The attorney general or the court of claims shall 7252  
not make or order an award of reparations to a claimant if any 7253  
of the following apply: 7254

(a) The claimant is the offender or an accomplice of the 7255  
offender who committed the criminally injurious conduct, or the 7256  
award would unjustly benefit the offender or accomplice. 7257

(b) Except as provided in division (B) (2) of this section, 7258  
both of the following apply: 7259

(i) The victim was a passenger in a motor vehicle and knew 7260  
or reasonably should have known that the driver was under the 7261  
influence of alcohol, a drug of abuse, or both. 7262

(ii) The claimant is seeking compensation for injuries 7263  
proximately caused by the driver described in division (B) (1) (b) 7264  
(i) of this section being under the influence of alcohol, a drug 7265  
of abuse, or both. 7266

(c) Both of the following apply: 7267

(i) The victim was under the influence of alcohol, a drug 7268  
of abuse, or both and was a passenger in a motor vehicle and, if 7269  
sober, should have reasonably known that the driver was under 7270  
the influence of alcohol, a drug of abuse, or both. 7271

(ii) The claimant is seeking compensation for injuries 7272  
proximately caused by the driver described in division (B) (1) (b) 7273  
(i) of this section being under the influence of alcohol, a drug 7274  
of abuse, or both. 7275

(2) Division (B) (1) (b) of this section does not apply if 7276  
on the date of the occurrence of the criminally injurious 7277  
conduct, the victim was under sixteen years of age or was at 7278  
least sixteen years of age but less than eighteen years of age 7279

and was riding with a parent, guardian, or care-provider. 7280

(C) The attorney general or the court of claims, upon a 7281  
finding that the claimant or victim has not fully cooperated 7282  
with appropriate law enforcement agencies, may deny a claim or 7283  
reconsider and reduce an award of reparations. 7284

(D) The attorney general or the court of claims shall 7285  
reduce an award of reparations or deny a claim for an award of 7286  
reparations that is otherwise payable to a claimant to the 7287  
extent that the economic loss upon which the claim is based is 7288  
recouped from other persons, including collateral sources. If an 7289  
award is reduced or a claim is denied because of the expected 7290  
recoupment of all or part of the economic loss of the claimant 7291  
from a collateral source, the amount of the award or the denial 7292  
of the claim shall be conditioned upon the claimant's economic 7293  
loss being recouped by the collateral source. If the award or 7294  
denial is conditioned upon the recoupment of the claimant's 7295  
economic loss from a collateral source and it is determined that 7296  
the claimant did not unreasonably fail to present a timely claim 7297  
to the collateral source and will not receive all or part of the 7298  
expected recoupment, the claim may be reopened and an award may 7299  
be made in an amount equal to the amount of expected recoupment 7300  
that it is determined the claimant will not receive from the 7301  
collateral source. 7302

If the claimant recoups all or part of the economic loss 7303  
upon which the claim is based from any other person or entity, 7304  
including a collateral source, the attorney general may recover 7305  
pursuant to section 2743.72 of the Revised Code the part of the 7306  
award that represents the economic loss for which the claimant 7307  
received the recoupment from the other person or entity. 7308

(E) (1) Except as otherwise provided in division (E) (2) of 7309

this section, the attorney general or the court of claims shall 7310  
not make an award to a claimant if any of the following applies: 7311

(a) The victim was convicted of a felony within ten years 7312  
prior to the criminally injurious conduct that gave rise to the 7313  
claim or is convicted of a felony during the pendency of the 7314  
claim. 7315

(b) The claimant was convicted of a felony within ten 7316  
years prior to the criminally injurious conduct that gave rise 7317  
to the claim or is convicted of a felony during the pendency of 7318  
the claim. 7319

(c) It is proved by a preponderance of the evidence that 7320  
the victim or the claimant engaged, within ten years prior to 7321  
the criminally injurious conduct that gave rise to the claim or 7322  
during the pendency of the claim, in an offense of violence, a 7323  
violation of section 2925.03, 2925.031, or 2925.032 of the 7324  
Revised Code, or any substantially similar offense that also 7325  
would constitute a felony under the laws of this state, another 7326  
state, or the United States. 7327

(d) The claimant was convicted of a violation of section 7328  
2919.22 or 2919.25 of the Revised Code, or of any state law or 7329  
municipal ordinance substantially similar to either section, 7330  
within ten years prior to the criminally injurious conduct that 7331  
gave rise to the claim or during the pendency of the claim. 7332

(e) It is proved by a preponderance of the evidence that 7333  
the victim at the time of the criminally injurious conduct that 7334  
gave rise to the claim engaged in conduct that was a felony 7335  
violation of section 2925.11 or 2925.111 of the Revised Code or 7336  
engaged in any substantially similar conduct that would 7337  
constitute a felony under the laws of this state, another state, 7338

or the United States.

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(2) The attorney general or the court of claims may make  
an award to a minor dependent of a deceased victim for  
dependent's economic loss or for counseling pursuant to division  
(F) (2) of section 2743.51 of the Revised Code if the minor  
dependent is not ineligible under division (E) (1) of this  
section due to the minor dependent's criminal history and if the  
victim was not killed while engaging in illegal conduct that  
contributed to the criminally injurious conduct that gave rise  
to the claim. For purposes of this section, the use of illegal  
drugs by the deceased victim shall not be deemed to have  
contributed to the criminally injurious conduct that gave rise  
to the claim.

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(F) In determining whether to make an award of reparations  
pursuant to this section, the attorney general or the court of  
claims shall consider whether there was contributory misconduct  
by the victim or the claimant. The attorney general or the court  
of claims shall reduce an award of reparations or deny a claim  
for an award of reparations to the extent it is determined to be  
reasonable because of the contributory misconduct of the  
claimant or the victim.

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When the attorney general decides whether a claim should  
be denied because of an allegation of contributory misconduct,  
the burden of proof on the issue of that alleged contributory  
misconduct shall be upon the claimant, if either of the  
following apply:

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(1) The victim was convicted of a felony more than ten  
years prior to the criminally injurious conduct that is the  
subject of the claim or has a record of felony arrests under the  
laws of this state, another state, or the United States.

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(2) There is good cause to believe that the victim engaged 7369  
in an ongoing course of criminal conduct within five years or 7370  
less of the criminally injurious conduct that is the subject of 7371  
the claim. 7372

(G) The attorney general or the court of claims shall not 7373  
make an award of reparations to a claimant if the criminally 7374  
injurious conduct that caused the injury or death that is the 7375  
subject of the claim occurred to a victim who was an adult and 7376  
while the victim, after being convicted of or pleading guilty to 7377  
an offense, was serving a sentence of imprisonment in any 7378  
detention facility, as defined in section 2921.01 of the Revised 7379  
Code. 7380

(H) If a claimant unreasonably fails to present a claim 7381  
timely to a source of benefits or advantages that would have 7382  
been a collateral source and that would have reimbursed the 7383  
claimant for all or a portion of a particular expense, the 7384  
attorney general or the court of claims may reduce an award of 7385  
reparations or deny a claim for an award of reparations to the 7386  
extent that it is reasonable to do so. 7387

(I) Reparations payable to a victim and to all other 7388  
claimants sustaining economic loss because of injury to or the 7389  
death of that victim shall not exceed fifty thousand dollars in 7390  
the aggregate. If the attorney general or the court of claims 7391  
reduces an award under division (F) of this section, the maximum 7392  
aggregate amount of reparations payable under this division 7393  
shall be reduced proportionately to the reduction under division 7394  
(F) of this section. 7395

(J) Nothing in this section shall be construed to prohibit 7396  
an award to a claimant whose claim is based on the claimant's 7397  
being a victim of a violation of section 2905.32 of the Revised 7398

Code if the claimant was less than eighteen years of age when 7399  
the criminally injurious conduct occurred. 7400

**Sec. 2923.01.** (A) No person, with purpose to commit or to 7401  
promote or facilitate the commission of aggravated murder, 7402  
murder, kidnapping, abduction, compelling prostitution, 7403  
promoting prostitution, trafficking in persons, aggravated 7404  
arson, arson, aggravated robbery, robbery, aggravated burglary, 7405  
burglary, trespassing in a habitation when a person is present 7406  
or likely to be present, engaging in a pattern of corrupt 7407  
activity, corrupting another with drugs, a felony drug 7408  
trafficking, manufacturing, processing, or possession offense, 7409  
theft of drugs, or illegal processing of drug documents, the 7410  
commission of a felony offense of unauthorized use of a vehicle, 7411  
illegally transmitting multiple commercial electronic mail 7412  
messages or unauthorized access of a computer in violation of 7413  
section 2923.421 of the Revised Code, or the commission of a 7414  
violation of any provision of Chapter 3734. of the Revised Code, 7415  
other than section 3734.18 of the Revised Code, that relates to 7416  
hazardous wastes, shall do either of the following: 7417

(1) With another person or persons, plan or aid in 7418  
planning the commission of any of the specified offenses; 7419

(2) Agree with another person or persons that one or more 7420  
of them will engage in conduct that facilitates the commission 7421  
of any of the specified offenses. 7422

(B) No person shall be convicted of conspiracy unless a 7423  
substantial overt act in furtherance of the conspiracy is 7424  
alleged and proved to have been done by the accused or a person 7425  
with whom the accused conspired, subsequent to the accused's 7426  
entrance into the conspiracy. For purposes of this section, an 7427  
overt act is substantial when it is of a character that 7428

manifests a purpose on the part of the actor that the object of 7429  
the conspiracy should be completed. 7430

(C) When the offender knows or has reasonable cause to 7431  
believe that a person with whom the offender conspires also has 7432  
conspired or is conspiring with another to commit the same 7433  
offense, the offender is guilty of conspiring with that other 7434  
person, even though the other person's identity may be unknown 7435  
to the offender. 7436

(D) It is no defense to a charge under this section that, 7437  
in retrospect, commission of the offense that was the object of 7438  
the conspiracy was impossible under the circumstances. 7439

(E) A conspiracy terminates when the offense or offenses 7440  
that are its objects are committed or when it is abandoned by 7441  
all conspirators. In the absence of abandonment, it is no 7442  
defense to a charge under this section that no offense that was 7443  
the object of the conspiracy was committed. 7444

(F) A person who conspires to commit more than one offense 7445  
is guilty of only one conspiracy, when the offenses are the 7446  
object of the same agreement or continuous conspiratorial 7447  
relationship. 7448

(G) When a person is convicted of committing or attempting 7449  
to commit a specific offense or of complicity in the commission 7450  
of or attempt to commit the specific offense, the person shall 7451  
not be convicted of conspiracy involving the same offense. 7452

(H) (1) No person shall be convicted of conspiracy upon the 7453  
testimony of a person with whom the defendant conspired, 7454  
unsupported by other evidence. 7455

(2) If a person with whom the defendant allegedly has 7456  
conspired testifies against the defendant in a case in which the 7457



defendant is charged with conspiracy and if the testimony is 7458  
supported by other evidence, the court, when it charges the 7459  
jury, shall state substantially the following: 7460

"The testimony of an accomplice that is supported by other 7461  
evidence does not become inadmissible because of the 7462  
accomplice's complicity, moral turpitude, or self-interest, but 7463  
the admitted or claimed complicity of a witness may affect the 7464  
witness' credibility and make the witness' testimony subject to 7465  
grave suspicion, and require that it be weighed with great 7466  
caution. 7467

It is for you, as jurors, in the light of all the facts 7468  
presented to you from the witness stand, to evaluate such 7469  
testimony and to determine its quality and worth or its lack of 7470  
quality and worth." 7471

(3) "Conspiracy," as used in division (H)(1) of this 7472  
section, does not include any conspiracy that results in an 7473  
attempt to commit an offense or in the commission of an offense. 7474

(I) The following are affirmative defenses to a charge of 7475  
conspiracy: 7476

(1) After conspiring to commit an offense, the actor 7477  
thwarted the success of the conspiracy under circumstances 7478  
manifesting a complete and voluntary renunciation of the actor's 7479  
criminal purpose. 7480

(2) After conspiring to commit an offense, the actor 7481  
abandoned the conspiracy prior to the commission of or attempt 7482  
to commit any offense that was the object of the conspiracy, 7483  
either by advising all other conspirators of the actor's 7484  
abandonment, or by informing any law enforcement authority of 7485  
the existence of the conspiracy and of the actor's participation 7486

in the conspiracy. 7487

(J) Whoever violates this section is guilty of conspiracy, 7488  
which is one of the following: 7489

(1) A felony of the first degree, when one of the objects 7490  
of the conspiracy is aggravated murder, murder, or an offense 7491  
for which the maximum penalty is imprisonment for life; 7492

(2) A felony of the next lesser degree than the most 7493  
serious offense that is the object of the conspiracy, when the 7494  
most serious offense that is the object of the conspiracy is a 7495  
felony of the first, second, third, or fourth degree; 7496

(3) A felony punishable by a fine of not more than twenty- 7497  
five thousand dollars or imprisonment for not more than eighteen 7498  
months, or both, when the offense that is the object of the 7499  
conspiracy is a violation of any provision of Chapter 3734. of 7500  
the Revised Code, other than section 3734.18 of the Revised 7501  
Code, that relates to hazardous wastes; 7502

(4) A misdemeanor of the first degree, when the most 7503  
serious offense that is the object of the conspiracy is a felony 7504  
of the fifth degree. 7505

(K) This section does not define a separate conspiracy 7506  
offense or penalty where conspiracy is defined as an offense by 7507  
one or more sections of the Revised Code, other than this 7508  
section. In such a case, however: 7509

(1) With respect to the offense specified as the object of 7510  
the conspiracy in the other section or sections, division (A) of 7511  
this section defines the voluntary act or acts and culpable 7512  
mental state necessary to constitute the conspiracy; 7513

(2) Divisions (B) to (I) of this section are incorporated 7514

by reference in the conspiracy offense defined by the other 7515  
section or sections of the Revised Code. 7516

(L) (1) In addition to the penalties that otherwise are 7517  
imposed for conspiracy, a person who is found guilty of 7518  
conspiracy to engage in a pattern of corrupt activity is subject 7519  
to divisions (B) (2) and (3) of section 2923.32, division (A) of 7520  
section 2981.04, and division (D) of section 2981.06 of the 7521  
Revised Code. 7522

(2) If a person is convicted of or pleads guilty to 7523  
conspiracy and if the most serious offense that is the object of 7524  
the conspiracy is a felony drug trafficking, manufacturing, 7525  
processing, or possession offense, in addition to the penalties 7526  
or sanctions that may be imposed for the conspiracy under 7527  
division (J) (2) or (4) of this section and Chapter 2929. of the 7528  
Revised Code, both of the following apply: 7529

(a) The provisions of divisions ~~(D)~~, ~~(F)~~, (L), (N), and 7530  
~~(G)~~ (O) of section 2925.03 and the related provisions of 7531  
sections 2925.031 and 2925.032, division (D) of section 2925.04, 7532  
division (D) of section 2925.05, division (D) of section 7533  
2925.06, and division (E) of section 2925.11 of the Revised Code 7534  
that pertain to mandatory and additional fines, driver's or 7535  
commercial driver's license or permit suspensions, and 7536  
professionally licensed persons and that would apply under the 7537  
appropriate provisions of those divisions to a person who is 7538  
convicted of or pleads guilty to the felony drug trafficking, 7539  
manufacturing, processing, or possession offense that is the 7540  
most serious offense that is the basis of the conspiracy shall 7541  
apply to the person who is convicted of or pleads guilty to the 7542  
conspiracy as if the person had been convicted of or pleaded 7543  
guilty to the felony drug trafficking, manufacturing, 7544

processing, or possession offense that is the most serious 7545  
offense that is the basis of the conspiracy. 7546

(b) The court that imposes sentence upon the person who is 7547  
convicted of or pleads guilty to the conspiracy shall comply 7548  
with the provisions identified as being applicable under 7549  
division (L) (2) of this section, in addition to any other 7550  
penalty or sanction that it imposes for the conspiracy under 7551  
division (J) (2) or (4) of this section and Chapter 2929. of the 7552  
Revised Code. 7553

(M) As used in this section: 7554

(1) "Felony drug trafficking, manufacturing, processing, 7555  
or possession offense" means any of the following that is a 7556  
felony: 7557

(a) A violation of section 2925.03, 2925.031, 2925.032, 7558  
2925.04, 2925.05, or 2925.06 of the Revised Code; 7559

(b) A violation of section 2925.11 or 2925.111 of the 7560  
Revised Code that is not a minor drug possession offense. 7561

(2) "Minor drug possession offense" has the same meaning 7562  
as in section 2925.01 of the Revised Code. 7563

**Sec. 2923.241.** (A) As used in this section: 7564

(1) "Controlled substance" has the same meaning as in 7565  
section 3719.01 of the Revised Code. 7566

(2) "Hidden compartment" means a container, space, or 7567  
enclosure that conceals, hides, or otherwise prevents the 7568  
discovery of the contents of the container, space, or enclosure. 7569  
"Hidden compartment" includes, but is not limited to, any of the 7570  
following: 7571

- (a) False, altered, or modified fuel tanks; 7572
- (b) Any original factory equipment on a vehicle that has 7573  
been modified to conceal, hide, or prevent the discovery of the 7574  
modified equipment's contents; 7575
- (c) Any compartment, space, box, or other closed container 7576  
that is added or attached to existing compartments, spaces, 7577  
boxes, or closed containers integrated or attached to a vehicle. 7578
- (3) "Vehicle" has the same meaning as in section 4511.01 7579  
of the Revised Code and includes, but is not limited to, a motor 7580  
vehicle, commercial tractor, trailer, noncommercial trailer, 7581  
semitrailer, mobile home, recreational vehicle, or motor home. 7582
- (4) "Motor vehicle," "commercial trailer," "trailer," 7583  
"noncommercial trailer," "semitrailer," "mobile home," 7584  
"manufacturer," "recreational vehicle," and "motor home" have 7585  
the same meanings as in section 4501.01 of the Revised Code. 7586
- (5) "Motor vehicle dealer" has the same meaning as in 7587  
section 4517.01 of the Revised Code. 7588
- (B) No person shall knowingly design, build, construct, or 7589  
fabricate a vehicle with a hidden compartment, or modify or 7590  
alter any portion of a vehicle in order to create or add a 7591  
hidden compartment, with the intent to facilitate the unlawful 7592  
concealment or transportation of a controlled substance. 7593
- (C) No person shall knowingly operate, possess, or use a 7594  
vehicle with a hidden compartment with knowledge that the hidden 7595  
compartment is used or intended to be used to facilitate the 7596  
unlawful concealment or transportation of a controlled 7597  
substance. 7598
- (D) No person who has been convicted of or pleaded guilty 7599

to a violation of aggravated trafficking in drugs under section 7600  
2925.03 of the Revised Code as it existed prior to the effective 7601  
date of this amendment that is a felony of the first or second 7602  
degree, or a violation of section 2925.03, 2925.031, or 2925.032 7603  
of the Revised Code as those sections exist on and after the 7604  
effective date of this amendment and that involve a schedule I 7605  
or schedule II controlled substance and are a felony of the 7606  
first or second degree, shall operate, possess, or use a vehicle 7607  
with a hidden compartment. 7608

(E) Whoever violates division (B) of this section is 7609  
guilty of designing a vehicle with a hidden compartment used to 7610  
transport a controlled substance. Except as otherwise provided 7611  
in this division, designing a vehicle with a hidden compartment 7612  
used to transport a controlled substance is a felony of the 7613  
fourth degree. If the offender previously has been convicted of 7614  
or pleaded guilty to a violation of division (B) of this 7615  
section, designing a vehicle with a hidden compartment used to 7616  
transport a controlled substance is a felony of the third 7617  
degree. 7618

(F) Whoever violates division (C) or (D) of this section 7619  
is guilty of operating a vehicle with a hidden compartment used 7620  
to transport a controlled substance. Except as otherwise 7621  
provided in this division, operating a vehicle with a hidden 7622  
compartment used to transport a controlled substance is a felony 7623  
of the fourth degree. Except as otherwise provided in this 7624  
division, if the offender previously has been convicted of or 7625  
pleaded guilty to a violation of division (C) or (D) of this 7626  
section, operating a vehicle with a hidden compartment used to 7627  
transport a controlled substance is a felony of the third 7628  
degree. If the hidden compartment contains a controlled 7629  
substance at the time of the offense, operating a vehicle with a 7630

hidden compartment used to transport a controlled substance is a 7631  
felony of the second degree. 7632

(G) This section does not apply to any law enforcement 7633  
officer acting in the performance of the law enforcement 7634  
officer's duties. 7635

(H) (1) This section does not apply to any licensed motor 7636  
vehicle dealer or motor vehicle manufacturer that in the 7637  
ordinary course of business repairs, purchases, receives in 7638  
trade, leases, or sells a motor vehicle. 7639

(2) This section does not impose a duty on a licensed 7640  
motor vehicle dealer to know, discover, report, repair, or 7641  
disclose the existence of a hidden compartment to any person. 7642

(I) This section does not apply to a box, safe, container, 7643  
or other item added to a vehicle for the purpose of securing 7644  
valuables, electronics, or firearms provided that at the time of 7645  
discovery the box, safe, container, or other item added to the 7646  
vehicle does not contain a controlled substance or visible 7647  
residue of a controlled substance. 7648

**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of 7649  
the Revised Code: 7650

(A) "Beneficial interest" means any of the following: 7651

(1) The interest of a person as a beneficiary under a 7652  
trust in which the trustee holds title to personal or real 7653  
property; 7654

(2) The interest of a person as a beneficiary under any 7655  
other trust arrangement under which any other person holds title 7656  
to personal or real property for the benefit of such person; 7657

(3) The interest of a person under any other form of 7658

express fiduciary arrangement under which any other person holds 7659  
title to personal or real property for the benefit of such 7660  
person. 7661

"Beneficial interest" does not include the interest of a 7662  
stockholder in a corporation or the interest of a partner in 7663  
either a general or limited partnership. 7664

(B) "Costs of investigation and prosecution" and "costs of 7665  
investigation and litigation" mean all of the costs incurred by 7666  
the state or a county or municipal corporation under sections 7667  
2923.31 to 2923.36 of the Revised Code in the prosecution and 7668  
investigation of any criminal action or in the litigation and 7669  
investigation of any civil action, and includes, but is not 7670  
limited to, the costs of resources and personnel. 7671

(C) "Enterprise" includes any individual, sole 7672  
proprietorship, partnership, limited partnership, corporation, 7673  
trust, union, government agency, or other legal entity, or any 7674  
organization, association, or group of persons associated in 7675  
fact although not a legal entity. "Enterprise" includes illicit 7676  
as well as licit enterprises. 7677

(D) "Innocent person" includes any bona fide purchaser of 7678  
property that is allegedly involved in a violation of section 7679  
2923.32 of the Revised Code, including any person who 7680  
establishes a valid claim to or interest in the property in 7681  
accordance with division (E) of section 2981.04 of the Revised 7682  
Code, and any victim of an alleged violation of that section or 7683  
of any underlying offense involved in an alleged violation of 7684  
that section. 7685

(E) "Pattern of corrupt activity" means two or more 7686  
incidents of corrupt activity, whether or not there has been a 7687



prior conviction, that are related to the affairs of the same 7688  
enterprise, are not isolated, and are not so closely related to 7689  
each other and connected in time and place that they constitute 7690  
a single event. 7691

At least one of the incidents forming the pattern shall 7692  
occur on or after January 1, 1986. Unless any incident was an 7693  
aggravated murder or murder, the last of the incidents forming 7694  
the pattern shall occur within six years after the commission of 7695  
any prior incident forming the pattern, excluding any period of 7696  
imprisonment served by any person engaging in the corrupt 7697  
activity. 7698

For the purposes of the criminal penalties that may be 7699  
imposed pursuant to section 2923.32 of the Revised Code, at 7700  
least one of the incidents forming the pattern shall constitute 7701  
a felony under the laws of this state in existence at the time 7702  
it was committed or, if committed in violation of the laws of 7703  
the United States or of any other state, shall constitute a 7704  
felony under the law of the United States or the other state and 7705  
would be a criminal offense under the law of this state if 7706  
committed in this state. 7707

(F) "Pecuniary value" means money, a negotiable 7708  
instrument, a commercial interest, or anything of value, as 7709  
defined in section 1.03 of the Revised Code, or any other 7710  
property or service that has a value in excess of one hundred 7711  
dollars. 7712

(G) "Person" means any person, as defined in section 1.59 7713  
of the Revised Code, and any governmental officer, employee, or 7714  
entity. 7715

(H) "Personal property" means any personal property, any 7716

interest in personal property, or any right, including, but not 7717  
limited to, bank accounts, debts, corporate stocks, patents, or 7718  
copyrights. Personal property and any beneficial interest in 7719  
personal property are deemed to be located where the trustee of 7720  
the property, the personal property, or the instrument 7721  
evidencing the right is located. 7722

(I) "Corrupt activity" means engaging in, attempting to 7723  
engage in, conspiring to engage in, or soliciting, coercing, or 7724  
intimidating another person to engage in any of the following: 7725

(1) Conduct defined as "racketeering activity" under the 7726  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 7727  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 7728

(2) Conduct constituting any of the following: 7729

(a) A violation of section 1315.55, 1322.07, 2903.01, 7730  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 7731  
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 7732  
this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 7733  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 7734  
2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 7735  
2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12, 7736  
2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 7737  
division (F)(1)(a), (b), or (c) of section 1315.53; division (A) 7738  
(1) or (2) of section 1707.042; division (B), (C)(4), (D), (E), 7739  
or (F) of section 1707.44; division (A)(1) or (2) of section 7740  
2923.20; division (E) or (G) of section 3772.99; division (J)(1) 7741  
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 7742  
division (C), (D), or (E) of section 4719.07; section 4719.08; 7743  
or division (A) of section 4719.09 of the Revised Code. 7744

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 7745

3769.19 of the Revised Code as it existed prior to July 1, 1996, 7746  
any violation of section 2915.02 of the Revised Code that occurs 7747  
on or after July 1, 1996, and that, had it occurred prior to 7748  
that date, would have been a violation of section 3769.11 of the 7749  
Revised Code as it existed prior to that date, or any violation 7750  
of section 2915.05 of the Revised Code that occurs on or after 7751  
July 1, 1996, and that, had it occurred prior to that date, 7752  
would have been a violation of section 3769.15, 3769.16, or 7753  
3769.19 of the Revised Code as it existed prior to that date. 7754

(c) Any violation of section 2907.21, 2907.22, 2907.31, 7755  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 7756  
2913.47, 2913.51, 2915.03, 2925.03, 2925.031, 2925.032, 2925.04, 7757  
2925.05, or 2925.37 of the Revised Code, any violation of 7758  
section 2925.11 or 2925.111 of the Revised Code that is a felony 7759  
of the first, second, third, or fourth degree and that occurs on 7760  
or after July 1, 1996, any violation of section 2915.02 of the 7761  
Revised Code that occurred prior to July 1, 1996, any violation 7762  
of section 2915.02 of the Revised Code that occurs on or after 7763  
July 1, 1996, and that, had it occurred prior to that date, 7764  
would not have been a violation of section 3769.11 of the 7765  
Revised Code as it existed prior to that date, any violation of 7766  
section 2915.06 of the Revised Code as it existed prior to July 7767  
1, 1996, or any violation of division (B) of section 2915.05 of 7768  
the Revised Code as it exists on and after July 1, 1996, when 7769  
the proceeds of the violation, the payments made in the 7770  
violation, the amount of a claim for payment or for any other 7771  
benefit that is false or deceptive and that is involved in the 7772  
violation, or the value of the contraband or other property 7773  
illegally possessed, sold, or purchased in the violation exceeds 7774  
one thousand dollars, or any combination of violations described 7775  
in division (I) (2) (c) of this section when the total proceeds of 7776

the combination of violations, payments made in the combination 7777  
of violations, amount of the claims for payment or for other 7778  
benefits that is false or deceptive and that is involved in the 7779  
combination of violations, or value of the contraband or other 7780  
property illegally possessed, sold, or purchased in the 7781  
combination of violations exceeds one thousand dollars; 7782

(d) Any violation of section 5743.112 of the Revised Code 7783  
when the amount of unpaid tax exceeds one hundred dollars; 7784

(e) Any violation or combination of violations of section 7785  
2907.32 of the Revised Code involving any material or 7786  
performance containing a display of bestiality or of sexual 7787  
conduct, as defined in section 2907.01 of the Revised Code, that 7788  
is explicit and depicted with clearly visible penetration of the 7789  
genitals or clearly visible penetration by the penis of any 7790  
orifice when the total proceeds of the violation or combination 7791  
of violations, the payments made in the violation or combination 7792  
of violations, or the value of the contraband or other property 7793  
illegally possessed, sold, or purchased in the violation or 7794  
combination of violations exceeds one thousand dollars; 7795

(f) Any combination of violations described in division 7796  
(I) (2) (c) of this section and violations of section 2907.32 of 7797  
the Revised Code involving any material or performance 7798  
containing a display of bestiality or of sexual conduct, as 7799  
defined in section 2907.01 of the Revised Code, that is explicit 7800  
and depicted with clearly visible penetration of the genitals or 7801  
clearly visible penetration by the penis of any orifice when the 7802  
total proceeds of the combination of violations, payments made 7803  
in the combination of violations, amount of the claims for 7804  
payment or for other benefits that is false or deceptive and 7805  
that is involved in the combination of violations, or value of 7806

the contraband or other property illegally possessed, sold, or 7807  
purchased in the combination of violations exceeds one thousand 7808  
dollars; 7809

(g) Any violation of section 2905.32 of the Revised Code 7810  
to the extent the violation is not based solely on the same 7811  
conduct that constitutes corrupt activity pursuant to division 7812  
(I) (2) (c) of this section due to the conduct being in violation 7813  
of section 2907.21 of the Revised Code. 7814

(3) Conduct constituting a violation of any law of any 7815  
state other than this state that is substantially similar to the 7816  
conduct described in division (I) (2) of this section, provided 7817  
the defendant was convicted of the conduct in a criminal 7818  
proceeding in the other state; 7819

(4) Animal or ecological terrorism; 7820

(5) (a) Conduct constituting any of the following: 7821

(i) Organized retail theft; 7822

(ii) Conduct that constitutes one or more violations of 7823  
any law of any state other than this state, that is 7824  
substantially similar to organized retail theft, and that if 7825  
committed in this state would be organized retail theft, if the 7826  
defendant was convicted of or pleaded guilty to the conduct in a 7827  
criminal proceeding in the other state. 7828

(b) By enacting division (I) (5) (a) of this section, it is 7829  
the intent of the general assembly to add organized retail theft 7830  
and the conduct described in division (I) (5) (a) (ii) of this 7831  
section as conduct constituting corrupt activity. The enactment 7832  
of division (I) (5) (a) of this section and the addition by 7833  
division (I) (5) (a) of this section of organized retail theft and 7834  
the conduct described in division (I) (5) (a) (ii) of this section 7835

as conduct constituting corrupt activity does not limit or 7836  
preclude, and shall not be construed as limiting or precluding, 7837  
any prosecution for a violation of section 2923.32 of the 7838  
Revised Code that is based on one or more violations of section 7839  
2913.02 or 2913.51 of the Revised Code, one or more similar 7840  
offenses under the laws of this state or any other state, or any 7841  
combination of any of those violations or similar offenses, even 7842  
though the conduct constituting the basis for those violations 7843  
or offenses could be construed as also constituting organized 7844  
retail theft or conduct of the type described in division (I)(5) 7845  
(a)(ii) of this section. 7846

(J) "Real property" means any real property or any 7847  
interest in real property, including, but not limited to, any 7848  
lease of, or mortgage upon, real property. Real property and any 7849  
beneficial interest in it is deemed to be located where the real 7850  
property is located. 7851

(K) "Trustee" means any of the following: 7852

(1) Any person acting as trustee under a trust in which 7853  
the trustee holds title to personal or real property; 7854

(2) Any person who holds title to personal or real 7855  
property for which any other person has a beneficial interest; 7856

(3) Any successor trustee. 7857

"Trustee" does not include an assignee or trustee for an 7858  
insolvent debtor or an executor, administrator, administrator 7859  
with the will annexed, testamentary trustee, guardian, or 7860  
committee, appointed by, under the control of, or accountable to 7861  
a court. 7862

(L) "Unlawful debt" means any money or other thing of 7863  
value constituting principal or interest of a debt that is 7864

legally unenforceable in this state in whole or in part because 7865  
the debt was incurred or contracted in violation of any federal 7866  
or state law relating to the business of gambling activity or 7867  
relating to the business of lending money at an usurious rate 7868  
unless the creditor proves, by a preponderance of the evidence, 7869  
that the usurious rate was not intentionally set and that it 7870  
resulted from a good faith error by the creditor, 7871  
notwithstanding the maintenance of procedures that were adopted 7872  
by the creditor to avoid an error of that nature. 7873

(M) "Animal activity" means any activity that involves the 7874  
use of animals or animal parts, including, but not limited to, 7875  
hunting, fishing, trapping, traveling, camping, the production, 7876  
preparation, or processing of food or food products, clothing or 7877  
garment manufacturing, medical research, other research, 7878  
entertainment, recreation, agriculture, biotechnology, or 7879  
service activity that involves the use of animals or animal 7880  
parts. 7881

(N) "Animal facility" means a vehicle, building, 7882  
structure, nature preserve, or other premises in which an animal 7883  
is lawfully kept, handled, housed, exhibited, bred, or offered 7884  
for sale, including, but not limited to, a zoo, rodeo, circus, 7885  
amusement park, hunting preserve, or premises in which a horse 7886  
or dog event is held. 7887

(O) "Animal or ecological terrorism" means the commission 7888  
of any felony that involves causing or creating a substantial 7889  
risk of physical harm to any property of another, the use of a 7890  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 7891  
recklessly causing serious physical harm to property and that 7892  
involves an intent to obstruct, impede, or deter any person from 7893  
participating in a lawful animal activity, from mining, 7894

forestry, harvesting, gathering, or processing natural 7895  
resources, or from being lawfully present in or on an animal 7896  
facility or research facility. 7897

(P) "Research facility" means a place, laboratory, 7898  
institution, medical care facility, government facility, or 7899  
public or private educational institution in which a scientific 7900  
test, experiment, or investigation involving the use of animals 7901  
or other living organisms is lawfully carried out, conducted, or 7902  
attempted. 7903

(Q) "Organized retail theft" means the theft of retail 7904  
property with a retail value of one thousand dollars or more 7905  
from one or more retail establishments with the intent to sell, 7906  
deliver, or transfer that property to a retail property fence. 7907

(R) "Retail property" means any tangible personal property 7908  
displayed, held, stored, or offered for sale in or by a retail 7909  
establishment. 7910

(S) "Retail property fence" means a person who possesses, 7911  
procures, receives, or conceals retail property that was 7912  
represented to the person as being stolen or that the person 7913  
knows or believes to be stolen. 7914

(T) "Retail value" means the full retail value of the 7915  
retail property. In determining whether the retail value of 7916  
retail property equals or exceeds one thousand dollars, the 7917  
value of all retail property stolen from the retail 7918  
establishment or retail establishments by the same person or 7919  
persons within any one-hundred-eighty-day period shall be 7920  
aggregated. 7921

**Sec. 2923.41.** As used in sections 2923.41 to 2923.44 of 7922  
the Revised Code: 7923



(A) "Criminal gang" means an ongoing formal or informal organization, association, or group of three or more persons to which all of the following apply:

(1) It has as one of its primary activities the commission of one or more of the offenses listed in division (B) of this section.

(2) It has a common name or one or more common, identifying signs, symbols, or colors.

(3) The persons in the organization, association, or group individually or collectively engage in or have engaged in a pattern of criminal gang activity.

(B)(1) "Pattern of criminal gang activity" means, subject to division (B)(2) of this section, that persons in the criminal gang have committed, attempted to commit, conspired to commit, been complicitors in the commission of, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in the commission of two or more of any of the following offenses:

(a) A felony or an act committed by a juvenile that would be a felony if committed by an adult;

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult;

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 of the Revised Code, section 2921.04 or 2923.16 of the Revised Code, section 2925.03, 2925.031, or 2925.032 of the Revised Code if the offense is aggravated trafficking in marihuana, major trafficking in marihuana, or trafficking in marihuana or section 2927.12 of the

Revised Code. 7953

(2) There is a "pattern of criminal gang activity" if all 7954  
of the following apply with respect to the offenses that are 7955  
listed in division (B)(1)(a), (b), or (c) of this section and 7956  
that persons in the criminal gang committed, attempted to 7957  
commit, conspired to commit, were in complicity in committing, 7958  
or solicited, coerced, or intimidated another to commit, attempt 7959  
to commit, conspire to commit, or be in complicity in 7960  
committing: 7961

(a) At least one of the two or more offenses is a felony. 7962

(b) At least one of those two or more offenses occurs on 7963  
or after January 1, 1999. 7964

(c) The last of those two or more offenses occurs within 7965  
five years after at least one of those offenses. 7966

(d) The two or more offenses are committed on separate 7967  
occasions or by two or more persons. 7968

(C) "Criminal conduct" means the commission of, an attempt 7969  
to commit, a conspiracy to commit, complicity in the commission 7970  
of, or solicitation, coercion, or intimidation of another to 7971  
commit, attempt to commit, conspire to commit, or be in 7972  
complicity in the commission of an offense listed in division 7973  
(B)(1)(a), (b), or (c) of this section or an act that is 7974  
committed by a juvenile and that would be an offense, an attempt 7975  
to commit an offense, a conspiracy to commit an offense, 7976  
complicity in the commission of, or solicitation, coercion, or 7977  
intimidation of another to commit, attempt to commit, conspire 7978  
to commit, or be in complicity in the commission of an offense 7979  
listed in division (B)(1)(a), (b), or (c) of this section if 7980  
committed by an adult. 7981

(D) "Juvenile" means a person who is under eighteen years 7982  
of age. 7983

(E) "Law enforcement agency" includes, but is not limited 7984  
to, the state board of pharmacy and the office of a prosecutor. 7985

(F) "Prosecutor" has the same meaning as in section 7986  
2935.01 of the Revised Code. 7987

**Sec. 2925.02.** (A) No person shall knowingly do any of the 7988  
following: 7989

(1) By force, threat, or deception, administer to another 7990  
or induce or cause another to use a controlled substance; 7991

(2) By any means, administer or furnish to another or 7992  
induce or cause another to use a controlled substance with 7993  
purpose to cause serious physical harm to the other person, or 7994  
with purpose to cause the other person to become drug dependent; 7995

(3) By any means, administer or furnish to another or 7996  
induce or cause another to use a controlled substance, and 7997  
thereby cause serious physical harm to the other person, or 7998  
cause the other person to become drug dependent; 7999

(4) By any means, do any of the following: 8000

(a) Furnish or administer a controlled substance to a 8001  
juvenile who is at least two years the offender's junior, when 8002  
the offender knows the age of the juvenile or is reckless in 8003  
that regard; 8004

(b) Induce or cause a juvenile who is at least two years 8005  
the offender's junior to use a controlled substance, when the 8006  
offender knows the age of the juvenile or is reckless in that 8007  
regard; 8008

(c) Induce or cause a juvenile who is at least two years 8009  
the offender's junior to commit a felony drug abuse offense, 8010  
when the offender knows the age of the juvenile or is reckless 8011  
in that regard; 8012

(d) Use a juvenile, whether or not the offender knows the 8013  
age of the juvenile, to perform any surveillance activity that 8014  
is intended to prevent the detection of the offender or any 8015  
other person in the commission of a felony drug abuse offense or 8016  
to prevent the arrest of the offender or any other person for 8017  
the commission of a felony drug abuse offense. 8018

(5) By any means, furnish or administer a controlled 8019  
substance to a pregnant woman or induce or cause a pregnant 8020  
woman to use a controlled substance, when the offender knows 8021  
that the woman is pregnant or is reckless in that regard. 8022

(B) Division (A) (1), (3), (4), or (5) of this section does 8023  
not apply to manufacturers, wholesalers, licensed health 8024  
professionals authorized to prescribe drugs, pharmacists, owners 8025  
of pharmacies, and other persons whose conduct is in accordance 8026  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 8027  
4741. of the Revised Code. 8028

(C) Whoever violates this section is guilty of corrupting 8029  
another with drugs. The penalty for the offense shall be 8030  
determined as follows: 8031

(1) If the offense is a violation of division (A) (1), (2), 8032  
(3), or (4) of this section and the drug involved is any 8033  
compound, mixture, preparation, or substance included in 8034  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 8035  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8036  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8037

dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 8038  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 8039  
offender shall be punished as follows: 8040

(a) Except as otherwise provided in division (C)(1)(b) of 8041  
this section, corrupting another with drugs committed in those 8042  
circumstances is a felony of the second degree and, subject to 8043  
division (E) of this section, the court shall impose as a 8044  
mandatory prison term a second degree felony mandatory prison 8045  
term. 8046

(b) If the offense was committed in the vicinity of a 8047  
school, corrupting another with drugs committed in those 8048  
circumstances is a felony of the first degree, and, subject to 8049  
division (E) of this section, the court shall impose as a 8050  
mandatory prison term a first degree felony mandatory prison 8051  
term. 8052

(2) If the offense is a violation of division (A)(1), (2), 8053  
(3), or (4) of this section and the drug involved is any 8054  
compound, mixture, preparation, or substance included in 8055  
schedule III, IV, or V, the offender shall be punished as 8056  
follows: 8057

(a) Except as otherwise provided in division (C)(2)(b) of 8058  
this section, corrupting another with drugs committed in those 8059  
circumstances is a felony of the second degree and there is a 8060  
presumption for a prison term for the offense. 8061

(b) If the offense was committed in the vicinity of a 8062  
school, corrupting another with drugs committed in those 8063  
circumstances is a felony of the second degree and the court 8064  
shall impose as a mandatory prison term a second degree felony 8065  
mandatory prison term. 8066

(3) If the offense is a violation of division (A) (1), (2), 8067  
(3), or (4) of this section and the drug involved is marihuana, 8068  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 8069  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8070  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 8071  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 8072  
offender shall be punished as follows: 8073

(a) Except as otherwise provided in division (C) (3) (b) of 8074  
this section, corrupting another with drugs committed in those 8075  
circumstances is a felony of the fourth degree and division (C) 8076  
of section 2929.13 of the Revised Code applies in determining 8077  
whether to impose a prison term on the offender. 8078

(b) If the offense was committed in the vicinity of a 8079  
school, corrupting another with drugs committed in those 8080  
circumstances is a felony of the third degree and division (C) 8081  
of section 2929.13 of the Revised Code applies in determining 8082  
whether to impose a prison term on the offender. 8083

(4) If the offense is a violation of division (A) (5) of 8084  
this section and the drug involved is any compound, mixture, 8085  
preparation, or substance included in schedule I or II, with the 8086  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 8087  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 8088  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 8089  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 8090  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 8091  
felony of the first degree and, subject to division (E) of this 8092  
section, the court shall impose as a mandatory prison term a 8093  
first degree felony mandatory prison term. 8094

(5) If the offense is a violation of division (A) (5) of 8095  
this section and the drug involved is any compound, mixture, 8096

preparation, or substance included in schedule III, IV, or V, 8097  
corrupting another with drugs is a felony of the second degree 8098  
and the court shall impose as a mandatory prison term a second 8099  
degree felony mandatory prison term. 8100

(6) If the offense is a violation of division (A) (5) of 8101  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 8102  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8103  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 8104  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 8105  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 8106  
corrupting another with drugs is a felony of the third degree 8107  
and division (C) of section 2929.13 of the Revised Code applies 8108  
in determining whether to impose a prison term on the offender. 8109

(D) In addition to any prison term authorized or required 8110  
by division (C) or (E) of this section and sections 2929.13 and 8111  
2929.14 of the Revised Code and in addition to any other 8112  
sanction imposed for the offense under this section or sections 8113  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8114  
an offender who is convicted of or pleads guilty to a violation 8115  
of division (A) of this section may suspend for not more than 8116  
five years the offender's driver's or commercial driver's 8117  
license or permit. However, if the offender pleaded guilty to or 8118  
was convicted of a violation of section 4511.19 of the Revised 8119  
Code or a substantially similar municipal ordinance or the law 8120  
of another state or the United States arising out of the same 8121  
set of circumstances as the violation, the court shall suspend 8122  
the offender's driver's or commercial driver's license or permit 8123  
for not more than five years. The court also shall do all of the 8124  
following that are applicable regarding the offender: 8125

(1) (a) If the violation is a felony of the first, second, 8126

or third degree, the court shall impose upon the offender the 8127  
mandatory fine specified for the offense under division (B) (1) 8128  
of section 2929.18 of the Revised Code unless, as specified in 8129  
that division, the court determines that the offender is 8130  
indigent. 8131

(b) Notwithstanding any contrary provision of section 8132  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 8133  
to division (D) (1) (a) of this section and any fine imposed for a 8134  
violation of this section pursuant to division (A) of section 8135  
2929.18 of the Revised Code shall be paid by the clerk of the 8136  
court in accordance with and subject to the requirements of, and 8137  
shall be used as specified in, division ~~(F)~~ (N) of section 8138  
2925.03 of the Revised Code. 8139

(c) If a person is charged with any violation of this 8140  
section that is a felony of the first, second, or third degree, 8141  
posts bail, and forfeits the bail, the forfeited bail shall be 8142  
paid by the clerk of the court pursuant to division (D) (1) (b) of 8143  
this section as if it were a fine imposed for a violation of 8144  
this section. 8145

(2) If the offender is a professionally licensed person, 8146  
in addition to any other sanction imposed for a violation of 8147  
this section, the court immediately shall comply with section 8148  
2925.38 of the Revised Code. 8149

(E) Notwithstanding the prison term otherwise authorized 8150  
or required for the offense under division (C) of this section 8151  
and sections 2929.13 and 2929.14 of the Revised Code, if the 8152  
violation of division (A) of this section involves the sale, 8153  
offer to sell, or possession of a schedule I or II controlled 8154  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 8155  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 8156



morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term that otherwise is authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

(F) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.

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

file such a motion. 8188

Upon the filing of a motion under division (F) (2) of this 8189  
section, the sentencing court, in its discretion, may terminate 8190  
the suspension. 8191

**Sec. 2925.04.** (A) No person shall knowingly cultivate 8192  
marihuana or knowingly manufacture or otherwise engage in any 8193  
part of the production of a controlled substance. 8194

(B) This section does not apply to any person listed in 8195  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 8196  
Code to the extent and under the circumstances described in 8197  
those divisions. 8198

(C) (1) Whoever commits a violation of division (A) of this 8199  
section that involves any drug other than marihuana is guilty of 8200  
illegal manufacture of drugs, and whoever commits a violation of 8201  
division (A) of this section that involves marihuana is guilty 8202  
of illegal cultivation of marihuana. 8203

(2) Except as otherwise provided in this division, if the 8204  
drug involved in the violation of division (A) of this section 8205  
is any compound, mixture, preparation, or substance included in 8206  
schedule I or II, with the exception of methamphetamine or 8207  
marihuana, illegal manufacture of drugs is a felony of the 8208  
second degree, and, subject to division (E) of this section, the 8209  
court shall impose as a mandatory prison term a second degree 8210  
felony mandatory prison term. 8211

If the drug involved in the violation is any compound, 8212  
mixture, preparation, or substance included in schedule I or II, 8213  
with the exception of methamphetamine or marihuana, and if the 8214  
offense was committed in the vicinity of a juvenile or in the 8215  
vicinity of a school, illegal manufacture of drugs is a felony 8216

of the first degree, and, subject to division (E) of this 8217  
section, the court shall impose as a mandatory prison term a 8218  
first degree felony mandatory prison term. 8219

(3) If the drug involved in the violation of division (A) 8220  
of this section is methamphetamine, the penalty for the 8221  
violation shall be determined as follows: 8222

(a) Except as otherwise provided in division (C) (3) (b) of 8223  
this section, if the drug involved in the violation is 8224  
methamphetamine, illegal manufacture of drugs is a felony of the 8225  
second degree, and, subject to division (E) of this section, the 8226  
court shall impose a mandatory prison term on the offender 8227  
determined in accordance with this division. Except as otherwise 8228  
provided in this division, the court shall impose as a mandatory 8229  
prison term a second degree felony mandatory prison term that is 8230  
not less than three years. If the offender previously has been 8231  
convicted of or pleaded guilty to a violation of division (A) of 8232  
this section, a violation of division (B) (6) of section 2919.22 8233  
of the Revised Code, or a violation of division (A) of section 8234  
2925.041 of the Revised Code, the court shall impose as a 8235  
mandatory prison term a second degree felony mandatory prison 8236  
term that is not less than five years. 8237

(b) If the drug involved in the violation is 8238  
methamphetamine and if the offense was committed in the vicinity 8239  
of a juvenile, in the vicinity of a school, or on public 8240  
premises, illegal manufacture of drugs is a felony of the first 8241  
degree, and, subject to division (E) of this section, the court 8242  
shall impose a mandatory prison term on the offender determined 8243  
in accordance with this division. Except as otherwise provided 8244  
in this division, the court shall impose as a mandatory prison 8245  
term a first degree felony mandatory prison term that is not 8246

less than four years. If the offender previously has been 8247  
convicted of or pleaded guilty to a violation of division (A) of 8248  
this section, a violation of division (B) (6) of section 2919.22 8249  
of the Revised Code, or a violation of division (A) of section 8250  
2925.041 of the Revised Code, the court shall impose as a 8251  
mandatory prison term a first degree felony mandatory prison 8252  
term that is not less than five years. 8253

(4) If the drug involved in the violation of division (A) 8254  
of this section is any compound, mixture, preparation, or 8255  
substance included in schedule III, IV, or V, illegal 8256  
manufacture of drugs is a felony of the third degree or, if the 8257  
offense was committed in the vicinity of a school or in the 8258  
vicinity of a juvenile, a felony of the second degree, and there 8259  
is a presumption for a prison term for the offense. 8260

(5) If the drug involved in the violation is marihuana, 8261  
the penalty for the offense shall be determined as follows: 8262

(a) Except as otherwise provided in division (C) (5) (b), 8263  
(c), (d), (e), or (f) of this section, illegal cultivation of 8264  
marihuana is a minor misdemeanor or, if the offense was 8265  
committed in the vicinity of a school or in the vicinity of a 8266  
juvenile, a misdemeanor of the fourth degree. 8267

(b) If the amount of marihuana involved equals or exceeds 8268  
one hundred grams but is less than two hundred grams, illegal 8269  
cultivation of marihuana is a misdemeanor of the fourth degree 8270  
or, if the offense was committed in the vicinity of a school or 8271  
in the vicinity of a juvenile, a misdemeanor of the third 8272  
degree. 8273

(c) If the amount of marihuana involved equals or exceeds 8274  
two hundred grams but is less than one thousand grams, illegal 8275

cultivation of marihuana is a felony of the fifth degree or, if 8276  
the offense was committed in the vicinity of a school or in the 8277  
vicinity of a juvenile, a felony of the fourth degree, and 8278  
division (B) of section 2929.13 of the Revised Code applies in 8279  
determining whether to impose a prison term on the offender. 8280

(d) If the amount of marihuana involved equals or exceeds 8281  
one thousand grams but is less than five thousand grams, illegal 8282  
cultivation of marihuana is a felony of the third degree or, if 8283  
the offense was committed in the vicinity of a school or in the 8284  
vicinity of a juvenile, a felony of the second degree, and 8285  
division (C) of section 2929.13 of the Revised Code applies in 8286  
determining whether to impose a prison term on the offender. 8287

(e) If the amount of marihuana involved equals or exceeds 8288  
five thousand grams but is less than twenty thousand grams, 8289  
illegal cultivation of marihuana is a felony of the third degree 8290  
or, if the offense was committed in the vicinity of a school or 8291  
in the vicinity of a juvenile, a felony of the second degree, 8292  
and there is a presumption for a prison term for the offense. 8293

(f) Except as otherwise provided in this division, if the 8294  
amount of marihuana involved equals or exceeds twenty thousand 8295  
grams, illegal cultivation of marihuana is a felony of the 8296  
second degree, and the court shall impose as a mandatory prison 8297  
term a maximum second degree felony mandatory prison term. If 8298  
the amount of the drug involved equals or exceeds twenty 8299  
thousand grams and if the offense was committed in the vicinity 8300  
of a school or in the vicinity of a juvenile, illegal 8301  
cultivation of marihuana is a felony of the first degree, and 8302  
the court shall impose as a mandatory prison term a maximum 8303  
first degree felony mandatory prison term. 8304

(D) In addition to any prison term authorized or required 8305

by division (C) or (E) of this section and sections 2929.13 and 8306  
2929.14 of the Revised Code and in addition to any other 8307  
sanction imposed for the offense under this section or sections 8308  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8309  
an offender who is convicted of or pleads guilty to a violation 8310  
of division (A) of this section may suspend the offender's 8311  
driver's or commercial driver's license or permit in accordance 8312  
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 8313  
However, if the offender pleaded guilty to or was convicted of a 8314  
violation of section 4511.19 of the Revised Code or a 8315  
substantially similar municipal ordinance or the law of another 8316  
state or the United States arising out of the same set of 8317  
circumstances as the violation, the court shall suspend the 8318  
offender's driver's or commercial driver's license or permit in 8319  
accordance with division ~~(G)~~(O) of section 2925.03 of the 8320  
Revised Code. If applicable, the court also shall do the 8321  
following: 8322

(1) If the violation of division (A) of this section is a 8323  
felony of the first, second, or third degree, the court shall 8324  
impose upon the offender the mandatory fine specified for the 8325  
offense under division (B)(1) of section 2929.18 of the Revised 8326  
Code unless, as specified in that division, the court determines 8327  
that the offender is indigent. The clerk of the court shall pay 8328  
a mandatory fine or other fine imposed for a violation of this 8329  
section pursuant to division (A) of section 2929.18 of the 8330  
Revised Code in accordance with and subject to the requirements 8331  
of division ~~(F)~~(N) of section 2925.03 of the Revised Code. The 8332  
agency that receives the fine shall use the fine as specified in 8333  
division ~~(F)~~(N) of section 2925.03 of the Revised Code. If a 8334  
person is charged with a violation of this section that is a 8335  
felony of the first, second, or third degree, posts bail, and 8336

forfeits the bail, the clerk shall pay the forfeited bail as if 8337  
the forfeited bail were a fine imposed for a violation of this 8338  
section. 8339

(2) If the offender is a professionally licensed person, 8340  
the court immediately shall comply with section 2925.38 of the 8341  
Revised Code. 8342

(E) Notwithstanding the prison term otherwise authorized 8343  
or required for the offense under division (C) of this section 8344  
and sections 2929.13 and 2929.14 of the Revised Code, if the 8345  
violation of division (A) of this section involves the sale, 8346  
offer to sell, or possession of a schedule I or II controlled 8347  
substance, with the exception of marihuana, and if the court 8348  
imposing sentence upon the offender finds that the offender as a 8349  
result of the violation is a major drug offender and is guilty 8350  
of a specification of the type described in division (A) of 8351  
section 2941.1410 of the Revised Code, the court, in lieu of the 8352  
prison term otherwise authorized or required, shall impose upon 8353  
the offender the mandatory prison term specified in division (B) 8354  
(3) of section 2929.14 of the Revised Code. 8355

(F) It is an affirmative defense, as provided in section 8356  
2901.05 of the Revised Code, to a charge under this section for 8357  
a fifth degree felony violation of illegal cultivation of 8358  
marihuana that the marihuana that gave rise to the charge is in 8359  
an amount, is in a form, is prepared, compounded, or mixed with 8360  
substances that are not controlled substances in a manner, or is 8361  
possessed or cultivated under any other circumstances that 8362  
indicate that the marihuana was solely for personal use. 8363

Notwithstanding any contrary provision of division (F) of 8364  
this section, if, in accordance with section 2901.05 of the 8365  
Revised Code, a person who is charged with a violation of 8366

illegal cultivation of marihuana that is a felony of the fifth 8367  
degree sustains the burden of going forward with evidence of and 8368  
establishes by a preponderance of the evidence the affirmative 8369  
defense described in this division, the person may be prosecuted 8370  
for and may be convicted of or plead guilty to a misdemeanor 8371  
violation of illegal cultivation of marihuana. 8372

(G) Arrest or conviction for a minor misdemeanor violation 8373  
of this section does not constitute a criminal record and need 8374  
not be reported by the person so arrested or convicted in 8375  
response to any inquiries about the person's criminal record, 8376  
including any inquiries contained in an application for 8377  
employment, a license, or any other right or privilege or made 8378  
in connection with the person's appearance as a witness. 8379

(H) (1) If the sentencing court suspends the offender's 8380  
driver's or commercial driver's license or permit under this 8381  
section in accordance with division ~~(G)~~ (O) of section 2925.03 of 8382  
the Revised Code, the offender may request termination of, and 8383  
the court may terminate, the suspension of the offender in 8384  
accordance with that division. 8385

(2) Any offender who received a mandatory suspension of 8386  
the offender's driver's or commercial driver's license or permit 8387  
under this section prior to September 13, 2016, may file a 8388  
motion with the sentencing court requesting the termination of 8389  
the suspension. However, an offender who pleaded guilty to or 8390  
was convicted of a violation of section 4511.19 of the Revised 8391  
Code or a substantially similar municipal ordinance or law of 8392  
another state or the United States that arose out of the same 8393  
set of circumstances as the violation for which the offender's 8394  
license or permit was suspended under this section shall not 8395  
file such a motion. 8396



Upon the filing of a motion under division (H) (2) of this 8397  
section, the sentencing court, in its discretion, may terminate 8398  
the suspension. 8399

**Sec. 2925.041.** (A) No person shall knowingly assemble or 8400  
possess one or more chemicals that may be used to manufacture a 8401  
controlled substance in schedule I or II with the intent to 8402  
manufacture a controlled substance in schedule I or II in 8403  
violation of section 2925.04 of the Revised Code. 8404

(B) In a prosecution under this section, it is not 8405  
necessary to allege or prove that the offender assembled or 8406  
possessed all chemicals necessary to manufacture a controlled 8407  
substance in schedule I or II. The assembly or possession of a 8408  
single chemical that may be used in the manufacture of a 8409  
controlled substance in schedule I or II, with the intent to 8410  
manufacture a controlled substance in either schedule, is 8411  
sufficient to violate this section. 8412

(C) Whoever violates this section is guilty of illegal 8413  
assembly or possession of chemicals for the manufacture of 8414  
drugs. Except as otherwise provided in this division, illegal 8415  
assembly or possession of chemicals for the manufacture of drugs 8416  
is a felony of the third degree, and, except as otherwise 8417  
provided in division (C) (1) or (2) of this section, division (C) 8418  
of section 2929.13 of the Revised Code applies in determining 8419  
whether to impose a prison term on the offender. If the offense 8420  
was committed in the vicinity of a juvenile or in the vicinity 8421  
of a school, illegal assembly or possession of chemicals for the 8422  
manufacture of drugs is a felony of the second degree, and, 8423  
except as otherwise provided in division (C) (1) or (2) of this 8424  
section, division (C) of section 2929.13 of the Revised Code 8425  
applies in determining whether to impose a prison term on the 8426

offender. If the violation of division (A) of this section is a 8427  
felony of the third degree under this division and if the 8428  
chemical or chemicals assembled or possessed in violation of 8429  
division (A) of this section may be used to manufacture 8430  
methamphetamine, there either is a presumption for a prison term 8431  
for the offense or the court shall impose a mandatory prison 8432  
term on the offender, determined as follows: 8433

(1) Except as otherwise provided in this division, there 8434  
is a presumption for a prison term for the offense. If the 8435  
offender two or more times previously has been convicted of or 8436  
pleaded guilty to a felony drug abuse offense, except as 8437  
otherwise provided in this division, the court shall impose as a 8438  
mandatory prison term one of the prison terms prescribed for a 8439  
felony of the third degree that is not less than two years. If 8440  
the offender two or more times previously has been convicted of 8441  
or pleaded guilty to a felony drug abuse offense and if at least 8442  
one of those previous convictions or guilty pleas was to a 8443  
violation of division (A) of this section, a violation of 8444  
division (B) (6) of section 2919.22 of the Revised Code, or a 8445  
violation of division (A) of section 2925.04 of the Revised 8446  
Code, the court shall impose as a mandatory prison term one of 8447  
the prison terms prescribed for a felony of the third degree 8448  
that is not less than five years. 8449

(2) If the violation of division (A) of this section is a 8450  
felony of the second degree under division (C) of this section 8451  
and the chemical or chemicals assembled or possessed in 8452  
committing the violation may be used to manufacture 8453  
methamphetamine, the court shall impose as a mandatory prison 8454  
term one of the prison terms prescribed for a felony of the 8455  
second degree that is not less than three years. If the 8456  
violation of division (A) of this section is a felony of the 8457

second degree under division (C) of this section, if the  
chemical or chemicals assembled or possessed in committing the  
violation may be used to manufacture methamphetamine, and if the  
offender previously has been convicted of or pleaded guilty to a  
violation of division (A) of this section, a violation of  
division (B) (6) of section 2919.22 of the Revised Code, or a  
violation of division (A) of section 2925.04 of the Revised  
Code, the court shall impose as a mandatory prison term one of  
the prison terms prescribed for a felony of the second degree  
that is not less than five years.

(D) In addition to any prison term authorized by division  
(C) of this section and sections 2929.13 and 2929.14 of the  
Revised Code and in addition to any other sanction imposed for  
the offense under this section or sections 2929.11 to 2929.18 of  
the Revised Code, the court that sentences an offender who is  
convicted of or pleads guilty to a violation of this section may  
suspend the offender's driver's or commercial driver's license  
or permit in accordance with division ~~(G)~~(O) of section 2925.03  
of the Revised Code. However, if the offender pleaded guilty to  
or was convicted of a violation of section 4511.19 of the  
Revised Code or a substantially similar municipal ordinance or  
the law of another state or the United States arising out of the  
same set of circumstances as the violation, the court shall  
suspend the offender's driver's or commercial driver's license  
or permit in accordance with division ~~(G)~~(O) of section 2925.03  
of the Revised Code. If applicable, the court also shall do the  
following:

(1) The court shall impose upon the offender the mandatory  
fine specified for the offense under division (B) (1) of section  
2929.18 of the Revised Code unless, as specified in that  
division, the court determines that the offender is indigent.

The clerk of the court shall pay a mandatory fine or other fine 8489  
imposed for a violation of this section under division (A) of 8490  
section 2929.18 of the Revised Code in accordance with and 8491  
subject to the requirements of division ~~(F)~~(N) of section 8492  
2925.03 of the Revised Code. The agency that receives the fine 8493  
shall use the fine as specified in division ~~(F)~~(N) of section 8494  
2925.03 of the Revised Code. If a person charged with a 8495  
violation of this section posts bail and forfeits the bail, the 8496  
clerk shall pay the forfeited bail as if the forfeited bail were 8497  
a fine imposed for a violation of this section. 8498

(2) If the offender is a professionally licensed person or 8499  
a person who has been admitted to the bar by order of the 8500  
supreme court in compliance with its prescribed and published 8501  
rules, the court shall comply with section 2925.38 of the 8502  
Revised Code. 8503

(E) (1) If the sentencing court suspends the offender's 8504  
driver's or commercial driver's license or permit under this 8505  
section in accordance with division ~~(G)~~(O) of section 2925.03 of 8506  
the Revised Code, the offender may request termination of, and 8507  
the court may terminate, the suspension of the offender in 8508  
accordance with that division. 8509

(2) Any offender who received a mandatory suspension of 8510  
the offender's driver's or commercial driver's license or permit 8511  
under this section prior to ~~the effective date of this amendment~~ 8512  
September 13, 2016, may file a motion with the sentencing court 8513  
requesting the termination of the suspension. However, an 8514  
offender who pleaded guilty to or was convicted of a violation 8515  
of section 4511.19 of the Revised Code or a substantially 8516  
similar municipal ordinance or law of another state or the 8517  
United States that arose out of the same set of circumstances as 8518

the violation for which the offender's license or permit was 8519  
suspended under this section shall not file such a motion. 8520

Upon the filing of a motion under division (E)(2) of this 8521  
section, the sentencing court, in its discretion, may terminate 8522  
the suspension. 8523

**Sec. 2925.05.** (A) No person shall knowingly provide money 8524  
or other items of value to another person with the purpose that 8525  
the recipient of the money or items of value use them to obtain 8526  
any controlled substance for the purpose of violating section 8527  
2925.04 of the Revised Code or for the purpose of selling or 8528  
offering to sell the controlled substance in the following 8529  
amount: 8530

(1) If the drug to be sold or offered for sale is any 8531  
compound, mixture, preparation, or substance included in 8532  
schedule I or II, with the exception of marihuana, cocaine, 8533  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 8534  
schedule III, IV, or V, an amount of the drug that equals or 8535  
exceeds the bulk amount of the drug; 8536

(2) If the drug to be sold or offered for sale is 8537  
marihuana or a compound, mixture, preparation, or substance 8538  
other than hashish containing marihuana, an amount of the 8539  
marihuana that equals or exceeds two hundred grams; 8540

(3) If the drug to be sold or offered for sale is cocaine 8541  
or a compound, mixture, preparation, or substance containing 8542  
cocaine, an amount of the cocaine that equals or exceeds five 8543  
grams; 8544

(4) If the drug to be sold or offered for sale is L.S.D. 8545  
or a compound, mixture, preparation, or substance containing 8546  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 8547

doses if the L.S.D. is in a solid form or equals or exceeds one 8548  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 8549  
or liquid distillate form; 8550

(5) If the drug to be sold or offered for sale is heroin 8551  
or a fentanyl-related compound, or a compound, mixture, 8552  
preparation, or substance containing heroin or a fentanyl- 8553  
related compound, an amount that equals or exceeds ten unit 8554  
doses or equals or exceeds one gram; 8555

(6) If the drug to be sold or offered for sale is hashish 8556  
or a compound, mixture, preparation, or substance containing 8557  
hashish, an amount of the hashish that equals or exceeds ten 8558  
grams if the hashish is in a solid form or equals or exceeds two 8559  
grams if the hashish is in a liquid concentrate, liquid extract, 8560  
or liquid distillate form. 8561

(B) This section does not apply to any person listed in 8562  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 8563  
Code to the extent and under the circumstances described in 8564  
those divisions. 8565

(C)(1) If the drug involved in the violation is any 8566  
compound, mixture, preparation, or substance included in 8567  
schedule I or II, with the exception of marihuana, whoever 8568  
violates division (A) of this section is guilty of aggravated 8569  
funding of drug trafficking, a felony of the first degree, and, 8570  
subject to division (E) of this section, the court shall impose 8571  
as a mandatory prison term a first degree felony mandatory 8572  
prison term. 8573

(2) If the drug involved in the violation is any compound, 8574  
mixture, preparation, or substance included in schedule III, IV, 8575  
or V, whoever violates division (A) of this section is guilty of 8576

funding of drug trafficking, a felony of the second degree, and 8577  
the court shall impose as a mandatory prison term a second 8578  
degree felony mandatory prison term. 8579

(3) If the drug involved in the violation is marihuana, 8580  
whoever violates division (A) of this section is guilty of 8581  
funding of marihuana trafficking, a felony of the third degree, 8582  
and, except as otherwise provided in this division, there is a 8583  
presumption for a prison term for the offense. If funding of 8584  
marihuana trafficking is a felony of the third degree under this 8585  
division and if the offender two or more times previously has 8586  
been convicted of or pleaded guilty to a felony drug abuse 8587  
offense, the court shall impose as a mandatory prison term one 8588  
of the prison terms prescribed for a felony of the third degree. 8589

(D) In addition to any prison term authorized or required 8590  
by division (C) or (E) of this section and sections 2929.13 and 8591  
2929.14 of the Revised Code and in addition to any other 8592  
sanction imposed for the offense under this section or sections 8593  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8594  
an offender who is convicted of or pleads guilty to a violation 8595  
of division (A) of this section may suspend the offender's 8596  
driver's or commercial driver's license or permit in accordance 8597  
with division ~~(G)~~ (O) of section 2925.03 of the Revised Code. 8598  
However, if the offender pleaded guilty to or was convicted of a 8599  
violation of section 4511.19 of the Revised Code or a 8600  
substantially similar municipal ordinance or the law of another 8601  
state or the United States arising out of the same set of 8602  
circumstances as the violation, the court shall suspend the 8603  
offender's driver's or commercial driver's license or permit in 8604  
accordance with division ~~(G)~~ (O) of section 2925.03 of the 8605  
Revised Code. If applicable, the court also shall do the 8606  
following: 8607

(1) The court shall impose the mandatory fine specified 8608  
for the offense under division (B)(1) of section 2929.18 of the 8609  
Revised Code unless, as specified in that division, the court 8610  
determines that the offender is indigent. The clerk of the court 8611  
shall pay a mandatory fine or other fine imposed for a violation 8612  
of this section pursuant to division (A) of section 2929.18 of 8613  
the Revised Code in accordance with and subject to the 8614  
requirements of division ~~(F)~~(N) of section 2925.03 of the 8615  
Revised Code. The agency that receives the fine shall use the 8616  
fine in accordance with division ~~(F)~~(N) of section 2925.03 of 8617  
the Revised Code. If a person is charged with a violation of 8618  
this section, posts bail, and forfeits the bail, the forfeited 8619  
bail shall be paid as if the forfeited bail were a fine imposed 8620  
for a violation of this section. 8621

(2) If the offender is a professionally licensed person, 8622  
the court immediately shall comply with section 2925.38 of the 8623  
Revised Code. 8624

(E) Notwithstanding the prison term otherwise authorized 8625  
or required for the offense under division (C) of this section 8626  
and sections 2929.13 and 2929.14 of the Revised Code, if the 8627  
violation of division (A) of this section involves the sale, 8628  
offer to sell, or possession of a schedule I or II controlled 8629  
substance, with the exception of marihuana, one of the following 8630  
applies: 8631

(1) If the drug involved in the violation is a fentanyl- 8632  
related compound, the offense is a felony of the first degree, 8633  
the offender is a major drug offender, and the court shall 8634  
impose as a mandatory prison term the maximum prison term 8635  
prescribed for a felony of the first degree. 8636

(2) If division (E)(1) of this section does not apply and 8637



the court imposing sentence upon the offender finds that the 8638  
offender as a result of the violation is a major drug offender 8639  
and is guilty of a specification of the type described in 8640  
division (A) of section 2941.1410 of the Revised Code, the 8641  
court, in lieu of the prison term otherwise authorized or 8642  
required, shall impose upon the offender the mandatory prison 8643  
term specified in division (B) (3) of section 2929.14 of the 8644  
Revised Code. 8645

(F) (1) If the sentencing court suspends the offender's 8646  
driver's or commercial driver's license or permit under this 8647  
section in accordance with division ~~(G)~~ (O) of section 2925.03 of 8648  
the Revised Code, the offender may request termination of, and 8649  
the court may terminate, the suspension in accordance with that 8650  
division. 8651

(2) Any offender who received a mandatory suspension of 8652  
the offender's driver's or commercial driver's license or permit 8653  
under this section prior to September 13, 2016, may file a 8654  
motion with the sentencing court requesting the termination of 8655  
the suspension. However, an offender who pleaded guilty to or 8656  
was convicted of a violation of section 4511.19 of the Revised 8657  
Code or a substantially similar municipal ordinance or law of 8658  
another state or the United States that arose out of the same 8659  
set of circumstances as the violation for which the offender's 8660  
license or permit was suspended under this section shall not 8661  
file such a motion. 8662

Upon the filing of a motion under division (F) (2) of this 8663  
section, the sentencing court, in its discretion, may terminate 8664  
the suspension. 8665

**Sec. 2925.06.** (A) No person shall knowingly administer to 8666  
a human being, or prescribe or dispense for administration to a 8667

human being, any anabolic steroid not approved by the United 8668  
States food and drug administration for administration to human 8669  
beings. 8670

(B) This section does not apply to any person listed in 8671  
division (B)(1), (2), or (3) of section 2925.03 of the Revised 8672  
Code to the extent and under the circumstances described in 8673  
those divisions. 8674

(C) Whoever violates division (A) of this section is 8675  
guilty of illegal administration or distribution of anabolic 8676  
steroids, a felony of the fourth degree, and division (C) of 8677  
section 2929.13 of the Revised Code applies in determining 8678  
whether to impose a prison term on the offender. 8679

(D) (1) In addition to any prison term authorized or 8680  
required by division (C) of this section and sections 2929.13 8681  
and 2929.14 of the Revised Code and in addition to any other 8682  
sanction imposed for the offense under this section or sections 8683  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8684  
an offender who is convicted of or pleads guilty to a violation 8685  
of division (A) of this section may suspend the offender's 8686  
driver's or commercial driver's license or permit in accordance 8687  
with division ~~(G)~~(O) of section 2925.03 of the Revised Code. 8688  
However, if the offender pleaded guilty to or was convicted of a 8689  
violation of section 4511.19 of the Revised Code or a 8690  
substantially similar municipal ordinance or the law of another 8691  
state or the United States arising out of the same set of 8692  
circumstances as the violation, the court shall suspend the 8693  
offender's driver's or commercial driver's license or permit in 8694  
accordance with division ~~(G)~~(O) of section 2925.03 of the 8695  
Revised Code. If an offender's driver's or commercial driver's 8696  
license or permit is suspended in accordance with that division, 8697

the offender may request termination of, and the court may 8698  
terminate, the suspension in accordance with that division. 8699

If the offender is a professionally licensed person, the 8700  
court immediately shall comply with section 2925.38 of the 8701  
Revised Code. 8702

(2) Any offender who received a mandatory suspension of 8703  
the offender's driver's or commercial driver's license or permit 8704  
under this section prior to ~~the effective date of this amendment~~ 8705  
September 13, 2016, may file a motion with the sentencing court 8706  
requesting the termination of the suspension. However, an 8707  
offender who pleaded guilty to or was convicted of a violation 8708  
of section 4511.19 of the Revised Code or a substantially 8709  
similar municipal ordinance or law of another state or the 8710  
United States that arose out of the same set of circumstances as 8711  
the violation for which the offender's license or permit was 8712  
suspended under this section shall not file such a motion. 8713

Upon the filing of a motion under division (D)(2) of this 8714  
section, the sentencing court, in its discretion, may terminate 8715  
the suspension. 8716

(E) If a person commits any act that constitutes a 8717  
violation of division (A) of this section and that also 8718  
constitutes a violation of any other provision of the Revised 8719  
Code, the prosecutor, as defined in section 2935.01 of the 8720  
Revised Code, using customary prosecutorial discretion, may 8721  
prosecute the person for a violation of the appropriate 8722  
provision of the Revised Code. 8723

**Sec. 2925.13.** (A) No person who is the owner, operator, or 8724  
person in charge of a locomotive, watercraft, aircraft, or other 8725  
vehicle, as defined in division (A) of section 4501.01 of the 8726

Revised Code, shall knowingly permit the vehicle to be used for 8727  
the commission of a felony drug abuse offense. 8728

(B) No person who is the owner, lessee, or occupant, or 8729  
who has custody, control, or supervision, of premises or real 8730  
estate, including vacant land, shall knowingly permit the 8731  
premises or real estate, including vacant land, to be used for 8732  
the commission of a felony drug abuse offense by another person. 8733

(C) (1) Whoever violates this section is guilty of 8734  
permitting drug abuse. 8735

(2) Except as provided in division (C) (3) of this section, 8736  
permitting drug abuse is a misdemeanor of the first degree. 8737

(3) Permitting drug abuse is a felony of the fifth degree, 8738  
and division (C) of section 2929.13 of the Revised Code applies 8739  
in determining whether to impose a prison term on the offender, 8740  
if either of the following applies: 8741

(a) The felony drug abuse offense in question is a 8742  
violation of section 2925.02, 2925.03, 2925.031, 2925.032, or 8743  
2925.04 of the Revised Code. 8744

(b) The felony drug abuse offense in question is a 8745  
violation of section 2925.041 of the Revised Code and the 8746  
offender had actual knowledge, at the time the offender 8747  
permitted the vehicle, premises, or real estate to be used as 8748  
described in division (A) or (B) of this section, that the 8749  
person who assembled or possessed the chemicals in question in 8750  
violation of section 2925.041 of the Revised Code had assembled 8751  
or possessed them with the intent to manufacture a controlled 8752  
substance in schedule I or II in violation of section 2925.04 of 8753  
the Revised Code. 8754

(D) (1) In addition to any prison term authorized or 8755

required by division (C) of this section and sections 2929.13 8756  
and 2929.14 of the Revised Code and in addition to any other 8757  
sanction imposed for the offense under this section or sections 8758  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8759  
a person who is convicted of or pleads guilty to a violation of 8760  
division (A) of this section may suspend for not more than five 8761  
years the offender's driver's or commercial driver's license or 8762  
permit. However, if the offender pleaded guilty to or was 8763  
convicted of a violation of section 4511.19 of the Revised Code 8764  
or a substantially similar municipal ordinance or the law of 8765  
another state or the United States arising out of the same set 8766  
of circumstances as the violation, the court shall suspend the 8767  
offender's driver's or commercial driver's license or permit for 8768  
not more than five years. 8769

If the offender is a professionally licensed person, in 8770  
addition to any other sanction imposed for a violation of this 8771  
section, the court immediately shall comply with section 2925.38 8772  
of the Revised Code. 8773

(2) Any offender who received a mandatory suspension of 8774  
the offender's driver's or commercial driver's license or permit 8775  
under this section prior to September 13, 2016, may file a 8776  
motion with the sentencing court requesting the termination of 8777  
the suspension. However, an offender who pleaded guilty to or 8778  
was convicted of a violation of section 4511.19 of the Revised 8779  
Code or a substantially similar municipal ordinance or law of 8780  
another state or the United States that arose out of the same 8781  
set of circumstances as the violation for which the offender's 8782  
license or permit was suspended under this section shall not 8783  
file such a motion. 8784

Upon the filing of a motion under division (D) (2) of this 8785

section, the sentencing court, in its discretion, may terminate 8786  
the suspension. 8787

(E) Notwithstanding any contrary provision of section 8788  
3719.21 of the Revised Code, the clerk of the court shall pay a 8789  
fine imposed for a violation of this section pursuant to 8790  
division (A) of section 2929.18 of the Revised Code in 8791  
accordance with and subject to the requirements of division ~~(F)~~ 8792  
(N) of section 2925.03 of the Revised Code. The agency that 8793  
receives the fine shall use the fine as specified in division 8794  
~~(F)~~ (N) of section 2925.03 of the Revised Code. 8795

(F) Any premises or real estate that is permitted to be 8796  
used in violation of division (B) of this section constitutes a 8797  
nuisance subject to abatement pursuant to Chapter 3767. of the 8798  
Revised Code. 8799

**Sec. 2925.22.** (A) No person, by deception, shall procure 8800  
the administration of, a prescription for, or the dispensing of, 8801  
a dangerous drug or shall possess an uncompleted preprinted 8802  
prescription blank used for writing a prescription for a 8803  
dangerous drug. 8804

(B) Whoever violates this section is guilty of deception 8805  
to obtain a dangerous drug. The penalty for the offense shall be 8806  
determined as follows: 8807

(1) If the person possesses an uncompleted preprinted 8808  
prescription blank used for writing a prescription for a 8809  
dangerous drug or if the drug involved is a dangerous drug, 8810  
except as otherwise provided in division (B) (2) or (3) of this 8811  
section, deception to obtain a dangerous drug is a felony of the 8812  
fifth degree or, if the offender previously has been convicted 8813  
of or pleaded guilty to a drug abuse offense, a felony of the 8814

fourth degree. Division (C) of section 2929.13 of the Revised 8815  
Code applies in determining whether to impose a prison term on 8816  
the offender pursuant to this division. 8817

(2) If the drug involved is a compound, mixture, 8818  
preparation, or substance included in schedule I or II, with the 8819  
exception of marihuana, the penalty for deception to obtain 8820  
drugs is one of the following: 8821

(a) Except as otherwise provided in division (B) (2) (b), 8822  
(c), or (d) of this section, it is a felony of the fourth 8823  
degree, and division (C) of section 2929.13 of the Revised Code 8824  
applies in determining whether to impose a prison term on the 8825  
offender. 8826

(b) If the amount of the drug involved equals or exceeds 8827  
the bulk amount but is less than five times the bulk amount, or 8828  
if the amount of the drug involved that could be obtained 8829  
pursuant to the prescription would equal or exceed the bulk 8830  
amount but would be less than five times the bulk amount, it is 8831  
a felony of the third degree, and there is a presumption for a 8832  
prison term for the offense. 8833

(c) If the amount of the drug involved equals or exceeds 8834  
five times the bulk amount but is less than fifty times the bulk 8835  
amount, or if the amount of the drug involved that could be 8836  
obtained pursuant to the prescription would equal or exceed five 8837  
times the bulk amount but would be less than fifty times the 8838  
bulk amount, it is a felony of the second degree, and there is a 8839  
presumption for a prison term for the offense. 8840

(d) If the amount of the drug involved equals or exceeds 8841  
fifty times the bulk amount, or if the amount of the drug 8842  
involved that could be obtained pursuant to the prescription 8843

would equal or exceed fifty times the bulk amount, it is a 8844  
felony of the first degree, and there is a presumption for a 8845  
prison term for the offense. 8846

(3) If the drug involved is a compound, mixture, 8847  
preparation, or substance included in schedule III, IV, or V or 8848  
is marihuana, the penalty for deception to obtain a dangerous 8849  
drug is one of the following: 8850

(a) Except as otherwise provided in division (B) (3) (b), 8851  
(c), or (d) of this section, it is a felony of the fifth degree, 8852  
and division (C) of section 2929.13 of the Revised Code applies 8853  
in determining whether to impose a prison term on the offender. 8854

(b) If the amount of the drug involved equals or exceeds 8855  
the bulk amount but is less than five times the bulk amount, or 8856  
if the amount of the drug involved that could be obtained 8857  
pursuant to the prescription would equal or exceed the bulk 8858  
amount but would be less than five times the bulk amount, it is 8859  
a felony of the fourth degree, and division (C) of section 8860  
2929.13 of the Revised Code applies in determining whether to 8861  
impose a prison term on the offender. 8862

(c) If the amount of the drug involved equals or exceeds 8863  
five times the bulk amount but is less than fifty times the bulk 8864  
amount, or if the amount of the drug involved that could be 8865  
obtained pursuant to the prescription would equal or exceed five 8866  
times the bulk amount but would be less than fifty times the 8867  
bulk amount, it is a felony of the third degree, and there is a 8868  
presumption for a prison term for the offense. 8869

(d) If the amount of the drug involved equals or exceeds 8870  
fifty times the bulk amount, or if the amount of the drug 8871  
involved that could be obtained pursuant to the prescription 8872



would equal or exceed fifty times the bulk amount, it is a 8873  
felony of the second degree, and there is a presumption for a 8874  
prison term for the offense. 8875

(C) (1) In addition to any prison term authorized or 8876  
required by division (B) of this section and sections 2929.13 8877  
and 2929.14 of the Revised Code and in addition to any other 8878  
sanction imposed for the offense under this section or sections 8879  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8880  
an offender who is convicted of or pleads guilty to a violation 8881  
of division (A) of this section may suspend for not more than 8882  
five years the offender's driver's or commercial driver's 8883  
license or permit. However, if the offender pleaded guilty to or 8884  
was convicted of a violation of section 4511.19 of the Revised 8885  
Code or a substantially similar municipal ordinance or the law 8886  
of another state or the United States arising out of the same 8887  
set of circumstances as the violation, the court shall suspend 8888  
the offender's driver's or commercial driver's license or permit 8889  
for not more than five years. 8890

If the offender is a professionally licensed person, in 8891  
addition to any other sanction imposed for a violation of this 8892  
section, the court immediately shall comply with section 2925.38 8893  
of the Revised Code. 8894

(2) Any offender who received a mandatory suspension of 8895  
the offender's driver's or commercial driver's license or permit 8896  
under this section prior to ~~the effective date of this amendment~~ 8897  
September 13, 2016, may file a motion with the sentencing court 8898  
requesting the termination of the suspension. However, an 8899  
offender who pleaded guilty to or was convicted of a violation 8900  
of section 4511.19 of the Revised Code or a substantially 8901  
similar municipal ordinance or law of another state or the 8902

United States that arose out of the same set of circumstances as 8903  
the violation for which the offender's license or permit was 8904  
suspended under this section shall not file such a motion. 8905

Upon the filing of a motion under division (C)(2) of this 8906  
section, the sentencing court, in its discretion, may terminate 8907  
the suspension. 8908

(D) Notwithstanding any contrary provision of section 8909  
3719.21 of the Revised Code, the clerk of the court shall pay a 8910  
fine imposed for a violation of this section pursuant to 8911  
division (A) of section 2929.18 of the Revised Code in 8912  
accordance with and subject to the requirements of division ~~(F)~~ 8913  
(N) of section 2925.03 of the Revised Code. The agency that 8914  
receives the fine shall use the fine as specified in division 8915  
~~(F)~~ (N) of section 2925.03 of the Revised Code. 8916

**Sec. 2925.23.** (A) No person shall knowingly make a false 8917  
statement in any prescription, order, report, or record required 8918  
by Chapter 3719. or 4729. of the Revised Code. 8919

(B) No person shall intentionally make, utter, or sell, or 8920  
knowingly possess any of the following that is a false or 8921  
forged: 8922

(1) Prescription; 8923

(2) Uncompleted preprinted prescription blank used for 8924  
writing a prescription; 8925

(3) Official written order; 8926

(4) License for a terminal distributor of dangerous drugs, 8927  
as defined in section 4729.01 of the Revised Code; 8928

(5) License for a manufacturer of dangerous drugs, 8929  
outsourcing facility, third-party logistics provider, repackager 8930

of dangerous drugs, or wholesale distributor of dangerous drugs, 8931  
as defined in section 4729.01 of the Revised Code. 8932

(C) No person, by theft as defined in section 2913.02 of 8933  
the Revised Code, shall acquire any of the following: 8934

(1) A prescription; 8935

(2) An uncompleted preprinted prescription blank used for 8936  
writing a prescription; 8937

(3) An official written order; 8938

(4) A blank official written order; 8939

(5) A license or blank license for a terminal distributor 8940  
of dangerous drugs, as defined in section 4729.01 of the Revised 8941  
Code; 8942

(6) A license or blank license for a manufacturer of 8943  
dangerous drugs, outsourcing facility, third-party logistics 8944  
provider, repackager of dangerous drugs, or wholesale 8945  
distributor of dangerous drugs, as defined in section 4729.01 of 8946  
the Revised Code. 8947

(D) No person shall knowingly make or affix any false or 8948  
forged label to a package or receptacle containing any dangerous 8949  
drugs. 8950

(E) Divisions (A) and (D) of this section do not apply to 8951  
licensed health professionals authorized to prescribe drugs, 8952  
pharmacists, owners of pharmacies, and other persons whose 8953  
conduct is in accordance with Chapters 3719., 4715., 4723., 8954  
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 8955

(F) Whoever violates this section is guilty of illegal 8956  
processing of drug documents. If the offender violates division 8957

(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 8958  
section, illegal processing of drug documents is a felony of the 8959  
fifth degree. If the offender violates division (A), division 8960  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 8961  
section, the penalty for illegal processing of drug documents 8962  
shall be determined as follows: 8963

(1) If the drug involved is a compound, mixture, 8964  
preparation, or substance included in schedule I or II, with the 8965  
exception of marihuana, illegal processing of drug documents is 8966  
a felony of the fourth degree, and division (C) of section 8967  
2929.13 of the Revised Code applies in determining whether to 8968  
impose a prison term on the offender. 8969

(2) If the drug involved is a dangerous drug or a 8970  
compound, mixture, preparation, or substance included in 8971  
schedule III, IV, or V or is marihuana, illegal processing of 8972  
drug documents is a felony of the fifth degree, and division (C) 8973  
of section 2929.13 of the Revised Code applies in determining 8974  
whether to impose a prison term on the offender. 8975

(G) (1) In addition to any prison term authorized or 8976  
required by division (F) of this section and sections 2929.13 8977  
and 2929.14 of the Revised Code and in addition to any other 8978  
sanction imposed for the offense under this section or sections 8979  
2929.11 to 2929.18 of the Revised Code, the court that sentences 8980  
an offender who is convicted of or pleads guilty to any 8981  
violation of divisions (A) to (D) of this section may suspend 8982  
for not more than five years the offender's driver's or 8983  
commercial driver's license or permit. However, if the offender 8984  
pleaded guilty to or was convicted of a violation of section 8985  
4511.19 of the Revised Code or a substantially similar municipal 8986  
ordinance or the law of another state or the United States 8987

arising out of the same set of circumstances as the violation, 8988  
the court shall suspend the offender's driver's or commercial 8989  
driver's license or permit for not more than five years. 8990

If the offender is a professionally licensed person, in 8991  
addition to any other sanction imposed for a violation of this 8992  
section, the court immediately shall comply with section 2925.38 8993  
of the Revised Code. 8994

(2) Any offender who received a mandatory suspension of 8995  
the offender's driver's or commercial driver's license or permit 8996  
under this section prior to September 13, 2016, may file a 8997  
motion with the sentencing court requesting the termination of 8998  
the suspension. However, an offender who pleaded guilty to or 8999  
was convicted of a violation of section 4511.19 of the Revised 9000  
Code or a substantially similar municipal ordinance or law of 9001  
another state or the United States that arose out of the same 9002  
set of circumstances as the violation for which the offender's 9003  
license or permit was suspended under this section shall not 9004  
file such a motion. 9005

Upon the filing of a motion under division (G)(2) of this 9006  
section, the sentencing court, in its discretion, may terminate 9007  
the suspension. 9008

(H) Notwithstanding any contrary provision of section 9009  
3719.21 of the Revised Code, the clerk of court shall pay a fine 9010  
imposed for a violation of this section pursuant to division (A) 9011  
of section 2929.18 of the Revised Code in accordance with and 9012  
subject to the requirements of division ~~(F)~~(N) of section 9013  
2925.03 of the Revised Code. The agency that receives the fine 9014  
shall use the fine as specified in division ~~(F)~~(N) of section 9015  
2925.03 of the Revised Code. 9016

**Sec. 2925.36.** (A) No person shall knowingly furnish 9017  
another a sample drug. 9018

(B) Division (A) of this section does not apply to 9019  
manufacturers, wholesalers, pharmacists, owners of pharmacies, 9020  
licensed health professionals authorized to prescribe drugs, and 9021  
other persons whose conduct is in accordance with Chapters 9022  
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 9023  
the Revised Code. 9024

(C) (1) Whoever violates this section is guilty of illegal 9025  
dispensing of drug samples. 9026

(2) If the drug involved in the offense is a compound, 9027  
mixture, preparation, or substance included in schedule I or II, 9028  
with the exception of marihuana, the penalty for the offense 9029  
shall be determined as follows: 9030

(a) Except as otherwise provided in division (C) (2) (b) of 9031  
this section, illegal dispensing of drug samples is a felony of 9032  
the fifth degree, and, subject to division (E) of this section, 9033  
division (C) of section 2929.13 of the Revised Code applies in 9034  
determining whether to impose a prison term on the offender. 9035

(b) If the offense was committed in the vicinity of a 9036  
school or in the vicinity of a juvenile, illegal dispensing of 9037  
drug samples is a felony of the fourth degree, and, subject to 9038  
division (E) of this section, division (C) of section 2929.13 of 9039  
the Revised Code applies in determining whether to impose a 9040  
prison term on the offender. 9041

(3) If the drug involved in the offense is a dangerous 9042  
drug or a compound, mixture, preparation, or substance included 9043  
in schedule III, IV, or V, or is marihuana, the penalty for the 9044  
offense shall be determined as follows: 9045

(a) Except as otherwise provided in division (C) (3) (b) of 9046  
this section, illegal dispensing of drug samples is a 9047  
misdemeanor of the second degree. 9048

(b) If the offense was committed in the vicinity of a 9049  
school or in the vicinity of a juvenile, illegal dispensing of 9050  
drug samples is a misdemeanor of the first degree. 9051

(D) (1) In addition to any prison term authorized or 9052  
required by division (C) or (E) of this section and sections 9053  
2929.13 and 2929.14 of the Revised Code and in addition to any 9054  
other sanction imposed for the offense under this section or 9055  
sections 2929.11 to 2929.18 of the Revised Code, the court that 9056  
sentences an offender who is convicted of or pleads guilty to a 9057  
violation of division (A) of this section may suspend for not 9058  
more than five years the offender's driver's or commercial 9059  
driver's license or permit. However, if the offender pleaded 9060  
guilty to or was convicted of a violation of section 4511.19 of 9061  
the Revised Code or a substantially similar municipal ordinance 9062  
or the law of another state or the United States arising out of 9063  
the same set of circumstances as the violation, the court shall 9064  
suspend the offender's driver's or commercial driver's license 9065  
or permit for not more than five years. 9066

If the offender is a professionally licensed person, in 9067  
addition to any other sanction imposed for a violation of this 9068  
section, the court immediately shall comply with section 2925.38 9069  
of the Revised Code. 9070

(2) Any offender who received a mandatory suspension of 9071  
the offender's driver's or commercial driver's license or permit 9072  
under this section prior to September 13, 2016, may file a 9073  
motion with the sentencing court requesting the termination of 9074  
the suspension. However, an offender who pleaded guilty to or 9075

was convicted of a violation of section 4511.19 of the Revised 9076  
Code or a substantially similar municipal ordinance or law of 9077  
another state or the United States that arose out of the same 9078  
set of circumstances as the violation for which the offender's 9079  
license or permit was suspended under this section shall not 9080  
file such a motion. 9081

Upon the filing of a motion under division (D) (2) of this 9082  
section, the sentencing court, in its discretion, may terminate 9083  
the suspension. 9084

(E) Notwithstanding the prison term authorized or required 9085  
by division (C) of this section and sections 2929.13 and 2929.14 9086  
of the Revised Code, if the violation of division (A) of this 9087  
section involves the sale, offer to sell, or possession of a 9088  
schedule I or II controlled substance, with the exception of 9089  
marihuana, and if the court imposing sentence upon the offender 9090  
finds that the offender as a result of the violation is a major 9091  
drug offender and is guilty of a specification of the type 9092  
described in division (A) of section 2941.1410 of the Revised 9093  
Code, the court, in lieu of the prison term otherwise authorized 9094  
or required, shall impose upon the offender the mandatory prison 9095  
term specified in division (B) (3) (a) of section 2929.14 of the 9096  
Revised Code. 9097

(F) Notwithstanding any contrary provision of section 9098  
3719.21 of the Revised Code, the clerk of the court shall pay a 9099  
fine imposed for a violation of this section pursuant to 9100  
division (A) of section 2929.18 of the Revised Code in 9101  
accordance with and subject to the requirements of division ~~(F)~~ 9102  
(N) of section 2925.03 of the Revised Code. The agency that 9103  
receives the fine shall use the fine as specified in division 9104  
~~(F)~~ (N) of section 2925.03 of the Revised Code. 9105



**Sec. 2925.37.** (A) No person shall knowingly possess any 9106  
counterfeit controlled substance. 9107

(B) No person shall knowingly make, sell, offer to sell, 9108  
or deliver any substance that the person knows is a counterfeit 9109  
controlled substance. 9110

(C) No person shall make, possess, sell, offer to sell, or 9111  
deliver any punch, die, plate, stone, or other device knowing or 9112  
having reason to know that it will be used to print or reproduce 9113  
a trademark, trade name, or other identifying mark upon a 9114  
counterfeit controlled substance. 9115

(D) No person shall sell, offer to sell, give, or deliver 9116  
any counterfeit controlled substance to a juvenile. 9117

(E) No person shall directly or indirectly represent a 9118  
counterfeit controlled substance as a controlled substance by 9119  
describing its effects as the physical or psychological effects 9120  
associated with use of a controlled substance. 9121

(F) No person shall directly or indirectly falsely 9122  
represent or advertise a counterfeit controlled substance as a 9123  
controlled substance. As used in this division, "advertise" 9124  
means engaging in "advertisement," as defined in section 3715.01 9125  
of the Revised Code. 9126

(G) Whoever violates division (A) of this section is 9127  
guilty of possession of counterfeit controlled substances, a 9128  
misdemeanor of the first degree. 9129

(H) Whoever violates division (B) or (C) of this section 9130  
is guilty of trafficking in counterfeit controlled substances. 9131  
Except as otherwise provided in this division, trafficking in 9132  
counterfeit controlled substances is a felony of the fifth 9133  
degree, and division (C) of section 2929.13 of the Revised Code 9134

applies in determining whether to impose a prison term on the 9135  
offender. If the offense was committed in the vicinity of a 9136  
school or in the vicinity of a juvenile, trafficking in 9137  
counterfeit controlled substances is a felony of the fourth 9138  
degree, and division (C) of section 2929.13 of the Revised Code 9139  
applies in determining whether to impose a prison term on the 9140  
offender. 9141

(I) Whoever violates division (D) of this section is 9142  
guilty of aggravated trafficking in counterfeit controlled 9143  
substances. Except as otherwise provided in this division, 9144  
aggravated trafficking in counterfeit controlled substances is a 9145  
felony of the fourth degree, and division (C) of section 2929.13 9146  
of the Revised Code applies in determining whether to impose a 9147  
prison term on the offender. 9148

(J) Whoever violates division (E) of this section is 9149  
guilty of promoting and encouraging drug abuse. Except as 9150  
otherwise provided in this division, promoting and encouraging 9151  
drug abuse is a felony of the fifth degree, and division (C) of 9152  
section 2929.13 of the Revised Code applies in determining 9153  
whether to impose a prison term on the offender. If the offense 9154  
was committed in the vicinity of a school or in the vicinity of 9155  
a juvenile, promoting and encouraging drug abuse is a felony of 9156  
the fourth degree, and division (C) of section 2929.13 of the 9157  
Revised Code applies in determining whether to impose a prison 9158  
term on the offender. 9159

(K) Whoever violates division (F) of this section is 9160  
guilty of fraudulent drug advertising. Except as otherwise 9161  
provided in this division, fraudulent drug advertising is a 9162  
felony of the fifth degree, and division (C) of section 2929.13 9163  
of the Revised Code applies in determining whether to impose a 9164

prison term on the offender. If the offense was committed in the 9165  
vicinity of a school or in the vicinity of a juvenile, 9166  
fraudulent drug advertising is a felony of the fourth degree, 9167  
and division (C) of section 2929.13 of the Revised Code applies 9168  
in determining whether to impose a prison term on the offender. 9169

(L) (1) In addition to any prison term authorized or 9170  
required by divisions (H) to (K) of this section and sections 9171  
2929.13 and 2929.14 of the Revised Code and in addition to any 9172  
other sanction imposed for the offense under this section or 9173  
sections 2929.11 to 2929.18 of the Revised Code, the court that 9174  
sentences an offender who is convicted of or pleads guilty to a 9175  
violation of division (B), (C), (D), (E), or (F) of this section 9176  
may suspend for not more than five years the offender's driver's 9177  
or commercial driver's license or permit. However, if the 9178  
offender pleaded guilty to or was convicted of a violation of 9179  
section 4511.19 of the Revised Code or a substantially similar 9180  
municipal ordinance or the law of another state or the United 9181  
States arising out of the same set of circumstances as the 9182  
violation, the court shall suspend the offender's driver's or 9183  
commercial driver's license or permit for not more than five 9184  
years. 9185

If the offender is a professionally licensed person, in 9186  
addition to any other sanction imposed for a violation of this 9187  
section, the court immediately shall comply with section 2925.38 9188  
of the Revised Code. 9189

(2) Any offender who received a mandatory suspension of 9190  
the offender's driver's or commercial driver's license or permit 9191  
under this section prior to ~~the effective date of this amendment~~ 9192  
September 13, 2016 may file a motion with the sentencing court 9193  
requesting the termination of the suspension. However, an 9194

offender who pleaded guilty to or was convicted of a violation 9195  
of section 4511.19 of the Revised Code or a substantially 9196  
similar municipal ordinance or law of another state or the 9197  
United States that arose out of the same set of circumstances as 9198  
the violation for which the offender's license or permit was 9199  
suspended under this section shall not file such a motion. 9200

Upon the filing of a motion under division (L)(2) of this 9201  
section, the sentencing court, in its discretion, may terminate 9202  
the suspension. 9203

(M) Notwithstanding any contrary provision of section 9204  
3719.21 of the Revised Code, the clerk of the court shall pay a 9205  
fine imposed for a violation of this section pursuant to 9206  
division (A) of section 2929.18 of the Revised Code in 9207  
accordance with and subject to the requirements of division ~~(F)~~ 9208  
(N) of section 2925.03 of the Revised Code. The agency that 9209  
receives the fine shall use the fine as specified in division 9210  
~~(F)~~(N) of section 2925.03 of the Revised Code. 9211

**Sec. 2925.38.** If a person who is convicted of or pleads 9212  
guilty to a violation of section 2925.02, 2925.03, 2925.031, 9213  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 9214  
2925.111, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 9215  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code is a 9216  
professionally licensed person, in addition to any other 9217  
sanctions imposed for the violation, the court, except as 9218  
otherwise provided in this section, immediately shall transmit a 9219  
certified copy of the judgment entry of conviction to the 9220  
regulatory or licensing board or agency that has the 9221  
administrative authority to suspend or revoke the offender's 9222  
professional license. If the professionally licensed person who 9223  
is convicted of or pleads guilty to a violation of any section 9224

listed in this section is a person who has been admitted to the 9225  
bar by order of the supreme court in compliance with its 9226  
prescribed and published rules, in addition to any other 9227  
sanctions imposed for the violation, the court immediately shall 9228  
transmit a certified copy of the judgment entry of conviction to 9229  
the secretary of the board of commissioners on grievances and 9230  
discipline of the supreme court and to either the disciplinary 9231  
counsel or the president, secretary, and chairperson of each 9232  
certified grievance committee. 9233

**Sec. 2925.42.** (A) If a person is convicted of or pleads 9234  
guilty to a felony drug abuse offense, or a juvenile is found by 9235  
a juvenile court to be a delinquent child for an act that, if 9236  
committed by an adult, would be a felony drug abuse offense, and 9237  
derives profits or other proceeds from the offense or act, the 9238  
court that imposes sentence or an order of disposition upon the 9239  
offender or delinquent child, in lieu of any fine that the court 9240  
is otherwise authorized or required to impose, may impose upon 9241  
the offender or delinquent child a fine of not more than twice 9242  
the gross profits or other proceeds so derived. 9243

(B) Notwithstanding any contrary provision of section 9244  
3719.21 of the Revised Code, all fines imposed pursuant to this 9245  
section shall be paid by the clerk of the court to the county, 9246  
municipal corporation, township, park district, as created 9247  
pursuant to section 511.18 or 1545.01 of the Revised Code, or 9248  
state law enforcement agencies in this state that were primarily 9249  
responsible for or involved in making the arrest of, and in 9250  
prosecuting, the offender. However, no fine so imposed shall be 9251  
paid to a law enforcement agency unless the agency has adopted a 9252  
written internal control policy under division ~~(F)~~ (N) (2) of 9253  
section 2925.03 of the Revised Code that addresses the use of 9254  
the fine moneys that it receives under this division and 9255

division ~~(F)~~(N) (1) of section 2925.03 of the Revised Code. The 9256  
fines imposed and paid pursuant to this division shall be used 9257  
by the law enforcement agencies to subsidize their efforts 9258  
pertaining to drug offenses, in accordance with the written 9259  
internal control policy adopted by the recipient agency under 9260  
division ~~(F)~~(N) (2) of section 2925.03 of the Revised Code. 9261

(C) As used in this section: 9262

(1) "Law enforcement agencies" includes, but is not 9263  
limited to, the state board of pharmacy and the office of a 9264  
prosecutor. 9265

(2) "Prosecutor" has the same meaning as in section 9266  
2935.01 of the Revised Code. 9267

**Sec. 2925.51.** (A) In any criminal prosecution for a 9268  
violation of this chapter or Chapter 3719. of the Revised Code, 9269  
a laboratory report from the bureau of criminal identification 9270  
and investigation, a laboratory operated by another law 9271  
enforcement agency, or a laboratory established by or under the 9272  
authority of an institution of higher education that has its 9273  
main campus in this state and that is accredited by the 9274  
association of American universities or the north central 9275  
association of colleges and secondary schools, primarily for the 9276  
purpose of providing scientific services to law enforcement 9277  
agencies and signed by the person performing the analysis, 9278  
stating that the substance that is the basis of the alleged 9279  
offense has been weighed and analyzed and stating the findings 9280  
as to the content, weight, and identity of the substance and 9281  
that it contains any amount of a controlled substance and the 9282  
number and description of unit dosages, is prima-facie evidence 9283  
of the content, identity, and weight or the existence and number 9284  
of unit dosages of the substance. In any criminal prosecution 9285

for a violation of section 2925.041 of the Revised Code or a 9286  
violation of this chapter or Chapter 3719. of the Revised Code 9287  
that is based on the possession of chemicals sufficient to 9288  
produce a compound, mixture, preparation, or substance included 9289  
in schedule I, II, III, IV, or V, a laboratory report from the 9290  
bureau or from any laboratory that is operated or established as 9291  
described in this division that is signed by the person 9292  
performing the analysis, stating that the substances that are 9293  
the basis of the alleged offense have been weighed and analyzed 9294  
and stating the findings as to the content, weight, and identity 9295  
of each of the substances, is prima-facie evidence of the 9296  
content, identity, and weight of the substances. 9297

Attached to that report shall be a copy of a notarized 9298  
statement by the signer of the report giving the name of the 9299  
signer and stating that the signer is an employee of the 9300  
laboratory issuing the report and that performing the analysis 9301  
is a part of the signer's regular duties, and giving an outline 9302  
of the signer's education, training, and experience for 9303  
performing an analysis of materials included under this section. 9304  
The signer shall attest that scientifically accepted tests were 9305  
performed with due caution, and that the evidence was handled in 9306  
accordance with established and accepted procedures while in the 9307  
custody of the laboratory. 9308

(B) The prosecuting attorney shall serve a copy of the 9309  
report on the attorney of record for the accused, or on the 9310  
accused if the accused has no attorney, prior to any proceeding 9311  
in which the report is to be used against the accused other than 9312  
at a preliminary hearing or grand jury proceeding where the 9313  
report may be used without having been previously served upon 9314  
the accused. 9315

(C) The report shall not be prima-facie evidence of the 9316  
contents, identity, and weight or the existence and number of 9317  
unit dosages of the substance if the accused or the accused's 9318  
attorney demands the testimony of the person signing the report, 9319  
by serving the demand upon the prosecuting attorney within seven 9320  
days from the accused or the accused's attorney's receipt of the 9321  
report. The time may be extended by a trial judge in the 9322  
interests of justice. 9323

(D) Any report issued for use under this section shall 9324  
contain notice of the right of the accused to demand, and the 9325  
manner in which the accused shall demand, the testimony of the 9326  
person signing the report. 9327

(E) Any person who is accused of a violation of this 9328  
chapter or of Chapter 3719. of the Revised Code is entitled, 9329  
upon written request made to the prosecuting attorney, to have a 9330  
portion of the substance that is, or of each of the substances 9331  
that are, the basis of the alleged violation preserved for the 9332  
benefit of independent analysis performed by a laboratory 9333  
analyst employed by the accused person, or, if the accused is 9334  
indigent, by a qualified laboratory analyst appointed by the 9335  
court. Such portion shall be a representative sample of the 9336  
entire substance that is, or of each of the substances that are, 9337  
the basis of the alleged violation and shall be of sufficient 9338  
size, in the opinion of the court, to permit the accused's 9339  
analyst to make a thorough scientific analysis concerning the 9340  
identity of the substance or substances. The prosecuting 9341  
attorney shall provide the accused's analyst with the sample 9342  
portion at least fourteen days prior to trial, unless the trial 9343  
is to be held in a court not of record or unless the accused 9344  
person is charged with a minor misdemeanor, in which case the 9345  
prosecuting attorney shall provide the accused's analyst with 9346



the sample portion at least three days prior to trial. If the 9347  
prosecuting attorney determines that such a sample portion 9348  
cannot be preserved and given to the accused's analyst, the 9349  
prosecuting attorney shall so inform the accused person or his 9350  
attorney. In such a circumstance, the accused person is 9351  
entitled, upon written request made to the prosecuting attorney, 9352  
to have the accused's privately employed or court appointed 9353  
analyst present at an analysis of the substance that is, or the 9354  
substances that are, the basis of the alleged violation, and, 9355  
upon further written request, to receive copies of all recorded 9356  
scientific data that result from the analysis and that can be 9357  
used by an analyst in arriving at conclusions, findings, or 9358  
opinions concerning the identity of the substance or substances 9359  
subject to the analysis. 9360

(F) In addition to the rights provided under division (E) 9361  
of this section, any person who is accused of a violation of 9362  
this chapter or of Chapter 3719. of the Revised Code that 9363  
involves a bulk amount of a controlled substance, or any 9364  
multiple thereof, or who is accused of a violation of former 9365  
section 2925.11 or section 2925.111 of the Revised Code, other 9366  
than a minor misdemeanor violation, that involves marihuana, is 9367  
entitled, upon written request made to the prosecuting attorney, 9368  
to have a laboratory analyst of the accused's choice, or, if the 9369  
accused is indigent, a qualified laboratory analyst appointed by 9370  
the court present at a measurement or weighing of the substance 9371  
that is the basis of the alleged violation. Also, the accused 9372  
person is entitled, upon further written request, to receive 9373  
copies of all recorded scientific data that result from the 9374  
measurement or weighing and that can be used by an analyst in 9375  
arriving at conclusions, findings, or opinions concerning the 9376  
weight, volume, or number of unit doses of the substance subject 9377

to the measurement or weighing. 9378

**Sec. 2927.21.** (A) As used in this section: 9379

(1) "Offense subject to forfeiture proceedings" means any 9380  
of the following: 9381

(a) A violation of section 2903.01, 2903.02, 2903.03, 9382  
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 9383  
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 9384  
2903.211 of the Revised Code; 9385

(b) A violation of section 2905.01, 2905.02, 2905.03, 9386  
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 9387

(c) A violation of section 2907.02, 2907.03, 2907.04, 9388  
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 9389  
2907.322, or 2907.323 of the Revised Code; 9390

(d) A violation of section 2909.02, 2909.03, 2909.22, 9391  
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 9392  
Revised Code; 9393

(e) A violation of section 2911.01, 2911.02, 2911.11, 9394  
2911.12, or 2911.13 of the Revised Code; 9395

(f) A violation of section 2915.02, 2915.03, 2915.04, or 9396  
2915.05 of the Revised Code; 9397

(g) A violation of section 2921.02, 2921.03, 2921.04, 9398  
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 9399

(h) A violation of section 2925.02, 2925.03, 2925.031, 9400  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, ~~or~~ 9401  
2925.11, or 2925.111 of the Revised Code; 9402

(i) A conspiracy or attempt to commit, or complicity in 9403  
committing, any offense under division (A)(1)(a), (b), (c), (d), 9404

(e), (f), (g), or (h) of this section. 9405

(2) "Proceeds" has the same meaning as in section 2981.01 9406  
of the Revised Code. 9407

(3) "Vehicle" has the same meaning as in section 4501.01 9408  
of the Revised Code. 9409

(B) No person shall receive, retain, possess, or dispose 9410  
of proceeds knowing or having reasonable cause to believe that 9411  
the proceeds were derived from the commission of an offense 9412  
subject to forfeiture proceedings. 9413

(C) It is not a defense to a charge of receiving proceeds 9414  
of an offense subject to forfeiture proceedings in violation of 9415  
this section that the proceeds were derived by means other than 9416  
the commission of an offense subject to forfeiture proceedings 9417  
if the property was explicitly represented to the accused person 9418  
as having been derived from the commission of an offense subject 9419  
to forfeiture proceedings. 9420

(D) A person shall be considered to have received, 9421  
retained, possessed, or disposed of proceeds if the proceeds are 9422  
found anywhere in a vehicle and the person was the last person 9423  
who operated the vehicle immediately prior to the search of the 9424  
vehicle by the law enforcement officer who found the proceeds. 9425

(E) Whoever violates this section is guilty of receiving 9426  
proceeds of an offense subject to forfeiture proceedings. If the 9427  
value of the proceeds involved is less than one thousand 9428  
dollars, receiving proceeds of an offense subject to forfeiture 9429  
proceedings is a misdemeanor of the first degree. If the value 9430  
of the proceeds involved is one thousand dollars or more and is 9431  
less than twenty-five thousand dollars, receiving proceeds of an 9432  
offense subject to forfeiture proceedings is a felony of the 9433

fifth degree. If the value of the proceeds involved is twenty- 9434  
five thousand dollars or more and is less than one hundred fifty 9435  
thousand dollars, receiving proceeds of an offense subject to 9436  
forfeiture proceedings is a felony of the fourth degree. If the 9437  
value of the proceeds involved is one hundred fifty thousand 9438  
dollars or more, receiving proceeds of an offense subject to 9439  
forfeiture proceedings is a felony of the third degree. 9440

**Sec. 2929.141.** (A) Upon the conviction of or plea of 9441  
guilty to a felony by a person on post-release control at the 9442  
time of the commission of the felony, the court may terminate 9443  
the term of post-release control, and the court may do either of 9444  
the following regardless of whether the sentencing court or 9445  
another court of this state imposed the original prison term for 9446  
which the person is on post-release control: 9447

(1) In addition to any prison term for the new felony, 9448  
impose a prison term for the post-release control violation. The 9449  
maximum prison term for the violation shall be the greater of 9450  
twelve months or the period of post-release control for the 9451  
earlier felony minus any time the person has spent under post- 9452  
release control for the earlier felony. In all cases, any prison 9453  
term imposed for the violation shall be reduced by any prison 9454  
term that is administratively imposed by the parole board as a 9455  
post-release control sanction. A prison term imposed for the 9456  
violation shall be served consecutively to any prison term 9457  
imposed for the new felony. The imposition of a prison term for 9458  
the post-release control violation shall terminate the period of 9459  
post-release control for the earlier felony. 9460

(2) Impose a sanction under sections 2929.15 to 2929.18 of 9461  
the Revised Code for the violation that shall be served 9462  
concurrently or consecutively, as specified by the court, with 9463

any community control sanctions for the new felony. 9464

(B) If a person on post-release control was acting 9465  
pursuant to division (B) (2) (b) of section 2925.11 or a related 9466  
provision under section 2925.111 of the Revised Code and in so 9467  
doing violated the conditions of a post-release control sanction 9468  
based on a minor drug possession offense, as defined in section 9469  
~~2925.11~~ 2925.01 of the Revised Code, the court may consider the 9470  
person's conduct in seeking or obtaining medical assistance for 9471  
another in good faith or for self or may consider the person 9472  
being the subject of another person seeking or obtaining medical 9473  
assistance in accordance with that division as a mitigating 9474  
factor before imposing any of the penalties described in 9475  
division (A) of this section. 9476

(C) Upon the conviction of or plea of guilty to a felony 9477  
by a person on transitional control under section 2967.26 of the 9478  
Revised Code at the time of the commission of the felony, the 9479  
court may, in addition to any prison term for the new felony, 9480  
impose a prison term not exceeding twelve months for having 9481  
committed the felony while on transitional control. An 9482  
additional prison term imposed pursuant to this section shall be 9483  
served consecutively to any prison term imposed for the new 9484  
felony. The sentencing court may impose the additional prison 9485  
term authorized by this section regardless of whether the 9486  
sentencing court or another court of this state imposed the 9487  
original prison term for which the person is on transitional 9488  
control. 9489

**Sec. 2929.18.** (A) Except as otherwise provided in this 9490  
division and in addition to imposing court costs pursuant to 9491  
section 2947.23 of the Revised Code, the court imposing a 9492  
sentence upon an offender for a felony may sentence the offender 9493

to any financial sanction or combination of financial sanctions 9494  
authorized under this section or, in the circumstances specified 9495  
in section 2929.32 of the Revised Code, may impose upon the 9496  
offender a fine in accordance with that section. Financial 9497  
sanctions that may be imposed pursuant to this section include, 9498  
but are not limited to, the following: 9499

(1) Restitution by the offender to the victim of the 9500  
offender's crime or any survivor of the victim, in an amount 9501  
based on the victim's economic loss. If the court imposes 9502  
restitution, the court shall order that the restitution be made 9503  
to the victim in open court, to the adult probation department 9504  
that serves the county on behalf of the victim, to the clerk of 9505  
courts, or to another agency designated by the court. If the 9506  
court imposes restitution, at sentencing, the court shall 9507  
determine the amount of restitution to be made by the offender. 9508  
If the court imposes restitution, the court may base the amount 9509  
of restitution it orders on an amount recommended by the victim, 9510  
the offender, a presentence investigation report, estimates or 9511  
receipts indicating the cost of repairing or replacing property, 9512  
and other information, provided that the amount the court orders 9513  
as restitution shall not exceed the amount of the economic loss 9514  
suffered by the victim as a direct and proximate result of the 9515  
commission of the offense. If the court decides to impose 9516  
restitution, the court shall hold a hearing on restitution if 9517  
the offender, victim, or survivor disputes the amount. All 9518  
restitution payments shall be credited against any recovery of 9519  
economic loss in a civil action brought by the victim or any 9520  
survivor of the victim against the offender. 9521

If the court imposes restitution, the court may order that 9522  
the offender pay a surcharge of not more than five per cent of 9523  
the amount of the restitution otherwise ordered to the entity 9524

responsible for collecting and processing restitution payments. 9525

The victim or survivor may request that the prosecutor in 9526  
the case file a motion, or the offender may file a motion, for 9527  
modification of the payment terms of any restitution ordered. If 9528  
the court grants the motion, it may modify the payment terms as 9529  
it determines appropriate. 9530

(2) Except as provided in division (B)(1), (3), or (4) of 9531  
this section, a fine payable by the offender to the state, to a 9532  
political subdivision, or as described in division (B)(2) of 9533  
this section to one or more law enforcement agencies, with the 9534  
amount of the fine based on a standard percentage of the 9535  
offender's daily income over a period of time determined by the 9536  
court and based upon the seriousness of the offense. A fine 9537  
ordered under this division shall not exceed the maximum 9538  
conventional fine amount authorized for the level of the offense 9539  
under division (A)(3) of this section. 9540

(3) Except as provided in division (B)(1), (3), or (4) of 9541  
this section, a fine payable by the offender to the state, to a 9542  
political subdivision when appropriate for a felony, or as 9543  
described in division (B)(2) of this section to one or more law 9544  
enforcement agencies, in the following amount: 9545

(a) For a felony of the first degree, not more than twenty 9546  
thousand dollars; 9547

(b) For a felony of the second degree, not more than 9548  
fifteen thousand dollars; 9549

(c) For a felony of the third degree, not more than ten 9550  
thousand dollars; 9551

(d) For a felony of the fourth degree, not more than five 9552  
thousand dollars; 9553

(e) For a felony of the fifth degree, not more than two 9554  
thousand five hundred dollars. 9555

(4) A state fine or costs as defined in section 2949.111 9556  
of the Revised Code. 9557

(5) (a) Reimbursement by the offender of any or all of the 9558  
costs of sanctions incurred by the government, including the 9559  
following: 9560

(i) All or part of the costs of implementing any community 9561  
control sanction, including a supervision fee under section 9562  
2951.021 of the Revised Code; 9563

(ii) All or part of the costs of confinement under a 9564  
sanction imposed pursuant to section 2929.14, 2929.142, or 9565  
2929.16 of the Revised Code, provided that the amount of 9566  
reimbursement ordered under this division shall not exceed the 9567  
total amount of reimbursement the offender is able to pay as 9568  
determined at a hearing and shall not exceed the actual cost of 9569  
the confinement; 9570

(iii) All or part of the cost of purchasing and using an 9571  
immobilizing or disabling device, including a certified ignition 9572  
interlock device, or a remote alcohol monitoring device that a 9573  
court orders an offender to use under section 4510.13 of the 9574  
Revised Code. 9575

(b) If the offender is sentenced to a sanction of 9576  
confinement pursuant to section 2929.14 or 2929.16 of the 9577  
Revised Code that is to be served in a facility operated by a 9578  
board of county commissioners, a legislative authority of a 9579  
municipal corporation, or another local governmental entity, if, 9580  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 9581  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 9582



section 2929.37 of the Revised Code, the board, legislative 9583  
authority, or other local governmental entity requires prisoners 9584  
to reimburse the county, municipal corporation, or other entity 9585  
for its expenses incurred by reason of the prisoner's 9586  
confinement, and if the court does not impose a financial 9587  
sanction under division (A)(5)(a)(ii) of this section, 9588  
confinement costs may be assessed pursuant to section 2929.37 of 9589  
the Revised Code. In addition, the offender may be required to 9590  
pay the fees specified in section 2929.38 of the Revised Code in 9591  
accordance with that section. 9592

(c) Reimbursement by the offender for costs pursuant to 9593  
section 2929.71 of the Revised Code. 9594

(B)(1) For a first, second, or third degree felony 9595  
violation of any provision of Chapter 2925., 3719., or 4729. of 9596  
the Revised Code, the sentencing court shall impose upon the 9597  
offender a mandatory fine of at least one-half of, but not more 9598  
than, the maximum statutory fine amount authorized for the level 9599  
of the offense pursuant to division (A)(3) of this section. If 9600  
an offender alleges in an affidavit filed with the court prior 9601  
to sentencing that the offender is indigent and unable to pay 9602  
the mandatory fine and if the court determines the offender is 9603  
an indigent person and is unable to pay the mandatory fine 9604  
described in this division, the court shall not impose the 9605  
mandatory fine upon the offender. 9606

(2) Any mandatory fine imposed upon an offender under 9607  
division (B)(1) of this section and any fine imposed upon an 9608  
offender under division (A)(2) or (3) of this section for any 9609  
fourth or fifth degree felony violation of any provision of 9610  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 9611  
to law enforcement agencies pursuant to division ~~(F)~~(N) of 9612

section 2925.03 of the Revised Code. 9613

(3) For a fourth degree felony OVI offense and for a third 9614  
degree felony OVI offense, the sentencing court shall impose 9615  
upon the offender a mandatory fine in the amount specified in 9616  
division (G)(1)(d) or (e) of section 4511.19 of the Revised 9617  
Code, whichever is applicable. The mandatory fine so imposed 9618  
shall be disbursed as provided in the division pursuant to which 9619  
it is imposed. 9620

(4) Notwithstanding any fine otherwise authorized or 9621  
required to be imposed under division (A)(2) or (3) or (B)(1) of 9622  
this section or section 2929.31 of the Revised Code for a 9623  
violation of section 2925.03, 2925.031, or 2925.032 of the 9624  
Revised Code, in addition to any penalty or sanction imposed for 9625  
that offense under section 2925.03, 2925.031, or 2925.032 or 9626  
sections 2929.11 to 2929.18 of the Revised Code and in addition 9627  
to the forfeiture of property in connection with the offense as 9628  
prescribed in Chapter 2981. of the Revised Code, the court that 9629  
sentences an offender for a violation of section 2925.03 of the 9630  
Revised Code may impose upon the offender a fine in addition to 9631  
any fine imposed under division (A)(2) or (3) of this section 9632  
and in addition to any mandatory fine imposed under division (B) 9633  
(1) of this section. The fine imposed under division (B)(4) of 9634  
this section shall be used as provided in division (H) of 9635  
section 2925.03 of the Revised Code. A fine imposed under 9636  
division (B)(4) of this section shall not exceed whichever of 9637  
the following is applicable: 9638

(a) The total value of any personal or real property in 9639  
which the offender has an interest and that was used in the 9640  
course of, intended for use in the course of, derived from, or 9641  
realized through conduct in violation of section 2925.03,    9642

2925.031, or 2925.032 of the Revised Code, including any 9643  
property that constitutes proceeds derived from that offense; 9644

(b) If the offender has no interest in any property of the 9645  
type described in division (B) (4) (a) of this section or if it is 9646  
not possible to ascertain whether the offender has an interest 9647  
in any property of that type in which the offender may have an 9648  
interest, the amount of the mandatory fine for the offense 9649  
imposed under division (B) (1) of this section or, if no 9650  
mandatory fine is imposed under division (B) (1) of this section, 9651  
the amount of the fine authorized for the level of the offense 9652  
imposed under division (A) (3) of this section. 9653

(5) Prior to imposing a fine under division (B) (4) of this 9654  
section, the court shall determine whether the offender has an 9655  
interest in any property of the type described in division (B) 9656  
(4) (a) of this section. Except as provided in division (B) (6) or 9657  
(7) of this section, a fine that is authorized and imposed under 9658  
division (B) (4) of this section does not limit or affect the 9659  
imposition of the penalties and sanctions for a violation of 9660  
section 2925.03, 2925.031, or 2925.032 of the Revised Code 9661  
prescribed under those sections or sections 2929.11 to 2929.18 9662  
of the Revised Code and does not limit or affect a forfeiture of 9663  
property in connection with the offense as prescribed in Chapter 9664  
2981. of the Revised Code. 9665

(6) If the sum total of a mandatory fine amount imposed 9666  
for a first, second, or third degree felony violation of section 9667  
2925.03 of the Revised Code under division (B) (1) of this 9668  
section plus the amount of any fine imposed under division (B) 9669  
(4) of this section does not exceed the maximum statutory fine 9670  
amount authorized for the level of the offense under division 9671  
(A) (3) of this section or section 2929.31 of the Revised Code, 9672

the court may impose a fine for the offense in addition to the 9673  
mandatory fine and the fine imposed under division (B)(4) of 9674  
this section. The sum total of the amounts of the mandatory 9675  
fine, the fine imposed under division (B)(4) of this section, 9676  
and the additional fine imposed under division (B)(6) of this 9677  
section shall not exceed the maximum statutory fine amount 9678  
authorized for the level of the offense under division (A)(3) of 9679  
this section or section 2929.31 of the Revised Code. The clerk 9680  
of the court shall pay any fine that is imposed under division 9681  
(B)(6) of this section to the county, township, municipal 9682  
corporation, park district as created pursuant to section 511.18 9683  
or 1545.04 of the Revised Code, or state law enforcement 9684  
agencies in this state that primarily were responsible for or 9685  
involved in making the arrest of, and in prosecuting, the 9686  
offender pursuant to division ~~(F)~~(N) of section 2925.03 of the 9687  
Revised Code. 9688

(7) If the sum total of the amount of a mandatory fine 9689  
imposed for a first, second, or third degree felony violation of 9690  
section 2925.03, 2925.031, or 2925.032 of the Revised Code plus 9691  
the amount of any fine imposed under division (B)(4) of this 9692  
section exceeds the maximum statutory fine amount authorized for 9693  
the level of the offense under division (A)(3) of this section 9694  
or section 2929.31 of the Revised Code, the court shall not 9695  
impose a fine under division (B)(6) of this section. 9696

(8)(a) If an offender who is convicted of or pleads guilty 9697  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 9698  
2923.32, division (A)(1) or (2) of section 2907.323 involving a 9699  
minor, or division (B)(1), (2), (3), (4), or (5) of section 9700  
2919.22 of the Revised Code also is convicted of or pleads 9701  
guilty to a specification of the type described in section 9702  
2941.1422 of the Revised Code that charges that the offender 9703

knowingly committed the offense in furtherance of human 9704  
trafficking, the sentencing court shall sentence the offender to 9705  
a financial sanction of restitution by the offender to the 9706  
victim or any survivor of the victim, with the restitution 9707  
including the costs of housing, counseling, and medical and 9708  
legal assistance incurred by the victim as a direct result of 9709  
the offense and the greater of the following: 9710

(i) The gross income or value to the offender of the 9711  
victim's labor or services; 9712

(ii) The value of the victim's labor as guaranteed under 9713  
the minimum wage and overtime provisions of the "Federal Fair 9714  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 9715  
state labor laws. 9716

(b) If a court imposing sentence upon an offender for a 9717  
felony is required to impose upon the offender a financial 9718  
sanction of restitution under division (B)(8)(a) of this 9719  
section, in addition to that financial sanction of restitution, 9720  
the court may sentence the offender to any other financial 9721  
sanction or combination of financial sanctions authorized under 9722  
this section, including a restitution sanction under division 9723  
(A)(1) of this section. 9724

(9) In addition to any other fine that is or may be 9725  
imposed under this section, the court imposing sentence upon an 9726  
offender for a felony that is a sexually oriented offense or a 9727  
child-victim oriented offense, as those terms are defined in 9728  
section 2950.01 of the Revised Code, may impose a fine of not 9729  
less than fifty nor more than five hundred dollars. 9730

(10) For a felony violation of division (A) of section 9731  
2921.321 of the Revised Code that results in the death of the 9732

police dog or horse that is the subject of the violation, the 9733  
sentencing court shall impose upon the offender a mandatory fine 9734  
from the range of fines provided under division (A)(3) of this 9735  
section for a felony of the third degree. A mandatory fine 9736  
imposed upon an offender under division (B)(10) of this section 9737  
shall be paid to the law enforcement agency that was served by 9738  
the police dog or horse that was killed in the felony violation 9739  
of division (A) of section 2921.321 of the Revised Code to be 9740  
used as provided in division (E)(1)(b) of that section. 9741

(11) In addition to any other fine that is or may be 9742  
imposed under this section, the court imposing sentence upon an 9743  
offender for any of the following offenses that is a felony may 9744  
impose a fine of not less than seventy nor more than five 9745  
hundred dollars, which shall be transmitted to the treasurer of 9746  
state to be credited to the address confidentiality program fund 9747  
created by section 111.48 of the Revised Code: 9748

(a) Domestic violence; 9749

(b) Menacing by stalking; 9750

(c) Rape; 9751

(d) Sexual battery; 9752

(e) Trafficking in persons; 9753

(f) A violation of section 2905.01, 2905.02, 2907.21, 9754  
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 9755  
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 9756  
section 2919.22 of the Revised Code, if the offender also is 9757  
convicted of a specification of the type described in section 9758  
2941.1422 of the Revised Code that charges that the offender 9759  
knowingly committed the offense in furtherance of human 9760  
trafficking. 9761

(C) (1) Except as provided in section 2951.021 of the 9762  
Revised Code, the offender shall pay reimbursements imposed upon 9763  
the offender pursuant to division (A) (5) (a) of this section to 9764  
pay the costs incurred by a county pursuant to any sanction 9765  
imposed under this section or section 2929.16 or 2929.17 of the 9766  
Revised Code or in operating a facility used to confine 9767  
offenders pursuant to a sanction imposed under section 2929.16 9768  
of the Revised Code to the county treasurer. The county 9769  
treasurer shall deposit the reimbursements in the sanction cost 9770  
reimbursement fund that each board of county commissioners shall 9771  
create in its county treasury. The county shall use the amounts 9772  
deposited in the fund to pay the costs incurred by the county 9773  
pursuant to any sanction imposed under this section or section 9774  
2929.16 or 2929.17 of the Revised Code or in operating a 9775  
facility used to confine offenders pursuant to a sanction 9776  
imposed under section 2929.16 of the Revised Code. 9777

(2) Except as provided in section 2951.021 of the Revised 9778  
Code, the offender shall pay reimbursements imposed upon the 9779  
offender pursuant to division (A) (5) (a) of this section to pay 9780  
the costs incurred by a municipal corporation pursuant to any 9781  
sanction imposed under this section or section 2929.16 or 9782  
2929.17 of the Revised Code or in operating a facility used to 9783  
confine offenders pursuant to a sanction imposed under section 9784  
2929.16 of the Revised Code to the treasurer of the municipal 9785  
corporation. The treasurer shall deposit the reimbursements in a 9786  
special fund that shall be established in the treasury of each 9787  
municipal corporation. The municipal corporation shall use the 9788  
amounts deposited in the fund to pay the costs incurred by the 9789  
municipal corporation pursuant to any sanction imposed under 9790  
this section or section 2929.16 or 2929.17 of the Revised Code 9791  
or in operating a facility used to confine offenders pursuant to 9792

a sanction imposed under section 2929.16 of the Revised Code. 9793

(3) Except as provided in section 2951.021 of the Revised 9794  
Code, the offender shall pay reimbursements imposed pursuant to 9795  
division (A)(5)(a) of this section for the costs incurred by a 9796  
private provider pursuant to a sanction imposed under this 9797  
section or section 2929.16 or 2929.17 of the Revised Code to the 9798  
provider. 9799

(D) Except as otherwise provided in this division, a 9800  
financial sanction imposed pursuant to division (A) or (B) of 9801  
this section is a judgment in favor of the state or a political 9802  
subdivision in which the court that imposed the financial 9803  
sanction is located, and the offender subject to the financial 9804  
sanction is the judgment debtor. A financial sanction of 9805  
reimbursement imposed pursuant to division (A)(5)(a)(ii) of this 9806  
section upon an offender who is incarcerated in a state facility 9807  
or a municipal jail is a judgment in favor of the state or the 9808  
municipal corporation, and the offender subject to the financial 9809  
sanction is the judgment debtor. A financial sanction of 9810  
reimbursement imposed upon an offender pursuant to this section 9811  
for costs incurred by a private provider of sanctions is a 9812  
judgment in favor of the private provider, and the offender 9813  
subject to the financial sanction is the judgment debtor. A 9814  
financial sanction of a mandatory fine imposed under division 9815  
(B)(10) of this section that is required under that division to 9816  
be paid to a law enforcement agency is a judgment in favor of 9817  
the specified law enforcement agency, and the offender subject 9818  
to the financial sanction is the judgment debtor. A financial 9819  
sanction of restitution imposed pursuant to division (A)(1) or 9820  
(B)(8) of this section is an order in favor of the victim of the 9821  
offender's criminal act that can be collected through a 9822  
certificate of judgment as described in division (D)(1) of this 9823



section, through execution as described in division (D) (2) of 9824  
this section, or through an order as described in division (D) 9825  
(3) of this section, and the offender shall be considered for 9826  
purposes of the collection as the judgment debtor. Imposition of 9827  
a financial sanction and execution on the judgment does not 9828  
preclude any other power of the court to impose or enforce 9829  
sanctions on the offender. Once the financial sanction is 9830  
imposed as a judgment or order under this division, the victim, 9831  
private provider, state, or political subdivision may do any of 9832  
the following: 9833

(1) Obtain from the clerk of the court in which the 9834  
judgment was entered a certificate of judgment that shall be in 9835  
the same manner and form as a certificate of judgment issued in 9836  
a civil action; 9837

(2) Obtain execution of the judgment or order through any 9838  
available procedure, including: 9839

(a) An execution against the property of the judgment 9840  
debtor under Chapter 2329. of the Revised Code; 9841

(b) An execution against the person of the judgment debtor 9842  
under Chapter 2331. of the Revised Code; 9843

(c) A proceeding in aid of execution under Chapter 2333. 9844  
of the Revised Code, including: 9845

(i) A proceeding for the examination of the judgment 9846  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 9847  
2333.27 of the Revised Code; 9848

(ii) A proceeding for attachment of the person of the 9849  
judgment debtor under section 2333.28 of the Revised Code; 9850

(iii) A creditor's suit under section 2333.01 of the 9851

Revised Code. 9852

(d) The attachment of the property of the judgment debtor 9853  
under Chapter 2715. of the Revised Code; 9854

(e) The garnishment of the property of the judgment debtor 9855  
under Chapter 2716. of the Revised Code. 9856

(3) Obtain an order for the assignment of wages of the 9857  
judgment debtor under section 1321.33 of the Revised Code. 9858

(E) A court that imposes a financial sanction upon an 9859  
offender may hold a hearing if necessary to determine whether 9860  
the offender is able to pay the sanction or is likely in the 9861  
future to be able to pay it. 9862

(F) Each court imposing a financial sanction upon an 9863  
offender under this section or under section 2929.32 of the 9864  
Revised Code may designate the clerk of the court or another 9865  
person to collect the financial sanction. The clerk or other 9866  
person authorized by law or the court to collect the financial 9867  
sanction may enter into contracts with one or more public 9868  
agencies or private vendors for the collection of, amounts due 9869  
under the financial sanction imposed pursuant to this section or 9870  
section 2929.32 of the Revised Code. Before entering into a 9871  
contract for the collection of amounts due from an offender 9872  
pursuant to any financial sanction imposed pursuant to this 9873  
section or section 2929.32 of the Revised Code, a court shall 9874  
comply with sections 307.86 to 307.92 of the Revised Code. 9875

(G) If a court that imposes a financial sanction under 9876  
division (A) or (B) of this section finds that an offender 9877  
satisfactorily has completed all other sanctions imposed upon 9878  
the offender and that all restitution that has been ordered has 9879  
been paid as ordered, the court may suspend any financial 9880

sanctions imposed pursuant to this section or section 2929.32 of 9881  
the Revised Code that have not been paid. 9882

(H) No financial sanction imposed under this section or 9883  
section 2929.32 of the Revised Code shall preclude a victim from 9884  
bringing a civil action against the offender. 9885

**Sec. 2929.25.** (A) (1) Except as provided in sections 9886  
2929.22 and 2929.23 of the Revised Code or when a jail term is 9887  
required by law, in sentencing an offender for a misdemeanor, 9888  
other than a minor misdemeanor, the sentencing court may do 9889  
either of the following: 9890

(a) Directly impose a sentence that consists of one or 9891  
more community control sanctions authorized by section 2929.26, 9892  
2929.27, or 2929.28 of the Revised Code. The court may impose 9893  
any other conditions of release under a community control 9894  
sanction that the court considers appropriate. If the court 9895  
imposes a jail term upon the offender, the court may impose any 9896  
community control sanction or combination of community control 9897  
sanctions in addition to the jail term. 9898

(b) Impose a jail term under section 2929.24 of the 9899  
Revised Code from the range of jail terms authorized under that 9900  
section for the offense, suspend all or a portion of the jail 9901  
term imposed, and place the offender under a community control 9902  
sanction or combination of community control sanctions 9903  
authorized under section 2929.26, 2929.27, or 2929.28 of the 9904  
Revised Code. 9905

(2) The duration of all community control sanctions 9906  
imposed upon an offender and in effect for an offender at any 9907  
time shall not exceed five years. 9908

(3) At sentencing, if a court directly imposes a community 9909

control sanction or combination of community control sanctions 9910  
pursuant to division (A) (1) (a) or (B) of this section, the court 9911  
shall state the duration of the community control sanctions 9912  
imposed and shall notify the offender that if any of the 9913  
conditions of the community control sanctions are violated the 9914  
court may do any of the following: 9915

(a) Impose a longer time under the same community control 9916  
sanction if the total time under all of the offender's community 9917  
control sanctions does not exceed the five-year limit specified 9918  
in division (A) (2) of this section; 9919

(b) Impose a more restrictive community control sanction 9920  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 9921  
but the court is not required to impose any particular sanction 9922  
or sanctions; 9923

(c) Impose a definite jail term from the range of jail 9924  
terms authorized for the offense under section 2929.24 of the 9925  
Revised Code. 9926

(B) If a court sentences an offender to any community 9927  
control sanction or combination of community control sanctions 9928  
pursuant to division (A) (1) (a) of this section, the sentencing 9929  
court retains jurisdiction over the offender and the period of 9930  
community control for the duration of the period of community 9931  
control. Upon the motion of either party or on the court's own 9932  
motion, the court, in the court's sole discretion and as the 9933  
circumstances warrant, may modify the community control 9934  
sanctions or conditions of release previously imposed, 9935  
substitute a community control sanction or condition of release 9936  
for another community control sanction or condition of release 9937  
previously imposed, or impose an additional community control 9938  
sanction or condition of release. 9939

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(2) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the state without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

(D) (1) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if the offender violates any of the conditions of the sanctions,

the public or private person or entity that supervises or 9971  
administers the program or activity that comprises the sanction 9972  
shall report the violation directly to the sentencing court or 9973  
to the department of probation or probation officer with general 9974  
control and supervision over the offender. If the public or 9975  
private person or entity reports the violation to the department 9976  
of probation or probation officer, the department or officer 9977  
shall report the violation to the sentencing court. 9978

(2) If an offender violates any condition of a community 9979  
control sanction, the sentencing court may impose upon the 9980  
violation one or more of the following penalties: 9981

(a) A longer time under the same community control 9982  
sanction if the total time under all of the community control 9983  
sanctions imposed on the violator does not exceed the five-year 9984  
limit specified in division (A) (2) of this section; 9985

(b) A more restrictive community control sanction; 9986

(c) A combination of community control sanctions, 9987  
including a jail term. 9988

(3) If an offender was acting pursuant to division (B) (2) 9989  
(b) of section 2925.11 of the Revised Code and in so doing 9990  
violated the conditions of a community control sanction based on 9991  
a minor drug possession offense, as defined in section ~~2925.11~~ 9992  
2925.01 of the Revised Code, the sentencing court may consider 9993  
the offender's conduct in seeking or obtaining medical 9994  
assistance for another in good faith or for self or may consider 9995  
the offender being the subject of another person seeking or 9996  
obtaining medical assistance in accordance with that division as 9997  
a mitigating factor before imposing any of the penalties 9998  
described in division (D) (2) of this section. 9999

(4) If the court imposes a jail term upon a violator 10000  
pursuant to division (D) (2) of this section, the total time 10001  
spent in jail for the misdemeanor offense and the violation of a 10002  
condition of the community control sanction shall not exceed the 10003  
maximum jail term available for the offense for which the 10004  
sanction that was violated was imposed. The court may reduce the 10005  
longer period of time that the violator is required to spend 10006  
under the longer sanction or the more restrictive sanction 10007  
imposed under division (D) (2) of this section by all or part of 10008  
the time the violator successfully spent under the sanction that 10009  
was initially imposed. 10010

(E) Except as otherwise provided in this division, if an 10011  
offender, for a significant period of time, fulfills the 10012  
conditions of a community control sanction imposed pursuant to 10013  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 10014  
exemplary manner, the court may reduce the period of time under 10015  
the community control sanction or impose a less restrictive 10016  
community control sanction. Fulfilling the conditions of a 10017  
community control sanction does not relieve the offender of a 10018  
duty to make restitution under section 2929.28 of the Revised 10019  
Code. 10020

**Sec. 2929.34.** (A) A person who is convicted of or pleads 10021  
guilty to aggravated murder, murder, or an offense punishable by 10022  
life imprisonment and who is sentenced to a term of life 10023  
imprisonment or a prison term pursuant to that conviction shall 10024  
serve that term in an institution under the control of the 10025  
department of rehabilitation and correction. 10026

(B) (1) A person who is convicted of or pleads guilty to a 10027  
felony other than aggravated murder, murder, or an offense 10028  
punishable by life imprisonment and who is sentenced to a term 10029

of imprisonment or a prison term pursuant to that conviction 10030  
shall serve that term as follows: 10031

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 10032  
this section, in an institution under the control of the 10033  
department of rehabilitation and correction if the term is a 10034  
prison term or as otherwise determined by the sentencing court 10035  
pursuant to section 2929.16 of the Revised Code if the term is 10036  
not a prison term; 10037

(b) In a facility of a type described in division (G) (1) 10038  
of section 2929.13 of the Revised Code, if the offender is 10039  
sentenced pursuant to that division. 10040

(2) If the term is a prison term, the person may be 10041  
imprisoned in a jail that is not a minimum security jail 10042  
pursuant to agreement under section 5120.161 of the Revised Code 10043  
between the department of rehabilitation and correction and the 10044  
local authority that operates the jail. 10045

(3) (a) As used in divisions (B) (3) (a) to (d) of this 10046  
section: 10047

(i) "Target county" means Franklin county, Cuyahoga 10048  
county, Hamilton county, Summit county, Montgomery county, Lucas 10049  
county, Butler county, Stark county, Lorain county, and Mahoning 10050  
county. 10051

(ii) "Voluntary county" means any county in which the 10052  
board of county commissioners of the county and the 10053  
administrative judge of the general division of the court of 10054  
common pleas of the county enter into an agreement of the type 10055  
described in division (B) (3) (b) of this section and in which the 10056  
agreement has not been terminated as described in that division. 10057

(b) In any county other than a target county, the board of 10058



county commissioners of the county and the administrative judge 10059  
of the general division of the court of common pleas of the 10060  
county may agree to having the county participate in the 10061  
procedures regarding local and state confinement established 10062  
under division (B) (3) (c) of this section. A board of county 10063  
commissioners and an administrative judge of a court of common 10064  
pleas that enter into an agreement of the type described in this 10065  
division may terminate the agreement, but a termination under 10066  
this division shall take effect only at the end of the state 10067  
fiscal biennium in which the termination decision is made. 10068

(c) Except as provided in division (B) (3) (d) of this 10069  
section, on and after July 1, 2018, no person sentenced by the 10070  
court of common pleas of a target county or of a voluntary 10071  
county to a prison term that is twelve months or less for a 10072  
felony of the fifth degree shall serve the term in an 10073  
institution under the control of the department of 10074  
rehabilitation and correction. The person shall instead serve 10075  
the sentence as a term of confinement in a facility of a type 10076  
described in division (C) or (D) of this section. Nothing in 10077  
this division relieves the state of its obligation to pay for 10078  
the cost of confinement of the person in a community-based 10079  
correctional facility under division (D) of this section. 10080

(d) Division (B) (3) (c) of this section does not apply to 10081  
any person to whom any of the following apply: 10082

(i) The felony of the fifth degree was an offense of 10083  
violence, as defined in section 2901.01 of the Revised Code, a 10084  
sex offense under Chapter 2907. of the Revised Code, a violation 10085  
of section 2925.03, 2925.031, or 2925.032 of the Revised Code, 10086  
or any offense for which a mandatory prison term is required. 10087

(ii) The person previously has been convicted of or 10088

pleaded guilty to any felony offense of violence, as defined in 10089  
section 2901.01 of the Revised Code, unless the felony of the 10090  
fifth degree for which the person is being sentenced is a 10091  
violation of division (I) (1) of section 2903.43 of the Revised 10092  
Code. 10093

(iii) The person previously has been convicted of or 10094  
pleaded guilty to any felony sex offense under Chapter 2907. of 10095  
the Revised Code. 10096

(iv) The person's sentence is required to be served 10097  
concurrently to any other sentence imposed upon the person for a 10098  
felony that is required to be served in an institution under the 10099  
control of the department of rehabilitation and correction. 10100

(C) A person who is convicted of or pleads guilty to one 10101  
or more misdemeanors and who is sentenced to a jail term or term 10102  
of imprisonment pursuant to the conviction or convictions shall 10103  
serve that term in a county, multicounty, municipal, municipal- 10104  
county, or multicounty-municipal jail or workhouse; in a 10105  
community alternative sentencing center or district community 10106  
alternative sentencing center when authorized by section 307.932 10107  
of the Revised Code; or, if the misdemeanor or misdemeanors are 10108  
not offenses of violence, in a minimum security jail. 10109

(D) Nothing in this section prohibits the commitment, 10110  
referral, or sentencing of a person who is convicted of or 10111  
pleads guilty to a felony to a community-based correctional 10112  
facility. 10113

**Sec. 2933.51.** As used in sections 2933.51 to 2933.66 of 10114  
the Revised Code: 10115

(A) "Wire communication" means an aural transfer that is 10116  
made in whole or in part through the use of facilities for the 10117

transmission of communications by the aid of wires or similar 10118  
methods of connecting the point of origin of the communication 10119  
and the point of reception of the communication, including the 10120  
use of a method of connecting the point of origin and the point 10121  
of reception of the communication in a switching station, if the 10122  
facilities are furnished or operated by a person engaged in 10123  
providing or operating the facilities for the transmission of 10124  
communications. "Wire communication" includes an electronic 10125  
storage of a wire communication. 10126

(B) "Oral communication" means an oral communication 10127  
uttered by a person exhibiting an expectation that the 10128  
communication is not subject to interception under circumstances 10129  
justifying that expectation. "Oral communication" does not 10130  
include an electronic communication. 10131

(C) "Intercept" means the aural or other acquisition of 10132  
the contents of any wire, oral, or electronic communication 10133  
through the use of an interception device. 10134

(D) "Interception device" means an electronic, mechanical, 10135  
or other device or apparatus that can be used to intercept a 10136  
wire, oral, or electronic communication. "Interception device" 10137  
does not mean any of the following: 10138

(1) A telephone or telegraph instrument, equipment, or 10139  
facility, or any of its components, if the instrument, 10140  
equipment, facility, or component is any of the following: 10141

(a) Furnished to the subscriber or user by a provider of 10142  
wire or electronic communication service in the ordinary course 10143  
of its business and being used by the subscriber or user in the 10144  
ordinary course of its business; 10145

(b) Furnished by a subscriber or user for connection to 10146

the facilities of a provider of wire or electronic communication 10147  
service and used in the ordinary course of that subscriber's or 10148  
user's business; 10149

(c) Being used by a provider of wire or electronic 10150  
communication service in the ordinary course of its business or 10151  
by an investigative or law enforcement officer in the ordinary 10152  
course of the officer's duties that do not involve the 10153  
interception of wire, oral, or electronic communications. 10154

(2) A hearing aid or similar device being used to correct 10155  
subnormal hearing to not better than normal. 10156

(E) "Investigative officer" means any of the following: 10157

(1) An officer of this state or a political subdivision of 10158  
this state, who is empowered by law to conduct investigations or 10159  
to make arrests for a designated offense; 10160

(2) A person described in divisions (A) (11) (a) and (b) of 10161  
section 2901.01 of the Revised Code; 10162

(3) An attorney authorized by law to prosecute or 10163  
participate in the prosecution of a designated offense; 10164

(4) A secret service officer appointed pursuant to section 10165  
309.07 of the Revised Code; 10166

(5) An officer of the United States, a state, or a 10167  
political subdivision of a state who is authorized to conduct 10168  
investigations pursuant to the "Electronic Communications 10169  
Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 10170  
(1986), as amended. 10171

(F) "Interception warrant" means a court order that 10172  
authorizes the interception of wire, oral, or electronic 10173  
communications and that is issued pursuant to sections 2933.53 10174

to 2933.56 of the Revised Code. 10175

(G) "Contents," when used with respect to a wire, oral, or 10176  
electronic communication, includes any information concerning 10177  
the substance, purport, or meaning of the communication. 10178

(H) "Communications common carrier" means a person who is 10179  
engaged as a common carrier for hire in intrastate, interstate, 10180  
or foreign communications by wire, radio, or radio transmission 10181  
of energy. "Communications common carrier" does not include, to 10182  
the extent that the person is engaged in radio broadcasting, a 10183  
person engaged in radio broadcasting. 10184

(I) "Designated offense" means any of the following: 10185

(1) A felony violation of section 1315.53, 1315.55, 10186  
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 10187  
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 10188  
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 10189  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 10190  
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 10191  
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.03, 2925.031, 10192  
2925.032, 2925.04, 2925.05, or 2925.06 or of division (B) of 10193  
section 2915.05 or of division (E) or (G) of section 3772.99 of 10194  
the Revised Code; 10195

(2) A violation of section 2919.23 of the Revised Code 10196  
that, had it occurred prior to July 1, 1996, would have been a 10197  
violation of section 2905.04 of the Revised Code as it existed 10198  
prior to that date; 10199

(3) A felony violation of section 2925.11 or 2925.111 of 10200  
the Revised Code that is not a minor drug possession offense, as 10201  
defined in section 2925.01 of the Revised Code; 10202

(4) Complicity in the commission of a felony violation of 10203

a section listed in division (I)(1), (2), or (3) of this 10204  
section; 10205

(5) An attempt to commit, or conspiracy in the commission 10206  
of, a felony violation of a section listed in division (I)(1), 10207  
(2), or (3) of this section, if the attempt or conspiracy is 10208  
punishable by a term of imprisonment of more than one year. 10209

(J) "Aggrieved person" means a person who was a party to 10210  
an intercepted wire, oral, or electronic communication or a 10211  
person against whom the interception of the communication was 10212  
directed. 10213

(K) "Person" means a person, as defined in section 1.59 of 10214  
the Revised Code, or a governmental officer, employee, or 10215  
entity. 10216

(L) "Special need" means a showing that a licensed 10217  
physician, licensed practicing psychologist, attorney, 10218  
practicing cleric, journalist, or either spouse is personally 10219  
engaging in continuing criminal activity, was engaged in 10220  
continuing criminal activity over a period of time, or is 10221  
committing, has committed, or is about to commit, a designated 10222  
offense, or a showing that specified public facilities are being 10223  
regularly used by someone who is personally engaging in 10224  
continuing criminal activity, was engaged in continuing criminal 10225  
activity over a period of time, or is committing, has committed, 10226  
or is about to commit, a designated offense. 10227

(M) "Journalist" means a person engaged in, connected 10228  
with, or employed by, any news media, including a newspaper, 10229  
magazine, press association, news agency, or wire service, a 10230  
radio or television station, or a similar media, for the purpose 10231  
of gathering, processing, transmitting, compiling, editing, or 10232

disseminating news for the general public. 10233

(N) "Electronic communication" means a transfer of a sign, 10234  
signal, writing, image, sound, datum, or intelligence of any 10235  
nature that is transmitted in whole or in part by a wire, radio, 10236  
electromagnetic, photoelectronic, or photo-optical system. 10237

"Electronic communication" does not mean any of the following: 10238

(1) A wire or oral communication; 10239

(2) A communication made through a tone-only paging 10240  
device; 10241

(3) A communication from an electronic or mechanical 10242  
tracking device that permits the tracking of the movement of a 10243  
person or object. 10244

(O) "User" means a person or entity that uses an 10245  
electronic communication service and is duly authorized by the 10246  
provider of the service to engage in the use of the electronic 10247  
communication service. 10248

(P) "Electronic communications system" means a wire, 10249  
radio, electromagnetic, photoelectronic, or photo-optical 10250  
facility for the transmission of electronic communications, and 10251  
a computer facility or related electronic equipment for the 10252  
electronic storage of electronic communications. 10253

(Q) "Electronic communication service" means a service 10254  
that provides to users of the service the ability to send or 10255  
receive wire or electronic communications. 10256

(R) "Readily accessible to the general public" means, with 10257  
respect to a radio communication, that the communication is none 10258  
of the following: 10259

(1) Scrambled or encrypted; 10260

(2) Transmitted using a modulation technique, the 10261  
essential parameters of which have been withheld from the public 10262  
with the intention of preserving the privacy of the 10263  
communication; 10264

(3) Carried on a subcarrier or other signal subsidiary to 10265  
a radio transmission; 10266

(4) Transmitted over a communications system provided by a 10267  
communications common carrier, unless the communication is a 10268  
tone-only paging system communication; 10269

(5) Transmitted on a frequency allocated under part 25, 10270  
subpart D, E, or F of part 74, or part 94 of the Rules of the 10271  
Federal Communications Commission, as those provisions existed 10272  
on July 1, 1996, unless, in the case of a communication 10273  
transmitted on a frequency allocated under part 74 that is not 10274  
exclusively allocated to broadcast auxiliary services, the 10275  
communication is a two-way voice communication by radio. 10276

(S) "Electronic storage" means a temporary, intermediate 10277  
storage of a wire or electronic communication that is incidental 10278  
to the electronic transmission of the communication, and a 10279  
storage of a wire or electronic communication by an electronic 10280  
communication service for the purpose of backup protection of 10281  
the communication. 10282

(T) "Aural transfer" means a transfer containing the human 10283  
voice at a point between and including the point of origin and 10284  
the point of reception. 10285

(U) "Pen register" means a device that records or decodes 10286  
electronic impulses that identify the numbers dialed, pulsed, or 10287  
otherwise transmitted on telephone lines to which the device is 10288  
attached. 10289



(V) "Trap and trace device" means a device that captures 10290  
the incoming electronic or other impulses that identify the 10291  
originating number of an instrument or device from which a wire 10292  
communication or electronic communication was transmitted but 10293  
that does not intercept the contents of the wire communication 10294  
or electronic communication. 10295

(W) "Judge of a court of common pleas" means a judge of 10296  
that court who is elected or appointed as a judge of general 10297  
jurisdiction or as a judge who exercises both general 10298  
jurisdiction and probate, domestic relations, or juvenile 10299  
jurisdiction. "Judge of a court of common pleas" does not mean a 10300  
judge of that court who is elected or appointed specifically as 10301  
a probate, domestic relations, or juvenile judge. 10302

**Sec. 2935.36.** (A) The prosecuting attorney may establish 10303  
pre-trial diversion programs for adults who are accused of 10304  
committing criminal offenses and whom the prosecuting attorney 10305  
believes probably will not offend again. The prosecuting 10306  
attorney may require, as a condition of an accused's 10307  
participation in the program, the accused to pay a reasonable 10308  
fee for supervision services that include, but are not limited 10309  
to, monitoring and drug testing. The programs shall be operated 10310  
pursuant to written standards approved by journal entry by the 10311  
presiding judge or, in courts with only one judge, the judge of 10312  
the court of common pleas and shall not be applicable to any of 10313  
the following: 10314

(1) Repeat offenders or dangerous offenders; 10315

(2) Persons accused of an offense of violence, of a 10316  
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 10317  
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 10318  
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 10319

Revised Code, or of a violation of section 2905.01, 2905.02, or 10320  
2919.23 of the Revised Code that, had it occurred prior to July 10321  
1, 1996, would have been a violation of section 2905.04 of the 10322  
Revised Code as it existed prior to that date, with the 10323  
exception that the prosecuting attorney may permit persons 10324  
accused of any such offense to enter a pre-trial diversion 10325  
program, if the prosecuting attorney finds any of the following: 10326

(a) The accused did not cause, threaten, or intend serious 10327  
physical harm to any person; 10328

(b) The offense was the result of circumstances not likely 10329  
to recur; 10330

(c) The accused has no history of prior delinquency or 10331  
criminal activity; 10332

(d) The accused has led a law-abiding life for a 10333  
substantial time before commission of the alleged offense; 10334

(e) Substantial grounds tending to excuse or justify the 10335  
alleged offense. 10336

(3) Persons accused of a violation of Chapter 2925. or 10337  
3719. of the Revised Code, with the exception that the 10338  
prosecuting attorney may permit persons accused of any of the 10339  
following to enter a pre-trial diversion program: 10340

(a) A misdemeanor, fifth degree felony, or fourth degree 10341  
felony violation of section 2925.11 or 2925.111 of the Revised 10342  
Code; 10343

(b) A misdemeanor violation of section 2925.12, 2925.13, 10344  
or division (C) (1) of section 2925.14 of the Revised Code. 10345

(4) Persons accused of a violation of section 4511.19 of 10346  
the Revised Code or a violation of any substantially similar 10347

municipal ordinance; 10348

(5) (a) Persons who are accused of an offense while 10349  
operating a commercial motor vehicle or persons who hold a 10350  
commercial driver's license and are accused of any offense, if 10351  
conviction of the offense would disqualify the person from 10352  
operating a commercial motor vehicle under Chapter 4506. of the 10353  
Revised Code or would subject the person to any other sanction 10354  
under that chapter; 10355

(b) As used in division (A) (5) of this section, 10356  
"commercial driver's license" and "commercial motor vehicle" 10357  
have the same meanings as in section 4506.01 of the Revised 10358  
Code. 10359

(B) An accused who enters a diversion program shall do all 10360  
of the following: 10361

(1) Waive, in writing and contingent upon the accused's 10362  
successful completion of the program, the accused's right to a 10363  
speedy trial, the preliminary hearing, the time period within 10364  
which the grand jury may consider an indictment against the 10365  
accused, and arraignment, unless the hearing, indictment, or 10366  
arraignment has already occurred; 10367

(2) Agree, in writing, to the tolling while in the program 10368  
of all periods of limitation established by statutes or rules of 10369  
court, that are applicable to the offense with which the accused 10370  
is charged and to the conditions of the diversion program 10371  
established by the prosecuting attorney; 10372

(3) Agree, in writing, to pay any reasonable fee for 10373  
supervision services established by the prosecuting attorney. 10374

(C) The trial court, upon the application of the 10375  
prosecuting attorney, shall order the release from confinement 10376

of any accused who has agreed to enter a pre-trial diversion 10377  
program and shall discharge and release any existing bail and 10378  
release any sureties on recognizances and shall release the 10379  
accused on a recognizance bond conditioned upon the accused's 10380  
compliance with the terms of the diversion program. The 10381  
prosecuting attorney shall notify every victim of the crime and 10382  
the arresting officers of the prosecuting attorney's intent to 10383  
permit the accused to enter a pre-trial diversion program. The 10384  
victim of the crime and the arresting officers shall have the 10385  
opportunity to file written objections with the prosecuting 10386  
attorney prior to the commencement of the pre-trial diversion 10387  
program. 10388

(D) If the accused satisfactorily completes the diversion 10389  
program, the prosecuting attorney shall recommend to the trial 10390  
court that the charges against the accused be dismissed, and the 10391  
court, upon the recommendation of the prosecuting attorney, 10392  
shall dismiss the charges. If the accused chooses not to enter 10393  
the prosecuting attorney's diversion program, or if the accused 10394  
violates the conditions of the agreement pursuant to which the 10395  
accused has been released, the accused may be brought to trial 10396  
upon the charges in the manner provided by law, and the waiver 10397  
executed pursuant to division (B)(1) of this section shall be 10398  
void on the date the accused is removed from the program for the 10399  
violation. 10400

(E) As used in this section: 10401

(1) "Repeat offender" means a person who has a history of 10402  
persistent criminal activity and whose character and condition 10403  
reveal a substantial risk that the person will commit another 10404  
offense. It is prima-facie evidence that a person is a repeat 10405  
offender if any of the following applies: 10406

(a) Having been convicted of one or more offenses of 10407  
violence and having been imprisoned pursuant to sentence for any 10408  
such offense, the person commits a subsequent offense of 10409  
violence; 10410

(b) Having been convicted of one or more sexually oriented 10411  
offenses or child-victim oriented offenses, both as defined in 10412  
section 2950.01 of the Revised Code, and having been imprisoned 10413  
pursuant to sentence for one or more of those offenses, the 10414  
person commits a subsequent sexually oriented offense or child- 10415  
victim oriented offense; 10416

(c) Having been convicted of one or more theft offenses as 10417  
defined in section 2913.01 of the Revised Code and having been 10418  
imprisoned pursuant to sentence for one or more of those theft 10419  
offenses, the person commits a subsequent theft offense; 10420

(d) Having been convicted of one or more felony drug abuse 10421  
offenses as defined in section 2925.01 of the Revised Code and 10422  
having been imprisoned pursuant to sentence for one or more of 10423  
those felony drug abuse offenses, the person commits a 10424  
subsequent felony drug abuse offense; 10425

(e) Having been convicted of two or more felonies and 10426  
having been imprisoned pursuant to sentence for one or more 10427  
felonies, the person commits a subsequent offense; 10428

(f) Having been convicted of three or more offenses of any 10429  
type or degree other than traffic offenses, alcoholic 10430  
intoxication offenses, or minor misdemeanors and having been 10431  
imprisoned pursuant to sentence for any such offense, the person 10432  
commits a subsequent offense. 10433

(2) "Dangerous offender" means a person who has committed 10434  
an offense, whose history, character, and condition reveal a 10435

substantial risk that the person will be a danger to others, and 10436  
whose conduct has been characterized by a pattern of repetitive, 10437  
compulsive, or aggressive behavior with heedless indifference to 10438  
the consequences. 10439

**Sec. 2951.041.** (A) (1) If an offender is charged with a 10440  
criminal offense, including but not limited to a violation of 10441  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 10442  
of the Revised Code, and the court has reason to believe that 10443  
drug or alcohol usage by the offender was a factor leading to 10444  
the criminal offense with which the offender is charged or that, 10445  
at the time of committing that offense, the offender had a 10446  
mental illness, was a person with an intellectual disability, or 10447  
was a victim of a violation of section 2905.32 or 2907.21 of the 10448  
Revised Code and that the mental illness, status as a person 10449  
with an intellectual disability, or fact that the offender was a 10450  
victim of a violation of section 2905.32 or 2907.21 of the 10451  
Revised Code was a factor leading to the offender's criminal 10452  
behavior, the court may accept, prior to the entry of a guilty 10453  
plea, the offender's request for intervention in lieu of 10454  
conviction. The request shall include a statement from the 10455  
offender as to whether the offender is alleging that drug or 10456  
alcohol usage by the offender was a factor leading to the 10457  
criminal offense with which the offender is charged or is 10458  
alleging that, at the time of committing that offense, the 10459  
offender had a mental illness, was a person with an intellectual 10460  
disability, or was a victim of a violation of section 2905.32 or 10461  
2907.21 of the Revised Code and that the mental illness, status 10462  
as a person with an intellectual disability, or fact that the 10463  
offender was a victim of a violation of section 2905.32 or 10464  
2907.21 of the Revised Code was a factor leading to the criminal 10465  
offense with which the offender is charged. The request also 10466

shall include a waiver of the defendant's right to a speedy 10467  
trial, the preliminary hearing, the time period within which the 10468  
grand jury may consider an indictment against the offender, and 10469  
arraignment, unless the hearing, indictment, or arraignment has 10470  
already occurred. The court may reject an offender's request 10471  
without a hearing. If the court elects to consider an offender's 10472  
request, the court shall conduct a hearing to determine whether 10473  
the offender is eligible under this section for intervention in 10474  
lieu of conviction and shall stay all criminal proceedings 10475  
pending the outcome of the hearing. If the court schedules a 10476  
hearing, the court shall order an assessment of the offender for 10477  
the purpose of determining the offender's program eligibility 10478  
for intervention in lieu of conviction and recommending an 10479  
appropriate intervention plan. 10480

If the offender alleges that drug or alcohol usage by the 10481  
offender was a factor leading to the criminal offense with which 10482  
the offender is charged, the court may order that the offender 10483  
be assessed by a community addiction services provider or a 10484  
properly credentialed professional for the purpose of 10485  
determining the offender's program eligibility for intervention 10486  
in lieu of conviction and recommending an appropriate 10487  
intervention plan. The community addiction services provider or 10488  
the properly credentialed professional shall provide a written 10489  
assessment of the offender to the court. 10490

(2) The victim notification provisions of division (C) of 10491  
section 2930.06 of the Revised Code apply in relation to any 10492  
hearing held under division (A)(1) of this section. 10493

(B) An offender is eligible for intervention in lieu of 10494  
conviction if the court finds all of the following: 10495

(1) The offender previously has not been convicted of or 10496

pleaded guilty to any felony offense of violence. 10497

(2) The offense is not a felony of the first, second, or 10498  
third degree, is not an offense of violence, is not a violation 10499  
of division (A) (1) or (2) of section 2903.06 of the Revised 10500  
Code, is not a violation of division (A) (1) of section 2903.08 10501  
of the Revised Code, is not a violation of division (A) of 10502  
section 4511.19 of the Revised Code or a municipal ordinance 10503  
that is substantially similar to that division, and is not an 10504  
offense for which a sentencing court is required to impose a 10505  
mandatory prison term. 10506

(3) The offender is not charged with a violation of 10507  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 10508  
charged with a violation of section 2925.03, 2925.031, or 10509  
2925.032 of the Revised Code that is a felony of the first, 10510  
second, third, or fourth degree, and is not charged with a 10511  
violation of section 2925.11 or 2925.111 of the Revised Code 10512  
that is a felony of the first or second degree. 10513

(4) If an offender alleges that drug or alcohol usage by 10514  
the offender was a factor leading to the criminal offense with 10515  
which the offender is charged, the court has ordered that the 10516  
offender be assessed by a community addiction services provider 10517  
or a properly credentialed professional for the purpose of 10518  
determining the offender's program eligibility for intervention 10519  
in lieu of conviction and recommending an appropriate 10520  
intervention plan, the offender has been assessed by a community 10521  
addiction services provider of that nature or a properly 10522  
credentialed professional in accordance with the court's order, 10523  
and the community addiction services provider or properly 10524  
credentialed professional has filed the written assessment of 10525  
the offender with the court. 10526



(5) If an offender alleges that, at the time of committing 10527  
the criminal offense with which the offender is charged, the 10528  
offender had a mental illness, was a person with an intellectual 10529  
disability, or was a victim of a violation of section 2905.32 or 10530  
2907.21 of the Revised Code and that the mental illness, status 10531  
as a person with an intellectual disability, or fact that the 10532  
offender was a victim of a violation of section 2905.32 or 10533  
2907.21 of the Revised Code was a factor leading to that 10534  
offense, the offender has been assessed by a psychiatrist, 10535  
psychologist, independent social worker, licensed professional 10536  
clinical counselor, or independent marriage and family therapist 10537  
for the purpose of determining the offender's program 10538  
eligibility for intervention in lieu of conviction and 10539  
recommending an appropriate intervention plan. 10540

(6) The offender's drug usage, alcohol usage, mental 10541  
illness, or intellectual disability, or the fact that the 10542  
offender was a victim of a violation of section 2905.32 or 10543  
2907.21 of the Revised Code, whichever is applicable, was a 10544  
factor leading to the criminal offense with which the offender 10545  
is charged, intervention in lieu of conviction would not demean 10546  
the seriousness of the offense, and intervention would 10547  
substantially reduce the likelihood of any future criminal 10548  
activity. 10549

(7) The alleged victim of the offense was not sixty-five 10550  
years of age or older, permanently and totally disabled, under 10551  
thirteen years of age, or a peace officer engaged in the 10552  
officer's official duties at the time of the alleged offense. 10553

(8) If the offender is charged with a violation of section 10554  
2925.24 of the Revised Code, the alleged violation did not 10555  
result in physical harm to any person. 10556

(9) The offender is willing to comply with all terms and 10557  
conditions imposed by the court pursuant to division (D) of this 10558  
section. 10559

(10) The offender is not charged with an offense that 10560  
would result in the offender being disqualified under Chapter 10561  
4506. of the Revised Code from operating a commercial motor 10562  
vehicle or would subject the offender to any other sanction 10563  
under that chapter. 10564

(C) At the conclusion of a hearing held pursuant to 10565  
division (A) of this section, the court shall enter its 10566  
determination as to whether the offender will be granted 10567  
intervention in lieu of conviction. If the court finds under 10568  
this division and division (B) of this section that the offender 10569  
is eligible for intervention in lieu of conviction and grants 10570  
the offender's request, the court shall accept the offender's 10571  
plea of guilty and waiver of the defendant's right to a speedy 10572  
trial, the preliminary hearing, the time period within which the 10573  
grand jury may consider an indictment against the offender, and 10574  
arraignment, unless the hearing, indictment, or arraignment has 10575  
already occurred. In addition, the court then may stay all 10576  
criminal proceedings and order the offender to comply with all 10577  
terms and conditions imposed by the court pursuant to division 10578  
(D) of this section. If the court finds that the offender is not 10579  
eligible or does not grant the offender's request, the criminal 10580  
proceedings against the offender shall proceed as if the 10581  
offender's request for intervention in lieu of conviction had 10582  
not been made. 10583

(D) If the court grants an offender's request for 10584  
intervention in lieu of conviction, the court shall place the 10585  
offender under the general control and supervision of the county 10586

probation department, the adult parole authority, or another 10587  
appropriate local probation or court services agency, if one 10588  
exists, as if the offender was subject to a community control 10589  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 10590  
the Revised Code. The court shall establish an intervention plan 10591  
for the offender. The terms and conditions of the intervention 10592  
plan shall require the offender, for at least one year from the 10593  
date on which the court grants the order of intervention in lieu 10594  
of conviction, to abstain from the use of illegal drugs and 10595  
alcohol, to participate in treatment and recovery support 10596  
services, and to submit to regular random testing for drug and 10597  
alcohol use and may include any other treatment terms and 10598  
conditions, or terms and conditions similar to community control 10599  
sanctions, which may include community service or restitution, 10600  
that are ordered by the court. 10601

(E) If the court grants an offender's request for 10602  
intervention in lieu of conviction and the court finds that the 10603  
offender has successfully completed the intervention plan for 10604  
the offender, including the requirement that the offender 10605  
abstain from using illegal drugs and alcohol for a period of at 10606  
least one year from the date on which the court granted the 10607  
order of intervention in lieu of conviction, the requirement 10608  
that the offender participate in treatment and recovery support 10609  
services, and all other terms and conditions ordered by the 10610  
court, the court shall dismiss the proceedings against the 10611  
offender. Successful completion of the intervention plan and 10612  
period of abstinence under this section shall be without 10613  
adjudication of guilt and is not a criminal conviction for 10614  
purposes of any disqualification or disability imposed by law 10615  
and upon conviction of a crime, and the court may order the 10616  
sealing of records related to the offense in question in the 10617

manner provided in sections 2953.31 to 2953.36 of the Revised 10618  
Code. 10619

(F) If the court grants an offender's request for 10620  
intervention in lieu of conviction and the offender fails to 10621  
comply with any term or condition imposed as part of the 10622  
intervention plan for the offender, the supervising authority 10623  
for the offender promptly shall advise the court of this 10624  
failure, and the court shall hold a hearing to determine whether 10625  
the offender failed to comply with any term or condition imposed 10626  
as part of the plan. If the court determines that the offender 10627  
has failed to comply with any of those terms and conditions, it 10628  
may continue the offender on intervention in lieu of conviction, 10629  
continue the offender on intervention in lieu of conviction with 10630  
additional terms, conditions, and sanctions, or enter a finding 10631  
of guilty and impose an appropriate sanction under Chapter 2929. 10632  
of the Revised Code. If the court sentences the offender to a 10633  
prison term, the court, after consulting with the department of 10634  
rehabilitation and correction regarding the availability of 10635  
services, may order continued court-supervised activity and 10636  
treatment of the offender during the prison term and, upon 10637  
consideration of reports received from the department concerning 10638  
the offender's progress in the program of activity and 10639  
treatment, may consider judicial release under section 2929.20 10640  
of the Revised Code. 10641

(G) As used in this section: 10642

(1) "Community addiction services provider" has the same 10643  
meaning as in section 5119.01 of the Revised Code. 10644

(2) "Community control sanction" has the same meaning as 10645  
in section 2929.01 of the Revised Code. 10646

(3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 10647  
10648

(4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 10649  
10650

(5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 10651  
10652

(6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 10653  
10654

(7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 10655  
10656

**Sec. 2967.18.** (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency. 10657  
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(B) On receipt of the notice given pursuant to division (A) of this section, the correctional institution inspection committee promptly shall review the determination of the director of rehabilitation and correction. Notwithstanding any other provision of the Revised Code or the Administrative Code that governs the lengths of criminal sentences, sets forth the 10670  
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time within which a prisoner is eligible for parole or within 10676  
which a prisoner may apply for release, or regulates the 10677  
procedure for granting parole or release to prisoners confined 10678  
in state correctional institutions, the committee may recommend 10679  
to the governor that the prison terms of eligible male, female, 10680  
or all prisoners, as determined under division (E) of this 10681  
section, be reduced by thirty, sixty, or ninety days, in the 10682  
manner prescribed in that division. 10683

(C) If the correctional institution inspection committee 10684  
disagrees with the determination of the director of 10685  
rehabilitation and correction that an overcrowding emergency 10686  
exists, if the committee finds that an overcrowding emergency 10687  
exists but does not make a recommendation pursuant to division 10688  
(B) of this section, or if the committee does not make a finding 10689  
or a recommendation pursuant to that division within thirty days 10690  
of receipt of the notice given pursuant to division (A) of this 10691  
section, the director may recommend to the governor that the 10692  
action set forth in division (B) of this section be taken. 10693

(D) Upon receipt of a recommendation from the correctional 10694  
institution inspection committee or the director of 10695  
rehabilitation and correction made pursuant to this section, the 10696  
governor may declare in writing that an overcrowding emergency 10697  
exists in all of the institutions within the control of the 10698  
department in which men are confined, in which women are 10699  
confined, or both. The declaration shall state that the adult 10700  
parole authority shall take the action set forth in division (B) 10701  
of this section. After the governor makes the declaration, the 10702  
director shall file a copy of it with the secretary of state, 10703  
and the copy is a public record. 10704

The department may begin to implement the declaration of 10705

the governor made pursuant to this section on the date that it 10706  
is filed with the secretary of state. The department shall begin 10707  
to implement the declaration within thirty days after the date 10708  
of filing. The declaration shall be implemented in accordance 10709  
with division (E) of this section. 10710

(E) (1) No reduction of sentence pursuant to division (B) 10711  
of this section shall be granted to any of the following: 10712

(a) A person who is serving a term of imprisonment for 10713  
aggravated murder, murder, voluntary manslaughter, involuntary 10714  
manslaughter, felonious assault, kidnapping, rape, aggravated 10715  
arson, aggravated robbery, or any other offense punishable by 10716  
life imprisonment or by an indefinite term of a specified number 10717  
of years to life, or for conspiracy in, complicity in, or 10718  
attempt to commit any of those offenses; 10719

(b) A person who is serving a term of imprisonment for any 10720  
felony other than carrying a concealed weapon that was committed 10721  
while the person had a firearm, as defined in section 2923.11 of 10722  
the Revised Code, on or about the offender's person or under the 10723  
offender's control; 10724

(c) A person who is serving a term of imprisonment for a 10725  
violation of section 2925.03, 2925.031, or 2925.032 of the 10726  
Revised Code; 10727

(d) A person who is serving a term of imprisonment for 10728  
engaging in a pattern of corrupt activity; 10729

(e) A person who is serving a prison term or term of life 10730  
imprisonment without parole imposed pursuant to section 2971.03 10731  
of the Revised Code; 10732

(f) A person who was denied parole or release pursuant to 10733  
section 2929.20 of the Revised Code during the term of 10734

imprisonment the person currently is serving. 10735

(2) A declaration of the governor that requires the adult 10736  
parole authority to take the action set forth in division (B) of 10737  
this section shall be implemented only by reducing the prison 10738  
terms of prisoners who are not in any of the categories set 10739  
forth in division (E)(1) of this section, and only by granting 10740  
reductions of prison terms in the following order: 10741

(a) Under any such declaration, prison terms initially 10742  
shall be reduced only for persons who are not in any of the 10743  
categories set forth in division (E)(1) of this section and who 10744  
are not serving a term of imprisonment for any of the following 10745  
offenses: 10746

(i) An offense of violence that is a felony of the first, 10747  
second, or third degree or that, under the law in existence 10748  
prior to ~~the effective date of this amendment~~ July 1, 1996, was 10749  
an aggravated felony of the first, second, or third degree or a 10750  
felony of the first or second degree; 10751

(ii) An offense set forth in Chapter 2925. of the Revised 10752  
Code that is a felony of the first or second degree. 10753

(b) If every person serving a term of imprisonment at the 10754  
time of the implementation of any such declaration who is in the 10755  
class of persons eligible for the initial reduction of prison 10756  
terms, as described in division (E)(2)(a) of this section, has 10757  
received a total of ninety days of term reduction for each three 10758  
years of imprisonment actually served, then prison terms may be 10759  
reduced for all other persons serving a term of imprisonment at 10760  
that time who are not in any of the categories set forth in 10761  
division (E)(1) of this section. 10762

(F) An offender who is released from a state correctional 10763



institution pursuant to this section is subject to post-release 10764  
control sanctions imposed by the adult parole authority as if 10765  
the offender was a prisoner described in division (B) of section 10766  
2967.28 of the Revised Code who was being released from 10767  
imprisonment. 10768

(G) If more than one overcrowding emergency is declared 10769  
while a prisoner is serving a prison term, the total term 10770  
reduction for that prisoner as the result of multiple 10771  
declarations shall not exceed ninety days for each three years 10772  
of imprisonment actually served. 10773

**Sec. 2967.19.** (A) As used in this section: 10774

(1) "Deadly weapon" and "dangerous ordnance" have the same 10775  
meanings as in section 2923.11 of the Revised Code. 10776

(2) "Disqualifying prison term" means any of the 10777  
following: 10778

(a) A prison term imposed for aggravated murder, murder, 10779  
voluntary manslaughter, involuntary manslaughter, felonious 10780  
assault, kidnapping, rape, aggravated arson, aggravated 10781  
burglary, or aggravated robbery; 10782

(b) A prison term imposed for complicity in, an attempt to 10783  
commit, or conspiracy to commit any offense listed in division 10784  
(A) (2) (a) of this section; 10785

(c) A prison term of life imprisonment, including any term 10786  
of life imprisonment that has parole eligibility; 10787

(d) A prison term imposed for any felony other than 10788  
carrying a concealed weapon an essential element of which is any 10789  
conduct or failure to act expressly involving any deadly weapon 10790  
or dangerous ordnance; 10791

(e) A prison term imposed for any violation of section 10792  
2925.03, 2925.031, or 2925.032 of the Revised Code that is a 10793  
felony of the first or second degree; 10794

(f) A prison term imposed for engaging in a pattern of 10795  
corrupt activity in violation of section 2923.32 of the Revised 10796  
Code; 10797

(g) A prison term imposed pursuant to section 2971.03 of 10798  
the Revised Code; 10799

(h) A prison term imposed for any sexually oriented 10800  
offense. 10801

(3) "Eligible prison term" means any prison term that is 10802  
not a disqualifying prison term and is not a restricting prison 10803  
term. 10804

(4) "Restricting prison term" means any of the following: 10805

(a) A mandatory prison term imposed under division (B) (1) 10806  
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of 10807  
section 2929.14 of the Revised Code for a specification of the 10808  
type described in that division; 10809

(b) In the case of an offender who has been sentenced to a 10810  
mandatory prison term for a specification of the type described 10811  
in division (A) (4) (a) of this section, the prison term imposed 10812  
for the felony offense for which the specification was stated at 10813  
the end of the body of the indictment, count in the indictment, 10814  
or information charging the offense; 10815

(c) A prison term imposed for trafficking in persons; 10816

(d) A prison term imposed for any offense that is 10817  
described in division (A) (4) (d) (i) of this section if division 10818  
(A) (4) (d) (ii) of this section applies to the offender: 10819

(i) The offense is a felony of the first or second degree 10820  
that is an offense of violence and that is not described in 10821  
division (A) (2) (a) or (b) of this section, an attempt to commit 10822  
a felony of the first or second degree that is an offense of 10823  
violence and that is not described in division (A) (2) (a) or (b) 10824  
of this section if the attempt is a felony of the first or 10825  
second degree, or an offense under an existing or former law of 10826  
this state, another state, or the United States that is or was 10827  
substantially equivalent to any other offense described in this 10828  
division. 10829

(ii) The offender previously was convicted of or pleaded 10830  
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 10831  
of this section. 10832

(5) "Sexually oriented offense" has the same meaning as in 10833  
section 2950.01 of the Revised Code. 10834

(6) "Stated prison term of one year or more" means a 10835  
definite prison term of one year or more imposed as a stated 10836  
prison term, or a minimum prison term of one year or more 10837  
imposed as part of a stated prison term that is a non-life 10838  
felony indefinite prison term. 10839

(B) The director of the department of rehabilitation and 10840  
correction may recommend in writing to the sentencing court that 10841  
the court consider releasing from prison any offender who, on or 10842  
after September 30, 2011, is confined in a state correctional 10843  
institution, who is serving a stated prison term of one year or 10844  
more, and who is eligible under division (C) of this section for 10845  
a release under this section. If the director wishes to 10846  
recommend that the sentencing court consider releasing an 10847  
offender under this section, the director shall notify the 10848  
sentencing court in writing of the offender's eligibility not 10849

earlier than ninety days prior to the date on which the offender  
becomes eligible as described in division (C) of this section.  
The director's submission of the written notice constitutes a  
recommendation by the director that the court strongly consider  
release of the offender consistent with the purposes and  
principles of sentencing set forth in sections 2929.11 and  
2929.13 of the Revised Code. Only an offender recommended by the  
director under division (B) of this section may be considered  
for early release under this section.

(C) (1) An offender serving a stated prison term of one  
year or more and who has commenced service of that stated prison  
term becomes eligible for release from prison under this section  
only as described in this division. An offender serving a stated  
prison term that includes a disqualifying prison term is not  
eligible for release from prison under this section. An offender  
serving a stated prison term that consists solely of one or more  
restricting prison terms is not eligible for release under this  
section. An offender serving a stated prison term of one year or  
more that includes one or more restricting prison terms and one  
or more eligible prison terms becomes eligible for release under  
this section after having fully served all restricting prison  
terms and having served eighty per cent of that stated prison  
term that remains to be served after all restricting prison  
terms have been fully served. An offender serving a stated  
prison term of one year or more that consists solely of one or  
more eligible prison terms becomes eligible for release under  
this section after having served eighty per cent of that stated  
prison term. For purposes of determining an offender's  
eligibility for release under this section, if the offender's  
stated prison term includes consecutive prison terms, any  
restricting prison terms shall be deemed served prior to any

eligible prison terms that run consecutively to the restricting 10881  
prison terms, and the eligible prison terms are deemed to 10882  
commence after all of the restricting prison terms have been 10883  
fully served. 10884

An offender serving a stated prison term of one year or 10885  
more that includes a mandatory prison term that is not a 10886  
disqualifying prison term and is not a restricting prison term 10887  
is not automatically ineligible as a result of the offender's 10888  
service of that mandatory term for release from prison under 10889  
this section, and the offender's eligibility for release from 10890  
prison under this section is determined in accordance with this 10891  
division. 10892

(2) If an offender confined in a state correctional 10893  
institution under a stated prison term is eligible for release 10894  
under this section as described in division (C) (1) of this 10895  
section, the director of the department of rehabilitation and 10896  
correction may recommend in writing that the sentencing court 10897  
consider releasing the offender from prison under this section 10898  
by submitting to the sentencing court the written notice 10899  
described in division (B) of this section. 10900

(D) The director shall include with any notice submitted 10901  
to the sentencing court under division (B) of this section an 10902  
institutional summary report that covers the offender's 10903  
participation while confined in a state correctional institution 10904  
in school, training, work, treatment, and other rehabilitative 10905  
activities and any disciplinary action taken against the 10906  
offender while so confined. The director shall include with the 10907  
notice any other documentation requested by the court, if 10908  
available. 10909

(E) (1) When the director submits a written notice to a 10910

sentencing court that an offender is eligible to be considered 10911  
for early release under this section, the department promptly 10912  
shall provide to the prosecuting attorney of the county in which 10913  
the offender was indicted a copy of the written notice, a copy 10914  
of the institutional summary report, and any other information 10915  
provided to the court and shall provide a copy of the 10916  
institutional summary report to any law enforcement agency that 10917  
requests the report. The department also promptly shall do 10918  
whichever of the following is applicable: 10919

(a) Subject to division (E) (1) (b) of this section, give 10920  
written notice of the submission to any victim of the offender 10921  
or victim's representative of any victim of the offender who is 10922  
registered with the office of victim's services. 10923

(b) If the offense was aggravated murder, murder, an 10924  
offense of violence that is a felony of the first, second, or 10925  
third degree, or an offense punished by a sentence of life 10926  
imprisonment, except as otherwise provided in this division, 10927  
notify the victim or the victim's representative of the filing 10928  
of the petition regardless of whether the victim or victim's 10929  
representative has registered with the office of victim's 10930  
services. The notice of the filing of the petition shall not be 10931  
given under this division to a victim or victim's representative 10932  
if the victim or victim's representative has requested pursuant 10933  
to division (B) (2) of section 2930.03 of the Revised Code that 10934  
the victim or the victim's representative not be provided the 10935  
notice. If notice is to be provided to a victim or victim's 10936  
representative under this division, the department may give the 10937  
notice by any reasonable means, including regular mail, 10938  
telephone, and electronic mail, in accordance with division (D) 10939  
(1) of section 2930.16 of the Revised Code. If the notice is 10940  
based on an offense committed prior to March 22, 2013, the 10941

notice also shall include the opt-out information described in 10942  
division (D) (1) of section 2930.16 of the Revised Code. The 10943  
department, in accordance with division (D) (2) of section 10944  
2930.16 of the Revised Code, shall keep a record of all attempts 10945  
to provide the notice, and of all notices provided, under this 10946  
division. 10947

Division (E) (1) (b) of this section, and the notice-related 10948  
provisions of divisions (E) (2) and (K) of section 2929.20, 10949  
division (D) (1) of section 2930.16, division (H) of section 10950  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 10951  
of section 2967.28, and division (A) (2) of section 5149.101 of 10952  
the Revised Code enacted in the act in which division (E) (2) of 10953  
this section was enacted, shall be known as "Roberta's Law." 10954

(2) When the director submits a petition under this 10955  
section, the department also promptly shall post a copy of the 10956  
written notice on the database it maintains under section 10957  
5120.66 of the Revised Code and include information on where a 10958  
person may send comments regarding the recommendation of early 10959  
release. 10960

The information provided to the court, the prosecutor, and 10961  
the victim or victim's representative under divisions (D) and 10962  
(E) of this section shall include the name and contact 10963  
information of a specific department of rehabilitation and 10964  
correction employee who is available to answer questions about 10965  
the offender who is the subject of the written notice submitted 10966  
by the director, including, but not limited to, the offender's 10967  
institutional conduct and rehabilitative activities while 10968  
incarcerated. 10969

(F) Upon receipt of a written notice submitted by the 10970  
director under division (B) of this section, the court either 10971

shall, on its own motion, schedule a hearing to consider 10972  
releasing the offender who is the subject of the notice or shall 10973  
inform the department that it will not be conducting a hearing 10974  
relative to the offender. The court shall not grant an early 10975  
release to an offender without holding a hearing. If a court 10976  
declines to hold a hearing relative to an offender with respect 10977  
to a written notice submitted by the director, the court may 10978  
later consider release of that offender under this section on 10979  
its own motion by scheduling a hearing for that purpose. Within 10980  
thirty days after the written notice is submitted, the court 10981  
shall inform the department whether or not the court is 10982  
scheduling a hearing on the offender who is the subject of the 10983  
notice. 10984

(G) If the court schedules a hearing upon receiving a 10985  
written notice submitted under division (B) of this section or 10986  
upon its own motion under division (F) of this section, the 10987  
court shall notify the head of the state correctional 10988  
institution in which the offender is confined of the hearing 10989  
prior to the hearing. If the court makes a journal entry 10990  
ordering the offender to be conveyed to the hearing, except as 10991  
otherwise provided in this division, the head of the 10992  
correctional institution shall deliver the offender to the 10993  
sheriff of the county in which the hearing is to be held, and 10994  
the sheriff shall convey the offender to and from the hearing. 10995  
Upon the court's own motion or the motion of the offender or the 10996  
prosecuting attorney of the county in which the offender was 10997  
indicted, the court may permit the offender to appear at the 10998  
hearing by video conferencing equipment if equipment of that 10999  
nature is available and compatible. 11000

Upon receipt of notice from a court of a hearing on the 11001  
release of an offender under this division, the head of the 11002



state correctional institution in which the offender is confined 11003  
immediately shall notify the appropriate person at the 11004  
department of rehabilitation and correction of the hearing, and 11005  
the department within twenty-four hours after receipt of the 11006  
notice shall post on the database it maintains pursuant to 11007  
section 5120.66 of the Revised Code the offender's name and all 11008  
of the information specified in division (A)(1)(c)(i) of that 11009  
section. If the court schedules a hearing under this section, 11010  
the court promptly shall give notice of the hearing to the 11011  
prosecuting attorney of the county in which the offender was 11012  
indicted. Upon receipt of the notice from the court, the 11013  
prosecuting attorney shall notify pursuant to section 2930.16 of 11014  
the Revised Code any victim of the offender or the victim's 11015  
representative of the hearing. 11016

(H) If the court schedules a hearing under this section, 11017  
at the hearing, the court shall afford the offender and the 11018  
offender's attorney an opportunity to present written 11019  
information and, if present, oral information relevant to the 11020  
offender's early release. The court shall afford a similar 11021  
opportunity to the prosecuting attorney, victim or victim's 11022  
representative, as defined in section 2930.01 of the Revised 11023  
Code, and any other person the court determines is likely to 11024  
present additional relevant information. If the court pursuant 11025  
to division (G) of this section permits the offender to appear 11026  
at the hearing by video conferencing equipment, the offender's 11027  
opportunity to present oral information shall be as a part of 11028  
the video conferencing. The court shall consider any statement 11029  
of a victim made under section 2930.14 or 2930.17 of the Revised 11030  
Code, any victim impact statement prepared under section 11031  
2947.051 of the Revised Code, and any report and other 11032  
documentation submitted by the director under division (D) of 11033

this section. After ruling on whether to grant the offender 11034  
early release, the court shall notify the victim in accordance 11035  
with sections 2930.03 and 2930.16 of the Revised Code. 11036

(I) If the court grants an offender early release under 11037  
this section, it shall order the release of the offender, shall 11038  
place the offender under one or more appropriate community 11039  
control sanctions, under appropriate conditions, and under the 11040  
supervision of the department of probation that serves the 11041  
court, and shall reserve the right to reimpose the sentence that 11042  
it reduced and from which the offender was released if the 11043  
offender violates the sanction. The court shall not make a 11044  
release under this section effective prior to the date on which 11045  
the offender becomes eligible as described in division (C) of 11046  
this section. If the sentence under which the offender is 11047  
confined in a state correctional institution and from which the 11048  
offender is being released was imposed for a felony of the first 11049  
or second degree, the court shall consider ordering that the 11050  
offender be monitored by means of a global positioning device. 11051  
If the court reimposes the sentence that it reduced and from 11052  
which the offender was released and if the violation of the 11053  
sanction is a new offense, the court may order that the 11054  
reimposed sentence be served either concurrently with, or 11055  
consecutive to, any new sentence imposed upon the offender as a 11056  
result of the violation that is a new offense. The period of all 11057  
community control sanctions imposed under this division shall 11058  
not exceed five years. The court, in its discretion, may reduce 11059  
the period of community control sanctions by the amount of time 11060  
the offender spent in jail or prison for the offense. 11061

If the court grants an offender early release under this 11062  
section, it shall notify the appropriate person at the 11063  
department of rehabilitation and correction of the release, and 11064

the department shall post notice of the release on the database 11065  
it maintains pursuant to section 5120.66 of the Revised Code. 11066

(J) The department shall adopt under Chapter 119. of the 11067  
Revised Code any rules necessary to implement this section. 11068

**Sec. 2967.28.** (A) As used in this section: 11069

(1) "Monitored time" means the monitored time sanction 11070  
specified in section 2929.17 of the Revised Code. 11071

(2) "Deadly weapon" and "dangerous ordnance" have the same 11072  
meanings as in section 2923.11 of the Revised Code. 11073

(3) "Felony sex offense" means a violation of a section 11074  
contained in Chapter 2907. of the Revised Code that is a felony. 11075

(4) "Risk reduction sentence" means a prison term imposed 11076  
by a court, when the court recommends pursuant to section 11077  
2929.143 of the Revised Code that the offender serve the 11078  
sentence under section 5120.036 of the Revised Code, and the 11079  
offender may potentially be released from imprisonment prior to 11080  
the expiration of the prison term if the offender successfully 11081  
completes all assessment and treatment or programming required 11082  
by the department of rehabilitation and correction under section 11083  
5120.036 of the Revised Code. 11084

(5) "Victim's immediate family" has the same meaning as in 11085  
section 2967.12 of the Revised Code. 11086

(6) "Minor drug possession offense" has the same meaning 11087  
as in section ~~2925.11~~ 2925.01 of the Revised Code. 11088

(B) Each sentence to a prison term, other than a term of 11089  
life imprisonment, for a felony of the first degree, for a 11090  
felony of the second degree, for a felony sex offense, or for a 11091  
felony of the third degree that is an offense of violence and is 11092

not a felony sex offense shall include a requirement that the  
offender be subject to a period of post-release control imposed  
by the parole board after the offender's release from  
imprisonment. This division applies with respect to all prison  
terms of a type described in this division, including a term of  
any such type that is a risk reduction sentence. If a court  
imposes a sentence including a prison term of a type described  
in this division on or after July 11, 2006, the failure of a  
sentencing court to notify the offender pursuant to division (B)  
(2) (d) of section 2929.19 of the Revised Code of this  
requirement or to include in the judgment of conviction entered  
on the journal a statement that the offender's sentence includes  
this requirement does not negate, limit, or otherwise affect the  
mandatory period of supervision that is required for the  
offender under this division. This division applies with respect  
to all prison terms of a type described in this division,  
including a non-life felony indefinite prison term. Section  
2929.191 of the Revised Code applies if, prior to July 11, 2006,  
a court imposed a sentence including a prison term of a type  
described in this division and failed to notify the offender  
pursuant to division (B) (2) (d) of section 2929.19 of the Revised  
Code regarding post-release control or to include in the  
judgment of conviction entered on the journal or in the sentence  
pursuant to division (D) (1) of section 2929.14 of the Revised  
Code a statement regarding post-release control. Unless reduced  
by the parole board pursuant to division (D) of this section  
when authorized under that division, a period of post-release  
control required by this division for an offender shall be of  
one of the following periods:

(1) For a felony of the first degree or for a felony sex  
offense, five years;

(2) For a felony of the second degree that is not a felony 11124  
sex offense, three years; 11125

(3) For a felony of the third degree that is an offense of 11126  
violence and is not a felony sex offense, three years. 11127

(C) Any sentence to a prison term for a felony of the 11128  
third, fourth, or fifth degree that is not subject to division 11129  
(B) (1) or (3) of this section shall include a requirement that 11130  
the offender be subject to a period of post-release control of 11131  
up to three years after the offender's release from 11132  
imprisonment, if the parole board, in accordance with division 11133  
(D) of this section, determines that a period of post-release 11134  
control is necessary for that offender. This division applies 11135  
with respect to all prison terms of a type described in this 11136  
division, including a term of any such type that is a risk 11137  
reduction sentence. Section 2929.191 of the Revised Code applies 11138  
if, prior to July 11, 2006, a court imposed a sentence including 11139  
a prison term of a type described in this division and failed to 11140  
notify the offender pursuant to division (B) (2) (e) of section 11141  
2929.19 of the Revised Code regarding post-release control or to 11142  
include in the judgment of conviction entered on the journal or 11143  
in the sentence pursuant to division (D) (2) of section 2929.14 11144  
of the Revised Code a statement regarding post-release control. 11145  
Pursuant to an agreement entered into under section 2967.29 of 11146  
the Revised Code, a court of common pleas or parole board may 11147  
impose sanctions or conditions on an offender who is placed on 11148  
post-release control under this division. 11149

(D) (1) Before the prisoner is released from imprisonment, 11150  
the parole board or, pursuant to an agreement under section 11151  
2967.29 of the Revised Code, the court shall impose upon a 11152  
prisoner described in division (B) of this section, shall impose 11153

upon a prisoner described in division (C) of this section who is 11154  
to be released before the expiration of the prisoner's stated 11155  
prison term under a risk reduction sentence, may impose upon a 11156  
prisoner described in division (C) of this section who is not to 11157  
be released before the expiration of the prisoner's stated 11158  
prison term under a risk reduction sentence, and shall impose 11159  
upon a prisoner described in division (B)(2)(b) of section 11160  
5120.031 or in division (B)(1) of section 5120.032 of the 11161  
Revised Code, one or more post-release control sanctions to 11162  
apply during the prisoner's period of post-release control. 11163  
Whenever the board or court imposes one or more post-release 11164  
control sanctions upon a prisoner, the board or court, in 11165  
addition to imposing the sanctions, also shall include as a 11166  
condition of the post-release control that the offender not 11167  
leave the state without permission of the court or the 11168  
offender's parole or probation officer and that the offender 11169  
abide by the law. The board or court may impose any other 11170  
conditions of release under a post-release control sanction that 11171  
the board or court considers appropriate, and the conditions of 11172  
release may include any community residential sanction, 11173  
community nonresidential sanction, or financial sanction that 11174  
the sentencing court was authorized to impose pursuant to 11175  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11176  
Prior to the release of a prisoner for whom it will impose one 11177  
or more post-release control sanctions under this division, the 11178  
parole board or court shall review the prisoner's criminal 11179  
history, results from the single validated risk assessment tool 11180  
selected by the department of rehabilitation and correction 11181  
under section 5120.114 of the Revised Code, all juvenile court 11182  
adjudications finding the prisoner, while a juvenile, to be a 11183  
delinquent child, and the record of the prisoner's conduct while 11184  
imprisoned. The parole board or court shall consider any 11185

recommendation regarding post-release control sanctions for the 11186  
prisoner made by the office of victims' services. After 11187  
considering those materials, the board or court shall determine, 11188  
for a prisoner described in division (B) of this section, 11189  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11190  
section 5120.032 of the Revised Code and for a prisoner 11191  
described in division (C) of this section who is to be released 11192  
before the expiration of the prisoner's stated prison term under 11193  
a risk reduction sentence, which post-release control sanction 11194  
or combination of post-release control sanctions is reasonable 11195  
under the circumstances or, for a prisoner described in division 11196  
(C) of this section who is not to be released before the 11197  
expiration of the prisoner's stated prison term under a risk 11198  
reduction sentence, whether a post-release control sanction is 11199  
necessary and, if so, which post-release control sanction or 11200  
combination of post-release control sanctions is reasonable 11201  
under the circumstances. In the case of a prisoner convicted of 11202  
a felony of the fourth or fifth degree other than a felony sex 11203  
offense, the board or court shall presume that monitored time is 11204  
the appropriate post-release control sanction unless the board 11205  
or court determines that a more restrictive sanction is 11206  
warranted. A post-release control sanction imposed under this 11207  
division takes effect upon the prisoner's release from 11208  
imprisonment. 11209

Regardless of whether the prisoner was sentenced to the 11210  
prison term prior to, on, or after July 11, 2006, prior to the 11211  
release of a prisoner for whom it will impose one or more post- 11212  
release control sanctions under this division, the parole board 11213  
shall notify the prisoner that, if the prisoner violates any 11214  
sanction so imposed or any condition of post-release control 11215  
described in division (B) of section 2967.131 of the Revised 11216

Code that is imposed on the prisoner, the parole board may 11217  
impose a prison term of up to one-half of the stated prison term 11218  
originally imposed upon the prisoner. 11219

At least thirty days before the prisoner is released from 11220  
imprisonment under post-release control, except as otherwise 11221  
provided in this paragraph, the department of rehabilitation and 11222  
correction shall notify the victim and the victim's immediate 11223  
family of the date on which the prisoner will be released, the 11224  
period for which the prisoner will be under post-release control 11225  
supervision, and the terms and conditions of the prisoner's 11226  
post-release control regardless of whether the victim or 11227  
victim's immediate family has requested the notification. The 11228  
notice described in this paragraph shall not be given to a 11229  
victim or victim's immediate family if the victim or the 11230  
victim's immediate family has requested pursuant to division (B) 11231  
(2) of section 2930.03 of the Revised Code that the notice not 11232  
be provided to the victim or the victim's immediate family. At 11233  
least thirty days before the prisoner is released from 11234  
imprisonment and regardless of whether the victim or victim's 11235  
immediate family has requested that the notice described in this 11236  
paragraph be provided or not be provided to the victim or the 11237  
victim's immediate family, the department also shall provide 11238  
notice of that nature to the prosecuting attorney in the case 11239  
and the law enforcement agency that arrested the prisoner if any 11240  
officer of that agency was a victim of the offense. 11241

If the notice given under the preceding paragraph to the 11242  
victim or the victim's immediate family is based on an offense 11243  
committed prior to March 22, 2013, and if the department of 11244  
rehabilitation and correction has not previously successfully 11245  
provided any notice to the victim or the victim's immediate 11246  
family under division (B), (C), or (D) of section 2930.16 of the 11247



Revised Code with respect to that offense and the offender who 11248  
committed it, the notice also shall inform the victim or the 11249  
victim's immediate family that the victim or the victim's 11250  
immediate family may request that the victim or the victim's 11251  
immediate family not be provided any further notices with 11252  
respect to that offense and the offender who committed it and 11253  
shall describe the procedure for making that request. The 11254  
department may give the notices to which the preceding paragraph 11255  
applies by any reasonable means, including regular mail, 11256  
telephone, and electronic mail. If the department attempts to 11257  
provide notice to any specified person under the preceding 11258  
paragraph but the attempt is unsuccessful because the department 11259  
is unable to locate the specified person, is unable to provide 11260  
the notice by its chosen method because it cannot determine the 11261  
mailing address, electronic mail address, or telephone number at 11262  
which to provide the notice, or, if the notice is sent by mail, 11263  
the notice is returned, the department shall make another 11264  
attempt to provide the notice to the specified person. If the 11265  
second attempt is unsuccessful, the department shall make at 11266  
least one more attempt to provide the notice. If the notice is 11267  
based on an offense committed prior to March 22, 2013, in each 11268  
attempt to provide the notice to the victim or victim's 11269  
immediate family, the notice shall include the opt-out 11270  
information described in this paragraph. The department, in the 11271  
manner described in division (D)(2) of section 2930.16 of the 11272  
Revised Code, shall keep a record of all attempts to provide the 11273  
notice, and of all notices provided, under this paragraph and 11274  
the preceding paragraph. The record shall be considered as if it 11275  
was kept under division (D)(2) of section 2930.16 of the Revised 11276  
Code. This paragraph, the preceding paragraph, and the notice- 11277  
related provisions of divisions (E)(2) and (K) of section 11278  
2929.20, division (D)(1) of section 2930.16, division (H) of 11279

section 2967.12, division (E) (1) (b) of section 2967.19, division 11280  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 11281  
5149.101 of the Revised Code enacted in the act in which this 11282  
paragraph and the preceding paragraph were enacted, shall be 11283  
known as "Roberta's Law." 11284

(2) If a prisoner who is placed on post-release control 11285  
under this section is released before the expiration of the 11286  
definite term that is the prisoner's stated prison term or the 11287  
expiration of the minimum term that is part of the prisoner's 11288  
indefinite prison term imposed under a non-life felony 11289  
indefinite prison term by reason of credit earned under section 11290  
2967.193 or a reduction under division (F) of section 2967.271 11291  
of the Revised Code and if the prisoner earned sixty or more 11292  
days of credit, the adult parole authority shall supervise the 11293  
offender with an active global positioning system device for the 11294  
first fourteen days after the offender's release from 11295  
imprisonment. This division does not prohibit or limit the 11296  
imposition of any post-release control sanction otherwise 11297  
authorized by this section. 11298

(3) At any time after a prisoner is released from 11299  
imprisonment and during the period of post-release control 11300  
applicable to the releasee, the adult parole authority or, 11301  
pursuant to an agreement under section 2967.29 of the Revised 11302  
Code, the court may review the releasee's behavior under the 11303  
post-release control sanctions imposed upon the releasee under 11304  
this section. The authority or court may determine, based upon 11305  
the review and in accordance with the standards established 11306  
under division (E) of this section, that a more restrictive or a 11307  
less restrictive sanction is appropriate and may impose a 11308  
different sanction. The authority also may recommend that the 11309  
parole board or court increase or reduce the duration of the 11310

period of post-release control imposed by the court. If the 11311  
authority recommends that the board or court increase the 11312  
duration of post-release control, the board or court shall 11313  
review the releasee's behavior and may increase the duration of 11314  
the period of post-release control imposed by the court up to 11315  
eight years. If the authority recommends that the board or court 11316  
reduce the duration of control for an offense described in 11317  
division (B) or (C) of this section, the board or court shall 11318  
review the releasee's behavior and, subject to divisions (D) (3) 11319  
(a) to (c) of this section, may reduce the duration of the 11320  
period of control imposed by the court or, if the period of 11321  
control was imposed for a non-life felony indefinite prison 11322  
term, reduce the duration of or terminate the period of control 11323  
imposed by the court. In no case shall the board or court do any 11324  
of the following: 11325

(a) Reduce the duration of the period of control imposed 11326  
for an offense described in division (B) (1) of this section to a 11327  
period less than the length of the definite prison term included 11328  
in the stated prison term originally imposed on the offender as 11329  
part of the sentence or, with respect to a stated non-life 11330  
felony indefinite prison term, to a period less than the length 11331  
of the minimum prison term imposed as part of that stated prison 11332  
term; 11333

(b) Consider any reduction or termination of the duration 11334  
of the period of control imposed on a releasee prior to the 11335  
expiration of one year after the commencement of the period of 11336  
control, if the period of control was imposed for a non-life 11337  
felony indefinite prison term and the releasee's minimum prison 11338  
term or presumptive earned early release date under that term 11339  
was extended for any length of time under division (C) or (D) of 11340  
section 2967.271 of the Revised Code. 11341

(c) Permit the releasee to leave the state without 11342  
permission of the court or the releasee's parole or probation 11343  
officer. 11344

(4) The department of rehabilitation and correction shall 11345  
develop factors that the parole board or court shall consider in 11346  
determining under division (D) (3) of this section whether to 11347  
terminate the period of control imposed on a releasee for a non- 11348  
life felony indefinite prison term. 11349

(E) The department of rehabilitation and correction, in 11350  
accordance with Chapter 119. of the Revised Code, shall adopt 11351  
rules that do all of the following: 11352

(1) Establish standards for the imposition by the parole 11353  
board of post-release control sanctions under this section that 11354  
are consistent with the overriding purposes and sentencing 11355  
principles set forth in section 2929.11 of the Revised Code and 11356  
that are appropriate to the needs of releasees; 11357

(2) Establish standards that provide for a period of post- 11358  
release control of up to three years for all prisoners described 11359  
in division (C) of this section who are to be released before 11360  
the expiration of their stated prison term under a risk 11361  
reduction sentence and standards by which the parole board can 11362  
determine which prisoners described in division (C) of this 11363  
section who are not to be released before the expiration of 11364  
their stated prison term under a risk reduction sentence should 11365  
be placed under a period of post-release control; 11366

(3) Establish standards to be used by the parole board in 11367  
reducing the duration of the period of post-release control 11368  
imposed by the court when authorized under division (D) of this 11369  
section, in imposing a more restrictive post-release control 11370

sanction than monitored time upon a prisoner convicted of a 11371  
felony of the fourth or fifth degree other than a felony sex 11372  
offense, or in imposing a less restrictive control sanction upon 11373  
a releasee based on the releasee's activities including, but not 11374  
limited to, remaining free from criminal activity and from the 11375  
abuse of alcohol or other drugs, successfully participating in 11376  
approved rehabilitation programs, maintaining employment, and 11377  
paying restitution to the victim or meeting the terms of other 11378  
financial sanctions; 11379

(4) Establish standards to be used by the adult parole 11380  
authority in modifying a releasee's post-release control 11381  
sanctions pursuant to division (D)(2) of this section; 11382

(5) Establish standards to be used by the adult parole 11383  
authority or parole board in imposing further sanctions under 11384  
division (F) of this section on releasees who violate post- 11385  
release control sanctions, including standards that do the 11386  
following: 11387

(a) Classify violations according to the degree of 11388  
seriousness; 11389

(b) Define the circumstances under which formal action by 11390  
the parole board is warranted; 11391

(c) Govern the use of evidence at violation hearings; 11392

(d) Ensure procedural due process to an alleged violator; 11393

(e) Prescribe nonresidential community control sanctions 11394  
for most misdemeanor and technical violations; 11395

(f) Provide procedures for the return of a releasee to 11396  
imprisonment for violations of post-release control. 11397

(F)(1) Whenever the parole board imposes one or more post- 11398

release control sanctions upon an offender under this section, 11399  
the offender upon release from imprisonment shall be under the 11400  
general jurisdiction of the adult parole authority and generally 11401  
shall be supervised by the field services section through its 11402  
staff of parole and field officers as described in section 11403  
5149.04 of the Revised Code, as if the offender had been placed 11404  
on parole. If the offender upon release from imprisonment 11405  
violates the post-release control sanction or any conditions 11406  
described in division (A) of section 2967.131 of the Revised 11407  
Code that are imposed on the offender, the public or private 11408  
person or entity that operates or administers the sanction or 11409  
the program or activity that comprises the sanction shall report 11410  
the violation directly to the adult parole authority or to the 11411  
officer of the authority who supervises the offender. The 11412  
authority's officers may treat the offender as if the offender 11413  
were on parole and in violation of the parole, and otherwise 11414  
shall comply with this section. 11415

(2) If the adult parole authority or, pursuant to an 11416  
agreement under section 2967.29 of the Revised Code, the court 11417  
determines that a releasee has violated a post-release control 11418  
sanction or any conditions described in division (A) of section 11419  
2967.131 of the Revised Code imposed upon the releasee and that 11420  
a more restrictive sanction is appropriate, the authority or 11421  
court may impose a more restrictive sanction upon the releasee, 11422  
in accordance with the standards established under division (E) 11423  
of this section or in accordance with the agreement made under 11424  
section 2967.29 of the Revised Code, or may report the violation 11425  
to the parole board for a hearing pursuant to division (F) (3) of 11426  
this section. The authority or court may not, pursuant to this 11427  
division, increase the duration of the releasee's post-release 11428  
control or impose as a post-release control sanction a 11429

residential sanction that includes a prison term, but the 11430  
authority or court may impose on the releasee any other 11431  
residential sanction, nonresidential sanction, or financial 11432  
sanction that the sentencing court was authorized to impose 11433  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11434  
Revised Code. 11435

(3) The parole board or, pursuant to an agreement under 11436  
section 2967.29 of the Revised Code, the court may hold a 11437  
hearing on any alleged violation by a releasee of a post-release 11438  
control sanction or any conditions described in division (A) of 11439  
section 2967.131 of the Revised Code that are imposed upon the 11440  
releasee. If after the hearing the board or court finds that the 11441  
releasee violated the sanction or condition, the board or court 11442  
may increase the duration of the releasee's post-release control 11443  
up to the maximum duration authorized by division (B) or (C) of 11444  
this section or impose a more restrictive post-release control 11445  
sanction. If a releasee was acting pursuant to division (B) (2) 11446  
(b) of section 2925.11 or a related provision of section 11447  
2925.111 of the Revised Code and in so doing violated the 11448  
conditions of a post-release control sanction based on a minor 11449  
drug possession offense as defined in ~~that~~ section 2925.01 of 11450  
the Revised Code, the board or the court may consider the 11451  
releasee's conduct in seeking or obtaining medical assistance 11452  
for another in good faith or for self or may consider the 11453  
releasee being the subject of another person seeking or 11454  
obtaining medical assistance in accordance with that division as 11455  
a mitigating factor before imposing any of the penalties 11456  
described in this division. When appropriate, the board or court 11457  
may impose as a post-release control sanction a residential 11458  
sanction that includes a prison term. The board or court shall 11459  
consider a prison term as a post-release control sanction 11460

imposed for a violation of post-release control when the 11461  
violation involves a deadly weapon or dangerous ordnance, 11462  
physical harm or attempted serious physical harm to a person, or 11463  
sexual misconduct. Unless a releasee's stated prison term was 11464  
reduced pursuant to section 5120.032 of the Revised Code, the 11465  
period of a prison term that is imposed as a post-release 11466  
control sanction under this division shall not exceed nine 11467  
months, and the maximum cumulative prison term for all 11468  
violations under this division shall not exceed one-half of the 11469  
definite prison term that was the stated prison term originally 11470  
imposed upon the offender as part of this sentence or, with 11471  
respect to a stated non-life felony indefinite prison term, one- 11472  
half of the minimum prison term that was imposed as part of that 11473  
stated prison term originally imposed upon the offender. If a 11474  
releasee's stated prison term was reduced pursuant to section 11475  
5120.032 of the Revised Code, the period of a prison term that 11476  
is imposed as a post-release control sanction under this 11477  
division and the maximum cumulative prison term for all 11478  
violations under this division shall not exceed the period of 11479  
time not served in prison under the sentence imposed by the 11480  
court. The period of a prison term that is imposed as a post- 11481  
release control sanction under this division shall not count as, 11482  
or be credited toward, the remaining period of post-release 11483  
control. 11484

If an offender is imprisoned for a felony committed while 11485  
under post-release control supervision and is again released on 11486  
post-release control for a period of time determined by division 11487  
(F) (4) (d) of this section, the maximum cumulative prison term 11488  
for all violations under this division shall not exceed one-half 11489  
of the total stated prison terms of the earlier felony, reduced 11490  
by any prison term administratively imposed by the parole board 11491



or court, plus one-half of the total stated prison term of the 11492  
new felony. 11493

(4) Any period of post-release control shall commence upon 11494  
an offender's actual release from prison. If an offender is 11495  
serving an indefinite prison term or a life sentence in addition 11496  
to a stated prison term, the offender shall serve the period of 11497  
post-release control in the following manner: 11498

(a) If a period of post-release control is imposed upon 11499  
the offender and if the offender also is subject to a period of 11500  
parole under a life sentence or an indefinite sentence, and if 11501  
the period of post-release control ends prior to the period of 11502  
parole, the offender shall be supervised on parole. The offender 11503  
shall receive credit for post-release control supervision during 11504  
the period of parole. The offender is not eligible for final 11505  
release under section 2967.16 of the Revised Code until the 11506  
post-release control period otherwise would have ended. 11507

(b) If a period of post-release control is imposed upon 11508  
the offender and if the offender also is subject to a period of 11509  
parole under an indefinite sentence, and if the period of parole 11510  
ends prior to the period of post-release control, the offender 11511  
shall be supervised on post-release control. The requirements of 11512  
parole supervision shall be satisfied during the post-release 11513  
control period. 11514

(c) If an offender is subject to more than one period of 11515  
post-release control, the period of post-release control for all 11516  
of the sentences shall be the period of post-release control 11517  
that expires last, as determined by the parole board or court. 11518  
Periods of post-release control shall be served concurrently and 11519  
shall not be imposed consecutively to each other. 11520

(d) The period of post-release control for a releasee who 11521  
commits a felony while under post-release control for an earlier 11522  
felony shall be the longer of the period of post-release control 11523  
specified for the new felony under division (B) or (C) of this 11524  
section or the time remaining under the period of post-release 11525  
control imposed for the earlier felony as determined by the 11526  
parole board or court. 11527

**Sec. 3301.32.** (A) (1) The chief administrator of any head 11528  
start agency shall request the superintendent of the bureau of 11529  
criminal identification and investigation to conduct a criminal 11530  
records check with respect to any applicant who has applied to 11531  
the head start agency for employment as a person responsible for 11532  
the care, custody, or control of a child. If the applicant does 11533  
not present proof that the applicant has been a resident of this 11534  
state for the five-year period immediately prior to the date 11535  
upon which the criminal records check is requested or does not 11536  
provide evidence that within that five-year period the 11537  
superintendent has requested information about the applicant 11538  
from the federal bureau of investigation in a criminal records 11539  
check, the chief administrator shall request that the 11540  
superintendent obtain information from the federal bureau of 11541  
investigation as a part of the criminal records check for the 11542  
applicant. If the applicant presents proof that the applicant 11543  
has been a resident of this state for that five-year period, the 11544  
chief administrator may request that the superintendent include 11545  
information from the federal bureau of investigation in the 11546  
criminal records check. 11547

(2) Any person required by division (A) (1) of this section 11548  
to request a criminal records check shall provide to each 11549  
applicant a copy of the form prescribed pursuant to division (C) 11550  
(1) of section 109.572 of the Revised Code, provide to each 11551

applicant a standard impression sheet to obtain fingerprint 11552  
impressions prescribed pursuant to division (C) (2) of section 11553  
109.572 of the Revised Code, obtain the completed form and 11554  
impression sheet from each applicant, and forward the completed 11555  
form and impression sheet to the superintendent of the bureau of 11556  
criminal identification and investigation at the time the chief 11557  
administrator requests a criminal records check pursuant to 11558  
division (A) (1) of this section. 11559

(3) Any applicant who receives pursuant to division (A) (2) 11560  
of this section a copy of the form prescribed pursuant to 11561  
division (C) (1) of section 109.572 of the Revised Code and a 11562  
copy of an impression sheet prescribed pursuant to division (C) 11563  
(2) of that section and who is requested to complete the form 11564  
and provide a set of fingerprint impressions shall complete the 11565  
form or provide all the information necessary to complete the 11566  
form and shall provide the impression sheets with the 11567  
impressions of the applicant's fingerprints. If an applicant, 11568  
upon request, fails to provide the information necessary to 11569  
complete the form or fails to provide impressions of the 11570  
applicant's fingerprints, the head start agency shall not employ 11571  
that applicant for any position for which a criminal records 11572  
check is required by division (A) (1) of this section. 11573

(B) (1) Except as provided in rules adopted by the director 11574  
of job and family services in accordance with division (E) of 11575  
this section, no head start agency shall employ a person as a 11576  
person responsible for the care, custody, or control of a child 11577  
if the person previously has been convicted of or pleaded guilty 11578  
to any of the following: 11579

(a) A violation of section 2903.01, 2903.02, 2903.03, 11580  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11581

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11582  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11583  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11584  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11585  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 11586  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 11587  
Code, a violation of section 2905.04 of the Revised Code as it 11588  
existed prior to July 1, 1996, a violation of section 2919.23 of 11589  
the Revised Code that would have been a violation of section 11590  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 11591  
had the violation occurred prior to that date, a violation of 11592  
section 2925.11 or 2925.111 of the Revised Code that is not a 11593  
minor drug possession offense, or felonious sexual penetration 11594  
in violation of former section 2907.12 of the Revised Code; 11595

(b) A violation of an existing or former law of this 11596  
state, any other state, or the United States that is 11597  
substantially equivalent to any of the offenses or violations 11598  
described in division (B) (1) (a) of this section. 11599

(2) A head start agency may employ an applicant 11600  
conditionally until the criminal records check required by this 11601  
section is completed and the agency receives the results of the 11602  
criminal records check. If the results of the criminal records 11603  
check indicate that, pursuant to division (B) (1) of this 11604  
section, the applicant does not qualify for employment, the 11605  
agency shall release the applicant from employment. 11606

(C) (1) Each head start agency shall pay to the bureau of 11607  
criminal identification and investigation the fee prescribed 11608  
pursuant to division (C) (3) of section 109.572 of the Revised 11609  
Code for each criminal records check conducted in accordance 11610  
with that section upon the request pursuant to division (A) (1) 11611

of this section of the chief administrator of the head start 11612  
agency. 11613

(2) A head start agency may charge an applicant a fee for 11614  
the costs it incurs in obtaining a criminal records check under 11615  
this section. A fee charged under this division shall not exceed 11616  
the amount of fees the agency pays under division (C) (1) of this 11617  
section. If a fee is charged under this division, the agency 11618  
shall notify the applicant at the time of the applicant's 11619  
initial application for employment of the amount of the fee and 11620  
that, unless the fee is paid, the head start agency will not 11621  
consider the applicant for employment. 11622

(D) The report of any criminal records check conducted by 11623  
the bureau of criminal identification and investigation in 11624  
accordance with section 109.572 of the Revised Code and pursuant 11625  
to a request made under division (A) (1) of this section is not a 11626  
public record for the purposes of section 149.43 of the Revised 11627  
Code and shall not be made available to any person other than 11628  
the applicant who is the subject of the criminal records check 11629  
or the applicant's representative, the head start agency 11630  
requesting the criminal records check or its representative, and 11631  
any court, hearing officer, or other necessary individual 11632  
involved in a case dealing with the denial of employment to the 11633  
applicant. 11634

(E) The director of job and family services shall adopt 11635  
rules pursuant to Chapter 119. of the Revised Code to implement 11636  
this section, including rules specifying circumstances under 11637  
which a head start agency may hire a person who has been 11638  
convicted of an offense listed in division (B) (1) of this 11639  
section but who meets standards in regard to rehabilitation set 11640  
by the director. 11641

(F) Any person required by division (A) (1) of this section 11642  
to request a criminal records check shall inform each person, at 11643  
the time of the person's initial application for employment, 11644  
that the person is required to provide a set of impressions of 11645  
the person's fingerprints and that a criminal records check is 11646  
required to be conducted and satisfactorily completed in 11647  
accordance with section 109.572 of the Revised Code if the 11648  
person comes under final consideration for appointment or 11649  
employment as a precondition to employment for that position. 11650

(G) As used in this section: 11651

(1) "Applicant" means a person who is under final 11652  
consideration for appointment or employment in a position with a 11653  
head start agency as a person responsible for the care, custody, 11654  
or control of a child. 11655

(2) "Head start agency" means an entity in this state that 11656  
has been approved to be an agency for purposes of the "Head 11657  
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 11658

(3) "Criminal records check" has the same meaning as in 11659  
section 109.572 of the Revised Code. 11660

(4) "Minor drug possession offense" has the same meaning 11661  
as in section 2925.01 of the Revised Code. 11662

**Sec. 3301.541.** (A) (1) The director, head teacher, 11663  
elementary principal, or site administrator of a preschool 11664  
program shall request the superintendent of the bureau of 11665  
criminal identification and investigation to conduct a criminal 11666  
records check with respect to any applicant who has applied to 11667  
the preschool program for employment as a person responsible for 11668  
the care, custody, or control of a child. If the applicant does 11669  
not present proof that the applicant has been a resident of this 11670

state for the five-year period immediately prior to the date 11671  
upon which the criminal records check is requested or does not 11672  
provide evidence that within that five-year period the 11673  
superintendent has requested information about the applicant 11674  
from the federal bureau of investigation in a criminal records 11675  
check, the director, head teacher, or elementary principal shall 11676  
request that the superintendent obtain information from the 11677  
federal bureau of investigation as a part of the criminal 11678  
records check for the applicant. If the applicant presents proof 11679  
that the applicant has been a resident of this state for that 11680  
five-year period, the director, head teacher, or elementary 11681  
principal may request that the superintendent include 11682  
information from the federal bureau of investigation in the 11683  
criminal records check. 11684

(2) Any director, head teacher, elementary principal, or 11685  
site administrator required by division (A) (1) of this section 11686  
to request a criminal records check shall provide to each 11687  
applicant a copy of the form prescribed pursuant to division (C) 11688  
(1) of section 109.572 of the Revised Code, provide to each 11689  
applicant a standard impression sheet to obtain fingerprint 11690  
impressions prescribed pursuant to division (C) (2) of section 11691  
109.572 of the Revised Code, obtain the completed form and 11692  
impression sheet from each applicant, and forward the completed 11693  
form and impression sheet to the superintendent of the bureau of 11694  
criminal identification and investigation at the time the person 11695  
requests a criminal records check pursuant to division (A) (1) of 11696  
this section. 11697

(3) Any applicant who receives pursuant to division (A) (2) 11698  
of this section a copy of the form prescribed pursuant to 11699  
division (C) (1) of section 109.572 of the Revised Code and a 11700  
copy of an impression sheet prescribed pursuant to division (C) 11701

(2) of that section and who is requested to complete the form 11702  
and provide a set of fingerprint impressions shall complete the 11703  
form or provide all the information necessary to complete the 11704  
form and provide the impression sheet with the impressions of 11705  
the applicant's fingerprints. If an applicant, upon request, 11706  
fails to provide the information necessary to complete the form 11707  
or fails to provide impressions of the applicant's fingerprints, 11708  
the preschool program shall not employ that applicant for any 11709  
position for which a criminal records check is required by 11710  
division (A) (1) of this section. 11711

(B) (1) Except as provided in rules adopted by the 11712  
department of education in accordance with division (E) of this 11713  
section, no preschool program shall employ a person as a person 11714  
responsible for the care, custody, or control of a child if the 11715  
person previously has been convicted of or pleaded guilty to any 11716  
of the following: 11717

(a) A violation of section 2903.01, 2903.02, 2903.03, 11718  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11719  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11720  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11721  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11722  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11723  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 11724  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 11725  
Code, a violation of section 2905.04 of the Revised Code as it 11726  
existed prior to July 1, 1996, a violation of section 2919.23 of 11727  
the Revised Code that would have been a violation of section 11728  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 11729  
had the violation occurred prior to that date, a violation of 11730  
section 2925.11 or 2925.111 of the Revised Code that is not a 11731  
minor drug possession offense, or felonious sexual penetration 11732



in violation of former section 2907.12 of the Revised Code; 11733

(b) A violation of an existing or former law of this 11734  
state, any other state, or the United States that is 11735  
substantially equivalent to any of the offenses or violations 11736  
described in division (B) (1) (a) of this section. 11737

(2) A preschool program may employ an applicant 11738  
conditionally until the criminal records check required by this 11739  
section is completed and the preschool program receives the 11740  
results of the criminal records check. If the results of the 11741  
criminal records check indicate that, pursuant to division (B) 11742  
(1) of this section, the applicant does not qualify for 11743  
employment, the preschool program shall release the applicant 11744  
from employment. 11745

(C) (1) Each preschool program shall pay to the bureau of 11746  
criminal identification and investigation the fee prescribed 11747  
pursuant to division (C) (3) of section 109.572 of the Revised 11748  
Code for each criminal records check conducted in accordance 11749  
with that section upon the request pursuant to division (A) (1) 11750  
of this section of the director, head teacher, elementary 11751  
principal, or site administrator of the preschool program. 11752

(2) A preschool program may charge an applicant a fee for 11753  
the costs it incurs in obtaining a criminal records check under 11754  
this section. A fee charged under this division shall not exceed 11755  
the amount of fees the preschool program pays under division (C) 11756  
(1) of this section. If a fee is charged under this division, 11757  
the preschool program shall notify the applicant at the time of 11758  
the applicant's initial application for employment of the amount 11759  
of the fee and that, unless the fee is paid, the applicant will 11760  
not be considered for employment. 11761

(D) The report of any criminal records check conducted by 11762  
the bureau of criminal identification and investigation in 11763  
accordance with section 109.572 of the Revised Code and pursuant 11764  
to a request under division (A) (1) of this section is not a 11765  
public record for the purposes of section 149.43 of the Revised 11766  
Code and shall not be made available to any person other than 11767  
the applicant who is the subject of the criminal records check 11768  
or the applicant's representative, the preschool program 11769  
requesting the criminal records check or its representative, and 11770  
any court, hearing officer, or other necessary individual in a 11771  
case dealing with the denial of employment to the applicant. 11772

(E) The department of education shall adopt rules pursuant 11773  
to Chapter 119. of the Revised Code to implement this section, 11774  
including rules specifying circumstances under which a preschool 11775  
program may hire a person who has been convicted of an offense 11776  
listed in division (B) (1) of this section but who meets 11777  
standards in regard to rehabilitation set by the department. 11778

(F) Any person required by division (A) (1) of this section 11779  
to request a criminal records check shall inform each person, at 11780  
the time of the person's initial application for employment, 11781  
that the person is required to provide a set of impressions of 11782  
the person's fingerprints and that a criminal records check is 11783  
required to be conducted and satisfactorily completed in 11784  
accordance with section 109.572 of the Revised Code if the 11785  
person comes under final consideration for appointment or 11786  
employment as a precondition to employment for that position. 11787

(G) As used in this section: 11788

(1) "Applicant" means a person who is under final 11789  
consideration for appointment or employment in a position with a 11790  
preschool program as a person responsible for the care, custody, 11791

or control of a child, except that "applicant" does not include 11792  
a person already employed by a board of education, community 11793  
school, or chartered nonpublic school in a position of care, 11794  
custody, or control of a child who is under consideration for a 11795  
different position with such board or school. 11796

(2) "Criminal records check" has the same meaning as in 11797  
section 109.572 of the Revised Code. 11798

(3) "Minor drug possession offense" has the same meaning 11799  
as in section 2925.01 of the Revised Code. 11800

(H) If the board of education of a local school district 11801  
adopts a resolution requesting the assistance of the educational 11802  
service center in which the local district has territory in 11803  
conducting criminal records checks of substitute teachers under 11804  
this section, the appointing or hiring officer of such 11805  
educational service center governing board shall serve for 11806  
purposes of this section as the appointing or hiring officer of 11807  
the local board in the case of hiring substitute teachers for 11808  
employment in the local district. 11809

**Sec. 3313.662.** (A) The superintendent of public 11810  
instruction, pursuant to this section and the adjudication 11811  
procedures of section 3301.121 of the Revised Code, may issue an 11812  
adjudication order that permanently excludes a pupil from 11813  
attending any of the public schools of this state if the pupil 11814  
is convicted of, or adjudicated a delinquent child for, 11815  
committing, when the pupil was sixteen years of age or older, an 11816  
act that would be a criminal offense if committed by an adult 11817  
and if the act is any of the following: 11818

(1) A violation of section 2923.122 of the Revised Code; 11819

(2) A violation of section 2923.12 of the Revised Code, of 11820

a substantially similar municipal ordinance, or of section 11821  
2925.03, 2925.031, or 2925.032 of the Revised Code that was 11822  
committed on property owned or controlled by, or at an activity 11823  
held under the auspices of, a board of education of a city, 11824  
local, exempted village, or joint vocational school district; 11825

(3) A violation of section 2925.11 or 2925.111 of the 11826  
Revised Code, other than a violation of that section that would 11827  
be a minor drug possession offense, that was committed on 11828  
property owned or controlled by, or at an activity held under 11829  
the auspices of, the board of education of a city, local, 11830  
exempted village, or joint vocational school district; 11831

(4) A violation of section 2903.01, 2903.02, 2903.03, 11832  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 11833  
section 2907.12 of the Revised Code that was committed on 11834  
property owned or controlled by, or at an activity held under 11835  
the auspices of, a board of education of a city, local, exempted 11836  
village, or joint vocational school district, if the victim at 11837  
the time of the commission of the act was an employee of that 11838  
board of education; 11839

(5) Complicity in any violation described in division (A) 11840  
(1), (2), (3), or (4) of this section that was alleged to have 11841  
been committed in the manner described in division (A) (1), (2), 11842  
(3), or (4) of this section, regardless of whether the act of 11843  
complicity was committed on property owned or controlled by, or 11844  
at an activity held under the auspices of, a board of education 11845  
of a city, local, exempted village, or joint vocational school 11846  
district. 11847

(B) A pupil may be suspended or expelled in accordance 11848  
with section 3313.66 of the Revised Code prior to being 11849  
permanently excluded from public school attendance under this 11850

section and section 3301.121 of the Revised Code. 11851

(C) (1) If the superintendent of a city, local, exempted 11852  
village, or joint vocational school district in which a pupil 11853  
attends school obtains or receives proof that the pupil has been 11854  
convicted of committing when the pupil was sixteen years of age 11855  
or older a violation listed in division (A) of this section or 11856  
adjudicated a delinquent child for the commission when the pupil 11857  
was sixteen years of age or older of a violation listed in 11858  
division (A) of this section, the superintendent may issue to 11859  
the board of education of the school district a request that the 11860  
pupil be permanently excluded from public school attendance, if 11861  
both of the following apply: 11862

(a) After obtaining or receiving proof of the conviction 11863  
or adjudication, the superintendent or the superintendent's 11864  
designee determines that the pupil's continued attendance in 11865  
school may endanger the health and safety of other pupils or 11866  
school employees and gives the pupil and the pupil's parent, 11867  
guardian, or custodian written notice that the superintendent 11868  
intends to recommend to the board of education that the board 11869  
adopt a resolution requesting the superintendent of public 11870  
instruction to permanently exclude the pupil from public school 11871  
attendance. 11872

(b) The superintendent or the superintendent's designee 11873  
forwards to the board of education the superintendent's written 11874  
recommendation that includes the determinations the 11875  
superintendent or designee made pursuant to division (C) (1) (a) 11876  
of this section and a copy of the proof the superintendent 11877  
received showing that the pupil has been convicted of or 11878  
adjudicated a delinquent child for a violation listed in 11879  
division (A) of this section that was committed when the pupil 11880

was sixteen years of age or older. 11881

(2) Within fourteen days after receipt of a recommendation 11882  
from the superintendent pursuant to division (C) (1) (b) of this 11883  
section that a pupil be permanently excluded from public school 11884  
attendance, the board of education of a city, local, exempted 11885  
village, or joint vocational school district, after review and 11886  
consideration of all of the following available information, may 11887  
adopt a resolution requesting the superintendent of public 11888  
instruction to permanently exclude the pupil who is the subject 11889  
of the recommendation from public school attendance: 11890

(a) The academic record of the pupil and a record of any 11891  
extracurricular activities in which the pupil previously was 11892  
involved; 11893

(b) The disciplinary record of the pupil and any available 11894  
records of the pupil's prior behavioral problems other than the 11895  
behavioral problems contained in the disciplinary record; 11896

(c) The social history of the pupil; 11897

(d) The pupil's response to the imposition of prior 11898  
discipline and sanctions imposed for behavioral problems; 11899

(e) Evidence regarding the seriousness of and any 11900  
aggravating factors related to the offense that is the basis of 11901  
the resolution seeking permanent exclusion; 11902

(f) Any mitigating circumstances surrounding the offense 11903  
that gave rise to the request for permanent exclusion; 11904

(g) Evidence regarding the probable danger posed to the 11905  
health and safety of other pupils or of school employees by the 11906  
continued presence of the pupil in a public school setting; 11907

(h) Evidence regarding the probable disruption of the 11908

teaching of any school district's graded course of study by the 11909  
continued presence of the pupil in a public school setting; 11910

(i) Evidence regarding the availability of alternative 11911  
sanctions of a less serious nature than permanent exclusion that 11912  
would enable the pupil to remain in a public school setting 11913  
without posing a significant danger to the health and safety of 11914  
other pupils or of school employees and without posing a threat 11915  
of the disruption of the teaching of any district's graded 11916  
course of study. 11917

(3) If the board does not adopt a resolution requesting 11918  
the superintendent of public instruction to permanently exclude 11919  
the pupil, it immediately shall send written notice of that fact 11920  
to the superintendent who sought the resolution, to the pupil 11921  
who was the subject of the proposed resolution, and to that 11922  
pupil's parent, guardian, or custodian. 11923

(D) (1) Upon adoption of a resolution under division (C) of 11924  
this section, the board of education immediately shall forward 11925  
to the superintendent of public instruction the written 11926  
resolution, proof of the conviction or adjudication that is the 11927  
basis of the resolution, a copy of the pupil's entire school 11928  
record, and any other relevant information and shall forward a 11929  
copy of the resolution to the pupil who is the subject of the 11930  
recommendation and to that pupil's parent, guardian, or 11931  
custodian. 11932

(2) The board of education that adopted and forwarded the 11933  
resolution requesting the permanent exclusion of the pupil to 11934  
the superintendent of public instruction promptly shall 11935  
designate a representative of the school district to present the 11936  
case for permanent exclusion to the superintendent or the 11937  
referee appointed by the superintendent. The representative of 11938

the school district may be an attorney admitted to the practice 11939  
of law in this state. At the adjudication hearing held pursuant 11940  
to section 3301.121 of the Revised Code, the representative of 11941  
the school district shall present evidence in support of the 11942  
requested permanent exclusion. 11943

(3) Upon receipt of a board of education's resolution 11944  
requesting the permanent exclusion of a pupil from public school 11945  
attendance, the superintendent of public instruction, in 11946  
accordance with the adjudication procedures of section 3301.121 11947  
of the Revised Code, promptly shall issue an adjudication order 11948  
that either permanently excludes the pupil from attending any of 11949  
the public schools of this state or that rejects the resolution 11950  
of the board of education. 11951

(E) Notwithstanding any provision of section 3313.64 of 11952  
the Revised Code or an order of any court of this state that 11953  
otherwise requires the admission of the pupil to a school, no 11954  
school official in a city, local, exempted village, or joint 11955  
vocational school district knowingly shall admit to any school 11956  
in the school district a pupil who has been permanently excluded 11957  
from public school attendance by the superintendent of public 11958  
instruction. 11959

(F) (1) (a) Upon determining that the school attendance of a 11960  
pupil who has been permanently excluded from public school 11961  
attendance no longer will endanger the health and safety of 11962  
other students or school employees, the superintendent of any 11963  
city, local, exempted village, or joint vocational school 11964  
district in which the pupil desires to attend school may issue 11965  
to the board of education of the school district a 11966  
recommendation, including the reasons for the recommendation, 11967  
that the permanent exclusion of a pupil be revoked and the pupil 11968



be allowed to return to the public schools of the state. 11969

If any violation which in whole or in part gave rise to 11970  
the permanent exclusion of any pupil involved the pupil's 11971  
bringing a firearm to a school operated by the board of 11972  
education of a school district or onto any other property owned 11973  
or operated by such a board, no superintendent shall recommend 11974  
under this division an effective date for the revocation of the 11975  
pupil's permanent exclusion that is less than one year after the 11976  
date on which the last such firearm incident occurred. However, 11977  
on a case-by-case basis, a superintendent may recommend an 11978  
earlier effective date for such a revocation for any of the 11979  
reasons for which the superintendent may reduce the one-year 11980  
expulsion requirement in division (B) (2) of section 3313.66 of 11981  
the Revised Code. 11982

(b) Upon receipt of the recommendation of the 11983  
superintendent that a permanent exclusion of a pupil be revoked, 11984  
the board of education of a city, local, exempted village, or 11985  
joint vocational school district may adopt a resolution by a 11986  
majority vote of its members requesting the superintendent of 11987  
public instruction to revoke the permanent exclusion of the 11988  
pupil. Upon adoption of the resolution, the board of education 11989  
shall forward a copy of the resolution, the reasons for the 11990  
resolution, and any other relevant information to the 11991  
superintendent of public instruction. 11992

(c) Upon receipt of a resolution of a board of education 11993  
requesting the revocation of a permanent exclusion of a pupil, 11994  
the superintendent of public instruction, in accordance with the 11995  
adjudication procedures of Chapter 119. of the Revised Code, 11996  
shall issue an adjudication order that revokes the permanent 11997  
exclusion of the pupil from public school attendance or that 11998

rejects the resolution of the board of education. 11999

(2) (a) A pupil who has been permanently excluded pursuant 12000  
to this section and section 3301.121 of the Revised Code may 12001  
request the superintendent of any city, local, exempted village, 12002  
or joint vocational school district in which the pupil desires 12003  
to attend school to admit the pupil on a probationary basis for 12004  
a period not to exceed ninety school days. Upon receiving the 12005  
request, the superintendent may enter into discussions with the 12006  
pupil and with the pupil's parent, guardian, or custodian or a 12007  
person designated by the pupil's parent, guardian, or custodian 12008  
to develop a probationary admission plan designed to assist the 12009  
pupil's probationary admission to the school. The plan may 12010  
include a treatment program, a behavioral modification program, 12011  
or any other program reasonably designed to meet the educational 12012  
needs of the child and the disciplinary requirements of the 12013  
school. 12014

If any violation which in whole or in part gave rise to 12015  
the permanent exclusion of the pupil involved the pupil's 12016  
bringing a firearm to a school operated by the board of 12017  
education of any school district or onto any other property 12018  
owned or operated by such a board, no plan developed under this 12019  
division for the pupil shall include an effective date for the 12020  
probationary admission of the pupil that is less than one year 12021  
after the date on which the last such firearm incident occurred 12022  
except that on a case-by-case basis, a plan may include an 12023  
earlier effective date for such an admission for any of the 12024  
reasons for which the superintendent of the district may reduce 12025  
the one-year expulsion requirement in division (B) (2) of section 12026  
3313.66 of the Revised Code. 12027

(b) If the superintendent of a school district, a pupil, 12028

and the pupil's parent, guardian, or custodian or a person 12029  
designated by the pupil's parent, guardian, or custodian agree 12030  
upon a probationary admission plan prepared pursuant to division 12031  
(F) (2) (a) of this section, the superintendent of the school 12032  
district shall issue to the board of education of the school 12033  
district a recommendation that the pupil be allowed to attend 12034  
school within the school district under probationary admission, 12035  
the reasons for the recommendation, and a copy of the agreed 12036  
upon probationary admission plan. Within fourteen days after the 12037  
board of education receives the recommendation, reasons, and 12038  
plan, the board may adopt the recommendation by a majority vote 12039  
of its members. If the board adopts the recommendation, the 12040  
pupil may attend school under probationary admission within that 12041  
school district for a period not to exceed ninety days or any 12042  
additional probationary period permitted under divisions (F) (2) 12043  
(d) and (e) of this section in accordance with the probationary 12044  
admission plan prepared pursuant to division (F) (2) (a) of this 12045  
section. 12046

(c) If a pupil who is permitted to attend school under 12047  
probationary admission pursuant to division (F) (2) (b) of this 12048  
section fails to comply with the probationary admission plan 12049  
prepared pursuant to division (F) (2) (a) of this section, the 12050  
superintendent of the school district immediately may remove the 12051  
pupil from the school and issue to the board of education of the 12052  
school district a recommendation that the probationary admission 12053  
be revoked. Within five days after the board of education 12054  
receives the recommendation, the board may adopt the 12055  
recommendation to revoke the pupil's probationary admission by a 12056  
majority vote of its members. If a majority of the board does 12057  
not adopt the recommendation to revoke the pupil's probationary 12058  
admission, the pupil shall continue to attend school in 12059

compliance with the pupil's probationary admission plan. 12060

(d) If a pupil who is permitted to attend school under 12061  
probationary admission pursuant to division (F)(2)(b) of this 12062  
section complies with the probationary admission plan prepared 12063  
pursuant to division (F)(2)(a) of this section, the pupil or the 12064  
pupil's parent, guardian, or custodian, at any time before the 12065  
expiration of the ninety-day probationary admission period, may 12066  
request the superintendent of the school district to extend the 12067  
terms and period of the pupil's probationary admission for a 12068  
period not to exceed ninety days or to issue a recommendation 12069  
pursuant to division (F)(1) of this section that the pupil's 12070  
permanent exclusion be revoked and the pupil be allowed to 12071  
return to the public schools of this state. 12072

(e) If a pupil is granted an extension of the pupil's 12073  
probationary admission pursuant to division (F)(2)(d) of this 12074  
section, the pupil or the pupil's parent, guardian, or 12075  
custodian, in the manner described in that division, may 12076  
request, and the superintendent and board, in the manner 12077  
described in that division, may recommend and grant, subsequent 12078  
probationary admission periods not to exceed ninety days each. 12079  
If a pupil who is permitted to attend school under an extension 12080  
of a probationary admission plan complies with the probationary 12081  
admission plan prepared pursuant to the extension, the pupil or 12082  
the pupil's parent, guardian, or custodian may request a 12083  
revocation of the pupil's permanent exclusion in the manner 12084  
described in division (F)(2)(d) of this section. 12085

(f) Any extension of a probationary admission requested by 12086  
a pupil or a pupil's parent, guardian, or custodian pursuant to 12087  
divisions (F)(2)(d) or (e) of this section shall be subject to 12088  
the adoption and approval of a probationary admission plan in 12089

the manner described in divisions (F) (2) (a) and (b) of this 12090  
section and may be terminated as provided in division (F) (2) (c) 12091  
of this section. 12092

(g) If the pupil has complied with any probationary 12093  
admission plan and the superintendent issues a recommendation 12094  
that seeks revocation of the pupil's permanent exclusion 12095  
pursuant to division (F) (1) of this section, the pupil's 12096  
compliance with any probationary admission plan may be 12097  
considered along with other relevant factors in any 12098  
determination or adjudication conducted pursuant to division (F) 12099  
(1) of this section. 12100

(G) (1) Except as provided in division (G) (2) of this 12101  
section, any information regarding the permanent exclusion of a 12102  
pupil shall be included in the pupil's official records and 12103  
shall be included in any records sent to any school district 12104  
that requests the pupil's records. 12105

(2) When a pupil who has been permanently excluded from 12106  
public school attendance reaches the age of twenty-two or when 12107  
the permanent exclusion of a pupil has been revoked, all school 12108  
districts that maintain records regarding the pupil's permanent 12109  
exclusion shall remove all references to the exclusion from the 12110  
pupil's file and shall destroy them. 12111

A pupil who has reached the age of twenty-two or whose 12112  
permanent exclusion has been revoked may send a written notice 12113  
to the superintendent of any school district maintaining records 12114  
of the pupil's permanent exclusion requesting the superintendent 12115  
to ensure that the records are removed from the pupil's file and 12116  
destroyed. Upon receipt of the request and a determination that 12117  
the pupil is twenty-two years of age or older or that the 12118  
pupil's permanent exclusion has been revoked, the superintendent 12119

shall ensure that the records are removed from the pupil's file 12120  
and destroyed. 12121

(H) (1) This section does not apply to any of the 12122  
following: 12123

(a) An institution that is a residential facility, that 12124  
receives and cares for children, that is maintained by the 12125  
department of youth services, and that operates a school 12126  
chartered by the state board of education under section 3301.16 12127  
of the Revised Code; 12128

(b) Any on-premises school operated by an out-of-home care 12129  
entity, other than a school district, that is chartered by the 12130  
state board of education under section 3301.16 of the Revised 12131  
Code; 12132

(c) Any school operated in connection with an out-of-home 12133  
care entity or a nonresidential youth treatment program that 12134  
enters into a contract or agreement with a school district for 12135  
the provision of educational services in a setting other than a 12136  
setting that is a building or structure owned or controlled by 12137  
the board of education of the school district during normal 12138  
school hours. 12139

(2) This section does not prohibit any person who has been 12140  
permanently excluded pursuant to this section and section 12141  
3301.121 of the Revised Code from seeking a certificate of high 12142  
school equivalence. A person who has been permanently excluded 12143  
may be permitted to participate in a course of study in 12144  
preparation for a high school equivalency test approved by the 12145  
department of education pursuant to division (B) of section 12146  
3301.80 of the Revised Code, except that the person shall not 12147  
participate during normal school hours in that course of study 12148

in any building or structure owned or controlled by the board of 12149  
education of a school district. 12150

(3) This section does not relieve any school district from 12151  
any requirement under section 2151.362 or 3313.64 of the Revised 12152  
Code to pay for the cost of educating any child who has been 12153  
permanently excluded pursuant to this section and section 12154  
3301.121 of the Revised Code. 12155

(I) As used in this section: 12156

(1) "Permanently exclude" means to forever prohibit an 12157  
individual from attending any public school in this state that 12158  
is operated by a city, local, exempted village, or joint 12159  
vocational school district. 12160

(2) "Permanent exclusion" means the prohibition of a pupil 12161  
forever from attending any public school in this state that is 12162  
operated by a city, local, exempted village, or joint vocational 12163  
school district. 12164

(3) "Out-of-home care" has the same meaning as in section 12165  
2151.011 of the Revised Code. 12166

(4) "Certificate of high school equivalence" has the same 12167  
meaning as in section 4109.06 of the Revised Code. 12168

(5) "Nonresidential youth treatment program" means a 12169  
program designed to provide services to persons under the age of 12170  
eighteen in a setting that does not regularly provide long-term 12171  
overnight care, including settlement houses, diversion and 12172  
prevention programs, run-away centers, and alternative education 12173  
programs. 12174

(6) "Firearm" has the same meaning as provided pursuant to 12175  
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 12176

8001(a)(2). 12177

(7) "Minor drug possession offense" has the same meaning 12178  
as in section 2925.01 of the Revised Code. 12179

**Sec. 3319.31.** (A) As used in this section and sections 12180  
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 12181  
means a certificate, license, or permit described in this 12182  
chapter or in division (B) of section 3301.071 or in section 12183  
3301.074 of the Revised Code. 12184

(B) For any of the following reasons, the state board of 12185  
education, in accordance with Chapter 119. and section 3319.311 12186  
of the Revised Code, may refuse to issue a license to an 12187  
applicant; may limit a license it issues to an applicant; may 12188  
suspend, revoke, or limit a license that has been issued to any 12189  
person; or may revoke a license that has been issued to any 12190  
person and has expired: 12191

(1) Engaging in an immoral act, incompetence, negligence, 12192  
or conduct that is unbecoming to the applicant's or person's 12193  
position; 12194

(2) A plea of guilty to, a finding of guilt by a jury or 12195  
court of, or a conviction of any of the following: 12196

(a) A felony other than a felony listed in division (C) of 12197  
this section; 12198

(b) An offense of violence other than an offense of 12199  
violence listed in division (C) of this section; 12200

(c) A theft offense, as defined in section 2913.01 of the 12201  
Revised Code, other than a theft offense listed in division (C) 12202  
of this section; 12203

(d) A drug abuse offense, as defined in section 2925.01 of 12204



the Revised Code, that is not a minor misdemeanor, other than a 12205  
drug abuse offense listed in division (C) of this section; 12206

(e) A violation of an ordinance of a municipal corporation 12207  
that is substantively comparable to an offense listed in 12208  
divisions (B)(2)(a) to (d) of this section. 12209

(3) A judicial finding of eligibility for intervention in 12210  
lieu of conviction under section 2951.041 of the Revised Code, 12211  
or agreeing to participate in a pre-trial diversion program 12212  
under section 2935.36 of the Revised Code, or a similar 12213  
diversion program under rules of a court, for any offense listed 12214  
in division (B)(2) or (C) of this section; 12215

(4) Failure to comply with section 3313.536, 3314.40, 12216  
3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 12217

(C) Upon learning of a plea of guilty to, a finding of 12218  
guilt by a jury or court of, or a conviction of any of the 12219  
offenses listed in this division by a person who holds a current 12220  
or expired license or is an applicant for a license or renewal 12221  
of a license, the state board or the superintendent of public 12222  
instruction, if the state board has delegated the duty pursuant 12223  
to division (D) of this section, shall by a written order revoke 12224  
the person's license or deny issuance or renewal of the license 12225  
to the person. The state board or the superintendent shall 12226  
revoke a license that has been issued to a person to whom this 12227  
division applies and has expired in the same manner as a license 12228  
that has not expired. 12229

Revocation of a license or denial of issuance or renewal 12230  
of a license under this division is effective immediately at the 12231  
time and date that the board or superintendent issues the 12232  
written order and is not subject to appeal in accordance with 12233

Chapter 119. of the Revised Code. Revocation of a license or 12234  
denial of issuance or renewal of license under this division 12235  
remains in force during the pendency of an appeal by the person 12236  
of the plea of guilty, finding of guilt, or conviction that is 12237  
the basis of the action taken under this division. 12238

The state board or superintendent shall take the action 12239  
required by this division for a violation of division (B)(1), 12240  
(2), (3), or (4) of section 2919.22 of the Revised Code; a 12241  
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 12242  
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 12243  
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 12244  
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 12245  
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 12246  
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 12247  
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 12248  
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 12249  
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 12250  
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.031, 12251  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 12252  
2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, or 3716.11 12253  
of the Revised Code; a violation of section 2905.04 of the 12254  
Revised Code as it existed prior to July 1, 1996; a violation of 12255  
section 2919.23 of the Revised Code that would have been a 12256  
violation of section 2905.04 of the Revised Code as it existed 12257  
prior to July 1, 1996, had the violation been committed prior to 12258  
that date; felonious sexual penetration in violation of former 12259  
section 2907.12 of the Revised Code; or a violation of an 12260  
ordinance of a municipal corporation that is substantively 12261  
comparable to an offense listed in this paragraph. 12262

(D) The state board may delegate to the superintendent of 12263  
public instruction the authority to revoke a person's license or 12264

to deny issuance or renewal of a license to a person under 12265  
division (C) or (F) of this section. 12266

(E) (1) If the plea of guilty, finding of guilt, or 12267  
conviction that is the basis of the action taken under division 12268  
(B) (2) or (C) of this section, or under the version of division 12269  
(F) of section 3319.311 of the Revised Code in effect prior to 12270  
September 12, 2008, is overturned on appeal, upon exhaustion of 12271  
the criminal appeal, the clerk of the court that overturned the 12272  
plea, finding, or conviction or, if applicable, the clerk of the 12273  
court that accepted an appeal from the court that overturned the 12274  
plea, finding, or conviction, shall notify the state board that 12275  
the plea, finding, or conviction has been overturned. Within 12276  
thirty days after receiving the notification, the state board 12277  
shall initiate proceedings to reconsider the revocation or 12278  
denial of the person's license in accordance with division (E) 12279  
(2) of this section. In addition, the person whose license was 12280  
revoked or denied may file with the state board a petition for 12281  
reconsideration of the revocation or denial along with 12282  
appropriate court documents. 12283

(2) Upon receipt of a court notification or a petition and 12284  
supporting court documents under division (E) (1) of this 12285  
section, the state board, after offering the person an 12286  
opportunity for an adjudication hearing under Chapter 119. of 12287  
the Revised Code, shall determine whether the person committed 12288  
the act in question in the prior criminal action against the 12289  
person that is the basis of the revocation or denial and may 12290  
continue the revocation or denial, may reinstate the person's 12291  
license, with or without limits, or may grant the person a new 12292  
license, with or without limits. The decision of the board shall 12293  
be based on grounds for revoking, denying, suspending, or 12294  
limiting a license adopted by rule under division (G) of this 12295

section and in accordance with the evidentiary standards the 12296  
board employs for all other licensure hearings. The decision of 12297  
the board under this division is subject to appeal under Chapter 12298  
119. of the Revised Code. 12299

(3) A person whose license is revoked or denied under 12300  
division (C) of this section shall not apply for any license if 12301  
the plea of guilty, finding of guilt, or conviction that is the 12302  
basis of the revocation or denial, upon completion of the 12303  
criminal appeal, either is upheld or is overturned but the state 12304  
board continues the revocation or denial under division (E) (2) 12305  
of this section and that continuation is upheld on final appeal. 12306

(F) The state board may take action under division (B) of 12307  
this section, and the state board or the superintendent shall 12308  
take the action required under division (C) of this section, on 12309  
the basis of substantially comparable conduct occurring in a 12310  
jurisdiction outside this state or occurring before a person 12311  
applies for or receives any license. 12312

(G) The state board may adopt rules in accordance with 12313  
Chapter 119. of the Revised Code to carry out this section and 12314  
section 3319.311 of the Revised Code. 12315

**Sec. 3319.39.** (A) (1) Except as provided in division (F) (2) 12316  
(b) of section 109.57 of the Revised Code, the appointing or 12317  
hiring officer of the board of education of a school district, 12318  
the governing board of an educational service center, or of a 12319  
chartered nonpublic school shall request the superintendent of 12320  
the bureau of criminal identification and investigation to 12321  
conduct a criminal records check with respect to any applicant 12322  
who has applied to the school district, educational service 12323  
center, or school for employment in any position. The appointing 12324  
or hiring officer shall request that the superintendent include 12325

information from the federal bureau of investigation in the 12326  
criminal records check, unless all of the following apply to the 12327  
applicant: 12328

(a) The applicant is applying to be an instructor of adult 12329  
education. 12330

(b) The duties of the position for which the applicant is 12331  
applying do not involve routine interaction with a child or 12332  
regular responsibility for the care, custody, or control of a 12333  
child or, if the duties do involve such interaction or 12334  
responsibility, during any period of time in which the 12335  
applicant, if hired, has such interaction or responsibility, 12336  
another employee of the school district, educational service 12337  
center, or chartered nonpublic school will be present in the 12338  
same room with the child or, if outdoors, will be within a 12339  
thirty-yard radius of the child or have visual contact with the 12340  
child. 12341

(c) The applicant presents proof that the applicant has 12342  
been a resident of this state for the five-year period 12343  
immediately prior to the date upon which the criminal records 12344  
check is requested or provides evidence that within that five- 12345  
year period the superintendent has requested information about 12346  
the applicant from the federal bureau of investigation in a 12347  
criminal records check. 12348

(2) A person required by division (A) (1) of this section 12349  
to request a criminal records check shall provide to each 12350  
applicant a copy of the form prescribed pursuant to division (C) 12351  
(1) of section 109.572 of the Revised Code, provide to each 12352  
applicant a standard impression sheet to obtain fingerprint 12353  
impressions prescribed pursuant to division (C) (2) of section 12354  
109.572 of the Revised Code, obtain the completed form and 12355

impression sheet from each applicant, and forward the completed 12356  
form and impression sheet to the superintendent of the bureau of 12357  
criminal identification and investigation at the time the person 12358  
requests a criminal records check pursuant to division (A) (1) of 12359  
this section. 12360

(3) An applicant who receives pursuant to division (A) (2) 12361  
of this section a copy of the form prescribed pursuant to 12362  
division (C) (1) of section 109.572 of the Revised Code and a 12363  
copy of an impression sheet prescribed pursuant to division (C) 12364  
(2) of that section and who is requested to complete the form 12365  
and provide a set of fingerprint impressions shall complete the 12366  
form or provide all the information necessary to complete the 12367  
form and shall provide the impression sheet with the impressions 12368  
of the applicant's fingerprints. If an applicant, upon request, 12369  
fails to provide the information necessary to complete the form 12370  
or fails to provide impressions of the applicant's fingerprints, 12371  
the board of education of a school district, governing board of 12372  
an educational service center, or governing authority of a 12373  
chartered nonpublic school shall not employ that applicant for 12374  
any position. 12375

(4) Notwithstanding any provision of this section to the 12376  
contrary, an applicant who meets the conditions prescribed in 12377  
divisions (A) (1) (a) and (b) of this section and who, within the 12378  
two-year period prior to the date of application, was the 12379  
subject of a criminal records check under this section prior to 12380  
being hired for short-term employment with the school district, 12381  
educational service center, or chartered nonpublic school to 12382  
which application is being made shall not be required to undergo 12383  
a criminal records check prior to the applicant's rehiring by 12384  
that district, service center, or school. 12385

(B) (1) Except as provided in rules adopted by the 12386  
department of education in accordance with division (E) of this 12387  
section and as provided in division (B) (3) of this section, no 12388  
board of education of a school district, no governing board of 12389  
an educational service center, and no governing authority of a 12390  
chartered nonpublic school shall employ a person if the person 12391  
previously has been convicted of or pleaded guilty to any of the 12392  
following: 12393

(a) A violation of section 2903.01, 2903.02, 2903.03, 12394  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12395  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12396  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12397  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12398  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12399  
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12400  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 12401  
Code, a violation of section 2905.04 of the Revised Code as it 12402  
existed prior to July 1, 1996, a violation of section 2919.23 of 12403  
the Revised Code that would have been a violation of section 12404  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 12405  
had the violation been committed prior to that date, a violation 12406  
of section 2925.11 or 2925.111 of the Revised Code that is not a 12407  
minor drug possession offense, or felonious sexual penetration 12408  
in violation of former section 2907.12 of the Revised Code; 12409

(b) A violation of an existing or former law of this 12410  
state, another state, or the United States that is substantially 12411  
equivalent to any of the offenses or violations described in 12412  
division (B) (1) (a) of this section. 12413

(2) A board, governing board of an educational service 12414  
center, or a governing authority of a chartered nonpublic school 12415

may employ an applicant conditionally until the criminal records 12416  
check required by this section is completed and the board or 12417  
governing authority receives the results of the criminal records 12418  
check. If the results of the criminal records check indicate 12419  
that, pursuant to division (B)(1) of this section, the applicant 12420  
does not qualify for employment, the board or governing 12421  
authority shall release the applicant from employment. 12422

(3) No board and no governing authority of a chartered 12423  
nonpublic school shall employ a teacher who previously has been 12424  
convicted of or pleaded guilty to any of the offenses listed in 12425  
section 3319.31 of the Revised Code. 12426

(C)(1) Each board and each governing authority of a 12427  
chartered nonpublic school shall pay to the bureau of criminal 12428  
identification and investigation the fee prescribed pursuant to 12429  
division (C)(3) of section 109.572 of the Revised Code for each 12430  
criminal records check conducted in accordance with that section 12431  
upon the request pursuant to division (A)(1) of this section of 12432  
the appointing or hiring officer of the board or governing 12433  
authority. 12434

(2) A board and the governing authority of a chartered 12435  
nonpublic school may charge an applicant a fee for the costs it 12436  
incurs in obtaining a criminal records check under this section. 12437  
A fee charged under this division shall not exceed the amount of 12438  
fees the board or governing authority pays under division (C)(1) 12439  
of this section. If a fee is charged under this division, the 12440  
board or governing authority shall notify the applicant at the 12441  
time of the applicant's initial application for employment of 12442  
the amount of the fee and that, unless the fee is paid, the 12443  
board or governing authority will not consider the applicant for 12444  
employment. 12445



(D) The report of any criminal records check conducted by 12446  
the bureau of criminal identification and investigation in 12447  
accordance with section 109.572 of the Revised Code and pursuant 12448  
to a request under division (A) (1) of this section is not a 12449  
public record for the purposes of section 149.43 of the Revised 12450  
Code and shall not be made available to any person other than 12451  
the applicant who is the subject of the criminal records check 12452  
or the applicant's representative, the board or governing 12453  
authority requesting the criminal records check or its 12454  
representative, and any court, hearing officer, or other 12455  
necessary individual involved in a case dealing with the denial 12456  
of employment to the applicant. 12457

(E) The department of education shall adopt rules pursuant 12458  
to Chapter 119. of the Revised Code to implement this section, 12459  
including rules specifying circumstances under which the board 12460  
or governing authority may hire a person who has been convicted 12461  
of an offense listed in division (B) (1) or (3) of this section 12462  
but who meets standards in regard to rehabilitation set by the 12463  
department. 12464

The department shall amend rule 3301-83-23 of the Ohio 12465  
Administrative Code that took effect August 27, 2009, and that 12466  
specifies the offenses that disqualify a person for employment 12467  
as a school bus or school van driver and establishes 12468  
rehabilitation standards for school bus and school van drivers. 12469

(F) Any person required by division (A) (1) of this section 12470  
to request a criminal records check shall inform each person, at 12471  
the time of the person's initial application for employment, of 12472  
the requirement to provide a set of fingerprint impressions and 12473  
that a criminal records check is required to be conducted and 12474  
satisfactorily completed in accordance with section 109.572 of 12475

the Revised Code if the person comes under final consideration 12476  
for appointment or employment as a precondition to employment 12477  
for the school district, educational service center, or school 12478  
for that position. 12479

(G) As used in this section: 12480

(1) "Applicant" means a person who is under final 12481  
consideration for appointment or employment in a position with a 12482  
board of education, governing board of an educational service 12483  
center, or a chartered nonpublic school, except that "applicant" 12484  
does not include a person already employed by a board or 12485  
chartered nonpublic school who is under consideration for a 12486  
different position with such board or school. 12487

(2) "Teacher" means a person holding an educator license 12488  
or permit issued under section 3319.22 or 3319.301 of the 12489  
Revised Code and teachers in a chartered nonpublic school. 12490

(3) "Criminal records check" has the same meaning as in 12491  
section 109.572 of the Revised Code. 12492

(4) "Minor drug possession offense" has the same meaning 12493  
as in section 2925.01 of the Revised Code. 12494

(H) If the board of education of a local school district 12495  
adopts a resolution requesting the assistance of the educational 12496  
service center in which the local district has territory in 12497  
conducting criminal records checks of substitute teachers and 12498  
substitutes for other district employees under this section, the 12499  
appointing or hiring officer of such educational service center 12500  
shall serve for purposes of this section as the appointing or 12501  
hiring officer of the local board in the case of hiring 12502  
substitute teachers and other substitute employees for the local 12503  
district. 12504

**Sec. 3712.09.** (A) As used in this section: 12505

(1) "Applicant" means a person who is under final 12506  
consideration for employment with a hospice care program or 12507  
pediatric respite care program in a full-time, part-time, or 12508  
temporary position that involves providing direct care to an 12509  
older adult or pediatric respite care patient. "Applicant" does 12510  
not include a person who provides direct care as a volunteer 12511  
without receiving or expecting to receive any form of 12512  
remuneration other than reimbursement for actual expenses. 12513

(2) "Criminal records check" has the same meaning as in 12514  
section 109.572 of the Revised Code. 12515

(3) "Older adult" means a person age sixty or older. 12516

(B)(1) Except as provided in division (I) of this section, 12517  
the chief administrator of a hospice care program or pediatric 12518  
respite care program shall request that the superintendent of 12519  
the bureau of criminal identification and investigation conduct 12520  
a criminal records check of each applicant. If an applicant for 12521  
whom a criminal records check request is required under this 12522  
division does not present proof of having been a resident of 12523  
this state for the five-year period immediately prior to the 12524  
date the criminal records check is requested or provide evidence 12525  
that within that five-year period the superintendent has 12526  
requested information about the applicant from the federal 12527  
bureau of investigation in a criminal records check, the chief 12528  
administrator shall request that the superintendent obtain 12529  
information from the federal bureau of investigation as part of 12530  
the criminal records check of the applicant. Even if an 12531  
applicant for whom a criminal records check request is required 12532  
under this division presents proof of having been a resident of 12533  
this state for the five-year period, the chief administrator may 12534

request that the superintendent include information from the 12535  
federal bureau of investigation in the criminal records check. 12536

(2) A person required by division (B) (1) of this section 12537  
to request a criminal records check shall do both of the 12538  
following: 12539

(a) Provide to each applicant for whom a criminal records 12540  
check request is required under that division a copy of the form 12541  
prescribed pursuant to division (C) (1) of section 109.572 of the 12542  
Revised Code and a standard fingerprint impression sheet 12543  
prescribed pursuant to division (C) (2) of that section, and 12544  
obtain the completed form and impression sheet from the 12545  
applicant; 12546

(b) Forward the completed form and impression sheet to the 12547  
superintendent of the bureau of criminal identification and 12548  
investigation. 12549

(3) An applicant provided the form and fingerprint 12550  
impression sheet under division (B) (2) (a) of this section who 12551  
fails to complete the form or provide fingerprint impressions 12552  
shall not be employed in any position for which a criminal 12553  
records check is required by this section. 12554

(C) (1) Except as provided in rules adopted by the director 12555  
of health in accordance with division (F) of this section and 12556  
subject to division (C) (2) of this section, no hospice care 12557  
program or pediatric respite care program shall employ a person 12558  
in a position that involves providing direct care to an older 12559  
adult or pediatric respite care patient if the person has been 12560  
convicted of or pleaded guilty to any of the following: 12561

(a) A violation of section 2903.01, 2903.02, 2903.03, 12562  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12563

2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 12564  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 12565  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 12566  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 12567  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 12568  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12569  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 12570  
3716.11 of the Revised Code. 12571

(b) A violation of an existing or former law of this 12572  
state, any other state, or the United States that is 12573  
substantially equivalent to any of the offenses listed in 12574  
division (C) (1) (a) of this section. 12575

(2) (a) A hospice care program or pediatric respite care 12576  
program may employ conditionally an applicant for whom a 12577  
criminal records check request is required under division (B) of 12578  
this section prior to obtaining the results of a criminal 12579  
records check regarding the individual, provided that the 12580  
program shall request a criminal records check regarding the 12581  
individual in accordance with division (B) (1) of this section 12582  
not later than five business days after the individual begins 12583  
conditional employment. In the circumstances described in 12584  
division (I) (2) of this section, a hospice care program or 12585  
pediatric respite care program may employ conditionally an 12586  
applicant who has been referred to the hospice care program or 12587  
pediatric respite care program by an employment service that 12588  
supplies full-time, part-time, or temporary staff for positions 12589  
involving the direct care of older adults or pediatric respite 12590  
care patients and for whom, pursuant to that division, a 12591  
criminal records check is not required under division (B) of 12592  
this section. 12593

(b) A hospice care program or pediatric respite care 12594  
program that employs an individual conditionally under authority 12595  
of division (C) (2) (a) of this section shall terminate the 12596  
individual's employment if the results of the criminal records 12597  
check requested under division (B) of this section or described 12598  
in division (I) (2) of this section, other than the results of 12599  
any request for information from the federal bureau of 12600  
investigation, are not obtained within the period ending thirty 12601  
days after the date the request is made. Regardless of when the 12602  
results of the criminal records check are obtained, if the 12603  
results indicate that the individual has been convicted of or 12604  
pleaded guilty to any of the offenses listed or described in 12605  
division (C) (1) of this section, the program shall terminate the 12606  
individual's employment unless the program chooses to employ the 12607  
individual pursuant to division (F) of this section. Termination 12608  
of employment under this division shall be considered just cause 12609  
for discharge for purposes of division (D) (2) of section 4141.29 12610  
of the Revised Code if the individual makes any attempt to 12611  
deceive the program about the individual's criminal record. 12612

(D) (1) Each hospice care program or pediatric respite care 12613  
program shall pay to the bureau of criminal identification and 12614  
investigation the fee prescribed pursuant to division (C) (3) of 12615  
section 109.572 of the Revised Code for each criminal records 12616  
check conducted pursuant to a request made under division (B) of 12617  
this section. 12618

(2) A hospice care program or pediatric respite care 12619  
program may charge an applicant a fee not exceeding the amount 12620  
the program pays under division (D) (1) of this section. A 12621  
program may collect a fee only if both of the following apply: 12622

(a) The program notifies the person at the time of initial 12623

application for employment of the amount of the fee and that, 12624  
unless the fee is paid, the person will not be considered for 12625  
employment; 12626

(b) The medicaid program does not reimburse the program 12627  
the fee it pays under division (D)(1) of this section. 12628

(E) The report of a criminal records check conducted 12629  
pursuant to a request made under this section is not a public 12630  
record for the purposes of section 149.43 of the Revised Code 12631  
and shall not be made available to any person other than the 12632  
following: 12633

(1) The individual who is the subject of the criminal 12634  
records check or the individual's representative; 12635

(2) The chief administrator of the program requesting the 12636  
criminal records check or the administrator's representative; 12637

(3) The administrator of any other facility, agency, or 12638  
program that provides direct care to older adults or pediatric 12639  
respite care patients that is owned or operated by the same 12640  
entity that owns or operates the hospice care program or 12641  
pediatric respite care program; 12642

(4) A court, hearing officer, or other necessary 12643  
individual involved in a case dealing with a denial of 12644  
employment of the applicant or dealing with employment or 12645  
unemployment benefits of the applicant; 12646

(5) Any person to whom the report is provided pursuant to, 12647  
and in accordance with, division (I)(1) or (2) of this section. 12648

(F) The director of health shall adopt rules in accordance 12649  
with Chapter 119. of the Revised Code to implement this section. 12650  
The rules shall specify circumstances under which a hospice care 12651

program or pediatric respite care program may employ a person 12652  
who has been convicted of or pleaded guilty to an offense listed 12653  
or described in division (C) (1) of this section but meets 12654  
personal character standards set by the director. 12655

(G) The chief administrator of a hospice care program or 12656  
pediatric respite care program shall inform each individual, at 12657  
the time of initial application for a position that involves 12658  
providing direct care to an older adult or pediatric respite 12659  
care patient, that the individual is required to provide a set 12660  
of fingerprint impressions and that a criminal records check is 12661  
required to be conducted if the individual comes under final 12662  
consideration for employment. 12663

(H) In a tort or other civil action for damages that is 12664  
brought as the result of an injury, death, or loss to person or 12665  
property caused by an individual who a hospice care program or 12666  
pediatric respite care program employs in a position that 12667  
involves providing direct care to older adults or pediatric 12668  
respite care patients, all of the following shall apply: 12669

(1) If the program employed the individual in good faith 12670  
and reasonable reliance on the report of a criminal records 12671  
check requested under this section, the program shall not be 12672  
found negligent solely because of its reliance on the report, 12673  
even if the information in the report is determined later to 12674  
have been incomplete or inaccurate; 12675

(2) If the program employed the individual in good faith 12676  
on a conditional basis pursuant to division (C) (2) of this 12677  
section, the program shall not be found negligent solely because 12678  
it employed the individual prior to receiving the report of a 12679  
criminal records check requested under this section; 12680



(3) If the program in good faith employed the individual 12681  
according to the personal character standards established in 12682  
rules adopted under division (F) of this section, the program 12683  
shall not be found negligent solely because the individual prior 12684  
to being employed had been convicted of or pleaded guilty to an 12685  
offense listed or described in division (C)(1) of this section. 12686

(I)(1) The chief administrator of a hospice care program 12687  
or pediatric respite care program is not required to request 12688  
that the superintendent of the bureau of criminal identification 12689  
and investigation conduct a criminal records check of an 12690  
applicant if the applicant has been referred to the program by 12691  
an employment service that supplies full-time, part-time, or 12692  
temporary staff for positions involving the direct care of older 12693  
adults or pediatric respite care patients and both of the 12694  
following apply: 12695

(a) The chief administrator receives from the employment 12696  
service or the applicant a report of the results of a criminal 12697  
records check regarding the applicant that has been conducted by 12698  
the superintendent within the one-year period immediately 12699  
preceding the applicant's referral; 12700

(b) The report of the criminal records check demonstrates 12701  
that the person has not been convicted of or pleaded guilty to 12702  
an offense listed or described in division (C)(1) of this 12703  
section, or the report demonstrates that the person has been 12704  
convicted of or pleaded guilty to one or more of those offenses, 12705  
but the hospice care program or pediatric respite care program 12706  
chooses to employ the individual pursuant to division (F) of 12707  
this section. 12708

(2) The chief administrator of a hospice care program or 12709  
pediatric respite care program is not required to request that 12710

the superintendent of the bureau of criminal identification and 12711  
investigation conduct a criminal records check of an applicant 12712  
and may employ the applicant conditionally as described in this 12713  
division, if the applicant has been referred to the program by 12714  
an employment service that supplies full-time, part-time, or 12715  
temporary staff for positions involving the direct care of older 12716  
adults or pediatric respite care patients and if the chief 12717  
administrator receives from the employment service or the 12718  
applicant a letter from the employment service that is on the 12719  
letterhead of the employment service, dated, and signed by a 12720  
supervisor or another designated official of the employment 12721  
service and that states that the employment service has 12722  
requested the superintendent to conduct a criminal records check 12723  
regarding the applicant, that the requested criminal records 12724  
check will include a determination of whether the applicant has 12725  
been convicted of or pleaded guilty to any offense listed or 12726  
described in division (C) (1) of this section, that, as of the 12727  
date set forth on the letter, the employment service had not 12728  
received the results of the criminal records check, and that, 12729  
when the employment service receives the results of the criminal 12730  
records check, it promptly will send a copy of the results to 12731  
the hospice care program or pediatric respite care program. If a 12732  
hospice care program or pediatric respite care program employs 12733  
an applicant conditionally in accordance with this division, the 12734  
employment service, upon its receipt of the results of the 12735  
criminal records check, promptly shall send a copy of the 12736  
results to the hospice care program or pediatric respite care 12737  
program, and division (C) (2) (b) of this section applies 12738  
regarding the conditional employment. 12739

**Sec. 3719.013.** Except as otherwise provided in section 12740  
2925.03-~~or~~, 2925.031, 2925.032, 2925.11, or 2925.111 of the 12741

Revised Code, a controlled substance analog, to the extent 12742  
intended for human consumption, shall be treated for purposes of 12743  
any provision of the Revised Code as a controlled substance in 12744  
schedule I. 12745

**Sec. 3719.21.** Except as provided in division (C) of 12746  
section 2923.42, division (B) of section 2923.44, divisions ~~(D)~~ 12747  
(C) (1), ~~(F)~~ (N), and ~~(H)~~ (P) of section 2925.03, division (D) (1) 12748  
of section 2925.02, 2925.04, or 2925.05, division (E) (1) of 12749  
section 2925.11, division (E) of section 2925.13, division (F) 12750  
of section 2925.36, division (D) of section 2925.22, division 12751  
(H) of section 2925.23, division (M) of section 2925.37, 12752  
division (B) of section 2925.42, division (B) of section 12753  
2929.18, division (D) of section 3719.99, division (B) (1) of 12754  
section 4729.65, division (E) (3) of section 4729.99, and 12755  
division (I) (3) of section 4729.99 of the Revised Code, the 12756  
clerk of the court shall pay all fines or forfeited bail 12757  
assessed and collected under prosecutions or prosecutions 12758  
commenced for violations of this chapter, section 2923.42 of the 12759  
Revised Code, or Chapter 2925. of the Revised Code, within 12760  
thirty days, to the executive director of the state board of 12761  
pharmacy, and the executive director shall deposit the fines 12762  
into the state treasury to the credit of the occupational 12763  
licensing and regulatory fund. 12764

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 12765  
3719.161 of the Revised Code is guilty of a felony of the fifth 12766  
degree. If the offender previously has been convicted of a 12767  
violation of section 3719.16 or 3719.161 of the Revised Code or 12768  
a drug abuse offense, a violation of section 3719.16 or 3719.161 12769  
of the Revised Code is a felony of the fourth degree. If the 12770  
violation involves the sale, offer to sell, or possession of a 12771  
schedule I or II controlled substance, with the exception of 12772

marihuana, and if the offender, as a result of the violation, is 12773  
a major drug offender, division (D) of this section applies. 12774

(B) Whoever violates division (C) or (D) of section 12775  
3719.172 of the Revised Code is guilty of a felony of the fifth 12776  
degree. If the offender previously has been convicted of a 12777  
violation of division (C) or (D) of section 3719.172 of the 12778  
Revised Code or a drug abuse offense, a violation of division 12779  
(C) or (D) of section 3719.172 of the Revised Code is a felony 12780  
of the fourth degree. If the violation involves the sale, offer 12781  
to sell, or possession of a schedule I or II controlled 12782  
substance, with the exception of marihuana, and if the offender, 12783  
as a result of the violation, is a major drug offender, division 12784  
(D) of this section applies. 12785

(C) Whoever violates section 3719.07 or 3719.08 of the 12786  
Revised Code is guilty of a misdemeanor of the first degree. If 12787  
the offender previously has been convicted of a violation of 12788  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 12789  
offense, a violation of section 3719.07 or 3719.08 of the 12790  
Revised Code is a felony of the fifth degree. If the violation 12791  
involves the sale, offer to sell, or possession of a schedule I 12792  
or II controlled substance, with the exception of marihuana, and 12793  
if the offender, as a result of the violation, is a major drug 12794  
offender, division (D) of this section applies. 12795

(D) (1) If an offender is convicted of or pleads guilty to 12796  
a felony violation of section 3719.07, 3719.08, 3719.16, or 12797  
3719.161 or of division (C) or (D) of section 3719.172 of the 12798  
Revised Code, if the violation involves the sale, offer to sell, 12799  
or possession of a schedule I or II controlled substance, with 12800  
the exception of marihuana, and if the court imposing sentence 12801  
upon the offender finds that the offender as a result of the 12802

violation is a major drug offender and is guilty of a 12803  
specification of the type described in division (A) of section 12804  
2941.1410 of the Revised Code, the court, in lieu of the prison 12805  
term authorized or required by division (A), (B), or (C) of this 12806  
section and sections 2929.13 and 2929.14 of the Revised Code and 12807  
in addition to any other sanction imposed for the offense under 12808  
sections 2929.11 to 2929.18 of the Revised Code, shall impose 12809  
upon the offender, in accordance with division (B) (3) of section 12810  
2929.14 of the Revised Code, the mandatory prison term specified 12811  
in that division. 12812

(2) Notwithstanding any contrary provision of section 12813  
3719.21 of the Revised Code, the clerk of the court shall pay 12814  
any fine imposed for a felony violation of section 3719.07, 12815  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 12816  
section 3719.172 of the Revised Code pursuant to division (A) of 12817  
section 2929.18 of the Revised Code in accordance with and 12818  
subject to the requirements of division ~~(F)~~ (N) of section 12819  
2925.03 of the Revised Code. The agency that receives the fine 12820  
shall use the fine as specified in division ~~(F)~~ (N) of section 12821  
2925.03 of the Revised Code. 12822

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 12823  
3719.31 or division (B) of section 3719.172 of the Revised Code 12824  
is guilty of a misdemeanor of the third degree. If the offender 12825  
previously has been convicted of a violation of section 3719.05, 12826  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 12827  
of the Revised Code or a drug abuse offense, a violation of 12828  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 12829  
section 3719.172 of the Revised Code is a misdemeanor of the 12830  
first degree. 12831

(F) Whoever violates section 3719.30 of the Revised Code 12832

is guilty of a misdemeanor of the fourth degree. If the offender 12833  
previously has been convicted of a violation of section 3719.30 12834  
of the Revised Code or a drug abuse offense, a violation of 12835  
section 3719.30 of the Revised Code is a misdemeanor of the 12836  
third degree. 12837

(G) Whoever violates section 3719.32 or 3719.33 of the 12838  
Revised Code is guilty of a minor misdemeanor. 12839

(H) Whoever violates division (K) (2) (b) of section 3719.44 12840  
of the Revised Code is guilty of a felony of the fifth degree. 12841

(I) Whoever violates division (K) (2) (c) of section 3719.44 12842  
of the Revised Code is guilty of a misdemeanor of the second 12843  
degree. 12844

(J) As used in this section, "major drug offender" has the 12845  
same meaning as in section 2929.01 of the Revised Code. 12846

**Sec. 3721.121.** (A) As used in this section: 12847

(1) "Adult day-care program" means a program operated 12848  
pursuant to rules adopted by the director of health under 12849  
section 3721.04 of the Revised Code and provided by and on the 12850  
same site as homes licensed under this chapter. 12851

(2) "Applicant" means a person who is under final 12852  
consideration for employment with a home or adult day-care 12853  
program in a full-time, part-time, or temporary position that 12854  
involves providing direct care to an older adult. "Applicant" 12855  
does not include a person who provides direct care as a 12856  
volunteer without receiving or expecting to receive any form of 12857  
remuneration other than reimbursement for actual expenses. 12858

(3) "Community-based long-term care services provider" 12859  
means a provider as defined in section 173.39 of the Revised 12860

Code. 12861

(4) "Criminal records check" has the same meaning as in 12862  
section 109.572 of the Revised Code. 12863

(5) "Home" means a home as defined in section 3721.10 of 12864  
the Revised Code. 12865

(6) "Older adult" means a person age sixty or older. 12866

(B) (1) Except as provided in division (I) of this section, 12867  
the chief administrator of a home or adult day-care program 12868  
shall request that the superintendent of the bureau of criminal 12869  
identification and investigation conduct a criminal records 12870  
check of each applicant. If an applicant for whom a criminal 12871  
records check request is required under this division does not 12872  
present proof of having been a resident of this state for the 12873  
five-year period immediately prior to the date the criminal 12874  
records check is requested or provide evidence that within that 12875  
five-year period the superintendent has requested information 12876  
about the applicant from the federal bureau of investigation in 12877  
a criminal records check, the chief administrator shall request 12878  
that the superintendent obtain information from the federal 12879  
bureau of investigation as part of the criminal records check of 12880  
the applicant. Even if an applicant for whom a criminal records 12881  
check request is required under this division presents proof of 12882  
having been a resident of this state for the five-year period, 12883  
the chief administrator may request that the superintendent 12884  
include information from the federal bureau of investigation in 12885  
the criminal records check. 12886

(2) A person required by division (B) (1) of this section 12887  
to request a criminal records check shall do both of the 12888  
following: 12889

(a) Provide to each applicant for whom a criminal records 12890  
check request is required under that division a copy of the form 12891  
prescribed pursuant to division (C) (1) of section 109.572 of the 12892  
Revised Code and a standard fingerprint impression sheet 12893  
prescribed pursuant to division (C) (2) of that section, and 12894  
obtain the completed form and impression sheet from the 12895  
applicant; 12896

(b) Forward the completed form and impression sheet to the 12897  
superintendent of the bureau of criminal identification and 12898  
investigation. 12899

(3) An applicant provided the form and fingerprint 12900  
impression sheet under division (B) (2) (a) of this section who 12901  
fails to complete the form or provide fingerprint impressions 12902  
shall not be employed in any position for which a criminal 12903  
records check is required by this section. 12904

(C) (1) Except as provided in rules adopted by the director 12905  
of health in accordance with division (F) of this section and 12906  
subject to division (C) (2) of this section, no home or adult 12907  
day-care program shall employ a person in a position that 12908  
involves providing direct care to an older adult if the person 12909  
has been convicted of or pleaded guilty to any of the following: 12910

(a) A violation of section 2903.01, 2903.02, 2903.03, 12911  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12912  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 12913  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 12914  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 12915  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 12916  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 12917  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 12918  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 12919



3716.11 of the Revised Code. 12920

(b) A violation of an existing or former law of this 12921  
state, any other state, or the United States that is 12922  
substantially equivalent to any of the offenses listed in 12923  
division (C) (1) (a) of this section. 12924

(2) (a) A home or an adult day-care program may employ 12925  
conditionally an applicant for whom a criminal records check 12926  
request is required under division (B) of this section prior to 12927  
obtaining the results of a criminal records check regarding the 12928  
individual, provided that the home or program shall request a 12929  
criminal records check regarding the individual in accordance 12930  
with division (B) (1) of this section not later than five 12931  
business days after the individual begins conditional 12932  
employment. In the circumstances described in division (I) (2) of 12933  
this section, a home or adult day-care program may employ 12934  
conditionally an applicant who has been referred to the home or 12935  
adult day-care program by an employment service that supplies 12936  
full-time, part-time, or temporary staff for positions involving 12937  
the direct care of older adults and for whom, pursuant to that 12938  
division, a criminal records check is not required under 12939  
division (B) of this section. 12940

(b) A home or adult day-care program that employs an 12941  
individual conditionally under authority of division (C) (2) (a) 12942  
of this section shall terminate the individual's employment if 12943  
the results of the criminal records check requested under 12944  
division (B) of this section or described in division (I) (2) of 12945  
this section, other than the results of any request for 12946  
information from the federal bureau of investigation, are not 12947  
obtained within the period ending thirty days after the date the 12948  
request is made. Regardless of when the results of the criminal 12949

records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the home or program shall terminate the individual's employment unless the home or program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the home or program about the individual's criminal record.

(D)(1) Each home or adult day-care program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted pursuant to a request made under division (B) of this section.

(2) A home or adult day-care program may charge an applicant a fee not exceeding the amount the home or program pays under division (D)(1) of this section. A home or program may collect a fee only if both of the following apply:

(a) The home or program notifies the person at the time of initial application for employment of the amount of the fee and that, unless the fee is paid, the person will not be considered for employment;

(b) The medicaid program does not reimburse the home or program the fee it pays under division (D)(1) of this section.

(E) The report of any criminal records check conducted pursuant to a request made under this section is not a public record for the purposes of section 149.43 of the Revised Code

and shall not be made available to any person other than the 12979  
following: 12980

(1) The individual who is the subject of the criminal 12981  
records check or the individual's representative; 12982

(2) The chief administrator of the home or program 12983  
requesting the criminal records check or the administrator's 12984  
representative; 12985

(3) The administrator of any other facility, agency, or 12986  
program that provides direct care to older adults that is owned 12987  
or operated by the same entity that owns or operates the home or 12988  
program; 12989

(4) A court, hearing officer, or other necessary 12990  
individual involved in a case dealing with a denial of 12991  
employment of the applicant or dealing with employment or 12992  
unemployment benefits of the applicant; 12993

(5) Any person to whom the report is provided pursuant to, 12994  
and in accordance with, division (I)(1) or (2) of this section; 12995

(6) The board of nursing for purposes of accepting and 12996  
processing an application for a medication aide certificate 12997  
issued under Chapter 4723. of the Revised Code; 12998

(7) The director of aging or the director's designee if 12999  
the criminal records check is requested by the chief 13000  
administrator of a home that is also a community-based long-term 13001  
care services provider. 13002

(F) In accordance with section 3721.11 of the Revised 13003  
Code, the director of health shall adopt rules to implement this 13004  
section. The rules shall specify circumstances under which a 13005  
home or adult day-care program may employ a person who has been 13006

convicted of or pleaded guilty to an offense listed or described 13007  
in division (C) (1) of this section but meets personal character 13008  
standards set by the director. 13009

(G) The chief administrator of a home or adult day-care 13010  
program shall inform each individual, at the time of initial 13011  
application for a position that involves providing direct care 13012  
to an older adult, that the individual is required to provide a 13013  
set of fingerprint impressions and that a criminal records check 13014  
is required to be conducted if the individual comes under final 13015  
consideration for employment. 13016

(H) In a tort or other civil action for damages that is 13017  
brought as the result of an injury, death, or loss to person or 13018  
property caused by an individual who a home or adult day-care 13019  
program employs in a position that involves providing direct 13020  
care to older adults, all of the following shall apply: 13021

(1) If the home or program employed the individual in good 13022  
faith and reasonable reliance on the report of a criminal 13023  
records check requested under this section, the home or program 13024  
shall not be found negligent solely because of its reliance on 13025  
the report, even if the information in the report is determined 13026  
later to have been incomplete or inaccurate; 13027

(2) If the home or program employed the individual in good 13028  
faith on a conditional basis pursuant to division (C) (2) of this 13029  
section, the home or program shall not be found negligent solely 13030  
because it employed the individual prior to receiving the report 13031  
of a criminal records check requested under this section; 13032

(3) If the home or program in good faith employed the 13033  
individual according to the personal character standards 13034  
established in rules adopted under division (F) of this section, 13035

the home or program shall not be found negligent solely because 13036  
the individual prior to being employed had been convicted of or 13037  
pleaded guilty to an offense listed or described in division (C) 13038  
(1) of this section. 13039

(I) (1) The chief administrator of a home or adult day-care 13040  
program is not required to request that the superintendent of 13041  
the bureau of criminal identification and investigation conduct 13042  
a criminal records check of an applicant if the applicant has 13043  
been referred to the home or program by an employment service 13044  
that supplies full-time, part-time, or temporary staff for 13045  
positions involving the direct care of older adults and both of 13046  
the following apply: 13047

(a) The chief administrator receives from the employment 13048  
service or the applicant a report of the results of a criminal 13049  
records check regarding the applicant that has been conducted by 13050  
the superintendent within the one-year period immediately 13051  
preceding the applicant's referral; 13052

(b) The report of the criminal records check demonstrates 13053  
that the person has not been convicted of or pleaded guilty to 13054  
an offense listed or described in division (C) (1) of this 13055  
section, or the report demonstrates that the person has been 13056  
convicted of or pleaded guilty to one or more of those offenses, 13057  
but the home or adult day-care program chooses to employ the 13058  
individual pursuant to division (F) of this section. 13059

(2) The chief administrator of a home or adult day-care 13060  
program is not required to request that the superintendent of 13061  
the bureau of criminal identification and investigation conduct 13062  
a criminal records check of an applicant and may employ the 13063  
applicant conditionally as described in this division, if the 13064  
applicant has been referred to the home or program by an 13065

employment service that supplies full-time, part-time, or 13066  
temporary staff for positions involving the direct care of older 13067  
adults and if the chief administrator receives from the 13068  
employment service or the applicant a letter from the employment 13069  
service that is on the letterhead of the employment service, 13070  
dated, and signed by a supervisor or another designated official 13071  
of the employment service and that states that the employment 13072  
service has requested the superintendent to conduct a criminal 13073  
records check regarding the applicant, that the requested 13074  
criminal records check will include a determination of whether 13075  
the applicant has been convicted of or pleaded guilty to any 13076  
offense listed or described in division (C) (1) of this section, 13077  
that, as of the date set forth on the letter, the employment 13078  
service had not received the results of the criminal records 13079  
check, and that, when the employment service receives the 13080  
results of the criminal records check, it promptly will send a 13081  
copy of the results to the home or adult day-care program. If a 13082  
home or adult day-care program employs an applicant 13083  
conditionally in accordance with this division, the employment 13084  
service, upon its receipt of the results of the criminal records 13085  
check, promptly shall send a copy of the results to the home or 13086  
adult day-care program, and division (C) (2) (b) of this section 13087  
applies regarding the conditional employment. 13088

**Sec. 3734.44.** Notwithstanding the provisions of any law to 13089  
the contrary, no permit or license shall be issued or renewed by 13090  
the director of environmental protection or a board of health: 13091

(A) Unless the director or the board of health finds that 13092  
the applicant, in any prior performance record in the 13093  
transportation, transfer, treatment, storage, or disposal of 13094  
solid wastes, infectious wastes, or hazardous waste, has 13095  
exhibited sufficient reliability, expertise, and competency to 13096

operate the solid waste, infectious waste, or hazardous waste 13097  
facility, given the potential for harm to human health and the 13098  
environment that could result from the irresponsible operation 13099  
of the facility, or, if no prior record exists, that the 13100  
applicant is likely to exhibit that reliability, expertise, and 13101  
competence; 13102

(B) If any individual or business concern required to be 13103  
listed in the disclosure statement or shown to have a beneficial 13104  
interest in the business of the applicant or the permittee, 13105  
other than an equity interest or debt liability, by the 13106  
investigation thereof, has been convicted of any of the 13107  
following crimes under the laws of this state or equivalent laws 13108  
of any other jurisdiction: 13109

(1) Murder; 13110

(2) Kidnapping; 13111

(3) Gambling; 13112

(4) Robbery; 13113

(5) Bribery; 13114

(6) Extortion; 13115

(7) Criminal usury; 13116

(8) Arson; 13117

(9) Burglary; 13118

(10) Theft and related crimes; 13119

(11) Forgery and fraudulent practices; 13120

(12) Fraud in the offering, sale, or purchase of 13121  
securities; 13122

(13) Alteration of motor vehicle identification numbers;	13123
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	13124 13125
(15) Unlawful possession or use of destructive devices or explosives;	13126 13127
(16) A violation of section 2925.03, <u>2925.031</u> , <u>2925.032</u> , <u>2925.04</u> , <u>2925.05</u> , <u>2925.06</u> , <u>2925.11</u> , <u>2925.111</u> , <u>2925.32</u> , or <u>2925.37</u> or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana, less than five grams of marihuana resin or extraction or preparation of marihuana resin, or less than one gram of marihuana resin in a liquid concentrate, liquid extract, or liquid distillate form;	13128 13129 13130 13131 13132 13133 13134 13135
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	13136 13137
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	13138 13139
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	13140 13141 13142 13143
(20) A violation of any provision of Chapter 2909. of the Revised Code;	13144 13145
(21) Any offense specified in Chapter 2921. of the Revised Code.	13146 13147
(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or	13148 13149 13150



business concern required to be listed in the disclosure 13151  
statement or shown to have a beneficial interest in the business 13152  
of the applicant or the permittee, other than an equity interest 13153  
or debt liability, by the investigation thereof for any of the 13154  
offenses enumerated in that division as disqualification 13155  
criteria if that applicant has affirmatively demonstrated 13156  
rehabilitation of the individual or business concern by a 13157  
preponderance of the evidence. If any such individual was 13158  
convicted of any of the offenses so enumerated that are 13159  
felonies, a permit shall be denied unless five years have 13160  
elapsed since the individual was fully discharged from 13161  
imprisonment and parole for the offense, from a community 13162  
control sanction imposed under section 2929.15 of the Revised 13163  
Code, from a post-release control sanction imposed under section 13164  
2967.28 of the Revised Code for the offense, or imprisonment, 13165  
probation, and parole for an offense that was committed prior to 13166  
July 1, 1996. In determining whether an applicant has 13167  
affirmatively demonstrated rehabilitation, the director or the 13168  
board of health shall request a recommendation on the matter 13169  
from the attorney general and shall consider and base the 13170  
determination on the following factors: 13171

(1) The nature and responsibilities of the position a 13172  
convicted individual would hold; 13173

(2) The nature and seriousness of the offense; 13174

(3) The circumstances under which the offense occurred; 13175

(4) The date of the offense; 13176

(5) The age of the individual when the offense was 13177  
committed; 13178

(6) Whether the offense was an isolated or repeated 13179

incident; 13180

(7) Any social conditions that may have contributed to the 13181  
offense; 13182

(8) Any evidence of rehabilitation, including good conduct 13183  
in prison or in the community, counseling or psychiatric 13184  
treatment received, acquisition of additional academic or 13185  
vocational schooling, successful participation in correctional 13186  
work release programs, or the recommendation of persons who have 13187  
or have had the applicant under their supervision; 13188

(9) In the instance of an applicant that is a business 13189  
concern, rehabilitation shall be established if the applicant 13190  
has implemented formal management controls to minimize and 13191  
prevent the occurrence of violations and activities that will or 13192  
may result in permit or license denial or revocation or if the 13193  
applicant has formalized those controls as a result of a 13194  
revocation or denial of a permit or license. Those controls may 13195  
include, but are not limited to, instituting environmental 13196  
auditing programs to help ensure the adequacy of internal 13197  
systems to achieve, maintain, and monitor compliance with 13198  
applicable environmental laws and standards or instituting an 13199  
antitrust compliance auditing program to help ensure full 13200  
compliance with applicable antitrust laws. The business concern 13201  
shall prove by a preponderance of the evidence that the 13202  
management controls are effective in preventing the violations 13203  
that are the subject of concern. 13204

(D) Unless the director or the board of health finds that 13205  
the applicant has a history of compliance with environmental 13206  
laws in this state and other jurisdictions and is presently in 13207  
substantial compliance with, or on a legally enforceable 13208  
schedule that will result in compliance with, environmental laws 13209

in this state and other jurisdictions; 13210

(E) With respect to the approval of a permit, if the 13211  
director determines that current prosecutions or pending charges 13212  
in any jurisdiction for any of the offenses enumerated in 13213  
division (B) of this section against any individual or business 13214  
concern required to be listed in the disclosure statement or 13215  
shown by the investigation to have a beneficial interest in the 13216  
business of the applicant other than an equity interest or debt 13217  
liability are of such magnitude that they prevent making the 13218  
finding required under division (A) of this section, provided 13219  
that at the request of the applicant or the individual or 13220  
business concern charged, the director shall defer decision upon 13221  
the application during the pendency of the charge. 13222

**Sec. 3767.01.** As used in all sections of the Revised Code 13223  
relating to nuisances: 13224

(A) "Place" includes any building, erection, or place or 13225  
any separate part or portion thereof or the ground itself; 13226

(B) "Person" includes any individual, corporation, 13227  
association, partnership, trustee, lessee, agent, or assignee; 13228

(C) "Nuisance" means any of the following: 13229

(1) That which is defined and declared by statutes to be a 13230  
nuisance; 13231

(2) Any place in or upon which lewdness, assignation, or 13232  
prostitution is conducted, permitted, continued, or exists, or 13233  
any place, in or upon which lewd, indecent, lascivious, or 13234  
obscene films or plate negatives, film or plate positives, films 13235  
designed to be projected on a screen for exhibition films, or 13236  
glass slides either in negative or positive form designed for 13237  
exhibition by projection on a screen, are photographed, 13238

manufactured, developed, screened, exhibited, or otherwise 13239  
prepared or shown, and the personal property and contents used 13240  
in conducting and maintaining any such place for any such 13241  
purpose. This chapter shall not affect any newspaper, magazine, 13242  
or other publication entered as second class matter by the post- 13243  
office department. 13244

(3) Any room, house, building, boat, vehicle, structure, 13245  
or place where beer or intoxicating liquor is manufactured, 13246  
sold, bartered, possessed, or kept in violation of law and all 13247  
property kept and used in maintaining the same, and all property 13248  
designed for the unlawful manufacture of beer or intoxicating 13249  
liquor and beer or intoxicating liquor contained in the room, 13250  
house, building, boat, structure, or place, or the operation of 13251  
such a room, house, building, boat, structure, or place as 13252  
described in division (C) (3) of this section where the operation 13253  
of that place substantially interferes with public decency, 13254  
sobriety, peace, and good order. "Violation of law" includes, 13255  
but is not limited to, sales to any person under the legal 13256  
drinking age as prohibited in division (A) of section 4301.22 or 13257  
division (A) of section 4301.69 of the Revised Code and any 13258  
violation of section 2913.46 ~~or~~, 2925.03, 2925.031, or 2925.032 13259  
of the Revised Code. 13260

**Sec. 4112.02.** It shall be an unlawful discriminatory 13261  
practice: 13262

(A) For any employer, because of the race, color, 13263  
religion, sex, military status, national origin, disability, 13264  
age, or ancestry of any person, to discharge without just cause, 13265  
to refuse to hire, or otherwise to discriminate against that 13266  
person with respect to hire, tenure, terms, conditions, or 13267  
privileges of employment, or any matter directly or indirectly 13268

related to employment. 13269

(B) For an employment agency or personnel placement 13270  
service, because of race, color, religion, sex, military status, 13271  
national origin, disability, age, or ancestry, to do any of the 13272  
following: 13273

(1) Refuse or fail to accept, register, classify properly, 13274  
or refer for employment, or otherwise discriminate against any 13275  
person; 13276

(2) Comply with a request from an employer for referral of 13277  
applicants for employment if the request directly or indirectly 13278  
indicates that the employer fails to comply with the provisions 13279  
of sections 4112.01 to 4112.07 of the Revised Code. 13280

(C) For any labor organization to do any of the following: 13281

(1) Limit or classify its membership on the basis of race, 13282  
color, religion, sex, military status, national origin, 13283  
disability, age, or ancestry; 13284

(2) Discriminate against, limit the employment 13285  
opportunities of, or otherwise adversely affect the employment 13286  
status, wages, hours, or employment conditions of any person as 13287  
an employee because of race, color, religion, sex, military 13288  
status, national origin, disability, age, or ancestry. 13289

(D) For any employer, labor organization, or joint labor- 13290  
management committee controlling apprentice training programs to 13291  
discriminate against any person because of race, color, 13292  
religion, sex, military status, national origin, disability, or 13293  
ancestry in admission to, or employment in, any program 13294  
established to provide apprentice training. 13295

(E) Except where based on a bona fide occupational 13296

qualification certified in advance by the commission, for any 13297  
employer, employment agency, personnel placement service, or 13298  
labor organization, prior to employment or admission to 13299  
membership, to do any of the following: 13300

(1) Elicit or attempt to elicit any information concerning 13301  
the race, color, religion, sex, military status, national 13302  
origin, disability, age, or ancestry of an applicant for 13303  
employment or membership; 13304

(2) Make or keep a record of the race, color, religion, 13305  
sex, military status, national origin, disability, age, or 13306  
ancestry of any applicant for employment or membership; 13307

(3) Use any form of application for employment, or 13308  
personnel or membership blank, seeking to elicit information 13309  
regarding race, color, religion, sex, military status, national 13310  
origin, disability, age, or ancestry; but an employer holding a 13311  
contract containing a nondiscrimination clause with the 13312  
government of the United States, or any department or agency of 13313  
that government, may require an employee or applicant for 13314  
employment to furnish documentary proof of United States 13315  
citizenship and may retain that proof in the employer's 13316  
personnel records and may use photographic or fingerprint 13317  
identification for security purposes; 13318

(4) Print or publish or cause to be printed or published 13319  
any notice or advertisement relating to employment or membership 13320  
indicating any preference, limitation, specification, or 13321  
discrimination, based upon race, color, religion, sex, military 13322  
status, national origin, disability, age, or ancestry; 13323

(5) Announce or follow a policy of denying or limiting, 13324  
through a quota system or otherwise, employment or membership 13325

opportunities of any group because of the race, color, religion, 13326  
sex, military status, national origin, disability, age, or 13327  
ancestry of that group; 13328

(6) Utilize in the recruitment or hiring of persons any 13329  
employment agency, personnel placement service, training school 13330  
or center, labor organization, or any other employee-referring 13331  
source known to discriminate against persons because of their 13332  
race, color, religion, sex, military status, national origin, 13333  
disability, age, or ancestry. 13334

(F) For any person seeking employment to publish or cause 13335  
to be published any advertisement that specifies or in any 13336  
manner indicates that person's race, color, religion, sex, 13337  
military status, national origin, disability, age, or ancestry, 13338  
or expresses a limitation or preference as to the race, color, 13339  
religion, sex, military status, national origin, disability, 13340  
age, or ancestry of any prospective employer. 13341

(G) For any proprietor or any employee, keeper, or manager 13342  
of a place of public accommodation to deny to any person, except 13343  
for reasons applicable alike to all persons regardless of race, 13344  
color, religion, sex, military status, national origin, 13345  
disability, age, or ancestry, the full enjoyment of the 13346  
accommodations, advantages, facilities, or privileges of the 13347  
place of public accommodation. 13348

(H) Subject to section 4112.024 of the Revised Code, for 13349  
any person to do any of the following: 13350

(1) Refuse to sell, transfer, assign, rent, lease, 13351  
sublease, or finance housing accommodations, refuse to negotiate 13352  
for the sale or rental of housing accommodations, or otherwise 13353  
deny or make unavailable housing accommodations because of race, 13354

color, religion, sex, military status, familial status, 13355  
ancestry, disability, or national origin; 13356

(2) Represent to any person that housing accommodations 13357  
are not available for inspection, sale, or rental, when in fact 13358  
they are available, because of race, color, religion, sex, 13359  
military status, familial status, ancestry, disability, or 13360  
national origin; 13361

(3) Discriminate against any person in the making or 13362  
purchasing of loans or the provision of other financial 13363  
assistance for the acquisition, construction, rehabilitation, 13364  
repair, or maintenance of housing accommodations, or any person 13365  
in the making or purchasing of loans or the provision of other 13366  
financial assistance that is secured by residential real estate, 13367  
because of race, color, religion, sex, military status, familial 13368  
status, ancestry, disability, or national origin or because of 13369  
the racial composition of the neighborhood in which the housing 13370  
accommodations are located, provided that the person, whether an 13371  
individual, corporation, or association of any type, lends money 13372  
as one of the principal aspects or incident to the person's 13373  
principal business and not only as a part of the purchase price 13374  
of an owner-occupied residence the person is selling nor merely 13375  
casually or occasionally to a relative or friend; 13376

(4) Discriminate against any person in the terms or 13377  
conditions of selling, transferring, assigning, renting, 13378  
leasing, or subleasing any housing accommodations or in 13379  
furnishing facilities, services, or privileges in connection 13380  
with the ownership, occupancy, or use of any housing 13381  
accommodations, including the sale of fire, extended coverage, 13382  
or homeowners insurance, because of race, color, religion, sex, 13383  
military status, familial status, ancestry, disability, or 13384



national origin or because of the racial composition of the 13385  
neighborhood in which the housing accommodations are located; 13386

(5) Discriminate against any person in the terms or 13387  
conditions of any loan of money, whether or not secured by 13388  
mortgage or otherwise, for the acquisition, construction, 13389  
rehabilitation, repair, or maintenance of housing accommodations 13390  
because of race, color, religion, sex, military status, familial 13391  
status, ancestry, disability, or national origin or because of 13392  
the racial composition of the neighborhood in which the housing 13393  
accommodations are located; 13394

(6) Refuse to consider without prejudice the combined 13395  
income of both husband and wife for the purpose of extending 13396  
mortgage credit to a married couple or either member of a 13397  
married couple; 13398

(7) Print, publish, or circulate any statement or 13399  
advertisement, or make or cause to be made any statement or 13400  
advertisement, relating to the sale, transfer, assignment, 13401  
rental, lease, sublease, or acquisition of any housing 13402  
accommodations, or relating to the loan of money, whether or not 13403  
secured by mortgage or otherwise, for the acquisition, 13404  
construction, rehabilitation, repair, or maintenance of housing 13405  
accommodations, that indicates any preference, limitation, 13406  
specification, or discrimination based upon race, color, 13407  
religion, sex, military status, familial status, ancestry, 13408  
disability, or national origin, or an intention to make any such 13409  
preference, limitation, specification, or discrimination; 13410

(8) Except as otherwise provided in division (H) (8) or 13411  
(17) of this section, make any inquiry, elicit any information, 13412  
make or keep any record, or use any form of application 13413  
containing questions or entries concerning race, color, 13414

religion, sex, military status, familial status, ancestry, 13415  
disability, or national origin in connection with the sale or 13416  
lease of any housing accommodations or the loan of any money, 13417  
whether or not secured by mortgage or otherwise, for the 13418  
acquisition, construction, rehabilitation, repair, or 13419  
maintenance of housing accommodations. Any person may make 13420  
inquiries, and make and keep records, concerning race, color, 13421  
religion, sex, military status, familial status, ancestry, 13422  
disability, or national origin for the purpose of monitoring 13423  
compliance with this chapter. 13424

(9) Include in any transfer, rental, or lease of housing 13425  
accommodations any restrictive covenant, or honor or exercise, 13426  
or attempt to honor or exercise, any restrictive covenant; 13427

(10) Induce or solicit, or attempt to induce or solicit, a 13428  
housing accommodations listing, sale, or transaction by 13429  
representing that a change has occurred or may occur with 13430  
respect to the racial, religious, sexual, military status, 13431  
familial status, or ethnic composition of the block, 13432  
neighborhood, or other area in which the housing accommodations 13433  
are located, or induce or solicit, or attempt to induce or 13434  
solicit, a housing accommodations listing, sale, or transaction 13435  
by representing that the presence or anticipated presence of 13436  
persons of any race, color, religion, sex, military status, 13437  
familial status, ancestry, disability, or national origin, in 13438  
the block, neighborhood, or other area will or may have results 13439  
including, but not limited to, the following: 13440

(a) The lowering of property values; 13441

(b) A change in the racial, religious, sexual, military 13442  
status, familial status, or ethnic composition of the block, 13443  
neighborhood, or other area; 13444

(c) An increase in criminal or antisocial behavior in the 13445  
block, neighborhood, or other area; 13446

(d) A decline in the quality of the schools serving the 13447  
block, neighborhood, or other area. 13448

(11) Deny any person access to or membership or 13449  
participation in any multiple-listing service, real estate 13450  
brokers' organization, or other service, organization, or 13451  
facility relating to the business of selling or renting housing 13452  
accommodations, or discriminate against any person in the terms 13453  
or conditions of that access, membership, or participation, on 13454  
account of race, color, religion, sex, military status, familial 13455  
status, national origin, disability, or ancestry; 13456

(12) Coerce, intimidate, threaten, or interfere with any 13457  
person in the exercise or enjoyment of, or on account of that 13458  
person's having exercised or enjoyed or having aided or 13459  
encouraged any other person in the exercise or enjoyment of, any 13460  
right granted or protected by division (H) of this section; 13461

(13) Discourage or attempt to discourage the purchase by a 13462  
prospective purchaser of housing accommodations, by representing 13463  
that any block, neighborhood, or other area has undergone or 13464  
might undergo a change with respect to its religious, racial, 13465  
sexual, military status, familial status, or ethnic composition; 13466

(14) Refuse to sell, transfer, assign, rent, lease, 13467  
sublease, or finance, or otherwise deny or withhold, a burial 13468  
lot from any person because of the race, color, sex, military 13469  
status, familial status, age, ancestry, disability, or national 13470  
origin of any prospective owner or user of the lot; 13471

(15) Discriminate in the sale or rental of, or otherwise 13472  
make unavailable or deny, housing accommodations to any buyer or 13473

renter because of a disability of any of the following: 13474

(a) The buyer or renter; 13475

(b) A person residing in or intending to reside in the 13476  
housing accommodations after they are sold, rented, or made 13477  
available; 13478

(c) Any individual associated with the person described in 13479  
division (H) (15) (b) of this section. 13480

(16) Discriminate in the terms, conditions, or privileges 13481  
of the sale or rental of housing accommodations to any person or 13482  
in the provision of services or facilities to any person in 13483  
connection with the housing accommodations because of a 13484  
disability of any of the following: 13485

(a) That person; 13486

(b) A person residing in or intending to reside in the 13487  
housing accommodations after they are sold, rented, or made 13488  
available; 13489

(c) Any individual associated with the person described in 13490  
division (H) (16) (b) of this section. 13491

(17) Except as otherwise provided in division (H) (17) of 13492  
this section, make an inquiry to determine whether an applicant 13493  
for the sale or rental of housing accommodations, a person 13494  
residing in or intending to reside in the housing accommodations 13495  
after they are sold, rented, or made available, or any 13496  
individual associated with that person has a disability, or make 13497  
an inquiry to determine the nature or severity of a disability 13498  
of the applicant or such a person or individual. The following 13499  
inquiries may be made of all applicants for the sale or rental 13500  
of housing accommodations, regardless of whether they have 13501

disabilities: 13502

(a) An inquiry into an applicant's ability to meet the 13503  
requirements of ownership or tenancy; 13504

(b) An inquiry to determine whether an applicant is 13505  
qualified for housing accommodations available only to persons 13506  
with disabilities or persons with a particular type of 13507  
disability; 13508

(c) An inquiry to determine whether an applicant is 13509  
qualified for a priority available to persons with disabilities 13510  
or persons with a particular type of disability; 13511

(d) An inquiry to determine whether an applicant currently 13512  
uses a controlled substance in violation of section 2925.11 or 13513  
2925.111 of the Revised Code or a substantively comparable 13514  
municipal ordinance; 13515

(e) An inquiry to determine whether an applicant at any 13516  
time has been convicted of or pleaded guilty to any offense, an 13517  
element of which is the illegal sale, offer to sell, 13518  
cultivation, manufacture, other production, shipment, 13519  
transportation, delivery, or other distribution of a controlled 13520  
substance. 13521

(18) (a) Refuse to permit, at the expense of a person with 13522  
a disability, reasonable modifications of existing housing 13523  
accommodations that are occupied or to be occupied by the person 13524  
with a disability, if the modifications may be necessary to 13525  
afford the person with a disability full enjoyment of the 13526  
housing accommodations. This division does not preclude a 13527  
landlord of housing accommodations that are rented or to be 13528  
rented to a disabled tenant from conditioning permission for a 13529  
proposed modification upon the disabled tenant's doing one or 13530

more of the following: 13531

(i) Providing a reasonable description of the proposed 13532  
modification and reasonable assurances that the proposed 13533  
modification will be made in a workerlike manner and that any 13534  
required building permits will be obtained prior to the 13535  
commencement of the proposed modification; 13536

(ii) Agreeing to restore at the end of the tenancy the 13537  
interior of the housing accommodations to the condition they 13538  
were in prior to the proposed modification, but subject to 13539  
reasonable wear and tear during the period of occupancy, if it 13540  
is reasonable for the landlord to condition permission for the 13541  
proposed modification upon the agreement; 13542

(iii) Paying into an interest-bearing escrow account that 13543  
is in the landlord's name, over a reasonable period of time, a 13544  
reasonable amount of money not to exceed the projected costs at 13545  
the end of the tenancy of the restoration of the interior of the 13546  
housing accommodations to the condition they were in prior to 13547  
the proposed modification, but subject to reasonable wear and 13548  
tear during the period of occupancy, if the landlord finds the 13549  
account reasonably necessary to ensure the availability of funds 13550  
for the restoration work. The interest earned in connection with 13551  
an escrow account described in this division shall accrue to the 13552  
benefit of the disabled tenant who makes payments into the 13553  
account. 13554

(b) A landlord shall not condition permission for a 13555  
proposed modification upon a disabled tenant's payment of a 13556  
security deposit that exceeds the customarily required security 13557  
deposit of all tenants of the particular housing accommodations. 13558

(19) Refuse to make reasonable accommodations in rules, 13559

policies, practices, or services when necessary to afford a 13560  
person with a disability equal opportunity to use and enjoy a 13561  
dwelling unit, including associated public and common use areas; 13562

(20) Fail to comply with the standards and rules adopted 13563  
under division (A) of section 3781.111 of the Revised Code; 13564

(21) Discriminate against any person in the selling, 13565  
brokering, or appraising of real property because of race, 13566  
color, religion, sex, military status, familial status, 13567  
ancestry, disability, or national origin; 13568

(22) Fail to design and construct covered multifamily 13569  
dwellings for first occupancy on or after June 30, 1992, in 13570  
accordance with the following conditions: 13571

(a) The dwellings shall have at least one building 13572  
entrance on an accessible route, unless it is impractical to do 13573  
so because of the terrain or unusual characteristics of the 13574  
site. 13575

(b) With respect to dwellings that have a building 13576  
entrance on an accessible route, all of the following apply: 13577

(i) The public use areas and common use areas of the 13578  
dwellings shall be readily accessible to and usable by persons 13579  
with a disability. 13580

(ii) All the doors designed to allow passage into and 13581  
within all premises shall be sufficiently wide to allow passage 13582  
by persons with a disability who are in wheelchairs. 13583

(iii) All premises within covered multifamily dwelling 13584  
units shall contain an accessible route into and through the 13585  
dwelling; all light switches, electrical outlets, thermostats, 13586  
and other environmental controls within such units shall be in 13587

accessible locations; the bathroom walls within such units shall 13588  
contain reinforcements to allow later installation of grab bars; 13589  
and the kitchens and bathrooms within such units shall be 13590  
designed and constructed in a manner that enables an individual 13591  
in a wheelchair to maneuver about such rooms. 13592

For purposes of division (H) (22) of this section, "covered 13593  
multifamily dwellings" means buildings consisting of four or 13594  
more units if such buildings have one or more elevators and 13595  
ground floor units in other buildings consisting of four or more 13596  
units. 13597

(I) For any person to discriminate in any manner against 13598  
any other person because that person has opposed any unlawful 13599  
discriminatory practice defined in this section or because that 13600  
person has made a charge, testified, assisted, or participated 13601  
in any manner in any investigation, proceeding, or hearing under 13602  
sections 4112.01 to 4112.07 of the Revised Code. 13603

(J) For any person to aid, abet, incite, compel, or coerce 13604  
the doing of any act declared by this section to be an unlawful 13605  
discriminatory practice, to obstruct or prevent any person from 13606  
complying with this chapter or any order issued under it, or to 13607  
attempt directly or indirectly to commit any act declared by 13608  
this section to be an unlawful discriminatory practice. 13609

(K) Nothing in divisions (A) to (E) of this section shall 13610  
be construed to require a person with a disability to be 13611  
employed or trained under circumstances that would significantly 13612  
increase the occupational hazards affecting either the person 13613  
with a disability, other employees, the general public, or the 13614  
facilities in which the work is to be performed, or to require 13615  
the employment or training of a person with a disability in a 13616  
job that requires the person with a disability routinely to 13617



undertake any task, the performance of which is substantially 13618  
and inherently impaired by the person's disability. 13619

(L) An aggrieved individual may enforce the individual's 13620  
rights relative to discrimination on the basis of age as 13621  
provided for in this section by instituting a civil action, 13622  
within one hundred eighty days after the alleged unlawful 13623  
discriminatory practice occurred, in any court with jurisdiction 13624  
for any legal or equitable relief that will effectuate the 13625  
individual's rights. 13626

A person who files a civil action under this division is 13627  
barred, with respect to the practices complained of, from 13628  
instituting a civil action under section 4112.14 of the Revised 13629  
Code and from filing a charge with the commission under section 13630  
4112.05 of the Revised Code. 13631

(M) With regard to age, it shall not be an unlawful 13632  
discriminatory practice and it shall not constitute a violation 13633  
of division (A) of section 4112.14 of the Revised Code for any 13634  
employer, employment agency, joint labor-management committee 13635  
controlling apprenticeship training programs, or labor 13636  
organization to do any of the following: 13637

(1) Establish bona fide employment qualifications 13638  
reasonably related to the particular business or occupation that 13639  
may include standards for skill, aptitude, physical capability, 13640  
intelligence, education, maturation, and experience; 13641

(2) Observe the terms of a bona fide seniority system or 13642  
any bona fide employee benefit plan, including, but not limited 13643  
to, a retirement, pension, or insurance plan, that is not a 13644  
subterfuge to evade the purposes of this section. However, no 13645  
such employee benefit plan shall excuse the failure to hire any 13646

individual, and no such seniority system or employee benefit 13647  
plan shall require or permit the involuntary retirement of any 13648  
individual, because of the individual's age except as provided 13649  
for in the "Age Discrimination in Employment Act Amendment of 13650  
1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age 13651  
Discrimination in Employment Act Amendments of 1986," 100 Stat. 13652  
3342, 29 U.S.C.A. 623, as amended. 13653

(3) Retire an employee who has attained sixty-five years 13654  
of age who, for the two-year period immediately before 13655  
retirement, is employed in a bona fide executive or a high 13656  
policymaking position, if the employee is entitled to an 13657  
immediate nonforfeitable annual retirement benefit from a 13658  
pension, profit-sharing, savings, or deferred compensation plan, 13659  
or any combination of those plans, of the employer of the 13660  
employee, which equals, in the aggregate, at least forty-four 13661  
thousand dollars, in accordance with the conditions of the "Age 13662  
Discrimination in Employment Act Amendment of 1978," 92 Stat. 13663  
189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in 13664  
Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 13665  
631, as amended; 13666

(4) Observe the terms of any bona fide apprenticeship 13667  
program if the program is registered with the Ohio 13668  
apprenticeship council pursuant to sections 4139.01 to 4139.06 13669  
of the Revised Code and is approved by the federal committee on 13670  
apprenticeship of the United States department of labor. 13671

(N) Nothing in this chapter prohibiting age discrimination 13672  
and nothing in division (A) of section 4112.14 of the Revised 13673  
Code shall be construed to prohibit the following: 13674

(1) The designation of uniform age the attainment of which 13675  
is necessary for public employees to receive pension or other 13676

retirement benefits pursuant to Chapter 145., 742., 3307., 13677  
3309., or 5505. of the Revised Code; 13678

(2) The mandatory retirement of uniformed patrol officers 13679  
of the state highway patrol as provided in section 5505.16 of 13680  
the Revised Code; 13681

(3) The maximum age requirements for appointment as a 13682  
patrol officer in the state highway patrol established by 13683  
section 5503.01 of the Revised Code; 13684

(4) The maximum age requirements established for original 13685  
appointment to a police department or fire department in 13686  
sections 124.41 and 124.42 of the Revised Code; 13687

(5) Any maximum age not in conflict with federal law that 13688  
may be established by a municipal charter, municipal ordinance, 13689  
or resolution of a board of township trustees for original 13690  
appointment as a police officer or firefighter; 13691

(6) Any mandatory retirement provision not in conflict 13692  
with federal law of a municipal charter, municipal ordinance, or 13693  
resolution of a board of township trustees pertaining to police 13694  
officers and firefighters; 13695

(7) Until January 1, 1994, the mandatory retirement of any 13696  
employee who has attained seventy years of age and who is 13697  
serving under a contract of unlimited tenure, or similar 13698  
arrangement providing for unlimited tenure, at an institution of 13699  
higher education as defined in the "Education Amendments of 13700  
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 13701

(O) (1) (a) Except as provided in division (O) (1) (b) of this 13702  
section, for purposes of divisions (A) to (E) of this section, a 13703  
disability does not include any physiological disorder or 13704  
condition, mental or psychological disorder, or disease or 13705

condition caused by an illegal use of any controlled substance 13706  
by an employee, applicant, or other person, if an employer, 13707  
employment agency, personnel placement service, labor 13708  
organization, or joint labor-management committee acts on the 13709  
basis of that illegal use. 13710

(b) Division (O) (1) (a) of this section does not apply to 13711  
an employee, applicant, or other person who satisfies any of the 13712  
following: 13713

(i) The employee, applicant, or other person has 13714  
successfully completed a supervised drug rehabilitation program 13715  
and no longer is engaging in the illegal use of any controlled 13716  
substance, or the employee, applicant, or other person otherwise 13717  
successfully has been rehabilitated and no longer is engaging in 13718  
that illegal use. 13719

(ii) The employee, applicant, or other person is 13720  
participating in a supervised drug rehabilitation program and no 13721  
longer is engaging in the illegal use of any controlled 13722  
substance. 13723

(iii) The employee, applicant, or other person is 13724  
erroneously regarded as engaging in the illegal use of any 13725  
controlled substance, but the employee, applicant, or other 13726  
person is not engaging in that illegal use. 13727

(2) Divisions (A) to (E) of this section do not prohibit 13728  
an employer, employment agency, personnel placement service, 13729  
labor organization, or joint labor-management committee from 13730  
doing any of the following: 13731

(a) Adopting or administering reasonable policies or 13732  
procedures, including, but not limited to, testing for the 13733  
illegal use of any controlled substance, that are designed to 13734

ensure that an individual described in division (O) (1) (b) (i) or 13735  
(ii) of this section no longer is engaging in the illegal use of 13736  
any controlled substance; 13737

(b) Prohibiting the illegal use of controlled substances 13738  
and the use of alcohol at the workplace by all employees; 13739

(c) Requiring that employees not be under the influence of 13740  
alcohol or not be engaged in the illegal use of any controlled 13741  
substance at the workplace; 13742

(d) Requiring that employees behave in conformance with 13743  
the requirements established under "The Drug-Free Workplace Act 13744  
of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 13745

(e) Holding an employee who engages in the illegal use of 13746  
any controlled substance or who is an alcoholic to the same 13747  
qualification standards for employment or job performance, and 13748  
the same behavior, to which the employer, employment agency, 13749  
personnel placement service, labor organization, or joint labor- 13750  
management committee holds other employees, even if any 13751  
unsatisfactory performance or behavior is related to an 13752  
employee's illegal use of a controlled substance or alcoholism; 13753

(f) Exercising other authority recognized in the 13754  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 13755  
U.S.C.A. 12101, as amended, including, but not limited to, 13756  
requiring employees to comply with any applicable federal 13757  
standards. 13758

(3) For purposes of this chapter, a test to determine the 13759  
illegal use of any controlled substance does not include a 13760  
medical examination. 13761

(4) Division (O) of this section does not encourage, 13762  
prohibit, or authorize, and shall not be construed as 13763

encouraging, prohibiting, or authorizing, the conduct of testing 13764  
for the illegal use of any controlled substance by employees, 13765  
applicants, or other persons, or the making of employment 13766  
decisions based on the results of that type of testing. 13767

(P) This section does not apply to a religious 13768  
corporation, association, educational institution, or society 13769  
with respect to the employment of an individual of a particular 13770  
religion to perform work connected with the carrying on by that 13771  
religious corporation, association, educational institution, or 13772  
society of its activities. 13773

The unlawful discriminatory practices defined in this 13774  
section do not make it unlawful for a person or an appointing 13775  
authority administering an examination under section 124.23 of 13776  
the Revised Code to obtain information about an applicant's 13777  
military status for the purpose of determining if the applicant 13778  
is eligible for the additional credit that is available under 13779  
that section. 13780

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 13781  
impose a class D suspension of the person's driver's license, 13782  
commercial driver's license, temporary instruction permit, 13783  
probationary license, or nonresident operating privilege for the 13784  
period of time specified in division (B)(4) of section 4510.02 13785  
of the Revised Code on any person who is a resident of this 13786  
state and is convicted of or pleads guilty to a violation of a 13787  
statute of any other state or any federal statute that is 13788  
substantially similar to section 2925.02, 2925.03, 2925.031, 13789  
2925.032, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 13790  
2925.111, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 13791  
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 13792  
receipt of a report from a court, court clerk, or other official 13793

of any other state or from any federal authority that a resident 13794  
of this state was convicted of or pleaded guilty to an offense 13795  
described in this division, the registrar shall send a notice by 13796  
regular first class mail to the person, at the person's last 13797  
known address as shown in the records of the bureau of motor 13798  
vehicles, informing the person of the suspension, that the 13799  
suspension will take effect twenty-one days from the date of the 13800  
notice, and that, if the person wishes to appeal the suspension 13801  
or denial, the person must file a notice of appeal within 13802  
twenty-one days of the date of the notice requesting a hearing 13803  
on the matter. If the person requests a hearing, the registrar 13804  
shall hold the hearing not more than forty days after receipt by 13805  
the registrar of the notice of appeal. The filing of a notice of 13806  
appeal does not stay the operation of the suspension that must 13807  
be imposed pursuant to this division. The scope of the hearing 13808  
shall be limited to whether the person actually was convicted of 13809  
or pleaded guilty to the offense for which the suspension is to 13810  
be imposed. 13811

The suspension the registrar is required to impose under 13812  
this division shall end either on the last day of the class D 13813  
suspension period or of the suspension of the person's 13814  
nonresident operating privilege imposed by the state or federal 13815  
court, whichever is earlier. 13816

The registrar shall subscribe to or otherwise participate 13817  
in any information system or register, or enter into reciprocal 13818  
and mutual agreements with other states and federal authorities, 13819  
in order to facilitate the exchange of information with other 13820  
states and the United States government regarding persons who 13821  
plead guilty to or are convicted of offenses described in this 13822  
division and therefore are subject to the suspension or denial 13823  
described in this division. 13824

(B) The registrar shall impose a class D suspension of the 13825  
person's driver's license, commercial driver's license, 13826  
temporary instruction permit, probationary license, or 13827  
nonresident operating privilege for the period of time specified 13828  
in division (B)(4) of section 4510.02 of the Revised Code on any 13829  
person who is a resident of this state and is convicted of or 13830  
pleads guilty to a violation of a statute of any other state or 13831  
a municipal ordinance of a municipal corporation located in any 13832  
other state that is substantially similar to section 4511.19 of 13833  
the Revised Code. Upon receipt of a report from another state 13834  
made pursuant to section 4510.61 of the Revised Code indicating 13835  
that a resident of this state was convicted of or pleaded guilty 13836  
to an offense described in this division, the registrar shall 13837  
send a notice by regular first class mail to the person, at the 13838  
person's last known address as shown in the records of the 13839  
bureau of motor vehicles, informing the person of the 13840  
suspension, that the suspension or denial will take effect 13841  
twenty-one days from the date of the notice, and that, if the 13842  
person wishes to appeal the suspension, the person must file a 13843  
notice of appeal within twenty-one days of the date of the 13844  
notice requesting a hearing on the matter. If the person 13845  
requests a hearing, the registrar shall hold the hearing not 13846  
more than forty days after receipt by the registrar of the 13847  
notice of appeal. The filing of a notice of appeal does not stay 13848  
the operation of the suspension that must be imposed pursuant to 13849  
this division. The scope of the hearing shall be limited to 13850  
whether the person actually was convicted of or pleaded guilty 13851  
to the offense for which the suspension is to be imposed. 13852

The suspension the registrar is required to impose under 13853  
this division shall end either on the last day of the class D 13854  
suspension period or of the suspension of the person's 13855



nonresident operating privilege imposed by the state or federal 13856  
court, whichever is earlier. 13857

(C) The registrar shall impose a class D suspension of the 13858  
child's driver's license, commercial driver's license, temporary 13859  
instruction permit, or nonresident operating privilege for the 13860  
period of time specified in division (B) (4) of section 4510.02 13861  
of the Revised Code on any child who is a resident of this state 13862  
and is convicted of or pleads guilty to a violation of a statute 13863  
of any other state or any federal statute that is substantially 13864  
similar to section 2925.02, 2925.03, 2925.031, 2925.032, 13865  
2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 2925.12, 13866  
2925.13, 2925.14, 2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 13867  
2925.36, or 2925.37 of the Revised Code. Upon receipt of a 13868  
report from a court, court clerk, or other official of any other 13869  
state or from any federal authority that a child who is a 13870  
resident of this state was convicted of or pleaded guilty to an 13871  
offense described in this division, the registrar shall send a 13872  
notice by regular first class mail to the child, at the child's 13873  
last known address as shown in the records of the bureau of 13874  
motor vehicles, informing the child of the suspension, that the 13875  
suspension or denial will take effect twenty-one days from the 13876  
date of the notice, and that, if the child wishes to appeal the 13877  
suspension, the child must file a notice of appeal within 13878  
twenty-one days of the date of the notice requesting a hearing 13879  
on the matter. If the child requests a hearing, the registrar 13880  
shall hold the hearing not more than forty days after receipt by 13881  
the registrar of the notice of appeal. The filing of a notice of 13882  
appeal does not stay the operation of the suspension that must 13883  
be imposed pursuant to this division. The scope of the hearing 13884  
shall be limited to whether the child actually was convicted of 13885  
or pleaded guilty to the offense for which the suspension is to 13886

be imposed. 13887

The suspension the registrar is required to impose under 13888  
this division shall end either on the last day of the class D 13889  
suspension period or of the suspension of the child's 13890  
nonresident operating privilege imposed by the state or federal 13891  
court, whichever is earlier. If the child is a resident of this 13892  
state who is sixteen years of age or older and does not have a 13893  
current, valid Ohio driver's or commercial driver's license or 13894  
permit, the notice shall inform the child that the child will be 13895  
denied issuance of a driver's or commercial driver's license or 13896  
permit for six months beginning on the date of the notice. If 13897  
the child has not attained the age of sixteen years on the date 13898  
of the notice, the notice shall inform the child that the period 13899  
of denial of six months shall commence on the date the child 13900  
attains the age of sixteen years. 13901

The registrar shall subscribe to or otherwise participate 13902  
in any information system or register, or enter into reciprocal 13903  
and mutual agreements with other states and federal authorities, 13904  
in order to facilitate the exchange of information with other 13905  
states and the United States government regarding children who 13906  
are residents of this state and plead guilty to or are convicted 13907  
of offenses described in this division and therefore are subject 13908  
to the suspension or denial described in this division. 13909

(D) The registrar shall impose a class D suspension of the 13910  
child's driver's license, commercial driver's license, temporary 13911  
instruction permit, probationary license, or nonresident 13912  
operating privilege for the period of time specified in division 13913  
(B) (4) of section 4510.02 of the Revised Code on any child who 13914  
is a resident of this state and is convicted of or pleads guilty 13915  
to a violation of a statute of any other state or a municipal 13916

ordinance of a municipal corporation located in any other state 13917  
that is substantially similar to section 4511.19 of the Revised 13918  
Code. Upon receipt of a report from another state made pursuant 13919  
to section 4510.61 of the Revised Code indicating that a child 13920  
who is a resident of this state was convicted of or pleaded 13921  
guilty to an offense described in this division, the registrar 13922  
shall send a notice by regular first class mail to the child, at 13923  
the child's last known address as shown in the records of the 13924  
bureau of motor vehicles, informing the child of the suspension, 13925  
that the suspension will take effect twenty-one days from the 13926  
date of the notice, and that, if the child wishes to appeal the 13927  
suspension, the child must file a notice of appeal within 13928  
twenty-one days of the date of the notice requesting a hearing 13929  
on the matter. If the child requests a hearing, the registrar 13930  
shall hold the hearing not more than forty days after receipt by 13931  
the registrar of the notice of appeal. The filing of a notice of 13932  
appeal does not stay the operation of the suspension that must 13933  
be imposed pursuant to this division. The scope of the hearing 13934  
shall be limited to whether the child actually was convicted of 13935  
or pleaded guilty to the offense for which the suspension is to 13936  
be imposed. 13937

The suspension the registrar is required to impose under 13938  
this division shall end either on the last day of the class D 13939  
suspension period or of the suspension of the child's 13940  
nonresident operating privilege imposed by the state or federal 13941  
court, whichever is earlier. If the child is a resident of this 13942  
state who is sixteen years of age or older and does not have a 13943  
current, valid Ohio driver's or commercial driver's license or 13944  
permit, the notice shall inform the child that the child will be 13945  
denied issuance of a driver's or commercial driver's license or 13946  
permit for six months beginning on the date of the notice. If 13947

the child has not attained the age of sixteen years on the date 13948  
of the notice, the notice shall inform the child that the period 13949  
of denial of six months shall commence on the date the child 13950  
attains the age of sixteen years. 13951

(E) (1) Any person whose license or permit has been 13952  
suspended pursuant to this section may file a petition in the 13953  
municipal or county court, or in case the person is under 13954  
eighteen years of age, the juvenile court, in whose jurisdiction 13955  
the person resides, requesting limited driving privileges and 13956  
agreeing to pay the cost of the proceedings. Except as provided 13957  
in division (E) (2) or (3) of this section, the judge may grant 13958  
the person limited driving privileges during the period during 13959  
which the suspension otherwise would be imposed for any of the 13960  
purposes set forth in division (A) of section 4510.021 of the 13961  
Revised Code. 13962

(2) No judge shall grant limited driving privileges for 13963  
employment as a driver of a commercial motor vehicle to any 13964  
person who would be disqualified from operating a commercial 13965  
motor vehicle under section 4506.16 of the Revised Code if the 13966  
violation had occurred in this state. Further, no judge shall 13967  
grant limited driving privileges during any of the following 13968  
periods of time: 13969

(a) The first fifteen days of a suspension under division 13970  
(B) or (D) of this section, if the person has not been convicted 13971  
within ten years of the date of the offense giving rise to the 13972  
suspension under this section of a violation of any of the 13973  
following: 13974

(i) Section 4511.19 of the Revised Code, or a municipal 13975  
ordinance relating to operating a vehicle while under the 13976  
influence of alcohol, a drug of abuse, or alcohol and a drug of 13977

abuse; 13978

(ii) A municipal ordinance relating to operating a motor 13979  
vehicle with a prohibited concentration of alcohol, a controlled 13980  
substance, or a metabolite of a controlled substance in the 13981  
whole blood, blood serum or plasma, breath, or urine; 13982

(iii) Section 2903.04 of the Revised Code in a case in 13983  
which the person was subject to the sanctions described in 13984  
division (D) of that section; 13985

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 13986  
of section 2903.08 of the Revised Code or a municipal ordinance 13987  
that is substantially similar to either of those divisions; 13988

(v) Division (A) (2), (3), or (4) of section 2903.06, 13989  
division (A) (2) of section 2903.08, or as it existed prior to 13990  
March 23, 2000, section 2903.07 of the Revised Code, or a 13991  
municipal ordinance that is substantially similar to any of 13992  
those divisions or that former section, in a case in which the 13993  
jury or judge found that the person was under the influence of 13994  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 13995

(b) The first thirty days of a suspension under division 13996  
(B) or (D) of this section, if the person has been convicted one 13997  
time within ten years of the date of the offense giving rise to 13998  
the suspension under this section of any violation identified in 13999  
division (E) (1) (a) of this section. 14000

(c) The first one hundred eighty days of a suspension 14001  
under division (B) or (D) of this section, if the person has 14002  
been convicted two times within ten years of the date of the 14003  
offense giving rise to the suspension under this section of any 14004  
violation identified in division (E) (1) (a) of this section. 14005

(3) No limited driving privileges may be granted if the 14006

person has been convicted three or more times within five years 14007  
of the date of the offense giving rise to a suspension under 14008  
division (B) or (D) of this section of any violation identified 14009  
in division (E) (1) (a) of this section. 14010

(4) In accordance with section 4510.022 of the Revised 14011  
Code, a person may petition for, and a judge may grant, 14012  
unlimited driving privileges with a certified ignition interlock 14013  
device during the period of suspension imposed under division 14014  
(B) or (D) of this section to a person described in division (E) 14015  
(2) (a) of this section. 14016

(5) If a person petitions for limited driving privileges 14017  
under division (E) (1) of this section or unlimited driving 14018  
privileges with a certified ignition interlock device as 14019  
provided in division (E) (4) of this section, the registrar shall 14020  
be represented by the county prosecutor of the county in which 14021  
the person resides if the petition is filed in a juvenile court 14022  
or county court, except that if the person resides within a city 14023  
or village that is located within the jurisdiction of the county 14024  
in which the petition is filed, the city director of law or 14025  
village solicitor of that city or village shall represent the 14026  
registrar. If the petition is filed in a municipal court, the 14027  
registrar shall be represented as provided in section 1901.34 of 14028  
the Revised Code. 14029

(6) (a) In issuing an order granting limited driving 14030  
privileges under division (E) (1) of this section, the court may 14031  
impose any condition it considers reasonable and necessary to 14032  
limit the use of a vehicle by the person. The court shall 14033  
deliver to the person a copy of the order setting forth the 14034  
time, place, and other conditions limiting the person's use of a 14035  
motor vehicle. Unless division (E) (6) (b) of this section 14036

applies, the grant of limited driving privileges shall be 14037  
conditioned upon the person's having the order in the person's 14038  
possession at all times during which the person is operating a 14039  
vehicle. 14040

(b) If, under the order, the court requires the use of an 14041  
immobilizing or disabling device as a condition of the grant of 14042  
limited or unlimited driving privileges, the person shall 14043  
present to the registrar or to a deputy registrar the copy of 14044  
the order granting limited driving privileges and a certificate 14045  
affirming the installation of an immobilizing or disabling 14046  
device that is in a form established by the director of public 14047  
safety and is signed by the person who installed the device. 14048  
Upon presentation of the order and the certificate to the 14049  
registrar or a deputy registrar, the registrar or deputy 14050  
registrar shall issue to the offender a restricted license, 14051  
unless the offender's driver's or commercial driver's license or 14052  
permit is suspended under any other provision of law and limited 14053  
driving privileges have not been granted with regard to that 14054  
suspension. A restricted license issued under this division 14055  
shall be identical to an Ohio driver's license, except that it 14056  
shall have printed on its face a statement that the offender is 14057  
prohibited from operating any motor vehicle that is not equipped 14058  
with an immobilizing or disabling device in violation of the 14059  
order. 14060

(7) (a) Unless division (E) (7) (b) applies, a person granted 14061  
limited driving privileges who operates a vehicle for other than 14062  
limited purposes, in violation of any condition imposed by the 14063  
court or without having the order in the person's possession, is 14064  
guilty of a violation of section 4510.11 of the Revised Code. 14065

(b) No person who has been granted limited or unlimited 14066

driving privileges under division (E) of this section subject to 14067  
an immobilizing or disabling device order shall operate a motor 14068  
vehicle prior to obtaining a restricted license. Any person who 14069  
violates this prohibition is subject to the penalties prescribed 14070  
in section 4510.14 of the Revised Code. 14071

(c) The offenses established under division (E) (7) of this 14072  
section are strict liability offenses and section 2901.20 of the 14073  
Revised Code does not apply. 14074

(F) The provisions of division (A) (8) of section 4510.13 14075  
of the Revised Code apply to a person who has been granted 14076  
limited or unlimited driving privileges with a certified 14077  
ignition interlock device under this section and who either 14078  
commits an ignition interlock device violation as defined under 14079  
section 4510.46 of the Revised Code or operates a motor vehicle 14080  
that is not equipped with a certified ignition interlock device. 14081

(G) Any person whose license or permit has been suspended 14082  
under division (A) or (C) of this section may file a petition in 14083  
the municipal or county court, or in case the person is under 14084  
eighteen years of age, the juvenile court, in whose jurisdiction 14085  
the person resides, requesting the termination of the suspension 14086  
and agreeing to pay the cost of the proceedings. If the court, 14087  
in its discretion, determines that a termination of the 14088  
suspension is appropriate, the court shall issue an order to the 14089  
registrar to terminate the suspension. Upon receiving such an 14090  
order, the registrar shall reinstate the license. 14091

(H) As used in divisions (C) and (D) of this section: 14092

(1) "Child" means a person who is under the age of 14093  
eighteen years, except that any person who violates a statute or 14094  
ordinance described in division (C) or (D) of this section prior 14095



to attaining eighteen years of age shall be deemed a "child" 14096  
irrespective of the person's age at the time the complaint or 14097  
other equivalent document is filed in the other state or a 14098  
hearing, trial, or other proceeding is held in the other state 14099  
on the complaint or other equivalent document, and irrespective 14100  
of the person's age when the period of license suspension or 14101  
denial prescribed in division (C) or (D) of this section is 14102  
imposed. 14103

(2) "Is convicted of or pleads guilty to" means, as it 14104  
relates to a child who is a resident of this state, that in a 14105  
proceeding conducted in a state or federal court located in 14106  
another state for a violation of a statute or ordinance 14107  
described in division (C) or (D) of this section, the result of 14108  
the proceeding is any of the following: 14109

(a) Under the laws that govern the proceedings of the 14110  
court, the child is adjudicated to be or admits to being a 14111  
delinquent child or a juvenile traffic offender for a violation 14112  
described in division (C) or (D) of this section that would be a 14113  
crime if committed by an adult; 14114

(b) Under the laws that govern the proceedings of the 14115  
court, the child is convicted of or pleads guilty to a violation 14116  
described in division (C) or (D) of this section; 14117

(c) Under the laws that govern the proceedings of the 14118  
court, irrespective of the terminology utilized in those laws, 14119  
the result of the court's proceedings is the functional 14120  
equivalent of division (H) (2) (a) or (b) of this section. 14121

**Sec. 4729.99.** (A) Whoever violates division (H) of section 14122  
4729.16, division (G) of section 4729.38, division (I) of 14123  
section 4729.382, section 4729.57, or division (F) of section 14124

4729.96 of the Revised Code is guilty of a minor misdemeanor, 14125  
unless a different penalty is otherwise specified in the Revised 14126  
Code. Each day's violation constitutes a separate offense. 14127

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 14128  
of the Revised Code is guilty of a misdemeanor of the third 14129  
degree. Each day's violation constitutes a separate offense. If 14130  
the offender previously has been convicted of or pleaded guilty 14131  
to a violation of this chapter, that person is guilty of a 14132  
misdemeanor of the second degree. 14133

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 14134  
of the Revised Code is guilty of a misdemeanor. 14135

(D) Whoever violates division (A), (B), (C), (D), (F), or 14136  
(G) of section 4729.51 of the Revised Code is guilty of a 14137  
misdemeanor of the first degree. 14138

(E) (1) Whoever violates section 4729.37, division (E) (1) 14139  
(b) of section 4729.51, division (J) of section 4729.54, 14140  
division (B) or (D) of section 4729.553, or section 4729.61 of 14141  
the Revised Code is guilty of a felony of the fifth degree. If 14142  
the offender previously has been convicted of or pleaded guilty 14143  
to a violation of this chapter or a violation of Chapter 2925. 14144  
or 3719. of the Revised Code, that person is guilty of a felony 14145  
of the fourth degree. 14146

(2) If an offender is convicted of or pleads guilty to a 14147  
violation of section 4729.37, division (E) of section 4729.51, 14148  
division (J) of section 4729.54, or section 4729.61 of the 14149  
Revised Code, if the violation involves the sale, offer to sell, 14150  
or possession of a schedule I or II controlled substance, with 14151  
the exception of marihuana, and if the court imposing sentence 14152  
upon the offender finds that the offender as a result of the 14153

violation is a major drug offender, as defined in section 14154  
2929.01 of the Revised Code, and is guilty of a specification of 14155  
the type described in division (A) of section 2941.1410 of the 14156  
Revised Code, the court, in lieu of the prison term authorized 14157  
or required by division (E)(1) of this section and sections 14158  
2929.13 and 2929.14 of the Revised Code and in addition to any 14159  
other sanction imposed for the offense under sections 2929.11 to 14160  
2929.18 of the Revised Code, shall impose upon the offender, in 14161  
accordance with division (B)(3) of section 2929.14 of the 14162  
Revised Code, the mandatory prison term specified in that 14163  
division. 14164

(3) Notwithstanding any contrary provision of section 14165  
3719.21 of the Revised Code, the clerk of court shall pay any 14166  
fine imposed for a violation of section 4729.37, division (E) of 14167  
section 4729.51, division (J) of section 4729.54, or section 14168  
4729.61 of the Revised Code pursuant to division (A) of section 14169  
2929.18 of the Revised Code in accordance with and subject to 14170  
the requirements of division ~~(F)~~(N) of section 2925.03 of the 14171  
Revised Code. The agency that receives the fine shall use the 14172  
fine as specified in division ~~(F)~~(N) of section 2925.03 of the 14173  
Revised Code. 14174

(F) Whoever violates section 4729.531 of the Revised Code 14175  
or any rule adopted thereunder or section 4729.532 of the 14176  
Revised Code is guilty of a misdemeanor of the first degree. 14177

(G) Whoever violates division (E)(1)(a) of section 4729.51 14178  
of the Revised Code is guilty of a felony of the fourth degree. 14179  
If the offender has previously been convicted of or pleaded 14180  
guilty to a violation of this chapter, or of a violation of 14181  
Chapter 2925. or 3719. of the Revised Code, that person is 14182  
guilty of a felony of the third degree. 14183

(H) Whoever violates division (E) (1) (c) of section 4729.51 14184  
of the Revised Code is guilty of a misdemeanor of the first 14185  
degree. If the offender has previously been convicted of or 14186  
pleaded guilty to a violation of this chapter, or of a violation 14187  
of Chapter 2925. or 3719. of the Revised Code, that person is 14188  
guilty of a felony of the fifth degree. 14189

(I) (1) Whoever violates division (A) of section 4729.95 of 14190  
the Revised Code is guilty of unauthorized pharmacy-related drug 14191  
conduct. Except as otherwise provided in this section, 14192  
unauthorized pharmacy-related drug conduct is a misdemeanor of 14193  
the second degree. If the offender previously has been convicted 14194  
of or pleaded guilty to a violation of division (A), (B), or (C) 14195  
of that section, unauthorized pharmacy-related drug conduct is a 14196  
misdemeanor of the first degree on a second offense and a felony 14197  
of the fifth degree on a third or subsequent offense. 14198

(2) Whoever violates division (B) or (C) of section 14199  
4729.95 of the Revised Code is guilty of permitting unauthorized 14200  
pharmacy-related drug conduct. Except as otherwise provided in 14201  
this section, permitting unauthorized pharmacy-related drug 14202  
conduct is a misdemeanor of the second degree. If the offender 14203  
previously has been convicted of or pleaded guilty to a 14204  
violation of division (A), (B), or (C) of that section, 14205  
permitting unauthorized pharmacy-related drug conduct is a 14206  
misdemeanor of the first degree on a second offense and a felony 14207  
of the fifth degree on a third or subsequent offense. 14208

(3) Notwithstanding any contrary provision of section 14209  
3719.21 of the Revised Code or any other provision of law that 14210  
governs the distribution of fines, the clerk of the court shall 14211  
pay any fine imposed pursuant to division (I) (1) or (2) of this 14212  
section to the state board of pharmacy if the board has adopted 14213

a written internal control policy under division ~~(F)~~(N)(2) of 14214  
section 2925.03 of the Revised Code that addresses fine moneys 14215  
that it receives under Chapter 2925. of the Revised Code and if 14216  
the policy also addresses fine moneys paid under this division. 14217  
The state board of pharmacy shall use the fines so paid in 14218  
accordance with the written internal control policy to subsidize 14219  
the board's law enforcement efforts that pertain to drug 14220  
offenses. 14221

(J) (1) Whoever violates division (A) (1) of section 4729.86 14222  
of the Revised Code is guilty of a misdemeanor of the third 14223  
degree. If the offender has previously been convicted of or 14224  
pleaded guilty to a violation of division (A) (1), (2), or (3) of 14225  
section 4729.86 of the Revised Code, that person is guilty of a 14226  
misdemeanor of the first degree. 14227

(2) Whoever violates division (A) (2) of section 4729.86 of 14228  
the Revised Code is guilty of a misdemeanor of the first degree. 14229  
If the offender has previously been convicted of or pleaded 14230  
guilty to a violation of division (A) (1), (2), or (3) of section 14231  
4729.86 of the Revised Code, that person is guilty of a felony 14232  
of the fifth degree. 14233

(3) Whoever violates division (A) (3) of section 4729.86 of 14234  
the Revised Code is guilty of a felony of the fifth degree. If 14235  
the offender has previously been convicted of or pleaded guilty 14236  
to a violation of division (A) (1), (2), or (3) of section 14237  
4729.86 of the Revised Code, that person is guilty of a felony 14238  
of the fourth degree. 14239

(K) A person who violates division (C) of section 4729.552 14240  
of the Revised Code is guilty of a misdemeanor of the first 14241  
degree. If the person previously has been convicted of or 14242  
pleaded guilty to a violation of division (C) of section 14243

4729.552 of the Revised Code, that person is guilty of a felony 14244  
of the fifth degree. 14245

**Sec. 4742.03.** (A) A person may obtain certification as an 14246  
emergency service telecommunicator by successfully completing a 14247  
basic course of emergency service telecommunicator training that 14248  
is conducted by the state board of education under section 14249  
4742.02 of the Revised Code. The basic course of emergency 14250  
service telecommunicator training shall include, but not be 14251  
limited to, both of the following: 14252

(1) At least forty hours of instruction or training; 14253

(2) Instructional or training units in all of the 14254  
following subjects: 14255

(a) The role of the emergency service telecommunicator; 14256

(b) Effective communication skills; 14257

(c) Emergency service telecommunicator liability; 14258

(d) Telephone techniques; 14259

(e) Requirements of the "Americans With Disabilities Act 14260  
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 14261  
pertain to emergency service telecommunicators; 14262

(f) Handling hysterical and suicidal callers; 14263

(g) Informing individuals who call about an apparent drug 14264  
overdose about the immunity from prosecution for a minor drug 14265  
possession offense created by section 2925.11 or 2925.111 of the 14266  
Revised Code; 14267

(h) Law enforcement terminology; 14268

(i) Fire service terminology; 14269

(j) Emergency medical service terminology;	14270
(k) Emergency call processing guides for law enforcement;	14271
(l) Emergency call processing guides for fire service;	14272
(m) Emergency call processing guides for emergency medical service;	14273 14274
(n) Radio broadcast techniques;	14275
(o) Disaster planning;	14276
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	14277 14278 14279
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	14280 14281 14282 14283 14284 14285 14286 14287 14288
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	14289 14290 14291 14292 14293 14294 14295
If a person successfully completes the continuing education coursework described in division (B) of this section,	14296 14297

the state board of education or a designee of the board shall 14298  
certify the person's successful completion. The board shall send 14299  
a copy of the certification to the person and to the emergency 14300  
service provider by whom the person is employed. 14301

**Sec. 5103.0319.** (A) No foster caregiver or prospective 14302  
foster caregiver shall fail to notify the recommending agency 14303  
that recommended or is recommending the foster caregiver or 14304  
prospective foster caregiver for certification in writing if a 14305  
person at least twelve years of age but less than eighteen years 14306  
of age residing with the foster caregiver or prospective foster 14307  
caregiver has been convicted of or pleaded guilty to any of the 14308  
following or has been adjudicated to be a delinquent child for 14309  
committing an act that if committed by an adult would have 14310  
constituted such a violation: 14311

(1) A violation of section 2903.01, 2903.02, 2903.03, 14312  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14313  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 14314  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 14315  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 14316  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 14317  
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 14318  
2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, 14319  
or 3716.11 of the Revised Code, a violation of section 2905.04 14320  
of the Revised Code as it existed prior to July 1, 1996, a 14321  
violation of section 2919.23 of the Revised Code that would have 14322  
been a violation of section 2905.04 of the Revised Code as it 14323  
existed prior to July 1, 1996, had the violation been committed 14324  
prior to that date, a violation of section 2925.11 or 2925.111 14325  
of the Revised Code that is not a minor drug possession offense, 14326  
a violation of section 2923.01 of the Revised Code that involved 14327  
an attempt to commit aggravated murder or murder, an OVI or 14328



OVUAC violation if the person previously was convicted of or 14329  
pleaded guilty to one or more OVI or OVUAC violations within the 14330  
three years immediately preceding the current violation, or 14331  
felonious sexual penetration in violation of former section 14332  
2907.12 of the Revised Code; 14333

(2) An offense that would be a felony if committed by an 14334  
adult and the court determined that the child, if an adult, 14335  
would be guilty of a specification found in section 2941.141, 14336  
2941.144, or 2941.145 of the Revised Code or in another section 14337  
of the Revised Code that relates to the possession or use of a 14338  
firearm, as defined in section 2923.11 of the Revised Code, 14339  
during the commission of the act for which the child was 14340  
adjudicated a delinquent child; 14341

(3) A violation of an existing or former law of this 14342  
state, any other state, or the United States that is 14343  
substantially equivalent to any of the offenses described in 14344  
division (A)(1) or (2) of this section. 14345

(B) If a recommending agency learns that a foster 14346  
caregiver has failed to comply with division (A) of this 14347  
section, it shall notify the department of job and family 14348  
services and the department shall revoke the foster caregiver's 14349  
foster home certificate. 14350

(C) As used in this section, "OVI or OVUAC violation" 14351  
means a violation of section 4511.19 of the Revised Code or a 14352  
violation of an existing or former law of this state, any other 14353  
state, or the United States that is substantially equivalent to 14354  
section 4511.19 of the Revised Code. 14355

**Sec. 5119.36.** (A) A community mental health services 14356  
provider applicant or community addiction services provider 14357

applicant that seeks certification of its certifiable services 14358  
and supports shall submit an application to the director of 14359  
mental health and addiction services. On receipt of the 14360  
application, the director may conduct an on-site review and 14361  
shall evaluate the applicant to determine whether its 14362  
certifiable services and supports satisfy the standards 14363  
established by rules adopted under this section. The director 14364  
shall make the evaluation, and, if the director conducts an on- 14365  
site review of the applicant, may make the review, in 14366  
cooperation with a board of alcohol, drug addiction, and mental 14367  
health services that seeks to contract with the applicant under 14368  
section 340.036 of the Revised Code. 14369

(B) Subject to section 5119.361 of the Revised Code, the 14370  
director shall determine whether the certifiable services and 14371  
supports of a community mental health services provider 14372  
applicant or community addiction services provider applicant 14373  
satisfy the standards for certification. If the director 14374  
determines that an applicant's certifiable services and supports 14375  
satisfy the standards for certification and the applicant has 14376  
paid the fee required by this section, the director shall 14377  
certify the certifiable services and supports. No community 14378  
mental health services provider or community addiction services 14379  
provider shall be eligible to receive state or federal funds, or 14380  
funds administered by a board of alcohol, drug addiction, and 14381  
mental health services for certifiable services and supports 14382  
unless its certifiable services and supports have been certified 14383  
by the director. 14384

(C) If the director determines that a community mental 14385  
health services provider applicant's or a community addiction 14386  
services provider applicant's certifiable services and supports 14387  
do not satisfy the standards for certification, the director 14388

shall identify the areas of noncompliance, specify what action 14389  
is necessary to satisfy the standards, and may offer technical 14390  
assistance to the applicant and to a board of alcohol, drug 14391  
addiction, and mental health services so that the board may 14392  
assist the applicant in satisfying the standards. The director 14393  
shall give the applicant a reasonable time within which to 14394  
demonstrate that its certifiable services and supports satisfy 14395  
the standards or to bring them into compliance with the 14396  
standards. If the director concludes that the certifiable 14397  
services and supports continue to fail to satisfy the standards, 14398  
the director may request that the board reallocate any funds for 14399  
the certifiable services and supports the applicant was to 14400  
provide to another community mental health services provider or 14401  
community addiction services provider whose certifiable services 14402  
and supports satisfy the standards. If the board does not 14403  
reallocate such funds in a reasonable period of time, the 14404  
director may withhold state and federal funds for the 14405  
certifiable services and supports and allocate those funds 14406  
directly to a community mental health services provider or 14407  
community addiction services provider whose certifiable services 14408  
and supports satisfy the standards. 14409

(D) Each community mental health services provider 14410  
applicant or community addiction services provider applicant 14411  
seeking certification of its certifiable services and supports 14412  
under this section shall pay a fee for the certification 14413  
required by this section, unless the applicant is exempt under 14414  
rules adopted under this section. Fees shall be paid into the 14415  
state treasury to the credit of the sale of goods and services 14416  
fund created pursuant to section 5119.45 of the Revised Code. 14417

(E) The director shall adopt rules in accordance with 14418  
Chapter 119. of the Revised Code to implement this section. The 14419

rules shall do all of the following: 14420

(1) Subject to section 340.034 of the Revised Code, 14421  
specify the types of recovery supports that are required to be 14422  
certified under this section; 14423

(2) Establish certification standards for certifiable 14424  
services and supports that are consistent with nationally 14425  
recognized applicable standards and facilitate participation in 14426  
federal assistance programs. The rules shall include as 14427  
certification standards only requirements that improve the 14428  
quality of certifiable services and supports or the health and 14429  
safety of persons receiving certifiable services and supports. 14430  
The standards shall address at a minimum all of the following: 14431

(a) Reporting major unusual incidents to the director; 14432

(b) Procedures for applicants for and persons receiving 14433  
certifiable services and supports to file grievances and 14434  
complaints; 14435

(c) Seclusion; 14436

(d) Restraint; 14437

(e) Requirements regarding the physical facilities in 14438  
which certifiable services and supports are provided; 14439

(f) Requirements with regard to health, safety, adequacy, 14440  
and cultural specificity and sensitivity; 14441

(g) Standards for evaluating certifiable services and 14442  
supports; 14443

(h) Standards and procedures for granting full, 14444  
probationary, and interim certification of the certifiable 14445  
services and supports of a community mental health services 14446

provider applicant or community addiction services provider 14447  
applicant; 14448

(i) Standards and procedures for revoking the 14449  
certification of a community mental health services provider's 14450  
or community addiction services provider's certifiable services 14451  
and supports that do not continue to meet the minimum standards 14452  
established pursuant to this section; 14453

(j) The limitations to be placed on a provider whose 14454  
certifiable services and supports are granted probationary or 14455  
interim certification; 14456

(k) Development of written policies addressing the rights 14457  
of persons receiving certifiable services and supports, 14458  
including all of the following: 14459

(i) The right to a copy of the written policies addressing 14460  
the rights of persons receiving certifiable services and 14461  
supports; 14462

(ii) The right at all times to be treated with 14463  
consideration and respect for the person's privacy and dignity; 14464

(iii) The right to have access to the person's own 14465  
psychiatric, medical, or other treatment records unless access 14466  
is specifically restricted in the person's treatment plan for 14467  
clear treatment reasons; 14468

(iv) The right to have a client rights officer provided by 14469  
the provider or board of alcohol, drug addiction, and mental 14470  
health services advise the person of the person's rights, 14471  
including the person's rights under Chapter 5122. of the Revised 14472  
Code if the person is committed to the provider or board. 14473

(3) Establish the process for certification of certifiable 14474

services and supports; 14475

(4) Set the amount of certification review fees; 14476

(5) Specify the type of notice and hearing to be provided 14477  
prior to a decision on whether to reallocate funds. 14478

(F) The director may issue an order suspending admissions 14479  
to a community addiction services provider that provides 14480  
overnight accommodations if the director finds either of the 14481  
following: 14482

(1) The provider's certifiable services and supports are 14483  
not in compliance with rules adopted under this section; 14484

(2) The provider has been cited for more than one 14485  
violation of statutes or rules during any previous certification 14486  
period of the provider. 14487

(G) The department of mental health and addiction services 14488  
shall maintain a current list of community addiction services 14489  
providers and shall provide a copy of the list to a judge of a 14490  
court of common pleas who requests a copy for the use of the 14491  
judge under division ~~(H)~~ (P) of section 2925.03 or a related 14492  
provision of section 2925.031 or 2925.032 of the Revised Code. 14493  
The list shall identify each provider by its name, its address, 14494  
and the county in which it is located. 14495

(H) No person shall represent in any manner that a 14496  
community mental health services provider's or community 14497  
addiction services provider's certifiable services and supports 14498  
are certified by the director if the certifiable services and 14499  
supports are not so certified at the time the representation is 14500  
made. 14501

**Sec. 5119.37.** (A) (1) (a) Except as provided in division (A) 14502

(1) (b) of this section, no person or government entity shall 14503  
operate an opioid treatment program requiring certification, as 14504  
certification is defined in 42 C.F.R. 8.2, unless the person or 14505  
government entity is a community addiction services provider and 14506  
the program is licensed under this section. 14507

(b) Division (A) (1) (a) of this section does not apply to a 14508  
program operated by the United States department of veterans 14509  
affairs. 14510

(2) No community addiction services provider licensed 14511  
under this section shall operate an opioid treatment program in 14512  
a manner inconsistent with this section and the rules adopted 14513  
under it. 14514

(B) A community addiction services provider seeking a 14515  
license to operate an opioid treatment program shall apply to 14516  
the department of mental health and addiction services. The 14517  
department shall review all applications received. 14518

(C) The department may issue a license to operate an 14519  
opioid treatment program to a community addiction services 14520  
provider only if all of the following apply: 14521

(1) During the three-year period immediately preceding the 14522  
date of application, the provider or any owner, sponsor, medical 14523  
director, administrator, or principal of the provider has been 14524  
in good standing to operate an opioid treatment program in all 14525  
other locations where the provider or such other person has been 14526  
operating a similar program, as evidenced by both of the 14527  
following: 14528

(a) Not having been denied a license, certificate, or 14529  
similar approval to operate an opioid treatment program by this 14530  
state or another jurisdiction; 14531

(b) Not having been the subject of any of the following in 14532  
this state or another jurisdiction: 14533

(i) An action that resulted in the suspension or 14534  
revocation of the license, certificate, or similar approval of 14535  
the provider or other person; 14536

(ii) A voluntary relinquishment, withdrawal, or other 14537  
action taken by the provider or other person to avoid suspension 14538  
or revocation of the license, certificate, or similar approval; 14539

(iii) A disciplinary action that was based, in whole or in 14540  
part, on the provider or other person engaging in the 14541  
inappropriate prescribing, dispensing, administering, personally 14542  
furnishing, diverting, storing, supplying, compounding, or 14543  
selling of a controlled substance or other dangerous drug. 14544

(2) It affirmatively appears to the department that the 14545  
provider is adequately staffed and equipped to operate an opioid 14546  
treatment program. 14547

(3) It affirmatively appears to the department that the 14548  
provider will operate an opioid treatment program in strict 14549  
compliance with all laws relating to drug abuse and the rules 14550  
adopted by the department. 14551

(4) Except as provided in division (D) of this section and 14552  
section 5119.371 of the Revised Code, if the provider is seeking 14553  
an initial license for a particular location, the proposed 14554  
opioid treatment program is not located on a parcel of real 14555  
estate that is within a radius of five hundred linear feet of 14556  
the boundaries of a parcel of real estate having situated on it 14557  
a public or private school, child day-care center licensed under 14558  
Chapter 5104. of the Revised Code, or child-serving agency 14559  
regulated by the department under this chapter. 14560



(5) The provider meets any additional requirements 14561  
established by the department in rules adopted under division 14562  
(F) of this section. 14563

(D) The department may waive the requirement of division 14564  
(C) (4) of this section if it receives, from each public or 14565  
private school, child day-care center, or child-serving agency 14566  
that is within the five hundred linear feet radius described in 14567  
that division, a letter of support for the location. The 14568  
department shall determine whether a letter of support is 14569  
satisfactory for purposes of waiving the requirement. 14570

(E) A license to operate an opioid treatment program shall 14571  
expire one year from the date of issuance. Licenses may be 14572  
renewed. 14573

(F) The department shall establish procedures and adopt 14574  
rules for licensing, inspection, and supervision of community 14575  
addiction services providers that operate an opioid treatment 14576  
program. The rules shall establish standards for the control, 14577  
storage, furnishing, use, dispensing, and administering of 14578  
medications used in medication-assisted treatment; prescribe 14579  
minimum standards for the operation of the opioid treatment 14580  
program component of the provider's operations; and comply with 14581  
federal laws and regulations. 14582

All rules adopted under this division shall be adopted in 14583  
accordance with Chapter 119. of the Revised Code. All actions 14584  
taken by the department regarding the licensing of providers to 14585  
operate opioid treatment programs shall be conducted in 14586  
accordance with Chapter 119. of the Revised Code, except as 14587  
provided in division (L) of this section. 14588

(G) (1) The department shall inspect all community 14589

addiction services providers licensed to operate an opioid 14590  
treatment program. Inspections shall be conducted at least 14591  
annually and may be conducted more frequently. 14592

In addition, the department may inspect any provider or 14593  
other person that it reasonably believes to be operating an 14594  
opioid treatment program without a license issued under this 14595  
section. 14596

(2) When conducting an inspection, the department may do 14597  
both of the following: 14598

(a) Examine and copy all records, accounts, and other 14599  
documents relating to the provider's or other person's 14600  
operations, including records pertaining to patients or clients; 14601

(b) Conduct interviews with any individual employed by or 14602  
contracted or otherwise associated with the provider or person, 14603  
including an administrator, staff person, patient, or client. 14604

(3) No person or government entity shall interfere with a 14605  
state or local government official acting on behalf of the 14606  
department while conducting an inspection. 14607

(H) A community addiction services provider shall not 14608  
administer or dispense methadone in a tablet, powder, or 14609  
intravenous form. Methadone shall be administered or dispensed 14610  
only in a liquid form intended for ingestion. 14611

A community addiction services provider shall not 14612  
administer or dispense a medication used in medication-assisted 14613  
treatment for pain or other medical reasons. 14614

(I) As used in this division, "program sponsor" means a 14615  
person who assumes responsibility for the operation and 14616  
employees of the opioid treatment program component of a 14617

community addiction services provider's operations. 14618

A community addiction services provider shall not employ 14619  
an individual who receives a medication used in medication- 14620  
assisted treatment from that provider. A provider shall not 14621  
permit an individual to act as a program sponsor, medical 14622  
director, or director of the provider if the individual is 14623  
receiving that medication from any community addiction services 14624  
provider. 14625

(J) The department may issue orders to ensure compliance 14626  
with all laws relating to drug abuse and the rules adopted under 14627  
this section. Subject to section 5119.27 of the Revised Code, 14628  
the department may hold hearings, require the production of 14629  
relevant matter, compel testimony, issue subpoenas, and make 14630  
adjudications. Upon failure of a person without lawful excuse to 14631  
obey a subpoena or to produce relevant matter, the department 14632  
may apply to a court of common pleas for an order compelling 14633  
compliance. 14634

(K) The department may refuse to issue, or may withdraw or 14635  
revoke, a license to operate an opioid treatment program. A 14636  
license may be refused if a community addiction services 14637  
provider does not meet the requirements of division (C) of this 14638  
section. A license may be withdrawn at any time the department 14639  
determines that the provider no longer meets the requirements 14640  
for receiving the license. A license may be revoked in 14641  
accordance with division (L) of this section. 14642

Once a license is issued under this section, the 14643  
department shall not consider the requirement of division (C) (4) 14644  
of this section in determining whether to renew, withdraw, or 14645  
revoke the license or whether to reissue the license as a result 14646  
of a change in ownership. 14647

(L) If the department finds reasonable cause to believe 14648  
that a community addiction services provider licensed under this 14649  
section is in violation of any state or federal law or rule 14650  
relating to drug abuse, the department may issue an order 14651  
immediately revoking the license, subject to division (M) of 14652  
this section. The department shall set a date not more than 14653  
fifteen days later than the date of the order of revocation for 14654  
a hearing on the continuation or cancellation of the revocation. 14655  
For good cause, the department may continue the hearing on 14656  
application of any interested party. In conducting hearings, the 14657  
department has all the authority and power set forth in division 14658  
(J) of this section. Following the hearing, the department shall 14659  
either confirm or cancel the revocation. The hearing shall be 14660  
conducted in accordance with Chapter 119. of the Revised Code, 14661  
except that the provider shall not be permitted to operate an 14662  
opioid treatment program pending the hearing or pending any 14663  
appeal from an adjudication made as a result of the hearing. 14664  
Notwithstanding any provision of Chapter 119. of the Revised 14665  
Code to the contrary, a court shall not stay or suspend any 14666  
order of revocation issued by the department under this division 14667  
pending judicial appeal. 14668

(M) The department shall not revoke a license to operate 14669  
an opioid treatment program unless all clients receiving 14670  
medication used in medication-assisted treatment from the 14671  
community addiction services provider are provided adequate 14672  
substitute medication or treatment. For purposes of this 14673  
division, the department may transfer the clients to other 14674  
providers licensed to operate opioid treatment programs or 14675  
replace any or all of the administrators and staff of the 14676  
provider with representatives of the department who shall 14677  
continue on a provisional basis the opioid treatment component 14678

of the provider's operations. 14679

(N) Each time the department receives an application from 14680  
a community addiction services provider for a license to operate 14681  
an opioid treatment program, issues or refuses to issue a 14682  
license, or withdraws or revokes a license, the department shall 14683  
notify the board of alcohol, drug addiction, and mental health 14684  
services of each alcohol, drug addiction, and mental health 14685  
service district in which the provider operates. 14686

(O) Whenever it appears to the department from files, upon 14687  
complaint, or otherwise, that a community addiction services 14688  
provider has engaged in any practice declared to be illegal or 14689  
prohibited by section 3719.61 of the Revised Code, or any other 14690  
state or federal laws or regulations relating to drug abuse, or 14691  
when the department believes it to be in the best interest of 14692  
the public and necessary for the protection of the citizens of 14693  
the state, the department may request criminal proceedings by 14694  
laying before the prosecuting attorney of the proper county any 14695  
evidence of criminality which may come to its knowledge. 14696

(P) The department shall maintain a current list of 14697  
community addiction services providers licensed by the 14698  
department under this section and shall provide a copy of the 14699  
current list to a judge of a court of common pleas who requests 14700  
a copy for the use of the judge under division ~~(H)~~ (P) of section 14701  
2925.03 or a related provision of section 2925.031 or 2925.032 14702  
of the Revised Code. The list of licensed community addiction 14703  
services providers shall identify each licensed provider by its 14704  
name, its address, and the county in which it is located. 14705

**Sec. 5119.391.** (A) No community addiction services 14706  
provider shall employ methadone treatment or prescribe, 14707  
dispense, or administer methadone unless the program is licensed 14708

under this section. No community addiction services provider 14709  
licensed under this section shall maintain methadone treatment 14710  
in a manner inconsistent with this section and the rules adopted 14711  
under it. 14712

(B) A community addiction services provider may apply to 14713  
the department of mental health and addiction services for a 14714  
license to maintain methadone treatment. The department shall 14715  
review all applications received. 14716

(C) The department may issue a license to maintain 14717  
methadone treatment to a community addiction services provider 14718  
only if all of the following apply: 14719

(1) During the three-year period immediately preceding the 14720  
date of application, the provider or any owner, sponsor, medical 14721  
director, administrator, or principal of the provider has been 14722  
in good standing to operate a methadone treatment program in all 14723  
other locations where the provider or such other person has been 14724  
operating a similar program, as evidenced by both of the 14725  
following: 14726

(a) Not having been denied a license, certificate, or 14727  
similar approval to operate a methadone treatment program by 14728  
this state or another jurisdiction; 14729

(b) Not having been the subject of any of the following in 14730  
this state or another jurisdiction: 14731

(i) An action that resulted in the suspension or 14732  
revocation of the license, certificate, or similar approval of 14733  
the provider or other person; 14734

(ii) A voluntary relinquishment, withdrawal, or other 14735  
action taken by the provider or other person to avoid suspension 14736  
or revocation of the license, certificate, or similar approval; 14737

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug.

(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to maintain methadone treatment;

(3) It affirmatively appears to the department that the provider will maintain methadone treatment in strict compliance with section 3719.61 of the Revised Code, all other laws relating to drug abuse, and the rules adopted by the department;

(4) Except as provided in division (D) of this section and section 5119.392 of the Revised Code, if the community addiction services provider is requesting an initial license for a particular location, the proposed methadone treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter;

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in

that division, a letter of support for the location. The 14767  
department shall determine whether a letter of support is 14768  
satisfactory for purposes of waiving the requirement. 14769

(E) A license to maintain methadone treatment shall expire 14770  
one year from the date of issuance. Licenses may be renewed. 14771

(F) The department shall establish procedures and adopt 14772  
rules for licensing, inspection, and supervision of community 14773  
addiction services providers that maintain methadone treatment. 14774  
The rules shall establish standards for the control, storage, 14775  
furnishing, use, and dispensing of methadone; prescribe minimum 14776  
standards for the operation of the methadone treatment component 14777  
of the provider's operations; and comply with federal laws and 14778  
regulations. 14779

All rules adopted under this division shall be adopted in 14780  
accordance with Chapter 119. of the Revised Code. All actions 14781  
taken by the department regarding the licensing of providers to 14782  
maintain methadone treatment shall be conducted in accordance 14783  
with Chapter 119. of the Revised Code, except as provided in 14784  
division (L) of this section. 14785

(G) The department of mental health and addiction services 14786  
shall inspect all community addiction services providers 14787  
licensed to maintain methadone treatment. Inspections shall be 14788  
conducted at least annually and may be conducted more 14789  
frequently. No person or government entity shall interfere with 14790  
a state or local government official acting on behalf of the 14791  
department while conducting an inspection. 14792

(H) A community addiction services provider shall not 14793  
administer or dispense methadone in a tablet, powder, or 14794  
intravenous form. Methadone shall be administered or dispensed 14795



only in a liquid form intended for ingestion. A services 14796  
provider shall not administer or dispense methadone to an 14797  
individual for pain or other medical reasons. 14798

(I) As used in this division, "program sponsor" means a 14799  
person who assumes responsibility for the operation and 14800  
employees of the methadone treatment component of a community 14801  
addiction services provider. 14802

A community addiction services provider shall not employ 14803  
an individual who receives methadone treatment from that 14804  
services provider. A program shall not permit an individual to 14805  
act as a provider sponsor, medical director, or director of the 14806  
provider if the individual is receiving methadone treatment from 14807  
any community addiction services provider. 14808

(J) The department may issue orders to assure compliance 14809  
with section 3719.61 of the Revised Code, all other laws 14810  
relating to drug abuse, and the rules adopted under this 14811  
section. Subject to section 5119.27 of the Revised Code, the 14812  
department may hold hearings, require the production of relevant 14813  
matter, compel testimony, issue subpoenas, and make 14814  
adjudications. Upon failure of a person without lawful excuse to 14815  
obey a subpoena or to produce relevant matter, the department 14816  
may apply to a court of common pleas for an order compelling 14817  
compliance. 14818

(K) The department may refuse to issue, or may withdraw or 14819  
revoke, a license to maintain methadone treatment. A license may 14820  
be refused if a community addiction services provider does not 14821  
meet the requirements of division (C) of this section. A license 14822  
may be withdrawn at any time the department determines that the 14823  
program no longer meets the requirements for receiving the 14824  
license. A license may be revoked in accordance with division 14825

(L) of this section. 14826

Once a license is issued under this section, the 14827  
department shall not consider the requirement of division (C)(4) 14828  
of this section in determining whether to renew, withdraw, or 14829  
revoke the license or whether to reissue the license as a result 14830  
of a change in ownership. 14831

(L) If the department of mental health and addiction 14832  
services finds reasonable cause to believe that a community 14833  
addiction services provider licensed under this section is in 14834  
violation of any provision of section 3719.61 of the Revised 14835  
Code, or of any other state or federal law or rule relating to 14836  
drug abuse, the department may issue an order immediately 14837  
revoking the license, subject to division (M) of this section. 14838  
The department shall set a date not more than fifteen days later 14839  
than the date of the order of revocation for a hearing on the 14840  
continuation or cancellation of the revocation. For good cause, 14841  
the department may continue the hearing on application of any 14842  
interested party. In conducting hearings, the department has all 14843  
the authority and power set forth in division (J) of this 14844  
section. Following the hearing, the department shall either 14845  
confirm or cancel the revocation. The hearing shall be conducted 14846  
in accordance with Chapter 119. of the Revised Code, except that 14847  
the provider shall not be permitted to maintain methadone 14848  
treatment pending the hearing or pending any appeal from an 14849  
adjudication made as a result of the hearing. Notwithstanding 14850  
any provision of Chapter 119. of the Revised Code to the 14851  
contrary, a court shall not stay or suspend any order of 14852  
revocation issued by the director under this division pending 14853  
judicial appeal. 14854

(M) The department shall not revoke a license to maintain 14855

methadone treatment unless all services recipients receiving 14856  
methadone treatment from the community addiction services 14857  
provider are provided adequate substitute treatment. For 14858  
purposes of this division, the department may transfer the 14859  
services recipients to other programs licensed to maintain 14860  
methadone treatment or replace any or all of the administrators 14861  
and staff of the provider with representatives of the department 14862  
who shall continue on a provisional basis the methadone 14863  
treatment component of the program. 14864

(N) Each time the department receives an application from 14865  
a community addiction services provider for a license to 14866  
maintain methadone treatment, issues or refuses to issue a 14867  
license, or withdraws or revokes a license, the department shall 14868  
notify the board of alcohol, drug addiction, and mental health 14869  
services of each alcohol, drug addiction, and mental health 14870  
service district in which the provider operates. 14871

(O) Whenever it appears to the department from files, upon 14872  
complaint, or otherwise, that a community addiction services 14873  
provider has engaged in any practice declared to be illegal or 14874  
prohibited by section 3719.61 of the Revised Code, or any other 14875  
state or federal laws or regulations relating to drug abuse, or 14876  
when the department believes it to be in the best interest of 14877  
the public and necessary for the protection of the citizens of 14878  
the state, the department may request criminal proceedings by 14879  
laying before the prosecuting attorney of the proper county any 14880  
evidence of criminality which may come to its knowledge. 14881

(P) The department shall maintain a current list of 14882  
community addiction services providers licensed by the 14883  
department under this section and shall provide a copy of the 14884  
current list to a judge of a court of common pleas who requests 14885

a copy for the use of the judge under division ~~(H)~~(P) of section 14886  
2925.03 or a related provision of section 2925.031 or 2925.032 14887  
of the Revised Code. The list of licensed community addiction 14888  
services providers shall identify each licensed provider by its 14889  
name, its address, and the county in which it is located. 14890

**Sec. 5120.53.** (A) If a treaty between the United States 14891  
and a foreign country provides for the transfer or exchange, 14892  
from one of the signatory countries to the other signatory 14893  
country, of convicted offenders who are citizens or nationals of 14894  
the other signatory country, the governor, subject to and in 14895  
accordance with the terms of the treaty, may authorize the 14896  
director of rehabilitation and correction to allow the transfer 14897  
or exchange of convicted offenders and to take any action 14898  
necessary to initiate participation in the treaty. If the 14899  
governor grants the director the authority described in this 14900  
division, the director may take the necessary action to initiate 14901  
participation in the treaty and, subject to and in accordance 14902  
with division (B) of this section and the terms of the treaty, 14903  
may allow the transfer or exchange to a foreign country that has 14904  
signed the treaty of any convicted offender who is a citizen or 14905  
national of that signatory country. 14906

(B) (1) No convicted offender who is serving a term of 14907  
imprisonment in this state for aggravated murder, murder, or a 14908  
felony of the first or second degree, who is serving a mandatory 14909  
prison term imposed under section 2925.03~~or~~, 2925.031, 14910  
2925.032, or 2925.11 of the Revised Code in circumstances in 14911  
which the court was required to impose as the mandatory prison 14912  
term the maximum definite prison term or longest minimum prison 14913  
term authorized for the degree of offense committed, who is 14914  
serving a term of imprisonment in this state imposed for an 14915  
offense committed prior to July 1, 1996, that was an aggravated 14916

felony of the first or second degree or that was aggravated 14917  
trafficking in violation of division (A) (9) or (10) of section 14918  
2925.03 of the Revised Code, or who has been sentenced to death 14919  
in this state shall be transferred or exchanged to another 14920  
country pursuant to a treaty of the type described in division 14921  
(A) of this section. 14922

(2) If a convicted offender is serving a term of 14923  
imprisonment in this state and the offender is a citizen or 14924  
national of a foreign country that has signed a treaty of the 14925  
type described in division (A) of this section, if the governor 14926  
has granted the director of rehabilitation and correction the 14927  
authority described in that division, and if the transfer or 14928  
exchange of the offender is not barred by division (B) (1) of 14929  
this section, the director or the director's designee may 14930  
approve the offender for transfer or exchange pursuant to the 14931  
treaty if the director or the designee, after consideration of 14932  
the factors set forth in the rules adopted by the department 14933  
under division (D) of this section and all other relevant 14934  
factors, determines that the transfer or exchange of the 14935  
offender is appropriate. 14936

(C) Notwithstanding any provision of the Revised Code 14937  
regarding the parole eligibility of, or the duration or 14938  
calculation of a sentence of imprisonment imposed upon, an 14939  
offender, if a convicted offender is serving a term of 14940  
imprisonment in this state and the offender is a citizen or 14941  
national of a foreign country that has signed a treaty of the 14942  
type described in division (A) of this section, if the offender 14943  
is serving an indefinite term of imprisonment, if the offender 14944  
is barred from being transferred or exchanged pursuant to the 14945  
treaty due to the indefinite nature of the offender's term of 14946  
imprisonment, and if in accordance with division (B) (2) of this 14947

section the director of rehabilitation and correction or the 14948  
director's designee approves the offender for transfer or 14949  
exchange pursuant to the treaty, the parole board, pursuant to 14950  
rules adopted by the director, shall set a date certain for the 14951  
release of the offender. To the extent possible, the date 14952  
certain that is set shall be reasonably proportionate to the 14953  
indefinite term of imprisonment that the offender is serving. 14954  
The date certain that is set for the release of the offender 14955  
shall be considered only for purposes of facilitating the 14956  
international transfer or exchange of the offender, shall not be 14957  
viable or actionable for any other purpose, and shall not create 14958  
any expectation or guarantee of release. If an offender for whom 14959  
a date certain for release is set under this division is not 14960  
transferred to or exchanged with the foreign country pursuant to 14961  
the treaty, the date certain is null and void, and the 14962  
offender's release shall be determined pursuant to the laws and 14963  
rules of this state pertaining to parole eligibility and the 14964  
duration and calculation of an indefinite sentence of 14965  
imprisonment. 14966

(D) If the governor, pursuant to division (A) of this 14967  
section, authorizes the director of rehabilitation and 14968  
correction to allow any transfer or exchange of convicted 14969  
offenders as described in that division, the director shall 14970  
adopt rules under Chapter 119. of the Revised Code to implement 14971  
the provisions of this section. The rules shall include a rule 14972  
that requires the director or the director's designee, in 14973  
determining whether to approve a convicted offender who is 14974  
serving a term of imprisonment in this state for transfer or 14975  
exchange pursuant to a treaty of the type described in division 14976  
(A) of this section, to consider all of the following factors: 14977

(1) The nature of the offense for which the offender is 14978

serving the term of imprisonment in this state; 14979

(2) The likelihood that, if the offender is transferred or 14980  
exchanged to a foreign country pursuant to the treaty, the 14981  
offender will serve a shorter period of time in imprisonment in 14982  
the foreign country than the offender would serve if the 14983  
offender is not transferred or exchanged to the foreign country 14984  
pursuant to the treaty; 14985

(3) The likelihood that, if the offender is transferred or 14986  
exchanged to a foreign country pursuant to the treaty, the 14987  
offender will return or attempt to return to this state after 14988  
the offender has been released from imprisonment in the foreign 14989  
country; 14990

(4) The degree of any shock to the conscience of justice 14991  
and society that will be experienced in this state if the 14992  
offender is transferred or exchanged to a foreign country 14993  
pursuant to the treaty; 14994

(5) All other factors that the department determines are 14995  
relevant to the determination. 14996

**Sec. 5153.111.** (A) (1) The executive director of a public 14997  
children services agency shall request the superintendent of the 14998  
bureau of criminal identification and investigation to conduct a 14999  
criminal records check with respect to any applicant who has 15000  
applied to the agency for employment as a person responsible for 15001  
the care, custody, or control of a child. If the applicant does 15002  
not present proof that the applicant has been a resident of this 15003  
state for the five-year period immediately prior to the date 15004  
upon which the criminal records check is requested or does not 15005  
provide evidence that within that five-year period the 15006  
superintendent has requested information about the applicant 15007

from the federal bureau of investigation in a criminal records 15008  
check, the executive director shall request that the 15009  
superintendent obtain information from the federal bureau of 15010  
investigation as a part of the criminal records check for the 15011  
applicant. If the applicant presents proof that the applicant 15012  
has been a resident of this state for that five-year period, the 15013  
executive director may request that the superintendent include 15014  
information from the federal bureau of investigation in the 15015  
criminal records check. 15016

(2) Any person required by division (A) (1) of this section 15017  
to request a criminal records check shall provide to each 15018  
applicant a copy of the form prescribed pursuant to division (C) 15019  
(1) of section 109.572 of the Revised Code, provide to each 15020  
applicant a standard impression sheet to obtain fingerprint 15021  
impressions prescribed pursuant to division (C) (2) of section 15022  
109.572 of the Revised Code, obtain the completed form and 15023  
impression sheet from each applicant, and forward the completed 15024  
form and impression sheet to the superintendent of the bureau of 15025  
criminal identification and investigation at the time the person 15026  
requests a criminal records check pursuant to division (A) (1) of 15027  
this section. 15028

(3) Any applicant who receives pursuant to division (A) (2) 15029  
of this section a copy of the form prescribed pursuant to 15030  
division (C) (1) of section 109.572 of the Revised Code and a 15031  
copy of an impression sheet prescribed pursuant to division (C) 15032  
(2) of that section and who is requested to complete the form 15033  
and provide a set of fingerprint impressions shall complete the 15034  
form or provide all the information necessary to complete the 15035  
form and shall provide the impression sheet with the impressions 15036  
of the applicant's fingerprints. If an applicant, upon request, 15037  
fails to provide the information necessary to complete the form 15038



or fails to provide impressions of the applicant's fingerprints, 15039  
that agency shall not employ that applicant for any position for 15040  
which a criminal records check is required by division (A) (1) of 15041  
this section. 15042

(B) (1) Except as provided in rules adopted by the director 15043  
of job and family services in accordance with division (E) of 15044  
this section, no public children services agency shall employ a 15045  
person as a person responsible for the care, custody, or control 15046  
of a child if the person previously has been convicted of or 15047  
pleaded guilty to any of the following: 15048

(a) A violation of section 2903.01, 2903.02, 2903.03, 15049  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 15050  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 15051  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 15052  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 15053  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 15054  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 15055  
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 15056  
3716.11 of the Revised Code, a violation of section 2905.04 of 15057  
the Revised Code as it existed prior to July 1, 1996, a 15058  
violation of section 2919.23 of the Revised Code that would have 15059  
been a violation of section 2905.04 of the Revised Code as it 15060  
existed prior to July 1, 1996, had the violation occurred prior 15061  
to that date, a violation of section 2925.11 or 2925.111 of the 15062  
Revised Code that is not a minor drug possession offense, or 15063  
felonious sexual penetration in violation of former section 15064  
2907.12 of the Revised Code; 15065

(b) A violation of an existing or former law of this 15066  
state, any other state, or the United States that is 15067  
substantially equivalent to any of the offenses or violations 15068

described in division (B) (1) (a) of this section. 15069

(2) A public children services agency may employ an 15070  
applicant conditionally until the criminal records check 15071  
required by this section is completed and the agency receives 15072  
the results of the criminal records check. If the results of the 15073  
criminal records check indicate that, pursuant to division (B) 15074  
(1) of this section, the applicant does not qualify for 15075  
employment, the agency shall release the applicant from 15076  
employment. 15077

(C) (1) Each public children services agency shall pay to 15078  
the bureau of criminal identification and investigation the fee 15079  
prescribed pursuant to division (C) (3) of section 109.572 of the 15080  
Revised Code for each criminal records check conducted in 15081  
accordance with that section upon the request pursuant to 15082  
division (A) (1) of this section of the executive director of the 15083  
agency. 15084

(2) A public children services agency may charge an 15085  
applicant a fee for the costs it incurs in obtaining a criminal 15086  
records check under this section. A fee charged under this 15087  
division shall not exceed the amount of fees the agency pays 15088  
under division (C) (1) of this section. If a fee is charged under 15089  
this division, the agency shall notify the applicant at the time 15090  
of the applicant's initial application for employment of the 15091  
amount of the fee and that, unless the fee is paid, the agency 15092  
will not consider the applicant for employment. 15093

(D) The report of any criminal records check conducted by 15094  
the bureau of criminal identification and investigation in 15095  
accordance with section 109.572 of the Revised Code and pursuant 15096  
to a request under division (A) (1) of this section is not a 15097  
public record for the purposes of section 149.43 of the Revised 15098

Code and shall not be made available to any person other than 15099  
the applicant who is the subject of the criminal records check 15100  
or the applicant's representative, the public children services 15101  
agency requesting the criminal records check or its 15102  
representative, and any court, hearing officer, or other 15103  
necessary individual involved in a case dealing with the denial 15104  
of employment to the applicant. 15105

(E) The director of job and family services shall adopt 15106  
rules pursuant to Chapter 119. of the Revised Code to implement 15107  
this section, including rules specifying circumstances under 15108  
which a public children services agency may hire a person who 15109  
has been convicted of an offense listed in division (B) (1) of 15110  
this section but who meets standards in regard to rehabilitation 15111  
set by the department. 15112

(F) Any person required by division (A) (1) of this section 15113  
to request a criminal records check shall inform each person, at 15114  
the time of the person's initial application for employment, 15115  
that the person is required to provide a set of impressions of 15116  
the person's fingerprints and that a criminal records check is 15117  
required to be conducted and satisfactorily completed in 15118  
accordance with section 109.572 of the Revised Code if the 15119  
person comes under final consideration for appointment or 15120  
employment as a precondition to employment for that position. 15121

(G) As used in this section: 15122

(1) "Applicant" means a person who is under final 15123  
consideration for appointment or employment in a position with 15124  
the agency as a person responsible for the care, custody, or 15125  
control of a child. 15126

(2) "Criminal records check" has the same meaning as in 15127

section 109.572 of the Revised Code. 15128

(3) "Minor drug possession offense" has the same meaning 15129  
as in section 2925.01 of the Revised Code. 15130

**Sec. 5502.13.** The department of public safety shall 15131  
maintain an investigative unit in order to conduct 15132  
investigations and other enforcement activity authorized by 15133  
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 15134  
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 15135  
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, 2925.11, 2925.111, 15136  
2925.13, 2927.02, and 4507.30 of the Revised Code. The director 15137  
of public safety shall appoint the employees of the unit who are 15138  
necessary, designate the activities to be performed by those 15139  
employees, and prescribe their titles and duties. 15140

**Section 4.** That existing sections 109.572, 128.04, 177.01, 15141  
2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 15142  
2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 15143  
2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 15144  
2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 15145  
2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 15146  
3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 15147  
3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 15148  
5119.37, 5119.391, 5120.53, 5153.111, and 5502.13 of the Revised 15149  
Code are hereby repealed. 15150

**Section 5.** That the version of section 2925.03 of the 15151  
Revised Code that is scheduled to take effect on June 29, 2019, 15152  
be amended to read as follows: 15153

**Sec. 2925.03.** (A) ~~No~~ (1)(a) Except as otherwise provided 15154  
in division (B) of this section, no person shall knowingly do 15155  
any of the following:— 15156

~~(1) Sell obtain, possess, sell, or offer to sell a~~ 15157  
controlled substance or a controlled substance analog~~†~~ 15158

~~(2) Prepare in an amount listed in division (A) (2) of this~~ 15159  
~~section.~~ 15160

(b) Except as otherwise provided in division (B) of this 15161  
section, no person shall prepare for shipment, ship, transport, 15162  
deliver, prepare for distribution, or distribute a controlled 15163  
substance or a controlled substance analog in an amount listed 15164  
in division (A) (2) of this section, when the ~~offender~~ person 15165  
knows or has reasonable cause to believe that the controlled 15166  
substance or a controlled substance analog is intended for sale 15167  
or resale by the offender or another person. 15168

(2) Division (A) (1) of this section applies to conduct 15169  
involving any of the following: 15170

(a) If the drug involved in the conduct described in 15171  
division (A) (1) of this section is any compound, mixture, 15172  
preparation, or substance included in schedule I or schedule II, 15173  
other than marihuana, cocaine, L.S.D., heroin, a fentanyl- 15174  
related compound, hashish, or a controlled substance analog, an 15175  
amount of the drug so involved that equals or exceeds fifty 15176  
times the bulk amount; 15177

(b) If the drug involved in the conduct described in 15178  
division (A) (1) of this section is cocaine or a compound, 15179  
mixture, preparation, or substance containing cocaine, an amount 15180  
of the drug so involved that equals or exceeds fifty grams; 15181

(c) If the drug involved in the conduct described in 15182  
division (A) (1) of this section is L.S.D. or a compound, 15183  
mixture, preparation, or substance containing L.S.D., an amount 15184  
of the drug so involved that equals or exceeds five hundred unit 15185

doses of L.S.D. in solid form or equals or exceeds fifty grams 15186  
of L.S.D. in liquid concentrate, liquid extract, or liquid 15187  
distillate form; 15188

(d) If the drug involved in the conduct described in 15189  
division (A) (1) of this section is heroin or a compound, 15190  
mixture, preparation, or substance containing heroin, an amount 15191  
of the drug so involved that equals or exceeds three hundred 15192  
unit doses or thirty grams; 15193

(e) If the drug involved in the conduct described in 15194  
division (A) (1) of this section is a fentanyl-related compound 15195  
or a compound, mixture, preparation, or substance containing a 15196  
fentanyl-related compound, an amount of the drug so involved 15197  
that equals or exceeds one hundred unit doses or ten grams; 15198

(f) If the drug involved in the conduct described in 15199  
division (A) (1) of this section is marihuana other than hashish 15200  
or a compound, mixture, preparation, or substance containing 15201  
marihuana other than hashish, an amount of the drug so involved 15202  
that equals or exceeds forty thousand grams; 15203

(g) If the drug involved in the conduct described in 15204  
division (A) (1) of this section is hashish or a compound, 15205  
mixture, preparation, or substance containing hashish, an amount 15206  
of the drug so involved that equals or exceeds two thousand 15207  
grams; 15208

(h) If the drug involved in the conduct described in 15209  
division (A) (1) of this section is a controlled substance analog 15210  
or a compound, mixture, preparation, or substance containing a 15211  
controlled substance analog, an amount of the drug so involved 15212  
that equals or exceeds thirty grams. 15213

(B) This section does not apply to any of the following: 15214

(1) Manufacturers, licensed health professionals 15215  
authorized to prescribe drugs, pharmacists, owners of 15216  
pharmacies, and other persons whose conduct is in accordance 15217  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 15218  
4741. of the Revised Code; 15219

(2) If the offense involves an anabolic steroid, any 15220  
person who is conducting or participating in a research project 15221  
involving the use of an anabolic steroid if the project has been 15222  
approved by the United States food and drug administration; 15223

(3) Any person who sells, offers for sale, prescribes, 15224  
dispenses, or administers for livestock or other nonhuman 15225  
species an anabolic steroid that is expressly intended for 15226  
administration through implants to livestock or other nonhuman 15227  
species and approved for that purpose under the "Federal Food, 15228  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 15229  
as amended, and is sold, offered for sale, prescribed, 15230  
dispensed, or administered for that purpose in accordance with 15231  
that act. 15232

~~(C) Whoever violates division (A) of this section is~~ 15233  
~~guilty of one of the following:~~ 15234

~~(1) If the drug involved in the violation is any compound,~~ 15235  
~~mixture, preparation, or substance included in schedule I or~~ 15236  
~~schedule II, with the exception of marihuana, cocaine, L.S.D.,~~ 15237  
~~heroin, any fentanyl-related compound, hashish, and any~~ 15238  
~~controlled substance analog, whoever violates division (A) of~~ 15239  
~~this section is guilty of aggravated trafficking in drugs. The~~ 15240  
~~penalty for the offense shall be determined as follows:~~ 15241

~~(a) Except as otherwise provided in division (C) (1) (b),~~ 15242  
~~(c), (d), (e), or (f) of this section, aggravated trafficking in~~ 15243

~~drugs is a felony of the fourth degree, and division (C) of~~ 15244  
~~section 2929.13 of the Revised Code applies in determining~~ 15245  
~~whether to impose a prison term on the offender.~~ 15246

~~(b) Except as otherwise provided in division (C) (1) (c),~~ 15247  
~~(d), (e), or (f) of this section, if the offense was committed~~ 15248  
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 15249  
~~aggravated trafficking in drugs is a felony of the third degree,~~ 15250  
~~and division (C) of section 2929.13 of the Revised Code applies~~ 15251  
~~in determining whether to impose a prison term on the offender.~~ 15252

~~(c) Except as otherwise provided in this division, if the~~ 15253  
~~amount of the drug involved equals or exceeds the bulk amount~~ 15254  
~~but is less than five times the bulk amount, aggravated~~ 15255  
~~trafficking in drugs is a felony of the third degree, and,~~ 15256  
~~except as otherwise provided in this division, there is a~~ 15257  
~~presumption for a prison term for the offense. If aggravated~~ 15258  
~~trafficking in drugs is a felony of the third degree under this~~ 15259  
~~division and if the offender two or more times previously has~~ 15260  
~~been convicted of or pleaded guilty to a felony drug abuse~~ 15261  
~~offense, the court shall impose as a mandatory prison term one~~ 15262  
~~of the prison terms prescribed for a felony of the third degree.~~ 15263  
~~If the amount of the drug involved is within that range and if~~ 15264  
~~the offense was committed in the vicinity of a school or in the~~ 15265  
~~vicinity of a juvenile, aggravated trafficking in drugs is a~~ 15266  
~~felony of the second degree, and the court shall impose as a~~ 15267  
~~mandatory prison term a second degree felony mandatory prison~~ 15268  
~~term.~~ 15269

~~(d) Except as otherwise provided in this division, if the~~ 15270  
~~amount of the drug involved equals or exceeds five times the~~ 15271  
~~bulk amount but is less than fifty times the bulk amount,~~ 15272  
~~aggravated trafficking in drugs is a felony of the second~~ 15273



~~degree, and the court shall impose as a mandatory prison term a~~ 15274  
~~second degree felony mandatory prison term. If the amount of the~~ 15275  
~~drug involved is within that range and if the offense was~~ 15276  
~~committed in the vicinity of a school or in the vicinity of a~~ 15277  
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 15278  
~~first degree, and the court shall impose as a mandatory prison~~ 15279  
~~term a first degree felony mandatory prison term.~~ 15280

~~(e) If the amount of the drug involved equals or exceeds~~ 15281  
~~fifty times the bulk amount but is less than one hundred times~~ 15282  
~~the bulk amount and regardless of whether the offense was~~ 15283  
~~committed in the vicinity of a school or in the vicinity of a~~ 15284  
~~juvenile, aggravated trafficking in drugs is a felony of the~~ 15285  
~~first degree, and the court shall impose as a mandatory prison~~ 15286  
~~term a first degree felony mandatory prison term.~~ 15287

~~(f) If the amount of the drug involved equals or exceeds~~ 15288  
~~one hundred times the bulk amount and regardless of whether the~~ 15289  
~~offense was committed in the vicinity of a school or in the~~ 15290  
~~vicinity of a juvenile, aggravated trafficking in drugs is a~~ 15291  
~~felony of the first degree, the offender is a major drug~~ 15292  
~~offender, and the court shall impose as a mandatory prison term~~ 15293  
~~a maximum first degree felony mandatory prison term.~~ 15294

~~(2) If the drug involved in the violation is any compound,~~ 15295  
~~mixture, preparation, or substance included in schedule III, IV,~~ 15296  
~~or V, whoever violates division (A) of this section is guilty of~~ 15297  
~~trafficking in drugs. The penalty for the offense shall be~~ 15298  
~~determined as follows:~~ 15299

~~(a) Except as otherwise provided in division (C) (2) (b),~~ 15300  
~~(c), (d), or (e) of this section, trafficking in drugs is a~~ 15301  
~~felony of the fifth degree, and division (B) of section 2929.13~~ 15302  
~~of the Revised Code applies in determining whether to impose a~~ 15303

~~prison term on the offender.~~

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~~(b) Except as otherwise provided in division (C) (2) (c),  
(d), or (e) of this section, if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in drugs is a felony of the fourth degree, and  
division (C) of section 2929.13 of the Revised Code applies in  
determining whether to impose a prison term on the offender.~~

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

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

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~~(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty times the  
bulk amount, trafficking in drugs is a felony of the second~~

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~~degree, and the court shall impose as a mandatory prison term a~~ 15334  
~~second degree felony mandatory prison term. If the amount of the~~ 15335  
~~drug involved equals or exceeds fifty times the bulk amount and~~ 15336  
~~if the offense was committed in the vicinity of a school or in~~ 15337  
~~the vicinity of a juvenile, trafficking in drugs is a felony of~~ 15338  
~~the first degree, and the court shall impose as a mandatory~~ 15339  
~~prison term a first degree felony mandatory prison term.~~ 15340

~~(3) If the drug involved in the violation is marihuana or~~ 15341  
~~a compound, mixture, preparation, or substance containing~~ 15342  
~~marihuana other than hashish, whoever violates division (A) of~~ 15343  
~~this section is guilty of trafficking in marihuana. The penalty~~ 15344  
~~for the offense shall be determined as follows:~~ 15345

~~(a) Except as otherwise provided in division (C) (3) (b),~~ 15346  
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 15347  
~~marihuana is a felony of the fifth degree, and division (B) of~~ 15348  
~~section 2929.13 of the Revised Code applies in determining~~ 15349  
~~whether to impose a prison term on the offender.~~ 15350

~~(b) Except as otherwise provided in division (C) (3) (c),~~ 15351  
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 15352  
~~committed in the vicinity of a school or in the vicinity of a~~ 15353  
~~juvenile, trafficking in marihuana is a felony of the fourth~~ 15354  
~~degree, and division (B) of section 2929.13 of the Revised Code~~ 15355  
~~applies in determining whether to impose a prison term on the~~ 15356  
~~offender.~~ 15357

~~(c) Except as otherwise provided in this division, if the~~ 15358  
~~amount of the drug involved equals or exceeds two hundred grams~~ 15359  
~~but is less than one thousand grams, trafficking in marihuana is~~ 15360  
~~a felony of the fourth degree, and division (B) of section~~ 15361  
~~2929.13 of the Revised Code applies in determining whether to~~ 15362  
~~impose a prison term on the offender. If the amount of the drug~~ 15363

~~involved is within that range and if the offense was committed~~ 15364  
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 15365  
~~trafficking in marihuana is a felony of the third degree, and~~ 15366  
~~division (C) of section 2929.13 of the Revised Code applies in~~ 15367  
~~determining whether to impose a prison term on the offender.~~ 15368

~~(d) Except as otherwise provided in this division, if the~~ 15369  
~~amount of the drug involved equals or exceeds one thousand grams~~ 15370  
~~but is less than five thousand grams, trafficking in marihuana~~ 15371  
~~is a felony of the third degree, and division (C) of section~~ 15372  
~~2929.13 of the Revised Code applies in determining whether to~~ 15373  
~~impose a prison term on the offender. If the amount of the drug~~ 15374  
~~involved is within that range and if the offense was committed~~ 15375  
~~in the vicinity of a school or in the vicinity of a juvenile,~~ 15376  
~~trafficking in marihuana is a felony of the second degree, and~~ 15377  
~~there is a presumption that a prison term shall be imposed for~~ 15378  
~~the offense.~~ 15379

~~(e) Except as otherwise provided in this division, if the~~ 15380  
~~amount of the drug involved equals or exceeds five thousand~~ 15381  
~~grams but is less than twenty thousand grams, trafficking in~~ 15382  
~~marihuana is a felony of the third degree, and there is a~~ 15383  
~~presumption that a prison term shall be imposed for the offense.~~ 15384  
~~If the amount of the drug involved is within that range and if~~ 15385  
~~the offense was committed in the vicinity of a school or in the~~ 15386  
~~vicinity of a juvenile, trafficking in marihuana is a felony of~~ 15387  
~~the second degree, and there is a presumption that a prison term~~ 15388  
~~shall be imposed for the offense.~~ 15389

~~(f) Except as otherwise provided in this division, if the~~ 15390  
~~amount of the drug involved equals or exceeds twenty thousand~~ 15391  
~~grams but is less than forty thousand grams, trafficking in~~ 15392  
~~marihuana is a felony of the second degree, and the court shall~~ 15393

~~impose as a mandatory prison term a second degree felony— 15394~~  
~~mandatory prison term of five, six, seven, or eight years. If— 15395~~  
~~the amount of the drug involved is within that range and if the— 15396~~  
~~offense was committed in the vicinity of a school or in the— 15397~~  
~~vicinity of a juvenile, trafficking in marihuana is a felony of— 15398~~  
~~the first degree, and the court shall impose as a mandatory— 15399~~  
~~prison term a maximum first degree felony mandatory prison term.— 15400~~

~~(g) Except as otherwise provided in this division, if the— 15401~~  
~~amount of the drug involved equals or exceeds forty thousand— 15402~~  
~~grams, trafficking in marihuana is a felony of the second— 15403~~  
~~degree, and the court shall impose as a mandatory prison term a— 15404~~  
~~maximum second degree felony mandatory prison term. If the— 15405~~  
~~amount of the drug involved equals or exceeds forty thousand— 15406~~  
~~grams and if the offense was committed in the vicinity of a— 15407~~  
~~school or in the vicinity of a juvenile, trafficking in— 15408~~  
~~marihuana is a felony of the first degree, and the court shall— 15409~~  
~~impose as a mandatory prison term a maximum first degree felony— 15410~~  
~~mandatory prison term.— 15411~~

~~(h) Except as otherwise provided in this division, if the— 15412~~  
~~offense involves a gift of twenty grams or less of marihuana,— 15413~~  
~~trafficking in marihuana is a minor misdemeanor upon a first— 15414~~  
~~offense and a misdemeanor of the third degree upon a subsequent— 15415~~  
~~offense. If the offense involves a gift of twenty grams or less— 15416~~  
~~of marihuana and if the offense was committed in the vicinity of— 15417~~  
~~a school or in the vicinity of a juvenile, trafficking in— 15418~~  
~~marihuana is a misdemeanor of the third degree.— 15419~~

~~(4) If the drug involved in the violation is cocaine or a— 15420~~  
~~compound, mixture, preparation, or substance containing cocaine,— 15421~~  
~~whoever violates division (A) of this section is guilty of— 15422~~  
~~trafficking in cocaine. The penalty for the offense shall be— 15423~~

~~determined as follows:—~~

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

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~~(b) Except as otherwise provided in division (C) (4) (c),  
(d), (e), (f), or (g) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in cocaine is a felony of the fourth  
degree, and division (C) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.—~~

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~~(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds five grams but is  
less than ten grams of cocaine, trafficking in cocaine is a  
felony of the fourth degree, and division (B) of section 2929.13  
of the Revised Code applies in determining whether to impose a  
prison term for the offense. If the amount of the drug involved  
is within that range and if the offense was committed in the  
vicinity of a school or in the vicinity of a juvenile,  
trafficking in cocaine is a felony of the third degree, and  
there is a presumption for a prison term for the offense.—~~

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~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds ten grams but is  
less than twenty grams of cocaine, trafficking in cocaine is a  
felony of the third degree, and, except as otherwise provided in  
this division, there is a presumption for a prison term for the  
offense. If trafficking in cocaine is a felony of the third  
degree under this division and if the offender two or more times~~

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~~previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~

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

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

~~(g) If the amount of the drug involved equals or exceeds one hundred grams of cocaine and regardless of whether the offense was committed in the vicinity of a school or in the~~

~~vicinity of a juvenile, trafficking in cocaine is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first-degree felony mandatory prison term.~~

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

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

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

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense.— If the amount of the drug involved is within that range and if—~~



~~the offense was committed in the vicinity of a school or in the  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the  
third degree, and there is a presumption for a prison term for  
the offense.~~

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~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds fifty unit doses  
but is less than two hundred fifty unit doses of L.S.D. in a  
solid form or equals or exceeds five grams but is less than  
twenty five grams of L.S.D. in a liquid concentrate, liquid  
extract, or liquid distillate form, trafficking in L.S.D. is a  
felony of the third degree, and, except as otherwise provided in  
this division, there is a presumption for a prison term for the  
offense. If trafficking in L.S.D. is a felony of the third  
degree under this division and if the offender two or more times  
previously has been convicted of or pleaded guilty to a felony  
drug abuse offense, the court shall impose as a mandatory prison  
term one of the prison terms prescribed for a felony of the  
third degree. If the amount of the drug involved is within that  
range and if the offense was committed in the vicinity of a  
school or in the vicinity of a juvenile, trafficking in L.S.D.  
is a felony of the second degree, and the court shall impose as  
a mandatory prison term a second degree felony mandatory prison  
term.~~

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~~(e) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two hundred fifty  
unit doses but is less than one thousand unit doses of L.S.D. in  
a solid form or equals or exceeds twenty five grams but is less  
than one hundred grams of L.S.D. in a liquid concentrate, liquid  
extract, or liquid distillate form, trafficking in L.S.D. is a  
felony of the second degree, and the court shall impose as a  
mandatory prison term a second degree felony mandatory prison~~

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~~term. If the amount of the drug involved is within that range 15545~~  
~~and if the offense was committed in the vicinity of a school or 15546~~  
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony 15547~~  
~~of the first degree, and the court shall impose as a mandatory 15548~~  
~~prison term a first degree felony mandatory prison term. 15549~~

~~(f) If the amount of the drug involved equals or exceeds 15550~~  
~~one thousand unit doses but is less than five thousand unit 15551~~  
~~doses of L.S.D. in a solid form or equals or exceeds one hundred 15552~~  
~~grams but is less than five hundred grams of L.S.D. in a liquid 15553~~  
~~concentrate, liquid extract, or liquid distillate form and 15554~~  
~~regardless of whether the offense was committed in the vicinity 15555~~  
~~of a school or in the vicinity of a juvenile, trafficking in 15556~~  
~~L.S.D. is a felony of the first degree, and the court shall 15557~~  
~~impose as a mandatory prison term a first degree felony 15558~~  
~~mandatory prison term. 15559~~

~~(g) If the amount of the drug involved equals or exceeds 15560~~  
~~five thousand unit doses of L.S.D. in a solid form or equals or 15561~~  
~~exceeds five hundred grams of L.S.D. in a liquid concentrate, 15562~~  
~~liquid extract, or liquid distillate form and regardless of 15563~~  
~~whether the offense was committed in the vicinity of a school or 15564~~  
~~in the vicinity of a juvenile, trafficking in L.S.D. is a felony 15565~~  
~~of the first degree, the offender is a major drug offender, and 15566~~  
~~the court shall impose as a mandatory prison term a maximum 15567~~  
~~first degree felony mandatory prison term. 15568~~

~~(6) If the drug involved in the violation is heroin or a 15569~~  
~~compound, mixture, preparation, or substance containing heroin, 15570~~  
~~whoever violates division (A) of this section is guilty of 15571~~  
~~trafficking in heroin. The penalty for the offense shall be 15572~~  
~~determined as follows: 15573~~

~~(a) Except as otherwise provided in division (C) (6) (b), 15574~~

~~(e), (d), (e), (f), or (g) of this section, trafficking in  
heroin is a felony of the fifth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining  
whether to impose a prison term on the offender.—~~

~~(b) Except as otherwise provided in division (C) (6) (e),  
(d), (e), (f), or (g) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in heroin is a felony of the fourth  
degree, and division (C) of section 2929.13 of the Revised Code  
applies in determining whether to impose a prison term on the  
offender.—~~

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

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

~~trafficking in heroin is a felony of the second degree, and~~ 15605  
~~there is a presumption for a prison term for the offense.~~ 15606

~~(e) Except as otherwise provided in this division, if the~~ 15607  
~~amount of the drug involved equals or exceeds one hundred unit~~ 15608  
~~doses but is less than five hundred unit doses or equals or~~ 15609  
~~exceeds ten grams but is less than fifty grams, trafficking in~~ 15610  
~~heroin is a felony of the second degree, and the court shall~~ 15611  
~~impose as a mandatory prison term a second degree felony~~ 15612  
~~mandatory prison term. If the amount of the drug involved is~~ 15613  
~~within that range and if the offense was committed in the~~ 15614  
~~vicinity of a school or in the vicinity of a juvenile,~~ 15615  
~~trafficking in heroin is a felony of the first degree, and the~~ 15616  
~~court shall impose as a mandatory prison term a first degree~~ 15617  
~~felony mandatory prison term.~~ 15618

~~(f) If the amount of the drug involved equals or exceeds~~ 15619  
~~five hundred unit doses but is less than one thousand unit doses~~ 15620  
~~or equals or exceeds fifty grams but is less than one hundred~~ 15621  
~~grams and regardless of whether the offense was committed in the~~ 15622  
~~vicinity of a school or in the vicinity of a juvenile,~~ 15623  
~~trafficking in heroin is a felony of the first degree, and the~~ 15624  
~~court shall impose as a mandatory prison term a first degree~~ 15625  
~~felony mandatory prison term.~~ 15626

~~(g) If the amount of the drug involved equals or exceeds~~ 15627  
~~one thousand unit doses or equals or exceeds one hundred grams~~ 15628  
~~and regardless of whether the offense was committed in the~~ 15629  
~~vicinity of a school or in the vicinity of a juvenile,~~ 15630  
~~trafficking in heroin is a felony of the first degree, the~~ 15631  
~~offender is a major drug offender, and the court shall impose as~~ 15632  
~~a mandatory prison term a maximum first degree felony mandatory~~ 15633  
~~prison term.~~ 15634

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

~~(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.—~~

~~(b) Except as otherwise provided in division (C) (7) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.—~~

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

~~term on the offender.~~

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

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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two hundred fifty grams but is less than one thousand grams of hashish in a solid form or equals or exceeds fifty grams but is less than two hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.~~

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~~(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form~~

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~~or equals or exceeds two hundred grams but is less than four  
hundred grams of hashish in a liquid concentrate, liquid  
extract, or liquid distillate form, trafficking in hashish is a  
felony of the second degree, and the court shall impose as a  
mandatory prison term a second degree felony mandatory prison  
term of five, six, seven, or eight years. If the amount of the  
drug involved is within that range and if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in hashish is a felony of the first  
degree, and the court shall impose as a mandatory prison term a  
maximum first degree felony mandatory prison term.~~

~~(g) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds two thousand grams  
of hashish in a solid form or equals or exceeds four hundred  
grams of hashish in a liquid concentrate, liquid extract, or  
liquid distillate form, trafficking in hashish is a felony of  
the second degree, and the court shall impose as a mandatory  
prison term a maximum second degree felony mandatory prison  
term. If the amount of the drug involved equals or exceeds two  
thousand grams of hashish in a solid form or equals or exceeds  
four hundred grams of hashish in a liquid concentrate, liquid  
extract, or liquid distillate form and if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in hashish is a felony of the first  
degree, and the court shall impose as a mandatory prison term a  
maximum first degree felony mandatory prison term.~~

~~(8) If the drug involved in the violation is a controlled  
substance analog or compound, mixture, preparation, or substance  
that contains a controlled substance analog, whoever violates  
division (A) of this section is guilty of trafficking in a  
controlled substance analog. The penalty for the offense shall~~

~~be determined as follows:—~~

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

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~~(b) Except as otherwise provided in division (C) (8) (c),  
(d), (e), (f), or (g) of this section, if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in a controlled substance analog is a  
felony of the fourth degree, and division (C) of section 2929.13  
of the Revised Code applies in determining whether to impose a  
prison term on the offender.—~~

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~~(c) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds ten grams but is  
less than twenty grams, trafficking in a controlled substance  
analog is a felony of the fourth degree, and division (B) of  
section 2929.13 of the Revised Code applies in determining  
whether to impose a prison term for the offense. If the amount  
of the drug involved is within that range and if the offense was  
committed in the vicinity of a school or in the vicinity of a  
juvenile, trafficking in a controlled substance analog is a  
felony of the third degree, and there is a presumption for a  
prison term for the offense.—~~

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~~(d) Except as otherwise provided in this division, if the  
amount of the drug involved equals or exceeds twenty grams but  
is less than thirty grams, trafficking in a controlled substance  
analog is a felony of the third degree, and there is a  
presumption for a prison term for the offense. If the amount of  
the drug involved is within that range and if the offense was—~~

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~~committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense.~~ 15756  
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~~(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison a first degree felony mandatory prison term.~~ 15760  
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~~(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 15771  
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~~(g) If the amount of the drug involved equals or exceeds fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 15778  
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~~(9) If the drug involved in the violation is a fentanyl-~~ 15785

~~related compound or a compound, mixture, preparation, or~~ 15786  
~~substance containing a fentanyl related compound and division~~ 15787  
~~(C) (10) (a) of this section does not apply to the drug involved,~~ 15788  
~~whoever violates division (A) Whoever violates division (A) (1)~~ 15789  
of this section based on an amount specified in division (A) (2) 15790  
(a) of this section is guilty of aggravated trafficking in 15791  
drugs. The penalty for the offense shall be determined as 15792  
follows: 15793

(1) Except as otherwise provided in division (C) (2) of 15794  
this section, aggravated trafficking in drugs is one of the 15795  
following: 15796

(a) If the amount of the drug involved equals or exceeds 15797  
fifty times the bulk amount but is less than one hundred times 15798  
the bulk amount, aggravated trafficking in drugs is a felony of 15799  
the second degree, and the court shall impose as a mandatory 15800  
prison term a second degree felony mandatory prison term. 15801

(b) If the amount of the drug involved equals or exceeds 15802  
one hundred times the bulk amount, aggravated trafficking in 15803  
drugs is a felony of the first degree, and the court shall 15804  
impose as a mandatory prison term a first degree felony 15805  
mandatory prison term. 15806

(2) If the drug involved is a sexual assault-enabling drug 15807  
or a compound, mixture, preparation, or substance containing a 15808  
sexual assault-enabling drug, aggravated trafficking in drugs is 15809  
one of the following: 15810

(a) If the amount of the drug involved equals or exceeds 15811  
fifty times the bulk amount but is less than one hundred times 15812  
the bulk amount, aggravated trafficking in drugs is a felony of 15813  
the first degree, and the court shall impose as a mandatory 15814

prison term a first degree felony mandatory prison term. 15815

(b) If the amount of the drug involved equals or exceeds 15816  
one hundred times the bulk amount, aggravated trafficking in 15817  
drugs is a felony of the first degree, the offender is a major 15818  
drug offender, and the court shall impose as a mandatory prison 15819  
term a maximum first degree felony mandatory prison term. 15820

(D) Whoever violates division (A) (1) of this section based 15821  
on an amount specified in division (A) (2) (b) of this section is 15822  
guilty of aggravated trafficking in cocaine. The penalty for the 15823  
offense shall be determined as follows: 15824

(1) If the amount of the drug involved equals or exceeds 15825  
fifty grams but is less than one hundred grams, aggravated 15826  
trafficking in cocaine is a felony of the second degree, and the 15827  
court shall impose as a mandatory prison a second degree 15828  
mandatory prison term. 15829

(2) If the amount of the drug involved equals or exceeds 15830  
one hundred grams but is less than two hundred fifty grams, 15831  
aggravated trafficking in cocaine is a felony of the first 15832  
degree, and the court shall impose as a mandatory prison term a 15833  
first degree mandatory prison term. 15834

(3) If the amount of the drug involved equals or exceeds 15835  
two hundred fifty grams, aggravated trafficking in cocaine is a 15836  
felony of the first degree, the offender is a major drug 15837  
offender, and the court shall impose as a mandatory prison term 15838  
a first degree felony mandatory prison term of ten or eleven 15839  
years. 15840

(E) Whoever violates division (A) (1) of this section based 15841  
on an amount specified in division (A) (2) (c) of this section is 15842  
guilty of aggravated trafficking in L.S.D. The penalty for the 15843

offense shall be determined as follows:

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

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

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

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

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(2) If the amount of the drug involved equals or exceeds  
five hundred unit doses or fifty grams but is less than one  
thousand unit doses or one hundred grams, aggravated trafficking

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in heroin is a felony of the first degree, and the court shall 15873  
impose as a mandatory prison term a first degree felony 15874  
mandatory prison term. 15875

(3) If the amount of the drug involved equals or exceeds 15876  
one thousand unit doses or equals or exceeds one hundred grams, 15877  
aggravated trafficking in heroin is a felony of the first 15878  
degree, the offender is a major drug offender, and the court 15879  
shall impose as a mandatory prison term a first degree felony 15880  
mandatory prison term of ten or eleven years. 15881

(G) Whoever violates division (A)(1) of this section based 15882  
on an amount specified in division (A)(2)(e) of this section, 15883  
subject to division (H) of this section, is guilty of aggravated 15884  
trafficking in a fentanyl-related compound. The penalty for the 15885  
offense shall be determined as follows: 15886

~~(a) Except as otherwise provided in division (C)(9)(b),~~ 15887  
~~(c), (d), (e), (f), (g), or (h) of this section, trafficking in~~ 15888  
~~a fentanyl-related compound is a felony of the fifth degree, and~~ 15889  
~~division (B) of section 2929.13 of the Revised Code applies in~~ 15890  
~~determining whether to impose a prison term on the offender.~~ 15891

~~(b) Except as otherwise provided in division (C)(9)(c),~~ 15892  
~~(d), (e), (f), (g), or (h) of this section, if the offense was~~ 15893  
~~committed in the vicinity of a school or in the vicinity of a~~ 15894  
~~juvenile, trafficking in a fentanyl-related compound is a felony~~ 15895  
~~of the fourth degree, and division (C) of section 2929.13 of the~~ 15896  
~~Revised Code applies in determining whether to impose a prison~~ 15897  
~~term on the offender.~~ 15898

~~(c) Except as otherwise provided in this division, if the~~ 15899  
~~amount of the drug involved equals or exceeds ten unit doses but~~ 15900  
~~is less than fifty unit doses or equals or exceeds one gram but~~ 15901

~~is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.~~

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

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

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

prison term.

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

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

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

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~~(h) (4) If the amount of the drug involved equals or~~  
exceeds one thousand unit doses or equals or exceeds one hundred  
grams ~~and regardless of whether the offense was committed in the~~  
~~vicinity of a school or in the vicinity of a juvenile,~~

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aggravated trafficking in a fentanyl-related compound is a 15962  
felony of the first degree, the offender is a major drug 15963  
offender, and the court shall impose as a mandatory prison term 15964  
~~the a maximum prison term prescribed for a felony of the first~~ 15965  
degree felony mandatory prison term. 15966

~~(10)~~ (H) If the drug involved in the violation of division 15967  
(A) (1) of this section is a compound, mixture, preparation, or 15968  
substance that is a combination of a fentanyl-related compound 15969  
and marihuana, one of the following applies: 15970

~~(a)~~ (1) Except as otherwise provided in division ~~(C) (10) (b)~~ 15971  
(H) (2) of this section, the offender is guilty of aggravated 15972  
trafficking in marihuana or major trafficking in marihuana and 15973  
shall be punished under division ~~(C) (3) (I)~~ of this section, or 15974  
under division (H) of section 2925.031 of the Revised Code, as 15975  
appropriate by the amount of the drug involved. The offender is 15976  
not guilty of aggravated trafficking in a fentanyl-related 15977  
compound and shall not be charged with, convicted of, or 15978  
punished under division ~~(C) (9) (G)~~ of this section for aggravated 15979  
trafficking in a fentanyl-related compound. 15980

~~(b)~~ (2) If the offender knows or has reason to know that 15981  
the compound, mixture, preparation, or substance that is the 15982  
drug involved contains a fentanyl-related compound, the offender 15983  
is guilty of aggravated trafficking in a fentanyl-related 15984  
compound and shall be punished under division ~~(C) (9) (G)~~ of this 15985  
section. 15986

~~(D)~~ (I) Whoever violates division (A) (1) of this section 15987  
based on an amount specified in division (A) (2) (f) of this 15988  
section is guilty of aggravated trafficking in marihuana, a 15989  
felony of the second degree, and the court shall impose as a 15990  
mandatory prison term a second degree felony mandatory prison 15991



term. 15992

(J) Whoever violates division (A) (1) of this section based 15993  
on an amount specified in division (A) (2) (g) of this section is 15994  
guilty of aggravated trafficking in hashish, a felony of the 15995  
second degree, and the court shall impose as a mandatory prison 15996  
term a second degree felony mandatory prison term. 15997

(K) Whoever violates division (A) (1) of this section based 15998  
on an amount specified in division (A) (2) (h) of this section is 15999  
guilty of aggravated trafficking in a controlled substance 16000  
analog. The penalty for the offense shall be determined as 16001  
follows: 16002

(1) If the amount of the drug involved equals or exceeds 16003  
thirty grams but is less than forty grams, aggravated 16004  
trafficking in a controlled substance analog is a felony of the 16005  
second degree, and the court shall impose as a mandatory prison 16006  
term a second degree felony mandatory prison term. 16007

(2) If the amount of the drug involved equals or exceeds 16008  
forty grams but is less than fifty grams, aggravated trafficking 16009  
in a controlled substance analog is a felony of the first 16010  
degree, and the court shall impose as a mandatory prison term a 16011  
first degree felony mandatory prison term. 16012

(3) If the amount of the drug involved equals or exceeds 16013  
fifty grams, aggravated trafficking in a controlled substance 16014  
analog is a felony of the first degree, the offender is a major 16015  
drug offender, and the court shall impose as a mandatory prison 16016  
term a first degree felony mandatory prison term of ten or 16017  
eleven years. 16018

(L) In addition to any prison term authorized or required 16019  
by ~~division~~ divisions (C) to (K) of this section and sections 16020

2929.13 and 2929.14 of the Revised Code, and in addition to any  
other sanction imposed for the offense under this section or  
sections 2929.11 to 2929.18 of the Revised Code, the court that  
sentences an offender who is convicted of or pleads guilty to a  
violation of division (A) (1) of this section may suspend the  
driver's or commercial driver's license or permit of the  
offender in accordance with division ~~(G)~~ (O) of this section.  
However, if the offender pleaded guilty to or was convicted of a  
violation of section 4511.19 of the Revised Code or a  
substantially similar municipal ordinance or the law of another  
state or the United States arising out of the same set of  
circumstances as the violation, the court shall suspend the  
offender's driver's or commercial driver's license or permit in  
accordance with division ~~(G)~~ (O) of this section. If applicable,  
the court also shall do the following:

(1) If the violation of division (A) (1) of this section is  
a felony of the first, second, or third degree, the court shall  
impose upon the offender the mandatory fine specified for the  
offense under division (B) (1) of section 2929.18 of the Revised  
Code unless, as specified in that division, the court determines  
that the offender is indigent. Except as otherwise provided in  
division ~~(H)~~ (P) (1) of this section, a mandatory fine or any  
other fine imposed for a violation of this section is subject to  
division ~~(F)~~ (N) of this section. If a person is charged with a  
violation of this section that is a felony of the first, second,  
or third degree, posts bail, and forfeits the bail, the clerk of  
the court shall pay the forfeited bail pursuant to divisions ~~(D)~~  
(L) (1) and ~~(F)~~ (N) of this section, as if the forfeited bail was  
a fine imposed for a violation of this section. If any amount of  
the forfeited bail remains after that payment and if a fine is  
imposed under division ~~(H)~~ (P) (1) of this section, the clerk of

the court shall pay the remaining amount of the forfeited bail 16052  
pursuant to divisions ~~(H)~~(P) (2) and (3) of this section, as if 16053  
that remaining amount was a fine imposed under division ~~(H)~~(P) 16054  
(1) of this section. 16055

(2) If the offender is a professionally licensed person, 16056  
the court immediately shall comply with section 2925.38 of the 16057  
Revised Code. 16058

~~(E)~~(M) When a person is charged with the sale of or offer 16059  
to sell a bulk amount or a multiple of a bulk amount of a 16060  
controlled substance, the jury, or the court trying the accused, 16061  
shall determine the amount of the controlled substance involved 16062  
at the time of the offense and, if a guilty verdict is returned, 16063  
shall return the findings as part of the verdict. In any such 16064  
case, it is unnecessary to find and return the exact amount of 16065  
the controlled substance involved, and it is sufficient if the 16066  
finding and return is to the effect that the amount of the 16067  
controlled substance involved is the requisite amount, or that 16068  
the amount of the controlled substance involved is less than the 16069  
requisite amount. 16070

~~(F)~~(N) (1) Notwithstanding any contrary provision of 16071  
section 3719.21 of the Revised Code and except as provided in 16072  
division ~~(H)~~(P) of this section, the clerk of the court shall 16073  
pay any mandatory fine imposed pursuant to division ~~(D)~~(L) (1) of 16074  
this section and any fine other than a mandatory fine that is 16075  
imposed for a violation of this section pursuant to division (A) 16076  
or (B) (5) of section 2929.18 of the Revised Code to the county, 16077  
township, municipal corporation, park district, as created 16078  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 16079  
state law enforcement agencies in this state that primarily were 16080  
responsible for or involved in making the arrest of, and in 16081

prosecuting, the offender. However, the clerk shall not pay a  
mandatory fine so imposed to a law enforcement agency unless the  
agency has adopted a written internal control policy under  
division ~~(F)~~ (N) (2) of this section that addresses the use of the  
fine moneys that it receives. Each agency shall use the  
mandatory fines so paid to subsidize the agency's law  
enforcement efforts that pertain to drug offenses, in accordance  
with the written internal control policy adopted by the  
recipient agency under division ~~(F)~~ (N) (2) of this section.

(2) Prior to receiving any fine moneys under division ~~(F)~~  
(N) (1) of this section or division (B) of section 2925.42 of the  
Revised Code, a law enforcement agency shall adopt a written  
internal control policy that addresses the agency's use and  
disposition of all fine moneys so received and that provides for  
the keeping of detailed financial records of the receipts of  
those fine moneys, the general types of expenditures made out of  
those fine moneys, and the specific amount of each general type  
of expenditure. The policy shall not provide for or permit the  
identification of any specific expenditure that is made in an  
ongoing investigation. All financial records of the receipts of  
those fine moneys, the general types of expenditures made out of  
those fine moneys, and the specific amount of each general type  
of expenditure by an agency are public records open for  
inspection under section 149.43 of the Revised Code.  
Additionally, a written internal control policy adopted under  
this division is such a public record, and the agency that  
adopted it shall comply with it.

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

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

prosecutor. 16112

(b) "Prosecutor" has the same meaning as in section 16113  
2935.01 of the Revised Code. 16114

~~(G)~~(O)(1) If the sentencing court suspends the offender's 16115  
driver's or commercial driver's license or permit under division 16116  
~~(D)~~(L) of this section or any other provision of this chapter, 16117  
the court shall suspend the license, by order, for not more than 16118  
five years. If an offender's driver's or commercial driver's 16119  
license or permit is suspended pursuant to this division, the 16120  
offender, at any time after the expiration of two years from the 16121  
day on which the offender's sentence was imposed or from the day 16122  
on which the offender finally was released from a prison term 16123  
under the sentence, whichever is later, may file a motion with 16124  
the sentencing court requesting termination of the suspension; 16125  
upon the filing of such a motion and the court's finding of good 16126  
cause for the termination, the court may terminate the 16127  
suspension. 16128

(2) Any offender who received a mandatory suspension of 16129  
the offender's driver's or commercial driver's license or permit 16130  
under this section prior to September 13, 2016, may file a 16131  
motion with the sentencing court requesting the termination of 16132  
the suspension. However, an offender who pleaded guilty to or 16133  
was convicted of a violation of section 4511.19 of the Revised 16134  
Code or a substantially similar municipal ordinance or law of 16135  
another state or the United States that arose out of the same 16136  
set of circumstances as the violation for which the offender's 16137  
license or permit was suspended under this section shall not 16138  
file such a motion. 16139

Upon the filing of a motion under division ~~(G)~~(O)(2) of 16140  
this section, the sentencing court, in its discretion, may 16141

terminate the suspension.

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

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(2) The court that imposes a fine under division ~~(H)~~(P) (1)  
of this section shall specify in the judgment that imposes the  
fine one or more eligible community addiction services providers  
for the support of which the fine money is to be used. No  
community addiction services provider shall receive or use money  
paid or collected in satisfaction of a fine imposed under  
division ~~(H)~~(P) (1) of this section unless the services provider  
is specified in the judgment that imposes the fine. No community  
addiction services provider shall be specified in the judgment  
unless the services provider is an eligible community addiction  
services provider and, except as otherwise provided in division  
~~(H)~~(P) (2) of this section, unless the services provider is  
located in the county in which the court that imposes the fine  
is located or in a county that is immediately contiguous to the

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county in which that court is located. If no eligible community 16173  
addiction services provider is located in any of those counties, 16174  
the judgment may specify an eligible community addiction 16175  
services provider that is located anywhere within this state. 16176

(3) Notwithstanding any contrary provision of section 16177  
3719.21 of the Revised Code, the clerk of the court shall pay 16178  
any fine imposed under division ~~(H)~~(P)(1) of this section to the 16179  
eligible community addiction services provider specified 16180  
pursuant to division ~~(H)~~(P)(2) of this section in the judgment. 16181  
The eligible community addiction services provider that receives 16182  
the fine moneys shall use the moneys only for the alcohol and 16183  
drug addiction services identified in the application for 16184  
certification of services under section 5119.36 of the Revised 16185  
Code or in the application for a license under section 5119.37 16186  
of the Revised Code filed with the department of mental health 16187  
and addiction services by the community addiction services 16188  
provider specified in the judgment. 16189

(4) Each community addiction services provider that 16190  
receives in a calendar year any fine moneys under division ~~(H)~~ 16191  
(P)(3) of this section shall file an annual report covering that 16192  
calendar year with the court of common pleas and the board of 16193  
county commissioners of the county in which the services 16194  
provider is located, with the court of common pleas and the 16195  
board of county commissioners of each county from which the 16196  
services provider received the moneys if that county is 16197  
different from the county in which the services provider is 16198  
located, and with the attorney general. The community addiction 16199  
services provider shall file the report no later than the first 16200  
day of March in the calendar year following the calendar year in 16201  
which the services provider received the fine moneys. The report 16202  
shall include statistics on the number of persons served by the 16203

community addiction services provider, identify the types of 16204  
alcohol and drug addiction services provided to those persons, 16205  
and include a specific accounting of the purposes for which the 16206  
fine moneys received were used. No information contained in the 16207  
report shall identify, or enable a person to determine the 16208  
identity of, any person served by the community addiction 16209  
services provider. Each report received by a court of common 16210  
pleas, a board of county commissioners, or the attorney general 16211  
is a public record open for inspection under section 149.43 of 16212  
the Revised Code. 16213

(5) As used in divisions ~~(H)~~(P) (1) to (5) of this section: 16214

(a) "Community addiction services provider" and "alcohol 16215  
and drug addiction services" have the same meanings as in 16216  
section 5119.01 of the Revised Code. 16217

(b) "Eligible community addiction services provider" means 16218  
a community addiction services provider, including a community 16219  
addiction services provider that operates an opioid treatment 16220  
program licensed under section 5119.37 of the Revised Code. 16221

~~(I)~~(Q) As used in this section, "drug" includes any 16222  
substance that is represented to be a drug. 16223

~~(J)~~(R) It is an affirmative defense to a charge of 16224  
aggravated trafficking in a controlled substance analog under 16225  
division ~~(C)~~~~(8)~~(A) (1) of this section that the person charged 16226  
with violating that offense sold or offered to sell, or prepared 16227  
for shipment, shipped, transported, delivered, prepared for 16228  
distribution, or distributed one of the following items that are 16229  
excluded from the meaning of "controlled substance analog" under 16230  
section 3719.01 of the Revised Code: 16231

(1) A controlled substance; 16232



(2) Any substance for which there is an approved new drug application; 16233  
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(3) With respect to a particular person, any substance if 16235  
an exemption is in effect for investigational use for that 16236  
person pursuant to federal law to the extent that conduct with 16237  
respect to that substance is pursuant to that exemption. 16238

**Section 6.** That the version of existing section 2925.03 of 16239  
the Revised Code that is scheduled to take effect on June 29, 16240  
2019 is hereby repealed. 16241

**Section 7.** That the version of section 109.572 of the 16242  
Revised Code that is scheduled to take effect on September 20, 16243  
2019, be amended to read as follows: 16244

**Sec. 109.572.** (A) (1) Upon receipt of a request pursuant to 16245  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 16246  
Code, a completed form prescribed pursuant to division (C) (1) of 16247  
this section, and a set of fingerprint impressions obtained in 16248  
the manner described in division (C) (2) of this section, the 16249  
superintendent of the bureau of criminal identification and 16250  
investigation shall conduct a criminal records check in the 16251  
manner described in division (B) of this section to determine 16252  
whether any information exists that indicates that the person 16253  
who is the subject of the request previously has been convicted 16254  
of or pleaded guilty to any of the following: 16255

(a) A violation of section 2903.01, 2903.02, 2903.03, 16256  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16257  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16258  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16259  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16260  
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 16261

2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16262  
2925.032, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 16263  
Code, felonious sexual penetration in violation of former 16264  
section 2907.12 of the Revised Code, a violation of section 16265  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 16266  
a violation of section 2919.23 of the Revised Code that would 16267  
have been a violation of section 2905.04 of the Revised Code as 16268  
it existed prior to July 1, 1996, had the violation been 16269  
committed prior to that date, or a violation of section 2925.11 16270  
or 2925.111 of the Revised Code that is not a minor drug 16271  
possession offense; 16272

(b) A violation of an existing or former law of this 16273  
state, any other state, or the United States that is 16274  
substantially equivalent to any of the offenses listed in 16275  
division (A)(1)(a) of this section; 16276

(c) If the request is made pursuant to section 3319.39 of 16277  
the Revised Code for an applicant who is a teacher, any offense 16278  
specified in section 3319.31 of the Revised Code. 16279

(2) On receipt of a request pursuant to section 3712.09 or 16280  
3721.121 of the Revised Code, a completed form prescribed 16281  
pursuant to division (C)(1) of this section, and a set of 16282  
fingerprint impressions obtained in the manner described in 16283  
division (C)(2) of this section, the superintendent of the 16284  
bureau of criminal identification and investigation shall 16285  
conduct a criminal records check with respect to any person who 16286  
has applied for employment in a position for which a criminal 16287  
records check is required by those sections. The superintendent 16288  
shall conduct the criminal records check in the manner described 16289  
in division (B) of this section to determine whether any 16290  
information exists that indicates that the person who is the 16291

subject of the request previously has been convicted of or 16292  
pleaded guilty to any of the following: 16293

(a) A violation of section 2903.01, 2903.02, 2903.03, 16294  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16295  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 16296  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 16297  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 16298  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 16299  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 16300  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16301  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 16302  
3716.11 of the Revised Code; 16303

(b) An existing or former law of this state, any other 16304  
state, or the United States that is substantially equivalent to 16305  
any of the offenses listed in division (A) (2) (a) of this 16306  
section. 16307

(3) On receipt of a request pursuant to section 173.27, 16308  
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 16309  
5123.081, or 5123.169 of the Revised Code, a completed form 16310  
prescribed pursuant to division (C) (1) of this section, and a 16311  
set of fingerprint impressions obtained in the manner described 16312  
in division (C) (2) of this section, the superintendent of the 16313  
bureau of criminal identification and investigation shall 16314  
conduct a criminal records check of the person for whom the 16315  
request is made. The superintendent shall conduct the criminal 16316  
records check in the manner described in division (B) of this 16317  
section to determine whether any information exists that 16318  
indicates that the person who is the subject of the request 16319  
previously has been convicted of, has pleaded guilty to, or 16320  
(except in the case of a request pursuant to section 5164.34, 16321

5164.341, or 5164.342 of the Revised Code) has been found 16322  
eligible for intervention in lieu of conviction for any of the 16323  
following, regardless of the date of the conviction, the date of 16324  
entry of the guilty plea, or (except in the case of a request 16325  
pursuant to section 5164.34, 5164.341, or 5164.342 of the 16326  
Revised Code) the date the person was found eligible for 16327  
intervention in lieu of conviction: 16328

(a) A violation of section 959.13, 959.131, 2903.01, 16329  
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 16330  
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 16331  
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 16332  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16333  
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 16334  
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 16335  
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 16336  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 16337  
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 16338  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 16339  
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 16340  
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 16341  
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 16342  
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 16343  
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 16344  
2925.03, 2925.031, 2925.032, 2925.04, 2925.041, 2925.05, 16345  
2925.06, 2925.09, 2925.11, 2925.111, 2925.13, 2925.14, 2925.141, 16346  
2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, 16347  
or 3716.11 of the Revised Code; 16348

(b) Felonious sexual penetration in violation of former 16349  
section 2907.12 of the Revised Code; 16350

(c) A violation of section 2905.04 of the Revised Code as 16351

it existed prior to July 1, 1996; 16352

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 16353  
the Revised Code when the underlying offense that is the object 16354  
of the conspiracy, attempt, or complicity is one of the offenses 16355  
listed in divisions (A) (3) (a) to (c) of this section; 16356

(e) A violation of an existing or former municipal 16357  
ordinance or law of this state, any other state, or the United 16358  
States that is substantially equivalent to any of the offenses 16359  
listed in divisions (A) (3) (a) to (d) of this section. 16360

(4) On receipt of a request pursuant to section 2151.86 of 16361  
the Revised Code, a completed form prescribed pursuant to 16362  
division (C) (1) of this section, and a set of fingerprint 16363  
impressions obtained in the manner described in division (C) (2) 16364  
of this section, the superintendent of the bureau of criminal 16365  
identification and investigation shall conduct a criminal 16366  
records check in the manner described in division (B) of this 16367  
section to determine whether any information exists that 16368  
indicates that the person who is the subject of the request 16369  
previously has been convicted of or pleaded guilty to any of the 16370  
following: 16371

(a) A violation of section 959.13, 2903.01, 2903.02, 16372  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 16373  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 16374  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16375  
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 16376  
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 16377  
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 16378  
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 16379  
2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 16380  
2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 of the Revised 16381

Code, a violation of section 2905.04 of the Revised Code as it 16382  
existed prior to July 1, 1996, a violation of section 2919.23 of 16383  
the Revised Code that would have been a violation of section 16384  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 16385  
had the violation been committed prior to that date, a violation 16386  
of section 2925.11 or 2925.111 of the Revised Code that is not a 16387  
minor drug possession offense, two or more OVI or OVUAC 16388  
violations committed within the three years immediately 16389  
preceding the submission of the application or petition that is 16390  
the basis of the request, or felonious sexual penetration in 16391  
violation of former section 2907.12 of the Revised Code; 16392

(b) A violation of an existing or former law of this 16393  
state, any other state, or the United States that is 16394  
substantially equivalent to any of the offenses listed in 16395  
division (A) (4) (a) of this section. 16396

(5) Upon receipt of a request pursuant to section 5104.013 16397  
of the Revised Code, a completed form prescribed pursuant to 16398  
division (C) (1) of this section, and a set of fingerprint 16399  
impressions obtained in the manner described in division (C) (2) 16400  
of this section, the superintendent of the bureau of criminal 16401  
identification and investigation shall conduct a criminal 16402  
records check in the manner described in division (B) of this 16403  
section to determine whether any information exists that 16404  
indicates that the person who is the subject of the request has 16405  
been convicted of or pleaded guilty to any of the following: 16406

(a) A violation of section 2151.421, 2903.01, 2903.02, 16407  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 16408  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 16409  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 16410  
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 16411

2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 16412  
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 16413  
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 16414  
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 16415  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 16416  
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 16417  
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 16418  
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 16419  
2923.161, 2925.02, 2925.03, 2925.031, 2925.032, 2925.04, 16420  
2925.05, 2925.06, or 3716.11 of the Revised Code, felonious 16421  
sexual penetration in violation of former section 2907.12 of the 16422  
Revised Code, a violation of section 2905.04 of the Revised Code 16423  
as it existed prior to July 1, 1996, a violation of section 16424  
2919.23 of the Revised Code that would have been a violation of 16425  
section 2905.04 of the Revised Code as it existed prior to July 16426  
1, 1996, had the violation been committed prior to that date, a 16427  
violation of section 2925.11 or 2925.111 of the Revised Code 16428  
that is not a minor drug possession offense, a violation of 16429  
section 2923.02 or 2923.03 of the Revised Code that relates to a 16430  
crime specified in this division, or a second violation of 16431  
section 4511.19 of the Revised Code within five years of the 16432  
date of application for licensure or certification. 16433

(b) A violation of an existing or former law of this 16434  
state, any other state, or the United States that is 16435  
substantially equivalent to any of the offenses or violations 16436  
described in division (A) (5) (a) of this section. 16437

(6) Upon receipt of a request pursuant to section 5153.111 16438  
of the Revised Code, a completed form prescribed pursuant to 16439  
division (C) (1) of this section, and a set of fingerprint 16440  
impressions obtained in the manner described in division (C) (2) 16441  
of this section, the superintendent of the bureau of criminal 16442

identification and investigation shall conduct a criminal 16443  
records check in the manner described in division (B) of this 16444  
section to determine whether any information exists that 16445  
indicates that the person who is the subject of the request 16446  
previously has been convicted of or pleaded guilty to any of the 16447  
following: 16448

(a) A violation of section 2903.01, 2903.02, 2903.03, 16449  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16450  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 16451  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 16452  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 16453  
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 16454  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 16455  
2925.03, 2925.031, 2925.032, 2925.04, 2925.05, 2925.06, or 16456  
3716.11 of the Revised Code, felonious sexual penetration in 16457  
violation of former section 2907.12 of the Revised Code, a 16458  
violation of section 2905.04 of the Revised Code as it existed 16459  
prior to July 1, 1996, a violation of section 2919.23 of the 16460  
Revised Code that would have been a violation of section 2905.04 16461  
of the Revised Code as it existed prior to July 1, 1996, had the 16462  
violation been committed prior to that date, or a violation of 16463  
section 2925.11 or 2925.111 of the Revised Code that is not a 16464  
minor drug possession offense; 16465

(b) A violation of an existing or former law of this 16466  
state, any other state, or the United States that is 16467  
substantially equivalent to any of the offenses listed in 16468  
division (A)(6)(a) of this section. 16469

(7) On receipt of a request for a criminal records check 16470  
from an individual pursuant to section 4749.03 or 4749.06 of the 16471  
Revised Code, accompanied by a completed copy of the form 16472



prescribed in division (C) (1) of this section and a set of 16473  
fingerprint impressions obtained in a manner described in 16474  
division (C) (2) of this section, the superintendent of the 16475  
bureau of criminal identification and investigation shall 16476  
conduct a criminal records check in the manner described in 16477  
division (B) of this section to determine whether any 16478  
information exists indicating that the person who is the subject 16479  
of the request has been convicted of or pleaded guilty to a 16480  
felony in this state or in any other state. If the individual 16481  
indicates that a firearm will be carried in the course of 16482  
business, the superintendent shall require information from the 16483  
federal bureau of investigation as described in division (B) (2) 16484  
of this section. Subject to division (F) of this section, the 16485  
superintendent shall report the findings of the criminal records 16486  
check and any information the federal bureau of investigation 16487  
provides to the director of public safety. 16488

(8) On receipt of a request pursuant to section 1321.37, 16489  
1321.53, or 4763.05 of the Revised Code, a completed form 16490  
prescribed pursuant to division (C) (1) of this section, and a 16491  
set of fingerprint impressions obtained in the manner described 16492  
in division (C) (2) of this section, the superintendent of the 16493  
bureau of criminal identification and investigation shall 16494  
conduct a criminal records check with respect to any person who 16495  
has applied for a license, permit, or certification from the 16496  
department of commerce or a division in the department. The 16497  
superintendent shall conduct the criminal records check in the 16498  
manner described in division (B) of this section to determine 16499  
whether any information exists that indicates that the person 16500  
who is the subject of the request previously has been convicted 16501  
of or pleaded guilty to any of the following: a violation of 16502  
section 2913.02, 2913.11, 2913.31, 2913.51, ~~or~~ 2925.03, 16503

2925.031, or 2925.032 of the Revised Code; any other criminal  
offense involving theft, receiving stolen property,  
embezzlement, forgery, fraud, passing bad checks, money  
laundering, or ~~drug~~ trafficking in a drug or controlled  
substance, or any criminal offense involving money or  
securities, as set forth in Chapters 2909., 2911., 2913., 2915.,  
2921., 2923., and 2925. of the Revised Code; or any existing or  
former law of this state, any other state, or the United States  
that is substantially equivalent to those offenses.

(9) On receipt of a request for a criminal records check  
from the treasurer of state under section 113.041 of the Revised  
Code or from an individual under section 4701.08, 4715.101,  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90,  
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15,  
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091,  
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70,  
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031,  
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07,  
4779.091, or 4783.04 of the Revised Code, accompanied by a  
completed form prescribed under division (C)(1) of this section  
and a set of fingerprint impressions obtained in the manner  
described in division (C)(2) of this section, the superintendent  
of the bureau of criminal identification and investigation shall  
conduct a criminal records check in the manner described in  
division (B) of this section to determine whether any  
information exists that indicates that the person who is the  
subject of the request has been convicted of or pleaded guilty  
to any criminal offense in this state or any other state.  
Subject to division (F) of this section, the superintendent  
shall send the results of a check requested under section  
113.041 of the Revised Code to the treasurer of state and shall

send the results of a check requested under any of the other 16535  
listed sections to the licensing board specified by the 16536  
individual in the request. 16537

(10) On receipt of a request pursuant to section 124.74, 16538  
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 16539  
completed form prescribed pursuant to division (C) (1) of this 16540  
section, and a set of fingerprint impressions obtained in the 16541  
manner described in division (C) (2) of this section, the 16542  
superintendent of the bureau of criminal identification and 16543  
investigation shall conduct a criminal records check in the 16544  
manner described in division (B) of this section to determine 16545  
whether any information exists that indicates that the person 16546  
who is the subject of the request previously has been convicted 16547  
of or pleaded guilty to any criminal offense under any existing 16548  
or former law of this state, any other state, or the United 16549  
States. 16550

(11) On receipt of a request for a criminal records check 16551  
from an appointing or licensing authority under section 3772.07 16552  
of the Revised Code, a completed form prescribed under division 16553  
(C) (1) of this section, and a set of fingerprint impressions 16554  
obtained in the manner prescribed in division (C) (2) of this 16555  
section, the superintendent of the bureau of criminal 16556  
identification and investigation shall conduct a criminal 16557  
records check in the manner described in division (B) of this 16558  
section to determine whether any information exists that 16559  
indicates that the person who is the subject of the request 16560  
previously has been convicted of or pleaded guilty or no contest 16561  
to any offense under any existing or former law of this state, 16562  
any other state, or the United States that is a disqualifying 16563  
offense as defined in section 3772.07 of the Revised Code or 16564  
substantially equivalent to such an offense. 16565

(12) On receipt of a request pursuant to section 2151.33 16566  
or 2151.412 of the Revised Code, a completed form prescribed 16567  
pursuant to division (C)(1) of this section, and a set of 16568  
fingerprint impressions obtained in the manner described in 16569  
division (C)(2) of this section, the superintendent of the 16570  
bureau of criminal identification and investigation shall 16571  
conduct a criminal records check with respect to any person for 16572  
whom a criminal records check is required under that section. 16573  
The superintendent shall conduct the criminal records check in 16574  
the manner described in division (B) of this section to 16575  
determine whether any information exists that indicates that the 16576  
person who is the subject of the request previously has been 16577  
convicted of or pleaded guilty to any of the following: 16578

(a) A violation of section 2903.01, 2903.02, 2903.03, 16579  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 16580  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 16581  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 16582  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 16583  
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 16584  
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 16585  
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.031, 16586  
2925.032, 2925.11, 2925.111, 2925.13, 2925.22, 2925.23, or 16587  
3716.11 of the Revised Code; 16588

(b) An existing or former law of this state, any other 16589  
state, or the United States that is substantially equivalent to 16590  
any of the offenses listed in division (A)(12)(a) of this 16591  
section. 16592

(13) On receipt of a request pursuant to section 3796.12 16593  
of the Revised Code, a completed form prescribed pursuant to 16594  
division (C)(1) of this section, and a set of fingerprint 16595

impressions obtained in a manner described in division (C) (2) of 16596  
this section, the superintendent of the bureau of criminal 16597  
identification and investigation shall conduct a criminal 16598  
records check in the manner described in division (B) of this 16599  
section to determine whether any information exists that 16600  
indicates that the person who is the subject of the request 16601  
previously has been convicted of or pleaded guilty to the 16602  
following: 16603

(a) A disqualifying offense as specified in rules adopted 16604  
under division (B) (2) (b) of section 3796.03 of the Revised Code 16605  
if the person who is the subject of the request is an 16606  
administrator or other person responsible for the daily 16607  
operation of, or an owner or prospective owner, officer or 16608  
prospective officer, or board member or prospective board member 16609  
of, an entity seeking a license from the department of commerce 16610  
under Chapter 3796. of the Revised Code; 16611

(b) A disqualifying offense as specified in rules adopted 16612  
under division (B) (2) (b) of section 3796.04 of the Revised Code 16613  
if the person who is the subject of the request is an 16614  
administrator or other person responsible for the daily 16615  
operation of, or an owner or prospective owner, officer or 16616  
prospective officer, or board member or prospective board member 16617  
of, an entity seeking a license from the state board of pharmacy 16618  
under Chapter 3796. of the Revised Code. 16619

(14) On receipt of a request required by section 3796.13 16620  
of the Revised Code, a completed form prescribed pursuant to 16621  
division (C) (1) of this section, and a set of fingerprint 16622  
impressions obtained in a manner described in division (C) (2) of 16623  
this section, the superintendent of the bureau of criminal 16624  
identification and investigation shall conduct a criminal 16625

records check in the manner described in division (B) of this 16626  
section to determine whether any information exists that 16627  
indicates that the person who is the subject of the request 16628  
previously has been convicted of or pleaded guilty to the 16629  
following: 16630

(a) A disqualifying offense as specified in rules adopted 16631  
under division (B) (8) (a) of section 3796.03 of the Revised Code 16632  
if the person who is the subject of the request is seeking 16633  
employment with an entity licensed by the department of commerce 16634  
under Chapter 3796. of the Revised Code; 16635

(b) A disqualifying offense as specified in rules adopted 16636  
under division (B) (14) (a) of section 3796.04 of the Revised Code 16637  
if the person who is the subject of the request is seeking 16638  
employment with an entity licensed by the state board of 16639  
pharmacy under Chapter 3796. of the Revised Code. 16640

(15) On receipt of a request pursuant to section 4768.06 16641  
of the Revised Code, a completed form prescribed under division 16642  
(C) (1) of this section, and a set of fingerprint impressions 16643  
obtained in the manner described in division (C) (2) of this 16644  
section, the superintendent of the bureau of criminal 16645  
identification and investigation shall conduct a criminal 16646  
records check in the manner described in division (B) of this 16647  
section to determine whether any information exists indicating 16648  
that the person who is the subject of the request has been 16649  
convicted of or pleaded guilty to a felony in this state or in 16650  
any other state. 16651

(16) On receipt of a request pursuant to division (B) of 16652  
section 4764.07 of the Revised Code, a completed form prescribed 16653  
under division (C) (1) of this section, and a set of fingerprint 16654  
impressions obtained in the manner described in division (C) (2) 16655

of this section, the superintendent of the bureau of criminal 16656  
identification and investigation shall conduct a criminal 16657  
records check in the manner described in division (B) of this 16658  
section to determine whether any information exists indicating 16659  
that the person who is the subject of the request has been 16660  
convicted of or pleaded guilty to any crime of moral turpitude, 16661  
a felony, or an equivalent offense in any other state or the 16662  
United States. 16663

(17) On receipt of a request for a criminal records check 16664  
under section 147.022 of the Revised Code, a completed form 16665  
prescribed under division (C)(1) of this section, and a set of 16666  
fingerprint impressions obtained in the manner prescribed in 16667  
division (C)(2) of this section, the superintendent of the 16668  
bureau of criminal identification and investigation shall 16669  
conduct a criminal records check in the manner described in 16670  
division (B) of this section to determine whether any 16671  
information exists that indicates that the person who is the 16672  
subject of the request previously has been convicted of or 16673  
pleaded guilty or no contest to any disqualifying offense, as 16674  
defined in section 147.011 of the Revised Code, or to any 16675  
offense under any existing or former law of this state, any 16676  
other state, or the United States that is substantially 16677  
equivalent to such a disqualifying offense. 16678

(B) Subject to division (F) of this section, the 16679  
superintendent shall conduct any criminal records check to be 16680  
conducted under this section as follows: 16681

(1) The superintendent shall review or cause to be 16682  
reviewed any relevant information gathered and compiled by the 16683  
bureau under division (A) of section 109.57 of the Revised Code 16684  
that relates to the person who is the subject of the criminal 16685

records check, including, if the criminal records check was 16686  
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 16687  
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 16688  
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 16689  
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 16690  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 16691  
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 16692  
the Revised Code, any relevant information contained in records 16693  
that have been sealed under section 2953.32 of the Revised Code; 16694

(2) If the request received by the superintendent asks for 16695  
information from the federal bureau of investigation, the 16696  
superintendent shall request from the federal bureau of 16697  
investigation any information it has with respect to the person 16698  
who is the subject of the criminal records check, including 16699  
fingerprint-based checks of national crime information databases 16700  
as described in 42 U.S.C. 671 if the request is made pursuant to 16701  
section 2151.86 or 5104.013 of the Revised Code or if any other 16702  
Revised Code section requires fingerprint-based checks of that 16703  
nature, and shall review or cause to be reviewed any information 16704  
the superintendent receives from that bureau. If a request under 16705  
section 3319.39 of the Revised Code asks only for information 16706  
from the federal bureau of investigation, the superintendent 16707  
shall not conduct the review prescribed by division (B)(1) of 16708  
this section. 16709

(3) The superintendent or the superintendent's designee 16710  
may request criminal history records from other states or the 16711  
federal government pursuant to the national crime prevention and 16712  
privacy compact set forth in section 109.571 of the Revised 16713  
Code. 16714

(4) The superintendent shall include in the results of the 16715



criminal records check a list or description of the offenses 16716  
listed or described in division (A) (1), (2), (3), (4), (5), (6), 16717  
(7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) 16718  
of this section, whichever division requires the superintendent 16719  
to conduct the criminal records check. The superintendent shall 16720  
exclude from the results any information the dissemination of 16721  
which is prohibited by federal law. 16722

(5) The superintendent shall send the results of the 16723  
criminal records check to the person to whom it is to be sent 16724  
not later than the following number of days after the date the 16725  
superintendent receives the request for the criminal records 16726  
check, the completed form prescribed under division (C) (1) of 16727  
this section, and the set of fingerprint impressions obtained in 16728  
the manner described in division (C) (2) of this section: 16729

(a) If the superintendent is required by division (A) of 16730  
this section (other than division (A) (3) of this section) to 16731  
conduct the criminal records check, thirty; 16732

(b) If the superintendent is required by division (A) (3) 16733  
of this section to conduct the criminal records check, sixty. 16734

(C) (1) The superintendent shall prescribe a form to obtain 16735  
the information necessary to conduct a criminal records check 16736  
from any person for whom a criminal records check is to be 16737  
conducted under this section. The form that the superintendent 16738  
prescribes pursuant to this division may be in a tangible 16739  
format, in an electronic format, or in both tangible and 16740  
electronic formats. 16741

(2) The superintendent shall prescribe standard impression 16742  
sheets to obtain the fingerprint impressions of any person for 16743  
whom a criminal records check is to be conducted under this 16744

section. Any person for whom a records check is to be conducted 16745  
under this section shall obtain the fingerprint impressions at a 16746  
county sheriff's office, municipal police department, or any 16747  
other entity with the ability to make fingerprint impressions on 16748  
the standard impression sheets prescribed by the superintendent. 16749  
The office, department, or entity may charge the person a 16750  
reasonable fee for making the impressions. The standard 16751  
impression sheets the superintendent prescribes pursuant to this 16752  
division may be in a tangible format, in an electronic format, 16753  
or in both tangible and electronic formats. 16754

(3) Subject to division (D) of this section, the 16755  
superintendent shall prescribe and charge a reasonable fee for 16756  
providing a criminal records check under this section. The 16757  
person requesting the criminal records check shall pay the fee 16758  
prescribed pursuant to this division. In the case of a request 16759  
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 16760  
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 16761  
fee shall be paid in the manner specified in that section. 16762

(4) The superintendent of the bureau of criminal 16763  
identification and investigation may prescribe methods of 16764  
forwarding fingerprint impressions and information necessary to 16765  
conduct a criminal records check, which methods shall include, 16766  
but not be limited to, an electronic method. 16767

(D) The results of a criminal records check conducted 16768  
under this section, other than a criminal records check 16769  
specified in division (A) (7) of this section, are valid for the 16770  
person who is the subject of the criminal records check for a 16771  
period of one year from the date upon which the superintendent 16772  
completes the criminal records check. If during that period the 16773  
superintendent receives another request for a criminal records 16774

check to be conducted under this section for that person, the 16775  
superintendent shall provide the results from the previous 16776  
criminal records check of the person at a lower fee than the fee 16777  
prescribed for the initial criminal records check. 16778

(E) When the superintendent receives a request for 16779  
information from a registered private provider, the 16780  
superintendent shall proceed as if the request was received from 16781  
a school district board of education under section 3319.39 of 16782  
the Revised Code. The superintendent shall apply division (A) (1) 16783  
(c) of this section to any such request for an applicant who is 16784  
a teacher. 16785

(F) (1) Subject to division (F) (2) of this section, all 16786  
information regarding the results of a criminal records check 16787  
conducted under this section that the superintendent reports or 16788  
sends under division (A) (7) or (9) of this section to the 16789  
director of public safety, the treasurer of state, or the 16790  
person, board, or entity that made the request for the criminal 16791  
records check shall relate to the conviction of the subject 16792  
person, or the subject person's plea of guilty to, a criminal 16793  
offense. 16794

(2) Division (F) (1) of this section does not limit, 16795  
restrict, or preclude the superintendent's release of 16796  
information that relates to the arrest of a person who is 16797  
eighteen years of age or older, to an adjudication of a child as 16798  
a delinquent child, or to a criminal conviction of a person 16799  
under eighteen years of age in circumstances in which a release 16800  
of that nature is authorized under division (E) (2), (3), or (4) 16801  
of section 109.57 of the Revised Code pursuant to a rule adopted 16802  
under division (E) (1) of that section. 16803

(G) As used in this section: 16804

(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.

(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.

(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.

**Section 8.** That the version of existing section 109.572 of the Revised Code that is scheduled to take effect on September 20, 2019, is hereby repealed.

**Section 9.** That the version of section 5119.36 of the Revised Code that is scheduled to take effect on September 29, 2019, be amended to read as follows:

**Sec. 5119.36.** (A) A community mental health services provider applicant or community addiction services provider applicant that seeks certification of its certifiable services and supports shall submit an application to the director of mental health and addiction services. On receipt of the application, the director may conduct an on-site review and

shall evaluate the applicant to determine whether its 16834  
certifiable services and supports satisfy the standards 16835  
established by rules adopted under this section. The director 16836  
shall make the evaluation, and, if the director conducts an on- 16837  
site review of the applicant, may make the review, in 16838  
cooperation with a board of alcohol, drug addiction, and mental 16839  
health services that seeks to contract with the applicant under 16840  
section 340.036 of the Revised Code. 16841

(B) Subject to section 5119.361 of the Revised Code, the 16842  
director shall determine whether the certifiable services and 16843  
supports of a community mental health services provider 16844  
applicant or community addiction services provider applicant 16845  
satisfy the standards for certification. If the director 16846  
determines that an applicant's certifiable services and supports 16847  
satisfy the standards for certification and the applicant has 16848  
paid the fee required by this section, the director shall 16849  
certify the certifiable services and supports. 16850

No community mental health services provider shall be 16851  
eligible to receive for its certifiable services and supports 16852  
any state funds, federal funds, or funds administered by a board 16853  
of alcohol, drug addiction, and mental health services , unless 16854  
those certifiable services and supports have been certified by 16855  
the director. 16856

No person or government entity subject to section 5119.35 16857  
of the Revised Code or any other community addiction services 16858  
provider shall be eligible to receive for its services described 16859  
in that section or its other certifiable services and supports 16860  
any state funds, federal funds, or funds administered by a board 16861  
of alcohol, drug addiction, and mental health services, unless 16862  
those services or other certifiable services and supports have 16863

been certified by the director. 16864

(C) If the director determines that a community mental 16865  
health services provider applicant's or a community addiction 16866  
services provider applicant's certifiable services and supports 16867  
do not satisfy the standards for certification, the director 16868  
shall identify the areas of noncompliance, specify what action 16869  
is necessary to satisfy the standards, and may offer technical 16870  
assistance to the applicant and to a board of alcohol, drug 16871  
addiction, and mental health services so that the board may 16872  
assist the applicant in satisfying the standards. The director 16873  
shall give the applicant a reasonable time within which to 16874  
demonstrate that its certifiable services and supports satisfy 16875  
the standards or to bring them into compliance with the 16876  
standards. If the director concludes that the certifiable 16877  
services and supports continue to fail to satisfy the standards, 16878  
the director may request that the board reallocate any funds for 16879  
the certifiable services and supports the applicant was to 16880  
provide to another community mental health services provider or 16881  
community addiction services provider whose certifiable services 16882  
and supports satisfy the standards. If the board does not 16883  
reallocate such funds in a reasonable period of time, the 16884  
director may withhold state and federal funds for the 16885  
certifiable services and supports and allocate those funds 16886  
directly to a community mental health services provider or 16887  
community addiction services provider whose certifiable services 16888  
and supports satisfy the standards. 16889

(D) Each community mental health services provider 16890  
applicant or community addiction services provider applicant 16891  
seeking certification of its certifiable services and supports 16892  
under this section shall pay a fee for the certification 16893  
required by this section, unless the applicant is exempt under 16894

rules adopted under this section. Fees shall be paid into the 16895  
state treasury to the credit of the sale of goods and services 16896  
fund created pursuant to section 5119.45 of the Revised Code. 16897

(E) The director shall adopt rules in accordance with 16898  
Chapter 119. of the Revised Code to implement this section. The 16899  
rules shall do all of the following: 16900

(1) Subject to section 340.034 of the Revised Code, 16901  
specify the types of recovery supports that are required to be 16902  
certified under this section; 16903

(2) Establish certification standards for certifiable 16904  
services and supports that are consistent with nationally 16905  
recognized applicable standards and facilitate participation in 16906  
federal assistance programs. The rules shall include as 16907  
certification standards only requirements that improve the 16908  
quality of certifiable services and supports or the health and 16909  
safety of persons receiving certifiable services and supports. 16910  
The standards shall address at a minimum all of the following: 16911

(a) Reporting major unusual incidents to the director; 16912

(b) Procedures for applicants for and persons receiving 16913  
certifiable services and supports to file grievances and 16914  
complaints; 16915

(c) Seclusion; 16916

(d) Restraint; 16917

(e) Requirements regarding the physical facilities in 16918  
which certifiable services and supports are provided; 16919

(f) Requirements with regard to health, safety, adequacy, 16920  
and cultural specificity and sensitivity; 16921

- (g) Standards for evaluating certifiable services and supports; 16922  
16923
- (h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant; 16924  
16925  
16926  
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16928
- (i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section; 16929  
16930  
16931  
16932  
16933
- (j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification; 16934  
16935  
16936
- (k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following: 16937  
16938  
16939
- (i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports; 16940  
16941  
16942
- (ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity; 16943  
16944
- (iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons; 16945  
16946  
16947  
16948
- (iv) The right to have a client rights officer provided by 16949



the provider or board of alcohol, drug addiction, and mental 16950  
health services advise the person of the person's rights, 16951  
including the person's rights under Chapter 5122. of the Revised 16952  
Code if the person is committed to the provider or board. 16953

(3) Establish the process for certification of certifiable 16954  
services and supports; 16955

(4) Set the amount of certification review fees; 16956

(5) Specify the type of notice and hearing to be provided 16957  
prior to a decision on whether to reallocate funds. 16958

(F) The director may issue an order suspending admissions 16959  
to a community addiction services provider that provides 16960  
overnight accommodations if the director finds either of the 16961  
following: 16962

(1) The provider's certifiable services and supports are 16963  
not in compliance with rules adopted under this section; 16964

(2) The provider has been cited for more than one 16965  
violation of statutes or rules during any previous certification 16966  
period of the provider. 16967

(G) The department of mental health and addiction services 16968  
shall maintain a current list of community addiction services 16969  
providers and shall provide a copy of the list to a judge of a 16970  
court of common pleas who requests a copy for the use of the 16971  
judge under division ~~(H)~~(P) of section 2925.03 or a related 16972  
provision of section 2925.031 or 2925.032 of the Revised Code. 16973  
The list shall identify each provider by its name, its address, 16974  
and the county in which it is located. 16975

(H) No person shall represent in any manner that a 16976  
community mental health services provider's or community 16977

addiction services provider's certifiable services and supports 16978  
are certified by the director if the certifiable services and 16979  
supports are not so certified at the time the representation is 16980  
made. 16981

**Section 10.** That the version of existing section 5119.36 16982  
of the Revised Code that is scheduled to take effect on 16983  
September 29, 2019, is hereby repealed. 16984

**Section 11.** The General Assembly, applying the principle 16985  
stated in division (B) of section 1.52 of the Revised Code that 16986  
amendments are to be harmonized if reasonably capable of 16987  
simultaneous operation, finds that the following sections, 16988  
presented in this act as composites of the sections as amended 16989  
by the acts indicated, are the resulting versions of the 16990  
sections in effect prior to the effective date of the sections 16991  
as presented in this act: 16992

(A) As presented in Section 1 of this act: 16993

Section 2925.01 of the Revised Code as amended by Am. Sub. 16994  
H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. 16995  
Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General 16996  
Assembly. 16997

Section 2925.03 of the Revised Code as amended by both Am. 16998  
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132 General Assembly. 16999

Section 2925.11 of the Revised Code as amended by Am. Sub. 17000  
S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229, all of the 132nd 17001  
General Assembly. 17002

Section 2929.01 of the Revised Code as amended by Sub. 17003  
H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. 17004  
Sub. S.B. 201, all of the 132nd General Assembly. 17005

Section 2929.13 of the Revised Code as amended by Sub.	17006
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and	17007
Am. Sub. S.B. 201, all of the 132nd General Assembly.	17008
Section 2929.14 of the Revised Code as amended by Sub.	17009
H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201,	17010
all of the 132nd General Assembly.	17011
Section 2929.15 of the Revised Code as amended by both Am.	17012
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	17013
Assembly.	17014
(B) As presented in Section 3 of this act:	17015
Section 109.572 of the Revised Code as amended by Am. Sub.	17016
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub.	17017
S.B. 229, and Am. Sub. S.B. 255, all of the 132nd General	17018
Assembly.	17019
Section 2923.31 of the Revised Code as amended by both	17020
Sub. H.B. 199 and Am. H.B. 405 of the 132nd General Assembly.	17021
Section 2925.02 of the Revised Code as amended by both Am.	17022
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17023
Section 2925.04 of the Revised Code as amended by both Am.	17024
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17025
Section 2925.05 of the Revised Code as amended by both Am.	17026
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17027
Section 2951.041 of the Revised Code as amended by Sub.	17028
S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 132nd	17029
General Assembly.	17030
Section 2967.18 of the Revised Code as amended by both Am.	17031
Sub. H.B. 180 and Am. Sub. H.B. 445 of the 121st General	17032

Assembly.	17033
Section 2967.28 of the Revised Code as amended by both Am.	17034
Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General	17035
Assembly.	17036
Section 3719.99 of the Revised Code as amended by both Am.	17037
Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	17038
Section 4510.17 of the Revised Code as amended by both	17039
Sub. H.B. 388 and Sub. S.B. 204 of the 131st General Assembly.	17040
(C) As presented in Section 5 of this act:	17041
Section 2925.03 of the Revised Code as amended by Am. Sub.	17042
H.B. 111, Am. Sub. S.B. 1, Am. Sub. S.B. 201, and Sub. S.B. 229,	17043
all of the 132nd General Assembly.	17044
(D) As presented in Section 7 of this act:	17045
Section 109.572 of the Revised Code as amended by Am. Sub.	17046
H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub.	17047
S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd	17048
General Assembly.	17049
<b>Section 12.</b> (A) Sections 5 and 6 of this act shall take	17050
effect on June 29, 2019, or the effective date of this act,	17051
whichever is later.	17052
(B) Sections 7 and 8 of this act shall take effect on	17053
September 20, 2019, or the effective date of this act, whichever	17054
is later.	17055
(C) Sections 9 and 10 of this act shall take effect on	17056
September 29, 2019, or the effective date of this act, whichever	17057
is later.	17058
(D) Section 5119.37 of the Revised Code, as amended by	17059

this act, shall take effect on June 29, 2019.

17060



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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

Sub. S.B. 3

I\_133\_0567-2

## Bill Analysis

**Version:** As Pending in Senate Judiciary

**Primary Sponsors:** Sens. Eklund and O'Brien

Dennis M. Papp, Attorney

### Summary

#### Controlled substance trafficking and possession offenses

- Replaces the current controlled substance trafficking offenses and controlled substance possession offenses with new offenses located in five Revised Code sections and redesignates the offenses as aggravated trafficking offenses, major trafficking in drugs, trafficking offenses, possession of a controlled substance, possession of marijuana, and possession of hashish.

#### Trafficking offenses

- In the new aggravated trafficking offenses, major trafficking in drugs offense, and trafficking offenses, retains the current penalties under the existing trafficking offenses for trafficking conduct involving a sexual assault-enabling drug or a fentanyl-related compound, subject to a trace amount minimum exception for those drugs under the trafficking offenses.
- Provides in the new aggravated trafficking offenses that they:
  - Apply regarding trafficking conduct involving specified large amounts of a controlled substance, other than a Schedule III, IV, or IV controlled substance;
  - Generally apply to conduct that currently is classified a first or second degree felony under the existing trafficking offenses;
  - Have higher threshold amounts for subjecting a person to the penalties than are specified under the existing trafficking offenses for subjecting a person to the same penalty; and
  - In addition to prohibiting currently prohibited trafficking conduct, also prohibit obtaining or possessing the specified large amount.
- Provides in the new major trafficking in drugs offense that it:

- Applies regarding specified amounts of a controlled substance that are lower than the amounts under its aggravated trafficking offenses and higher than the amounts under its trafficking offenses;
  - Generally applies to conduct that currently is classified a third degree felony under the existing trafficking offenses;
  - Has higher threshold amounts for subjecting a person to the penalties than are specified under the existing trafficking offenses for subjecting a person to the same penalty; and
  - In addition to prohibiting currently prohibited trafficking conduct, also prohibits obtaining or possessing the specified intermediate amount.
- Provides in the new trafficking offense that it:
    - Applies regarding specified amounts of a controlled substance that are lower than the amounts specified under its major trafficking in drugs offense and higher than specified trace amounts of the controlled substance;
    - Generally applies to conduct that currently is classified a fourth or fifth degree felony under the existing trafficking offenses;
    - Has higher threshold amounts for subjecting a person to the penalties than are specified under the existing trafficking offenses for subjecting a person to the same penalty; and
    - In addition to prohibiting currently prohibited trafficking conduct, also includes a prohibition against obtaining or possessing a controlled substance with purpose or intent to distribute or sell it.

### **Possession offenses**

- In the new possession of a controlled substance offense, retains the current penalties under the existing possession offenses for possession conduct involving a sexual assault-enabling drug or a fentanyl-related compound.
- Provides in the new possession of a controlled substance offense that it:
  - Applies regarding possession conduct involving specified amounts of a controlled substance, other than marijuana or hashish, that are lower than the amounts under its major trafficking in drugs offense and, except for sexual assault-enabling drugs and fentanyl-related compounds, higher than specified trace amounts;
  - Generally applies to conduct that currently is classified a misdemeanor or a fourth or fifth degree felony under the existing possession offenses;
  - Generally makes a violation of the prohibitions under the offense an unclassified misdemeanor with special penalties provided, whereas the existing possession offenses never are penalized as an unclassified misdemeanor; and
  - Is presumed that the unclassified misdemeanor carries a sentence to treatment but that the presumption does not apply and other specified sanctions, including a jail term, may be imposed if the offender made threats of violence to any person.

- Provides in the new possession of marijuana and possession of hashish offenses that they:
  - Apply regarding possession conduct involving specified amounts of marijuana or hashish that are lower than the amounts under its major trafficking in drugs offense and higher than specified trace amounts;
  - Generally applies to conduct that currently is classified a misdemeanor or a fourth or fifth degree felony under the existing possession offenses; and
  - Have higher threshold amounts for subjecting a person to the penalties than are specified under the existing possession offenses for subjecting a person to the same penalty.
- Specifies that, in certain circumstances, a court hearing a charge against a person of any of the new misdemeanor possession offenses enacted in the bill, when not a minor misdemeanor, may hold the prosecution in abeyance and stay all criminal proceedings and order the person to a drug treatment program, and that:
  - If the person completes the program, the court must dismiss the proceedings; and
  - If the person does not complete the program, the court may allow continued treatment or may continue the prosecution.

### **90-day or 180-day limit on use of prison term as sanction for community control sanction violation**

- Clarifies the meaning of “technical violation” in the provisions that impose a 90-day or 180-day limit, in specified circumstances, on the use of a prison term as a sanction for a felony community control sanction violation.

### **Court jurisdiction over reclassified drug possession offense charge**

- Specifies that a municipal court or county court does not have jurisdiction to hear any charge of a drug possession offense the bill reclassifies from a felony to a misdemeanor unless the particular court operates a drug court, and that if a municipal court or county court does not have a drug court, the common pleas court is required to hear all such charges.

### **Involuntary court-ordered treatment for person suffering from alcohol or drug abuse**

- Modifies the criteria governing applications for, and granting of, a probate court order requiring involuntary treatment for a person suffering from alcohol or other drug abuse.

### **Conviction Record Sealing Law**

- In the Conviction Record Sealing Law:
  - Modifies the eligibility for applying for sealing of official records to include a specific reference to persons convicted of a drug possession offense the bill reclassifies from a felony to a misdemeanor;



- Specifies that such persons are to be considered as convicted misdemeanants; and
- Authorizes an offender convicted of any of the new possession offenses enacted under the bill to apply upon successful completion of a court-ordered treatment program or intervention plan.

## **Not Guilty/Dismissed Charges Record Sealing Law**

- Modifies the Not Guilty/Dismissed Charges Record Sealing Law to ensure that its provisions apply to a person charged with any of the bill's new possession offenses who had the charge held in abeyance under the bill, successfully completed the treatment program or intervention plan, and had the charges dismissed.

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## Detailed Analysis

### Introduction

The bill modifies the current offenses that pertain to controlled substance trafficking or controlled substances possession in several ways. It relocates the current prohibitions into five Revised Code sections (instead of the current two sections) and redesignates the offenses as aggravated trafficking offenses, major trafficking in drugs, trafficking offenses, possession of a controlled substance, and possession of marijuana or hashish. It also treats possession of high amounts of a controlled substance as an aggravated trafficking offense or as major trafficking in drugs, and includes a new prohibition that treats possession of relatively low amounts of a controlled substance as trafficking if the person possessing the controlled substance does so with purpose to distribute or sell it.

Regarding penalties, the bill changes the controlled substance threshold amounts that determine the penalties for the offenses and modifies the penalties for the offenses except when the violation involves a sexual assault-enabling drug or, subject to one exception, a fentanyl-related compound. Related to the reclassification of some of the offenses from felonies to misdemeanors, the bill modifies the jurisdiction of municipal courts and county courts with respect to the possession offenses.

Outside of the Controlled Substances Law, the bill clarifies the application of the 90-day and 180-day limitations on the use of a prison term as a sanction for a violation of a felony community control sanction, modifies the Conviction Record Sealing Law and the Not Guilty/Dismissed Charges Record Sealing Law with respect to certain controlled substance possession offenses, and modifies certain criteria under the drug and alcohol abuse civil commitment mechanism.

In all of the tables used in this analysis to describe the penalties for the various offenses, references to “bulk” mean the bulk amount of the particular controlled substance, “UD” means

unit dose, “g” means gram, “kg” means kilogram, and “MDO” means major drug offender. The terms “bulk amount” and “unit dose” are defined in the Drug Offenses Law.<sup>1</sup> The charts indicate whether the penalty includes a presumption for a prison term, but do not detail whether the penalty is to be determined under the provisions<sup>2</sup> that generally apply to third, fourth, and fifth degree felonies and relate to a presumption against a prison term or to no presumption for or against a prison term.

## **Sexual assault-enabling drug definition**

The bill defines the term “sexual assault-enabling drug” for use in its provisions. Under the bill, the term means any of the following:<sup>3</sup> (1) Gamma hydroxybutyric acid, (2) Flunitrazepam, (3) Clonazepam, (4) Alprazolam, or (5) Ketamine.

## **Aggravated trafficking offenses**

### **Generally, and prohibition**

The bill enacts new offenses, named “aggravated trafficking in . . .” (with the specific name depending on the type of drug involved – see below), that consist of a prohibition against trafficking in specified large amounts of any controlled substance, other than a Schedule III, IV, or V controlled substance. The new offenses are among several trafficking-related offenses that the bill enacts to replace the existing trafficking offenses,<sup>4</sup> and they generally apply to conduct that currently is classified a first or second degree felony under the existing trafficking offenses. However, except when the drug involved is a sexual assault-enabling drug or a fentanyl-related compound, the bill’s threshold amounts for subjecting a person to the penalties for its aggravated trafficking offenses are higher than the threshold amounts specified under the existing trafficking offenses for subjecting a person to the same penalty for violation of the trafficking prohibition under the existing offenses. Schedule III, IV, and V controlled substances are not within the scope of these new offenses. The prohibition under the new offenses is the same as the prohibition in the existing Revised Code section that prohibits trafficking in any controlled substance, except that it applies only when the amount of the drug involved is within the specified large amount and that it also prohibits knowingly obtaining or possessing the specified large amount.

Specifically, the prohibition under the new offenses prohibits a person from: (1) knowingly obtaining, possessing, selling, or offering to sell a controlled substance or controlled substance analog in an amount specified below, or (2) preparing for shipment, shipping, transporting, delivering, preparing for distribution, or distributing a controlled substance or a controlled substance analog in an amount specified below, when the person knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.<sup>5</sup> The

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<sup>1</sup> R.C. 2925.01.

<sup>2</sup> R.C. 2929.13(B) and (C).

<sup>3</sup> R.C. 2925.01(PP).

<sup>4</sup> Current R.C. 2925.03.

<sup>5</sup> R.C. 2925.03(A)(1).

prohibition does not apply to certain persons or entities, parallel to the exemptions under the existing trafficking offenses (e.g., manufacturers, medical professionals, and pharmacists acting in accordance with law, certain anabolic steroid research personnel, and persons engaged in conduct involving anabolic steroids for animal use, etc.).<sup>6</sup>

### **Amount of the drug involved needed for the prohibition to apply and name of offense**

The bill's aggravated trafficking prohibition described above applies when the specified conduct involves a drug in the following amount:<sup>7</sup>

1. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule I or Schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog, an amount of the drug so involved that equals or exceeds 50 times the bulk amount (a violation involving such a drug is "aggravated trafficking in drugs");
2. If the drug involved in the conduct is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the drug so involved that equals or exceeds 50 grams (a violation involving such a drug is "aggravated trafficking in cocaine");
3. If the drug involved in the conduct is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the drug so involved that equals or exceeds 500 unit doses of L.S.D. in solid form or equals or exceeds 50 grams of L.S.D. in liquid concentrate, liquid extract, or liquid distillate form (a violation involving such a drug is "aggravated trafficking in L.S.D.");
4. If the drug involved in the conduct is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the drug so involved that equals or exceeds 300 unit doses or 30 grams (a violation involving such a drug is "aggravated trafficking in heroin");
5. If the drug involved in the conduct is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, an amount of the drug so involved that equals or exceeds 100 unit doses or 10 grams (a violation involving such a drug is "aggravated trafficking in a fentanyl-related compound," except as described in the table below when the compound is mixed with marijuana);
6. If the drug involved in the conduct is marijuana other than hashish or a compound, mixture, preparation, or substance containing marijuana other than hashish, an amount of the drug so involved that equals or exceeds 40,000 grams (a violation involving such a drug is "aggravated trafficking in marijuana");
7. If the drug involved in the conduct is hashish or a compound, mixture, preparation, or substance containing hashish, an amount of the drug so involved that equals or exceeds 2,000 grams (a violation involving such a drug is "aggravated trafficking in hashish");

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<sup>6</sup> R.C. 2925.03(B).

<sup>7</sup> R.C. 2925.03(A)(2).

8. If the drug involved in the conduct is a controlled substance analog or a compound, mixture, preparation, or substance containing a controlled substance analog, an amount of the drug so involved that equals or exceeds 30 grams (a violation involving such a drug is “aggravated trafficking in a controlled substance analog”).

### Aggravated trafficking offense penalties

The following table lists the penalties for the aggravated trafficking offenses under the bill for the specified threshold amounts, and the threshold amount under existing law under the current trafficking offenses that provides a comparable penalty:<sup>8</sup>

DRUG	BILL’S THRESHOLD	BILL’S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
<b>Schedule I or II (but see “Schedule I or II sexual assault-enabling drug” and “Fentanyl-related compound,” below)</b>	≥ 50 and <100 times bulk	F-2 (mandatory w/in F-2 range)	≥ 5 and <50 times bulk (increased to F-1 if in vicinity of school or juvenile)
	≥ 100 times bulk	F-1 (mandatory w/in F-1 range)	≥ 50 and <100 times bulk ≥ 100 times bulk (MDO)
<b>Marijuana</b>	≥ 40 kg	F-2 (mandatory w/in F-2 range)	≥ 20 kg and < 40 kg (but mandatory is 5, 6, 7, or 8 years, and increased to F-1 if in vicinity of school or juvenile) ----- ≥ 40 kg (mandatory w/in F-2 range, and increased to F-1 if in vicinity of school or juvenile)
<b>Cocaine</b>	≥ 50 g and < 100 g	F-2 (mandatory w/in F-2 range)	≥ 20 g and < 27 g (increased to F-1 if in vicinity of school or juvenile)
	≥ 100 g and < 250 g	F-1 (mandatory w/in F-1 range)	≥ 27 g and < 100 g
	≥ 250 g	F-1 (MDO – 10 or 11 year	≥ 100 g (but mandatory is

<sup>8</sup> R.C. 2925.03(C) through (K) under the bill, and existing R.C. 2925.03(C).

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
		mandatory)	maximum w/in F-1 range)
<b>LSD: Solid</b>	$\geq 500$ UD and $< 5000$ UD	F-2 (mandatory w/in F-2 range)	$\geq 250$ UD and $< 1000$ UD (increased to F-1 if in vicinity of school or juvenile)
	$\geq 5000$ UD	F-1 (mandatory w/in F-1 range)	$\geq 1000$ UD and $< 5000$ UD $\geq 5000$ UD (MDO and mandatory is maximum from F-1 range)
<b>LSD: Liquid</b>	$\geq 50$ g and $< 500$ g	F-2 (mandatory w/in F-2 range)	$\geq 25$ g and $< 100$ g (increased to F-1 if in vicinity of school or juvenile)
	$\geq 500$ g	F-1 (mandatory w/in F-1 range)	$\geq 100$ g and $< 500$ g ----- $\geq 500$ g (MDO and mandatory is maximum from F-1 range)
<b>Heroin</b>	$\geq 30$ g and $< 50$ g; $\geq 300$ UD and $< 500$ UD	F-2 (mandatory w/in F-2 range)	$\geq 10$ g and $< 50$ g; ----- $\geq 100$ UD and $< 500$ UD (increased to F-1 if in vicinity of school or juvenile)
	$\geq 50$ g and $< 100$ g; $\geq 500$ UD and $< 1000$ UD	F-1 (mandatory w/in F-1 range)	$\geq 50$ g and $< 100$ g; $\geq 500$ UD and $< 1000$ UD
	$\geq 100$ g; $\geq 1000$ UD	F-1 (MDO – 10 or 11 year mandatory)	$\geq 100$ g; $\geq 1000$ UD (but mandatory is maximum from F-1 range)
<b>Hashish</b>	$\geq 2$ kg	F-2 (mandatory w/in F-2 range)	$\geq 1$ kg and $< 2$ kg (solid); $\geq 200$ g (liquid) and $< 400$ g (liquid) (but mandatory is 5, 6,

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
			<p>7, or 8 years, and increased to F-1 if in vicinity of school or juvenile)</p> <p>-----</p> <p>≥ 2 kg (solid); ≥ 400 g (liquid) (increased to F-1 if in vicinity of school or juvenile)</p>
<b>Controlled Substance Analog</b>	≥ 30 g and < 40 g	F-2 (mandatory w/in F-2 range)	Same, but increased to F-1 if in vicinity of school or juvenile
	≥ 40 g and < 50 g	F-1 (mandatory w/in F-1 range)	Same
	≥ 50 g	F-1 (MDO – 10 or 11 year mandatory)	Same
<b>Schedule I or II sexual assault-enabling drug</b>	≥ 50 times bulk and < 100 times bulk	F-1 (mandatory w/in F-1 range)	Same
	≥ 100 bulk	F-1 (mandatory is maximum w/in F-1 range)	Same
<b>Fentanyl-related compound</b>	≥ 10 g and < 20 g; ≥ 100 UD and < 200 UD	F-2 (mandatory w/in F-2 range)  But if in vicinity of school or juvenile – F-1 (mandatory w/in F-1 range)	Same
	≥ 20 g and < 50 g; ≥ 200 UD and < 500 UD	F-1 (mandatory w/in F-1 range)	Same
	≥ 50 g and < 100 g; ≥ 500 UD and < 1,000 UD	F-1 (mandatory is maximum w/in F-1 range)	Same

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
	$\geq 100$ g; $\geq 1,000$ UD	F-1 (MDO – mandatory is maximum w/in F-1 range)	Same
	Fentanyl-related compound combined with marijuana: (1) generally charged as aggravated trafficking in marijuana or major trafficking in drugs, involving marijuana, (2) if offender knows or has reason to know that fentanyl-related compound involved, charged with aggravated trafficking in fentanyl-related compound		Same

### Other provisions regarding aggravated trafficking offenses

The bill retains, and makes applicable to its new aggravated trafficking offenses, the following provisions under the existing trafficking offenses: (1) provisions that authorize a driver's or commercial driver's license or permit suspension of a person convicted of any of the new aggravated trafficking offenses, (2) provisions that authorize, and in certain circumstances require, the imposition of a special fine in certain circumstances and disbursement of the fine in a specified manner, (3) provisions that require the reporting of the conviction to the licensing authority, if the person is a professionally licensed person, (4) provisions that require the trier of fact to determine and return findings as to the amount of the controlled substance involved in the offense, and (5) provisions that establish a special affirmative defense for a person charged with any of the offenses.<sup>9</sup>

### Major trafficking in drugs

#### Generally, and prohibition

The bill enacts a new offense, named "major trafficking in drugs," that consists of a prohibition against trafficking in specified amounts of any controlled substance that are lower than the amounts specified under the bill's aggravated trafficking offenses, as described above, and higher than the amounts specified under the bill's trafficking offenses, as described below. The new offense is one of several that the bill enacts to replace the existing trafficking offenses,

<sup>9</sup> R.C. 2925.03(L) to (R).



and it generally applies to conduct that currently is classified a third degree felony or, in some cases, a second degree felony under the existing trafficking offenses. However, except when the drug involved is a sexual assault-enabling drug or a fentanyl-related compound, the bill's threshold amounts for subjecting a person to the penalties for its major trafficking in drugs offense are higher than the threshold amounts specified under the existing trafficking offenses for subjecting a person to the same penalty for violation of the trafficking prohibition under the existing offenses. The prohibition under the new offense is the same as the prohibition in the existing Revised Code section that prohibits trafficking in any controlled substance, except that it applies only when the amount of the drug involved is within the specified intermediate amount and that it also prohibits knowingly obtaining or possessing the intermediate amount. The major trafficking in drugs offense incorporates the existing third degree felony controlled substance possession offenses.

Specifically, the prohibition under the new offense prohibits a person from: (1) knowingly obtaining, possessing, selling, or offering to sell a controlled substance or controlled substance analog in an amount specified below, or (2) preparing for shipment, shipping, transporting, delivering, preparing for distribution, or distributing a controlled substance or a controlled substance analog in an amount specified below, when the person knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale.<sup>10</sup> The prohibition does not apply to certain persons or entities, parallel to the exemptions under the existing trafficking offenses (e.g., manufacturers, medical professionals, and pharmacists acting in accordance with law, certain anabolic steroid research personnel, persons engaged in conduct involving anabolic steroids for animal use, and persons who obtained the controlled substance under a lawful prescription, etc.).<sup>11</sup>

### **Amount of the drug involved needed for the prohibition to apply and name of offense**

The bill's major trafficking in drugs prohibition described above applies when the specified conduct involves a drug in the following amount (a violation involving any of the drugs in the specified amounts is "major trafficking in drugs"):<sup>12</sup>

1. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule I or Schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog, an amount of the drug so involved that equals or exceeds the bulk amount but is less than 50 times the bulk amount;
2. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, an amount of the drug so involved that equals or exceeds five times the bulk amount;

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<sup>10</sup> R.C. 2925.031(A)(1).

<sup>11</sup> R.C. 2925.031(B).

<sup>12</sup> R.C. 2925.031(A)(2).

3. If the drug involved in the conduct is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the drug so involved that equals or exceeds 10 grams but is less than 50 grams;
4. If the drug involved in the conduct is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the drug so involved that equals or exceeds 50 unit doses but is less than 500 unit doses of L.S.D. in solid form or equals or exceeds five grams but is less than 50 grams of L.S.D. in liquid concentrate, liquid extract, or liquid distillate form;
5. If the drug involved in the conduct is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the drug so involved that equals or exceeds 50 unit doses or five grams but is less than 300 hundred unit doses or 30 grams;
6. If the drug involved in the conduct is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, an amount of the drug so involved that equals or exceeds 50 unit doses or five grams but is less than 100 unit doses or 10 grams;
7. If the drug involved in the conduct is marijuana other than hashish or a compound, mixture, preparation, or substance containing marijuana other than hashish, an amount of the drug so involved that equals or exceeds 1,000 grams but is less than 40,000 grams;
8. If the drug involved in the conduct is hashish or a compound, mixture, preparation, or substance containing hashish, an amount of the drug so involved that equals or exceeds 50 grams but is less than 2,000 grams;
9. If the drug involved in the conduct is a controlled substance analog or a compound, mixture, preparation, or substance containing a controlled substance analog, an amount of the drug so involved that equals or exceeds 20 grams but is less than 30 grams.

### Major trafficking in drugs penalties

The following chart lists the penalties for the major trafficking in drugs offense under the bill for the specified threshold amounts, and the threshold amount under existing law under the current trafficking offenses that provides a comparable penalty:<sup>13</sup>

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
<b>Schedule I or II (but see "Sexual assault-enabling drug" and "Fentanyl-related compound," below)</b>	≥ bulk amount and < 50 times bulk	F-3	≥ bulk and < 5 times bulk  (but if two or more prior felony drug abuse convictions, mandatory w/in F-3 range; also increased to F-2 if in

<sup>13</sup> R.C. 2925.031(C) under the bill, and existing R.C. 2925.03(C).

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
			vicinity of school or juvenile)
<b>Schedule III, IV, or V (but see "Sexual assault-enabling drug" and "Fentanyl-related compound," below)</b>	$\geq 5$ times bulk	F-3	$\geq 5$ times bulk and $< 50$ times bulk (presumption for prison, and increased to F-2 if in vicinity of school or juvenile) ----- $\geq 50$ times bulk F-2 (mandatory w/in F-2 range, and increased to F-1 if in vicinity of school or juvenile)
<b>Marijuana</b>	$\geq 1$ kg and $< 40$ kg	F-3	$\geq 1$ kg and $< 5$ kg (increased to F-2 if in vicinity of school or juvenile) ----- $\geq 5$ kg and $< 20$ kg F-3 (presumption for prison, and increased to F-2 if in vicinity of school or juvenile)
<b>Cocaine</b>	$\geq 10$ g and $< 50$ g	F-3	$\geq 10$ g and $< 20$ g (presumption for prison, except if two or more prior felony drug abuse convictions, mandatory w/in F-3 range; also increased to F-2 if in vicinity of school or juvenile)
<b>LSD: Solid</b>	$\geq 50$ UD and $< 500$ UD	F-3	$\geq 50$ UD and $< 250$ UD (presumption for prison, except if two or more prior felony drug abuse convictions, mandatory w/in F-3 range; also increased

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
			to F-2 if in vicinity of school or juvenile)
<b>LSD: Liquid</b>	$\geq 5$ g and $< 50$ g	F-3	$\geq 5$ g and $< 25$ g (presumption for prison, except if two or more prior felony drug abuse convictions, mandatory w/in F-3 range)  If in vicinity of school or juvenile, increased to F-2
<b>Heroin</b>	$\geq 5$ g and $< 30$ g; $\geq 50$ UD and $< 300$ UD	F-3	$\geq 5$ g and $< 10$ g; $\geq 50$ UD and $< 100$ UD (presumption for prison; increased to F-2 if in vicinity of school or juvenile)
<b>Hashish</b>	$\geq 50$ g and $< 2$ kg	F-3	$\geq 50$ g and $< 250$ g (solid) $\geq 10$ g and $< 50$ g (liquid)  Increased to F-2 if in vicinity of school or juvenile  ----- $\geq 250$ g and $< 1$ kg (solid) $\geq 50$ g and $< 200$ g (liquid)  (presumption for prison, and increased to F-2 if in vicinity of school or juvenile)
<b>Controlled Substance Analog</b>	$\geq 20$ g and $< 30$ g	F-3	$\geq 20$ g and $< 30$ g (presumption for prison, and increased to F-2 if in vicinity of

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
			school or juvenile)
<b>Schedule I or II sexual assault-enabling drug</b>	$\geq$ bulk and $< 5$ times bulk	F-3 (presumption for prison, except if 2 or more prior felony drug abuse convictions, mandatory w/in F-3 range)  Increased to F-2 if in vicinity of school or juvenile (mandatory w/in F-2 range)	Same
	$\geq 5$ times bulk and $< 50$ times bulk	F-2 (mandatory w/in F-2 range)  Increased to F-1 if in vicinity of school or juvenile (mandatory w/in F-1 range)	Same
<b>Schedule III, IV, or V sexual assault-enabling drug</b>	$\geq 5$ times bulk and $< 50$ times bulk	F-3 (presumption for prison)  Increased to F-2 if committed in vicinity of school or juvenile (presumption for prison)	Same
	$\geq 50$ times bulk	F-2 (mandatory w/in F-2 range)  Increased to F-1 if in vicinity of school or juvenile (mandatory w/in F-1 range)	Same

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
<b>Fentanyl-related compound</b>	$\geq 5$ g and $< 10$ g; $\geq 50$ UD and $< 100$ UD	F-3 (presumption for prison)  Increased to F-2 if in vicinity of school or juvenile (presumption for prison)	Same
	Fentanyl-related compound combined with marijuana: (1) generally charged as major trafficking in drugs, involving marijuana, (2) if offender knows or has reason to know that fentanyl-related compound is involved, charged with major trafficking in drugs, involving fentanyl-related compound		Same

### Other provisions regarding major trafficking in drugs

The bill retains, and makes applicable to its new major trafficking in drugs offense, the following provisions under the existing trafficking offenses: (1) provisions that authorize a driver's or commercial driver's license or permit suspension of a person convicted of the new major trafficking offense, (2) provisions that authorize, and in certain circumstances require, the imposition of a special fine in certain circumstances and disbursement of the fine in a specified manner, (3) provisions that require the reporting of the conviction to the licensing authority, if the person is a professionally licensed person, (4) provisions that require the trier of fact to determine and return findings as to the amount of the controlled substance involved in the offense, and (5) provisions that establish a special affirmative defense for a person charged with any of the offenses.<sup>14</sup>

<sup>14</sup> R.C. 2925.031(D) to (F).

## Trafficking offenses

### Generally, and prohibition

The bill enacts new offenses, named “trafficking in . . .” (with the specific name depending on the type of drug involved – see below), that consist of a prohibition against trafficking in specified amounts of any controlled substance that are lower than the amounts specified under the bill’s major trafficking in drugs offenses, as described above, and, except for sexual assault-enabling drugs and fentanyl-related compounds, higher than specified trace amounts of the controlled substance. The new offenses are among several offenses that the bill enacts to replace the existing trafficking offenses, and they generally apply to conduct that currently is classified a fourth or fifth degree felony or, in some cases, a third degree felony under the existing trafficking offenses. However, except when the drug involved is a sexual assault-enabling drug or a fentanyl-related compound, the bill’s threshold amounts for subjecting a person to the penalties for its trafficking offenses are higher than the threshold amounts specified under the existing trafficking offenses for subjecting a person to the same penalty for violation of the trafficking prohibition under the existing offenses (except that the bill’s trace amount exception also applies to sexual assault-enabling drugs and fentanyl-related compounds). The prohibition under the new offenses is the same as the prohibition in the existing Revised Code section that prohibits trafficking in any controlled substance, except that it applies only when the amount of the drug involved is within the specified lower amount and that it also includes a prohibition against obtaining or possessing a controlled substance or controlled substance analog with purpose or intent to distribute or sell it.

Specifically, the prohibition under the new offenses prohibits a person from: (1) knowingly selling or offering to sell a controlled substance or controlled substance analog in an amount specified below, (2) obtaining or possessing, with purpose to distribute or sell, a controlled substance or controlled substance analog in an amount specified below, or (3) preparing for shipment, shipping, transporting, delivering, preparing for distribution, or distributing a controlled substance or a controlled substance analog in an amount specified below, when the person knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale.<sup>15</sup> The prohibition does not apply to certain persons or entities, parallel to the exemptions under the existing trafficking offense (e.g., manufacturers, medical professionals, and pharmacists acting in accordance with law, certain anabolic steroid research personnel, and persons engaged in conduct involving anabolic steroids for animal use, etc.).<sup>16</sup>

### Amount of the drug involved needed for the prohibition to apply and name of offense

The bill’s trafficking prohibition described above applies when the specified conduct involves a drug in the following amount:<sup>17</sup>

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<sup>15</sup> R.C. 2925.032(A)(1).

<sup>16</sup> R.C. 2925.032(C).

<sup>17</sup> R.C. 2925.032(A)(2).

1. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule I or Schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, or a controlled substance analog, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than the bulk amount (a violation involving such a drug is “trafficking in Schedule I or Schedule II drugs”);
2. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than five times the bulk amount (a violation involving such a drug is “trafficking in drugs”);
3. If the drug involved in the conduct is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than ten grams (a violation involving such a drug is “trafficking in cocaine”);
4. If the drug involved in the conduct is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the drug so involved that equals or exceeds one-fourth of one unit dose but is less than 50 unit doses of L.S.D. in solid form or equals or exceeds twenty-five one-thousandths of one gram but is less than five grams of L.S.D. in liquid concentrate, liquid extract, or liquid distillate form (a violation involving such a drug is “trafficking in L.S.D.”);
5. If the drug involved in the conduct is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram or one-fourth of one unit dose but is less than five grams or 50 unit doses (a violation involving such a drug is “trafficking in heroin”);
6. If the drug involved in the conduct is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram or one-fourth of one unit doses but is less than five grams or 50 unit doses (a violation involving such a drug is “trafficking in a fentanyl-related compound”);
7. If the drug involved in the conduct is marijuana other than hashish or a compound, mixture, preparation, or substance containing marijuana other than hashish, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than 1,000 grams (a violation involving such a drug is “trafficking in marijuana”);
8. If the drug involved in the conduct is hashish or a compound, mixture, preparation, or substance containing hashish, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than 50 grams (a violation involving such a drug is “trafficking in hashish”);
9. If the drug involved in the conduct is a controlled substance analog or a compound, mixture, preparation, or substance containing a controlled substance analog, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram



but is less than 20 grams (a violation involving such a drug is “trafficking in a controlled substance analog”).

### Trafficking offense penalties

The following table lists the penalties for the trafficking offenses under the bill for the specified threshold amounts, and the threshold amount under existing law under the current trafficking offenses that provides a comparable penalty:<sup>18</sup>

DRUG	BILL’S THRESHOLD	BILL’S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
<b>Schedule I or II (but see “Sexual assault-enabling drug” and “Fentanyl-related compounds,” below)</b>	$\geq 0.025$ g and $<$ bulk	F-5	No F-5 penalty $<$ bulk is F-4.  Increased to F-3 if in vicinity of school or juvenile
<b>Schedule III, IV, or V (but see “Sexual assault-enabling drug” and “Fentanyl-related compounds,” below)</b>	$\geq 0.025$ g and $<$ bulk	F-5	$<$ bulk  Increased to F-4 if in vicinity of school or juvenile
	$\geq$ bulk and $<$ 5 times bulk	F-4	Same  Increased to F-3 if in vicinity of school or juvenile (presumption for prison)
<b>Marijuana</b>	Gift of $\leq 20$ g	MM on first offense and M-3 on subsequent offense	Same, except M-3 if in vicinity of school or juvenile
	$\geq 0.025$ g and $<$ 1 kg	F-5	$<$ 200 g  Increased to F-4 if in vicinity of school or juvenile  ----- $\geq 200$ g and $<$ 1 kg F-4

<sup>18</sup> R.C. 2925.032(B) and (E) under the bill, and existing R.C. 2925.03(C).

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
			Increased to F-3 if in vicinity of school or juvenile
<b>Cocaine</b>	$\geq 0.025 \text{ g}$ and $< 10 \text{ g}$	F-5	$< 5 \text{ g}$  Increased to F-4 if in vicinity of school or juvenile <hr/> $\geq 5 \text{ g}$ and $< 10 \text{ g}$ F-4  Increased to F-3 if in vicinity of school or juvenile
<b>LSD: Solid</b>	$\geq 0.25 \text{ UD}$ and $< 50 \text{ UD}$	F-5	$< 10 \text{ UD}$  Increased to F-4 if in vicinity of school or juvenile <hr/> $\geq 10 \text{ UD}$ and $< 50 \text{ UD}$ F-4  Increased to F-3 if in vicinity of school or juvenile
<b>LSD: Liquid</b>	$\geq 0.025 \text{ g}$ $< 5 \text{ g}$	F-5	$< 1 \text{ g}$  Increased to F-4 if in vicinity of school or juvenile <hr/> $\geq 1 \text{ g}$ and $< 5 \text{ g}$ F-4  Increased to F-3 if in vicinity of school or juvenile

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
<b>Heroin</b>	$\geq 0.025$ g and $< 1$ g; $\geq 0.25$ UD and $< 10$ UD	F-5	$< 1$ g; $< 10$ UD  Increased to F-4 if in vicinity of school or juvenile
	$\geq 1$ g and $< 5$ g; $\geq 10$ UD and $< 50$ UD	F-4	Same  Increased to F-3 if in vicinity of school or juvenile
<b>Hashish</b>	$\geq 0.025$ g and $< 50$ g	F-5	$< 10$ g (solid) $< 2$ g (liquid)  Increased to F-4 if in vicinity of school or juvenile  ----- $\geq 10$ g and $< 50$ g (solid) $\geq 2$ g and $< 10$ g (liquid) F-4  Increased to F-3 if in vicinity of school or juvenile
<b>Controlled Substance Analog</b>	$\geq 0.025$ g and $< 10$ g	F-5	$< 10$ g  Increased to F-4 if in vicinity of school or juvenile
	$\geq 10$ g and $< 20$ g	F-4	Same  Increased to F-3 if in vicinity of school or juvenile
<b>Schedule I or II sexual assault-enabling drug</b>	$\geq 0.025$ g and $< \text{bulk}$	F-4  Increased to F-3 if in	$< \text{bulk}$

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
		vicinity of school or juvenile	
<b>Schedule III, IV, or V sexual assault-enabling drug</b>	$\geq 0.025$ g and $<$ bulk	F-5  Increased to F-4 if in vicinity of school or juvenile	$<$ bulk
	$\geq$ bulk and $<$ 5 times bulk	F-4  Increased to F-3 if in vicinity of school or juvenile	Same
<b>Fentanyl-related compound</b>	$\geq 0.025$ g and $<$ 1 g; $\geq .25$ UD and $<$ 10 UD	F-5  Increased to F-4 if in vicinity of school or juvenile	$<$ 1 g; $<$ 10 UD
	$\geq 1$ g and $<$ 5 g; $\geq 10$ UD and $<$ 50 UD	F-4  Increased to F-3 if in vicinity of school or juvenile with presumption for prison	Same
	Fentanyl-related compound combined with marijuana: (1) generally charged as trafficking in marijuana; (2) if offender knows or has reason to know that fentanyl-related compound is involved, charged with trafficking in a fentanyl-related compound		Same

### Other provisions regarding trafficking in drugs

The bill retains, and makes applicable to its new trafficking in drugs offenses, the following provisions under the existing trafficking offenses: (1) provisions that authorize a driver's or commercial driver's license or permit suspension of a person convicted of any of the new trafficking offenses, (2) provisions that authorize, and in certain circumstances require, the imposition of a special fine in certain circumstances and disbursement of the fine in a specified

manner, (3) provisions that require the reporting of the conviction to the licensing authority, if the person is a professionally licensed person, (4) provisions that require the trier of fact to determine and return findings as to the amount of the controlled substance involved in the offense, and (5) provisions that establish a special affirmative defense for a person charged with any of the offenses.<sup>19</sup>

## Possession of a controlled substance

### Generally, and prohibition

The bill enacts a new offense, named “possession of a controlled substance,” that consists of a prohibition against possessing specified amounts of any controlled substance, other than marijuana or hashish (see “**Possession of marijuana or hashish**,” below), that are lower than the amounts specified under the bill’s major trafficking in drugs offense, as described above, and, except for sexual assault-enabling drugs and fentanyl-related compounds, higher than specified trace amounts of the controlled substances (no trace amount exemption is provided for sexual assault-enabling drugs or fentanyl-related compounds). The new offense is one of several the bill enacts to replace the existing possession offenses,<sup>20</sup> and it applies to conduct that currently is classified a misdemeanor or a fourth or fifth degree felony under the existing possession offenses. However, under the bill, a violation of the prohibition under the new possession of a controlled substance offense generally is an unclassified misdemeanor with special penalties provided, whereas the existing possession offenses never are penalized as an unclassified misdemeanor. The specified amounts under the new offense parallel the specified amounts under the bill’s trafficking offenses. The prohibition under the new offense is the same as the prohibition in the existing Revised Code section that prohibits possession of any controlled substance, except that it applies only when the amount of the drug involved is within the specified lower amount.

Specifically, the prohibition under the new offense prohibits a person from knowingly obtaining, possessing, or using a controlled substance or a controlled substance analog in an amount specified below.<sup>21</sup> The prohibition does not apply to certain persons or entities, parallel to the exemptions under the existing trafficking offense (e.g., manufacturers, medical professionals, and pharmacists acting in accordance with law, certain anabolic steroid research personnel, persons engaged in conduct involving anabolic steroids for animal use, persons who obtained the controlled substance pursuant to a valid prescription, etc.). The bill preserves the existing “seeking medical assistance Good Samaritan” exemption from the possession offenses so that it applies to the new possession offense.<sup>22</sup>

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<sup>19</sup> R.C. 2925.032(E) to (G).

<sup>20</sup> Current R.C. 2925.11.

<sup>21</sup> R.C. 2925.11(A)(1).

<sup>22</sup> R.C. 2925.11(B).

## **Amount of the drug involved needed for the prohibition to apply and name of offense**

The bill's possession of controlled substances prohibition described above applies when the specified conduct involves a drug in the following amount (a violation involving any of the drugs in the specified amounts is "possession of a controlled substance"):<sup>23</sup>

1. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule I or Schedule II, other than marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, a controlled substance analog, or a sexual assault-enabling drug, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than the bulk amount;
2. If the drug involved in the conduct is any compound, mixture, preparation, or substance included in Schedule III, Schedule IV, or Schedule V other than a sexual assault-enabling drug, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than five times the bulk amount;
3. If the drug involved in the conduct is cocaine or a compound, mixture, preparation, or substance containing cocaine, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than ten grams;
4. If the drug involved in the conduct is L.S.D. or a compound, mixture, preparation, or substance containing L.S.D., an amount of the drug so involved that equals or exceeds one-fourth of one unit dose but is less than 50 unit doses of L.S.D. in solid form or equals or exceeds twenty-five one-thousandths of one gram but is less than five grams of L.S.D. in liquid concentrate, liquid extract, or liquid distillate form;
5. If the drug involved in the conduct is heroin or a compound, mixture, preparation, or substance containing heroin, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram or one-fourth of one unit dose but is less than five grams or 50 unit doses;
6. If the drug involved in the conduct is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound, an amount of the drug so involved that is less than five grams or 50 unit doses;
7. If the drug involved in the conduct is a controlled substance analog or a compound, mixture, preparation, or substance containing a controlled substance analog, an amount of the drug so involved that equals or exceeds twenty-five one-thousandths of one gram but is less than 20 grams;
8. If the drug involved in the conduct is a sexual assault-enabling drug or a compound, mixture, preparation, or substance containing a sexual assault-enabling drug, an amount of the drug so involved that is less than the bulk amount if the drug is a Schedule I or II controlled substance or that is less than five times the bulk amount if the drug is a Schedule III, IV, or V controlled substance.

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<sup>23</sup> R.C. 2925.11(A)(2).

## Possession of a controlled substance penalties

The following chart lists the penalties for the possession of a controlled substance offense under the bill for the specified threshold amounts, but it differs from the other charts regarding the summary of existing law. For all of the drugs other than sexual assault-enabling drugs and fentanyl-related compounds, existing law does not contain any penalties that are the same as those provided in the bill – for those drugs without a comparable penalty, the last column in the table lists the current penalties provided for the amount of the particular drug specified in the “**Bill’s Threshold**” column. For sexual assault-enabling drugs and fentanyl-related compounds, the last column lists the current threshold to get the same penalty provided under the bill for the amount of the particular drug specified in the “**Bill’s Threshold**” column. The penalties the bill provides for the offenses it specifies as unclassified misdemeanors are described below in “**Unclassified misdemeanor penalties.**” Under the bill:<sup>24</sup>

DRUG	BILL’S THRESHOLD	BILL’S OFFENSE LEVEL	CURRENT PENALTY FOR THRESHOLD AMOUNT/ CURRENT THRESHOLD TO GET SAME PENALTY
<b>Schedule I or II (but see “Sexual assault-enabling drug” and “Fentanyl-related compound,” below)</b>	≥ 0.025 g and < bulk	Unclassified misdemeanor, increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	No unclassified misdemeanor penalty. Current penalty:  < bulk is F-5 ----- Larger amount possessed is covered by bill under aggravated and major trafficking offenses
<b>Schedule III, IV, or V (but see “Sexual assault-enabling drug” and “Fentanyl-related compound,” below)</b>	≥ 0.025 g and < 5 times bulk	Unclassified misdemeanor, increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	No unclassified misdemeanor penalty. Current penalty:  < bulk is M-1, increased to F-5 if prior drug abuse conviction ----- ≥ bulk and < 5 times bulk is F-4 ----- Larger amount possessed is covered by

<sup>24</sup> R.C. 2925.11(C)(1) to (6) under the bill, and existing R.C. 2925.03(C).

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT PENALTY FOR THRESHOLD AMOUNT/ CURRENT THRESHOLD TO GET SAME PENALTY
			bill under aggravated and major trafficking offenses
<b>Cocaine</b>	$\geq 0.025$ g and $< 10$ g	Unclassified misdemeanor, increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	<p>No unclassified misdemeanor penalty. Current penalty:</p> <p><math>&lt; 10</math> g is F-5</p> <p>-----</p> <p><math>\geq 5</math> g and <math>&lt; 10</math> g if F-4</p> <p>-----</p> <p>Larger amount possessed is covered by bill under aggravated and major trafficking offenses</p>
<b>LSD: Solid</b>	$\geq 0.25$ UD and $< 50$ UD	Unclassified misdemeanor, increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	<p>No unclassified misdemeanor penalty. Current penalty:</p> <p><math>&lt; 10</math> UD is F-5</p> <p>-----</p> <p><math>\geq 10</math> UD and <math>&lt; 50</math> UD is F-4</p> <p>-----</p> <p>Larger amount possessed is covered by bill under aggravated and major trafficking offenses</p>
<b>LSD: Liquid</b>	$\geq 0.025$ g and $< 5$ g	Unclassified misdemeanor, but increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	<p>No unclassified misdemeanor penalty. Current penalty:</p> <p><math>&lt; 1</math> g is F-5</p> <p>-----</p> <p><math>\geq 1</math> g and <math>&lt; 5</math> g is F-4</p> <p>-----</p> <p>Larger amount</p>



DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT PENALTY FOR THRESHOLD AMOUNT/ CURRENT THRESHOLD TO GET SAME PENALTY
			possessed is covered by bill under aggravated and major trafficking offenses
<b>Heroin</b>	≥ 0.025 g and < 5 g; ≥ 0.25 UD and < 50 UD	Unclassified misdemeanor, but increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	No unclassified misdemeanor penalty. Current penalty:  < 1 g; < 10 UD is F-5 ----- ≥ 1 g and < 5 g; ≥ 10 UD and < 50 UD is F-4 ----- Larger amount possessed is covered by bill under aggravated and major trafficking offenses
<b>Controlled Substance Analog</b>	≥ 0.025 g and < 20 g	Unclassified misdemeanor, but increased to F-5 if two or more prior state or municipal possession convictions in preceding 3 years	No unclassified misdemeanor penalty. Current penalty:  < 10 g is F-5 ----- ≥ 10 g and < 20 g is F-4 (presumption for prison) ----- Larger amount possessed is covered by bill under aggravated and major trafficking offenses
<b>Schedule I or II sexual assault-enabling drug</b>	< bulk	F-5	Same
<b>Schedule III, IV, or V sexual assault-enabling drug</b>	< bulk	M-1, but increased to F-5 if prior drug abuse conviction	Same
	≥ bulk and < 5 times bulk	F-4	Same

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT PENALTY FOR THRESHOLD AMOUNT/ CURRENT THRESHOLD TO GET SAME PENALTY
<b>Fentanyl-related compound</b>	< 1 g; < 10 UD	F-5	Same
	≥ 1 g and < 5 g; ≥ 10 UD and < 50 UD	F-4	Same
	Fentanyl-related compound combined with marijuana: (1) generally charged as possession of marijuana (see below), (2) if offender knows or has reason to know that fentanyl-related compound is involved, charged with possession of a controlled substance, involving a fentanyl-related compound		Same
	Fentanyl-related compound combined with Schedule III, IV, or V controlled substance: (1) generally charged as possession of a controlled substance involving a Schedule III, IV, or V controlled substance, (2) if offender knows or has reason to know that fentanyl-related compound is involved, charged with possession of a controlled substance, involving a fentanyl-related compound		Same
	Fentanyl-related compound combined with any other controlled substance		Same

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT PENALTY FOR THRESHOLD AMOUNT/ CURRENT THRESHOLD TO GET SAME PENALTY
	not specified above, charged with possession of a controlled substance, involving a fentanyl- related compound		

### Unclassified misdemeanor penalties

The bill specifies that, when possession of a controlled substance is an unclassified misdemeanor as shown in the table above, it is presumed that the offender must be sentenced to treatment under the Misdemeanor Sentencing Law provisions that pertain to community residential sanctions and community nonresidential sanctions.<sup>25</sup> If the court determines that the offender, in committing the offense or related in any way to the offense, has made threats of violence to any person, the presumption does not apply and the court may sentence the offender pursuant to any sanction or combination of sanctions under the Misdemeanor Sentencing Law<sup>26</sup> (including a jail term), except that:<sup>27</sup>

1. Notwithstanding the provision that sets forth possible jail terms,<sup>28</sup> the court may impose on the offender a jail term of not more than 364 days;
2. Notwithstanding the provision that sets forth generally authorized fines,<sup>29</sup> the court may fine the offender not more than \$1,000;
3. Notwithstanding provisions that pertain to community residential sanctions and community nonresidential sanctions,<sup>30</sup> the court may impose on the offender a term of not more than six months in a community-based correctional facility.

### Holding prosecution in abeyance

Under the bill, if a person is charged with a misdemeanor offense of possession of a controlled substance or with a misdemeanor offense of possession of marijuana or possession of hashish (see **"Possession of marijuana or hashish,"** below), other than a minor misdemeanor violation, the court may hold the prosecution in abeyance and stay all criminal proceedings with respect to the violation if all of the following apply: (1) the person has not previously been convicted of any of the aggravated trafficking offenses under the bill, major trafficking in drugs, any of the trafficking offenses under the bill, possession of a controlled

<sup>25</sup> R.C. 2929.26 and 2929.27, not in the bill.

<sup>26</sup> R.C. 2929.21 to 2929.28, generally not in the bill.

<sup>27</sup> R.C. 2925.11(C)(7).

<sup>28</sup> R.C. 2929.24, not in the bill.

<sup>29</sup> R.C. 2929.28(A)(2)(a), not in the bill.

<sup>30</sup> R.C. 2929.26 and 2929.27, not in the bill.

substance, possession of marijuana, or possession of hashish, (2) the person agrees to a drug treatment program determined by the court to be appropriate, to comply with all terms and conditions of treatment imposed by the court, and to complete the program, and (3) the person waives the person's right to a speedy trial and any other rights with respect to the time of proceedings related to the violation that otherwise would apply.

If the court holds a prosecution in abeyance and stays all criminal proceedings against a person with respect to a violation under this provision, all of the following apply: (1) the court must issue an order that establishes terms and conditions of the drug treatment program and requires the person to complete the program, and must place the offender under the general control and supervision of the county probation department, the Adult Parole Authority, or another appropriate local probation or court services agency, if one exists, as if the offender was subject to a community control sanction imposed under the Misdemeanor Sentencing Law, (2) if the court finds that the person has successfully completed the drug treatment program, the court must dismiss the proceedings against the person – successful completion of the program is without adjudication of guilt and is not a criminal conviction for purposes of any disqualification or disability imposed by law upon conviction of a crime, and the court may order the sealing of records related to the offense in question in the manner provided in the **“Not Guilty/Dismissed Charges Record Sealing Law”** (see below), and (3) if the person fails to comply with any term or condition imposed as part of the treatment program for the person, the supervising authority for the person promptly must advise the court of this failure, and the court must hold a hearing to determine whether the person failed to comply with any such term or condition.

If the court, at the hearing required as described in clause (3) of the preceding paragraph, determines that the person has failed to comply with any of those terms and conditions, it must do one of the following: (1) issue an order that continues the person under the same treatment program, with the same terms and conditions, (2) issue an order that continues the person under the same treatment program, with different terms and conditions, (3) enter an order that subjects the person to a different treatment program and establishes terms and conditions of the program, or (4) continue with the prosecution of the violation that was held in abeyance.

A person may not be required to enter a guilty plea to a misdemeanor offense of possession of a controlled substance or a misdemeanor offense of possession of marijuana or possession of hashish in order for a court to hold the prosecution in abeyance and stay all criminal proceedings with respect to the violation under these provisions.<sup>31</sup>

### **Other provisions regarding possession of a controlled substance**

The bill retains, and makes applicable to its new possession of a controlled substance offense, the following provisions under the existing possession offenses: (1) provisions that authorize a driver's or commercial driver's license or permit suspension of a person convicted of any of the new possession offenses, (2) provisions that authorize, and in certain circumstances require, the imposition of a special fine in certain circumstances and

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<sup>31</sup> R.C. 2925.11(D).

disbursement of the fine in a specified manner, (3) provisions that require the reporting of the conviction to the licensing authority, if the person is a professionally licensed person, (4) provisions that require the trier of fact to determine and return findings as to the amount of the controlled substance involved in the offense, and (5) provisions that establish a special affirmative defense for a person charged with any of the offenses.<sup>32</sup>

## **Possession of marijuana or hashish**

### **Generally, and prohibitions**

The bill enacts new offenses, named “possession of marijuana” and “possession of hashish,” that consist of a prohibition against possessing specified amounts of marijuana or hashish that are lower than the amounts specified under the bill’s major trafficking offense, as described above, and higher than specified trace amounts of the controlled substances. The new offenses are among several that the bill enacts to replace the existing possession offenses, and they apply to conduct that currently is classified a misdemeanor or a fifth degree felony under the existing possession offenses. However, the bill’s threshold amounts for subjecting a person to the penalties for its marijuana or hashish possession offenses are higher than the threshold amounts specified under the existing possession offenses for subjecting a person to the same penalty for violation of the possession prohibition under the existing offenses. The prohibitions under the offenses are the same as the prohibition in the existing Revised Code section that prohibits possession of marijuana or hashish, except that they apply only when the amount of the drug involved is within the specified lower amount.

Specifically, the marijuana-related prohibition under the new offense prohibits a person from knowingly obtaining, possessing, or using marijuana other than hashish or a compound, mixture, preparation, or substance containing marijuana other than hashish, when the amount of the drug involved equals or exceeds twenty-five one-thousandths of a gram but is less than 1,000 grams. The hashish-related prohibition under the new offense prohibits a person from knowingly obtaining, possessing, or using hashish or a compound, mixture, preparation, or substance containing hashish, when the amount of the drug involved equals or exceeds twenty-five one-thousandths of a gram but is less than 50 grams.<sup>33</sup> The bill preserves the existing “seeking medical assistance Good Samaritan” exemption from the possession offenses so that it applies to the new marijuana and hashish possession offenses.<sup>34</sup>

### **Possession of marijuana or hashish penalties**

The following table lists the penalties for the possession of marijuana offense and the possession of hashish offense under the bill, and the threshold amount under existing law under the current possession offenses (a violation of the prohibition involving marijuana is the offense of “possession or marijuana” and a violation of the prohibition involving hashish is the offense of “possession of hashish”):<sup>35</sup>

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<sup>32</sup> R.C. 2925.11(E) to (G).

<sup>33</sup> R.C. 2925.111(A) and (B).

<sup>34</sup> R.C. 2925.111(G).

<sup>35</sup> R.C. 2925.111(C) and (D).

DRUG	BILL'S THRESHOLD	BILL'S OFFENSE LEVEL	CURRENT THRESHOLD TO GET SAME PENALTY
Marijuana	≥ 0.025 g and < 200 g	Minor misdemeanor	< 100 g
	≥ 200 g and < 400 g	M-4	≥ 100 g and < 200 g
	≥ 400 g and < 1 kg	M-1	No M-1 penalty  ≥ 200 g < 1 kg is F-5
Hashish	≥ 0.025 g and < 10 g	Minor misdemeanor	< 5 g (solid); < 1 g (liquid)
	≥ 10 g and < 20 g	M-4	≥ 5 g < 10 g (solid); ≥ 1 g < 2 g (liquid)
	≥ 20 g and < 50 g	M-1	No M-1 penalty  ≥ 10 g < 50 g (solid); ≥ 2 g < 10 g (liquid) is F-5

An arrest or a conviction for a minor misdemeanor violation of either prohibition does not constitute a criminal record and need not be reported by the person so arrested or found guilty in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.<sup>36</sup>

### Holding prosecution in abeyance

The bill specifies that the provisions pertaining to the court holding a charge in abeyance and staying all criminal proceedings with respect to the charge that are set forth in the prohibitions regarding the offense of possession of a controlled substance (see **"Possession of a controlled substance,"** above) also apply with respect to a person charged with a misdemeanor offense of possession of marijuana or possession of hashish, other than a minor misdemeanor violation.<sup>37</sup>

### Other provisions regarding possession of a controlled substance

The bill retains, and makes applicable to its new possession of marijuana or hashish offenses, the following provisions under the existing possession offenses: (1) provisions that authorize a driver's or commercial driver's license or permit suspension of a person convicted of any of the new possession offenses, (2) provisions that authorize, and in certain circumstances require, the imposition of a special fine in certain circumstances and disbursement of the fine in a specified manner, (3) provisions that require the reporting of the

<sup>36</sup> R.C. 2925.111(F).

<sup>37</sup> R.C. 2925.111(H).

conviction to the licensing authority, if the person is a professionally licensed person, and (4) provisions that establish a special affirmative defense for a person charged with any of the offenses.<sup>38</sup>

## **Conforming changes to provisions described above**

The bill amends several provisions of the Drug Offenses Law and Criminal Sentencing Law to conform to the changes described above. The conforming changes are:

1. Modification of the Drug Offenses Law definitions of “drug abuse offense,” and “felony drug abuse offense” to include references to the sections containing the bill’s new offenses and the time at which an offense was committed.<sup>39</sup>
2. Modification of the Drug Offenses Law definition of “minor drug possession offense” to ensure that offenses committed under the bill’s new possession offenses are included when they are misdemeanors or fifth degree felonies and to clarify the time at which the offenses currently referenced qualify as such an offense.<sup>40</sup>
3. Modification of the Criminal Sentencing Law definition of “major drug offender” to include specific references to persons convicted under the bill’s new offense that are expressly designated as major drug offenders under those offenses.<sup>41</sup>
4. Modification of the Criminal Sentencing Law definition of “mandatory prison term” to include references to the sections containing the bill’s new offenses.<sup>42</sup>
5. Modifications in the Criminal Sentencing Law provisions regarding consideration of factors in sentencing convicted felons, and regarding offenses for which mandatory prison terms are required, to include references to the sections containing the bill’s new offenses.<sup>43</sup>

## **Imposition of prison term for a violation of a community control sanction imposed for a felony**

Currently, if an offender is convicted of a felony, if the court imposes one or more community control sanctions on the offender, and if the offender violates any conditions of a sanction, violates a law, or leaves the state without permission, the sentencing court may impose upon the violator one or more of the following penalties: (1) a longer time under the same sanction if the total time under the sanctions does not exceed the five-year limit specified by law, (2) a more restrictive community control sanction, including a new term in a community-based correctional facility, halfway house, or jail, or (3) a prison term on the offender, provided that a prison term is subject to the specified limitations.

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<sup>38</sup> R.C. 2925.111(G).

<sup>39</sup> R.C. 2925.01(G) and 2925.11(B).

<sup>40</sup> R.C. 2925.01(E).

<sup>41</sup> R.C. 2929.01(W).

<sup>42</sup> R.C. 2929.01(X).

<sup>43</sup> R.C. 2929.13, 2929.14, and 2941.1410.

Currently, the limitations on the use of a prison term as a sanction specify that: (1) if the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a fifth degree felony or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term may not exceed 90 days, and (2) if the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a fourth degree felony that is not an offense of violence and is not a sexually oriented offense or for any violation of law committed while under a community control sanction imposed for such a felony that consists of a new criminal offense and that is not a felony, the prison term may not exceed 180 days.

The bill clarifies the application of the limitations on the use of a prison term as a sanction. Under the bill, the limitations on the use of a prison term as a sanction specify that: (1) if the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a fifth degree felony, the prison term may not exceed 90 days, and (2) if the prison term is imposed for any technical violation of the conditions of a community control sanction imposed for a fourth degree felony that is not an offense of violence and is not a sexually oriented offense, the prison term may not exceed 180 days. Significant to these provisions, the bill defines a “technical violation” as a violation of the conditions of a community control sanction imposed for a fifth degree felony, or for a fourth degree felony that is not an offense of violence and is not a sexually oriented offense, if the violation does not consist of a new criminal offense that is a felony or that is a misdemeanor other than a minor misdemeanor and the violation is committed while under the community control sanction.<sup>44</sup>

## **Municipal court and county court jurisdiction**

Currently, a municipal court has jurisdiction to hear misdemeanor cases committed within its territory and has jurisdiction over the violation of any ordinance of any municipal corporation within its territory, with exceptions for certain traffic or parking offenses. Currently, a county court has jurisdiction of all misdemeanor cases and to conduct certain preliminary proceedings (but not trials) in felony cases. The bill specifies that a municipal court or county court does not have jurisdiction to hear any charge of a “reclassified misdemeanor drug possession offense” (see below) unless the particular court operates a drug court. If a municipal court or county court operates a drug court, the drug court is required to hear all charges of any reclassified drug possession offense that is committed within the municipal court’s or county court’s territory. The common pleas court is required to hear all charges of any reclassified drug possession offense committed within the territory of a municipal court or county court that does not have a drug court.

As used in these provision, “reclassified misdemeanor drug possession offense” means any violation of R.C. 2925.11 that was committed prior to the bill’s effective date and to which both of the following apply: (1) at the time of the commission of the violation, the violation was a felony under the version of R.C. 2925.11 that then was in effect (i.e., the current section that contains the controlled substance possession offenses), and (2) on the bill’s effective date, the offense classification of the violation was reduced to a misdemeanor under the version of

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<sup>44</sup> R.C. 2929.15(B)(1) and (4).



R.C. 2925.11 or 2925.111 (the bill's sections that contain the marijuana, hashish, and other controlled substance possession offenses) that takes effect on that date.<sup>45</sup>

## **Drug and alcohol abuse civil commitment mechanism**

### **Existing law**

Existing law contains a mechanism pursuant to which a probate court may order involuntary treatment for a person suffering from alcohol or other drug abuse, if the court makes certain findings. A spouse, relative, or guardian may initiate proceedings under the mechanism requesting treatment for an individual (the respondent) suffering from alcohol and other drug abuse by filing a verified petition in the probate court and paying a filing fee, if any, that is charged for the filing of an affidavit seeking the hospitalization of a person. The petition must set forth specified types of information about the petitioner and the respondent, including the petitioner's belief that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse and the factual basis for that belief.

The petition must be accompanied by both of the following: (1) a security deposit deposited with the probate court's clerk that will cover half of the estimated cost of treatment of the respondent, and (2) a guarantee, signed by the petitioner or another person authorized to file the petition obligating the guarantor to pay the costs of required examinations of the respondent conducted by a physician and qualified health professional, the respondent's costs associated with the hearing under the mechanism and that the court determines to be appropriate, and the costs of any treatment ordered by the court.

Upon receipt of a petition and the payment of the appropriate fee, if any, the probate court is required to examine the petitioner under oath as to the contents of the petition. If, after reviewing the allegations contained in the petition and examining the petitioner, it appears to the probate court that there is probable cause to believe the respondent may reasonably benefit from treatment, the court causes the respondent to be examined by a physician and by a qualified health professional, conducts a hearing, and performs several related duties.

If, upon completion of the hearing held, the probate court finds by clear and convincing evidence that the respondent may reasonably benefit from treatment, the court may order the treatment after considering the qualified health professional's recommendations for treatment that were submitted. If the court orders the treatment, it must order the treatment to be provided through a community addiction services provider or by an individual licensed or certified by the State Medical Board, the Chemical Dependency Professionals Board, the Counselor, Social Worker, and Marriage and Family Therapist Board, or a similar board of another state authorized to provide substance abuse treatment.<sup>46</sup>

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<sup>45</sup> R.C. 1901.20 and 1907.02.

<sup>46</sup> R.C. 5119.91 to 5119.94, not in the bill except for R.C. 5119.93 and 5119.94.

## Operation of the bill

The bill modifies the mechanism described above as follows:<sup>47</sup>

1. It removes the requirement that the petitioner pay any filing fee to initiate the proceedings for treatment of the respondent;
2. It expands the requirement that the petition include the petitioner's belief that the respondent is suffering from alcohol and other drug abuse and presents an imminent danger or imminent threat of danger to self, family, or others if not treated for alcohol or other drug abuse and the factual basis for that belief to also require that the petition include any evidence that the respondent has overdosed and been revived at least three times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor;
3. It modifies the requirement that the petition include a security deposit and a guarantee or payment of the costs of examinations of the respondent to instead require that the petition be accompanied by both of the following:
  - a. Either a security deposit deposited with the probate court's clerk that will cover half of the estimated cost of treatment of the respondent, or documentation establishing that insurance coverage of the petitioner or respondent will cover at least half of that estimated cost;
  - b. Either: (i) a guarantee, signed by the petitioner or another person authorized to file the petition obligating the guarantor to pay the costs of the respondent's examinations conducted by the physician and qualified health professional, the costs of the respondent associated with the hearing under the mechanism and that the court determines to be appropriate, and the costs of any treatment ordered by the court, or (ii) documentation establishing that insurance coverage of the petitioner or respondent will cover the costs described in clause (i).
4. It specifies that evidence that the respondent has overdosed and been revived at least three times by an opioid antagonist, overdosed in a vehicle, or overdosed in the presence of a minor is sufficient to satisfy the evidentiary requirement that the respondent may reasonably benefit from treatment, that is required as the criterion for the court to order treatment for the respondent;
5. It specifies that, if the court orders the treatment for the respondent, in addition to ordering the treatment through an entity or person specified under existing law, the court also may order that the respondent submit to periodic examinations by a qualified mental health professional to determine if the treatment remains necessary.

## Conviction Record Sealing Law

Existing law provides a mechanism, the Conviction Record Sealing Law,<sup>48</sup> pursuant to which a person convicted of a criminal offense who is an "eligible offender" may apply to a court for an order to seal the official records in the case.

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<sup>47</sup> R.C. 5119.93(A), (B)(6), and (D) and 5119.94(A) and (D)(1).

A person convicted of an offense may qualify as an eligible offender under that Law in either of two manners. One manner is relevant to the bill. Under that manner of qualifying, an eligible offender is anyone who has been convicted of one or more offenses, but not more than five felonies, in Ohio or any other jurisdiction, if all of the offenses in Ohio are felonies of the fourth or fifth degree or misdemeanors and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in Ohio, would be felonies of the fourth or fifth degree or misdemeanors and none of those offenses would be an offense of violence or a felony sex offense. The bill expands this manner of qualifying to include references to reclassified misdemeanor drug possession offenses under the bill – under the bill that manner reads “anyone who has been convicted of one or more offenses, but not more than five felonies, in Ohio or any other jurisdiction, if all of the offenses in Ohio are felonies of the fourth or fifth degree, misdemeanors, *or reclassified misdemeanor drug possession offenses*, and none of those offenses are an offense of violence or a felony sex offense and all of the offenses in another jurisdiction, if committed in Ohio, would be felonies of the fourth or fifth degree, misdemeanors, *or reclassified misdemeanor drug possession offenses*, and none of those offenses would be an offense of violence or a felony sex offense.”<sup>49</sup>

As used in the provision described in the preceding paragraph, “reclassified misdemeanor drug possession offense” means any of the following: (1) any offense that is a qualifying misdemeanor drug possession offense (defined as a violation of R.C. 2925.11 that was committed prior to the bill’s effective date if, at the time of the commission of the violation, the violation was a felony under the version of that section that then was in effect and on the bill’s effective date, the offense classification of the violation was reduced to a misdemeanor under the version of R.C. 2925.11 or 2925.111 that took effect on that date), or (2) any offense committed in any jurisdiction other than Ohio that, if committed in Ohio, would be an offense described in clause (1). Any reference in the Conviction Record Sealing Law to a felony does not include any reclassified misdemeanor drug possession offense, and references in those sections to a misdemeanor include reclassified misdemeanor drug possession offenses.<sup>50</sup>

A person who is an eligible offender under that Law may apply to a court for an order to seal the official records in the case after the expiration of a specified period of time. Currently, an offender may apply at the expiration of three years after the offender’s final discharge if convicted of one felony; at the expiration of four years after the offender’s final discharge if convicted of two felonies, or at the expiration of five years after final discharge if convicted of three, four, or five felonies and the person qualifies as an eligible offender under the existing criterion described above; or at the expiration of one year after the offender’s final discharge if convicted of a misdemeanor. The bill modifies the times at which an application may be made. It specifies that application may be made prior to the first and third times described in the preceding sentence if the conviction was of the bill’s possession of a controlled substance, possession of marijuana, or possession of hashish offense that is a misdemeanor or a felony of

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<sup>48</sup> R.C. 2953.31 to 2953.36, not in the bill except for R.C. 2953.31 and 2953.32.

<sup>49</sup> R.C. 2953.31(A)(1)(a).

<sup>50</sup> R.C. 2953.31(J).

the fourth or fifth degree or that was a violation of a municipal ordinance of a municipal corporation of this state that is substantially equivalent to any of those offenses, at any time after successful completion of either of the following: (1) a treatment program or other type of program imposed on the eligible offender with respect to the offense, by a drug court, or (2) an intervention plan imposed on the eligible offender with respect to the offense, pursuant to a grant of intervention in lieu of conviction under R.C. 2951.041.<sup>51</sup>

On and after the bill's effective date, any conviction of a violation of R.C. 2925.11 that, prior to that date, was a felony and that is a reclassified misdemeanor drug possession offense on and after that date must be considered and treated for purposes of the Conviction Record Sealing Law as if it were, and always had been, a conviction of a misdemeanor.

## **Not Guilty/Dismissed Charges Record Sealing Law**

Existing law provides a mechanism, the Not Guilty/Dismissed Charges Record Sealing Law,<sup>52</sup> pursuant to which a person who is found not guilty of an offense or who has been charged with an offense and has had the charges dismissed may apply to a court for an order to seal the official records in the case. The bill modifies that Law to clarify and ensure that its provisions apply to and cover a person who was charged with the bill's possession of a controlled substance, possession of marijuana, or possession of hashish offenses, who had the charge held in abeyance under the bill's provisions authorizing the court hearing the charge to do so, who successfully completed the treatment program or intervention plan imposed as part of the abeyance mechanism, and who, as a result of that completion, had the charges dismissed.<sup>53</sup>

## **Cross-reference and technical changes**

The bill amends numerous provisions of existing law to change cross-references, or to make technical changes, to reflect the bill's substantive changes described above.<sup>54</sup>

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## **History**

Action	Date
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<sup>51</sup> R.C. 2953.32(A).

<sup>52</sup> R.C. 2953.51 to 2953.56, not in the bill except for R.C. 2953.52.

<sup>53</sup> R.C. 2953.52.

<sup>54</sup> R.C. 109.572, 128.04, 177.01, 2152.021, 2152.18, 2743.60, 2923.01, 2923.241, 2923.31, 2923.41, 2925.02, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 2925.38, 2925.42, 2925.51, 2927.21, 2929.141, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 2951.041, 2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 3319.39, 3712.09, 3719.013, 3719.21, 3719.99, 3721.121, 3734.44, 3767.01, 4112.02, 4510.17, 4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 5119.391, 5120.53, 5153.111, and 5502.13.

Action	Date
Introduced	02-12-19

Senate Bill 3 – Sub Bill summary  
Prepared by the Ohio Judicial Conference

The Substitute Bill was accepted March 6, 2019, and per the sponsors, is intended to distinguish those who are more culpable, that is traffickers and dealers, from those considered less culpable (addicts and those in possession for personal use).

The bill seeks to accomplish this by recategorizing drug offenses into four types:

- Aggravated trafficking (F1, F2)
- Major trafficking (F1, F2, F3)
- Trafficking (F3, F4, F5)
- Possession (unclassified misdemeanor)

Aggravated trafficking and major trafficking are established through a sale or intent to sell, OR presumptively based on the amount of drug in question (no need to prove a sale or intent to sell) Trafficking and possession deal with the same amounts, but trafficking specifically requires a sale or intent to sell.

	<b>Aggravated trafficking<sup>1</sup></b>	<b>Major Trafficking<sup>1</sup></b>	<b>Trafficking<sup>2</sup></b>	<b>Possession<sup>3</sup></b>
Sched. I or II substance not listed below	≥ 50 times bulk amt	≥ bulk amt but < 50 times bulk amt	≥ .025 g but < bulk amt	≥ .025 g but < bulk amt
Sched. III, IV, or IV	NA	≥ 5 times bulk amt	≥ .025 g but < 5 times bulk amt	≥ .025 g but < 5 times bulk amt
Cocaine	≥ 50 g	≥ 10 g but < 50 g	≥ .025 g but < 10 g	≥ .025 g but < 10 g
L.S.D.	≥ 500 unit doses or 50 g	≥ 50 u/d or 5 g but < 500 u/d or 50 g	≥ ¼ u/d or .025 g but < 50 u/d or 5 g	≥ ¼ u/d or .025 g but < 50 u/d or 5 g
Heroin	≥ 300 u/d or 30 g	≥ 50 u/d or 5 g but < 300 u/d or 30 g	≥ ¼ u/d or .025 g but < 50 u/d or 5 g	≥ ¼ u/d or .025 g but < 50 u/d or 5 g
Fentanyl-related compound	≥100 u/d or 10 g	≥ 50 u/d or 5 g but < 100 u/d or 10 g	≥ ¼ u/d or .025 g but < 50 u/d or 5g	< 50 u/d or 5 g
Marijuana (not hashish)	≥ 40,000 g	≥ 1,000 g but < 40,000 g	≥ .025 g but < 1,000 g	≥ .025 g but < 1,000 g
Hashish	≥ 2,000 g	≥50 g but < 2,000 g	≥.025 g but < 50 g	≥.025 g but < 50 g
Controlled substance analog	≥ 30 g	≥ 20 g but < 30 g	≥ .025 g but < 20 g	≥ .025 g but < 20 g
Sexual assault-enabling substance	*used to establish offense level and sanction but not offense itself	*used to establish offense level and sanction but not offense itself	*used to establish offense level and sanction but not offense itself	Shed. I or II: < bulk amt Sched. III-V: < 5 times bulk amt

***The bill decriminalizes the possession of trace amounts of a substance (anything less than .025 g).***

<sup>1</sup> No person shall knowingly obtain, possess, sell, or offer to sell, or prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute, a controlled substance in the listed amounts; Sec. 2925.03, starting at line 662 and Sec. 2925.031, starting at line 1740

<sup>2</sup> No person shall knowingly sell or offer to sell, or obtain or possess with purpose to distribute or sell, or prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance in the listed amounts; Sec. 2925.032, starting at line 1952

<sup>3</sup> No person shall knowingly obtain, possess or use a controlled substance in the listed amounts; Sec. 2925.11, starting at line 2253



Senate Bill 3 – Sub Bill summary  
Prepared by the Ohio Judicial Conference

The level of felony and corresponding sanction depends upon the amount of drug in question. For example, the breakdown for aggravated trafficking in cocaine<sup>4</sup>, the offense is either a F1 or F2 as follows:

- If  $\geq 50$  g but  $< 100$  g  $\rightarrow$  F2 with mandatory F2 prison term
- If  $\geq 100$  g but  $< 250$  g  $\rightarrow$  F1 with mandatory F1 prison term
- If  $\geq 150$  g  $\rightarrow$  F1, major drug offender, mandatory prison term of 10 or 11 years

**All possession offenses are now unclassified misdemeanors**, with a presumption of treatment over jailing, unless in committing the offense the offender made threats of violence, in which case the presumption does not apply and the maximum possible sanctions are:

- Jail term of not more than 364 days
- Fine of not more than \$1,000
- Not more than six months in CBCF

**Possession of marijuana is treated differently than possession of other controlled substances.**

Possession of less than 200g is a minor misdemeanor, and can elevate up to either an M4 or M1 for higher amounts. Arrest or conviction of a minor misdemeanor possession charge “does not constitute a criminal record” and need not be reported by the person in response to any inquiries about the person’s criminal record, including for purposes of employment or licensing.

Judges may hold charges for first-time offenders in abeyance if the offender agrees to seek, comply with, and complete treatment, and waives his/her right to a speedy trial. The offender is not required to enter a guilty plea in order for the court to hold the prosecution in abeyance. Upon successful completion of treatment, judge shall dismiss the charges. If offender fails at treatment, judge may continue the person on the same program with the same or new/additional terms, order the person to a different treatment program, or continue with the prosecution that was held in abeyance.

The unclassified misdemeanor possession offenses can elevate to felonies under some circumstances:

- The offender has two possession offenses in the previous three years (elevates to F5)
- The controlled substance is a sexual-assault-enabling drug (elevates to M1, F5, or F4 depending on amount/schedule of drug and prior offenses)

**JURISDICTION OVER DRUG OFFENSES**

The bill states that municipal courts (Sec. 1901.20, at line 71) operating a drug court “shall hear all charges of any reclassified drug possession offense.” A parallel section exists for county courts (Sec. 1907.02, at line 124). If a municipal court or county court does not operate a drug court, the court of common pleas in that jurisdiction will hear the charges.

However, the bill goes on to define “reclassified misdemeanor drug possession offense” as one committed before the effective date of the bill, when it was a felony, and heard after the effective date of the bill, when it is a misdemeanor. This seems to apply only to a small interval of time, and may not be the intent of the legislation. (See Sec. 1901.20, starting at line 80).

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<sup>4</sup> Complete breakdown of all felony levels and sanctions have been omitted from this summary. See bill text for full breakdown

Senate Bill 3 – Sub Bill summary  
Prepared by the Ohio Judicial Conference

PROBATE CIVIL COMMITMENT

**The bill changes the current involuntary civil commitment process for substance use disorder in a few ways.** First, it waives the filing fee in Sec. 5119.93 (lines 6008-6010). Second, the petition for commitment must be accompanied by either a security deposit covering half the costs (as is current law) or documentation establishing that insurance will cover half the cost (Sec. 5119.93, lines 6073-6075). Lastly, the bill requires, as a criterion for being civilly committed under Chapter 5119, evidence of having overdosed and being revived at least three times, having overdosed in a vehicle, or having overdosed in the presence of a minor (Sec. 5119.93, lines 6033 – 6036).

COMMUNITY CONTROL SANCTIONS REVOCATIONS & “TECHNICAL VIOLATIONS”

**The 90- and 180-day caps to technical violation probation revocations are still in the law.** The bill narrows use of the caps only to technical violations (not "a violation of law committed while under community control"). The bill includes a definition of "technical violation": a new criminal offense, either felony or misdemeanor, is NOT considered "technical violation." This exclusion does not apply to minor misdemeanors, which are changed elsewhere in the bill (e.g. minor misdemeanor marijuana possession charge currently involves less than 100 grams, the bill makes 200 grams a minor misdemeanor). (Sec. 2929.15, starting at line 5369)

RECORD SEALING

**Reclassified misdemeanor drug possession offenses are eligible to be sealed.** (Sec. 2953.31, starting at line 5520) A person can petition to have such an offense sealed “at any time after successful completion” of a treatment program or an intervention plan. (Sec. 2953.32.32, starting at line 5615) Any felony that is reclassified into a misdemeanor is to be considered having always been a misdemeanor (starting at line 5658).



## Senate Bill 3 Drug Threshold Comparison

### AGGRAVATED TRAFFICKING IN DRUGS

DRUG	SB 3 THRESHOLD	LEVEL	CURRENT THRESHOLD
SCHEDULE I OR II	$\geq 50 \rightarrow < 100 \times \text{bulk}$	F2 Mandatory	$\geq 5 \rightarrow < 50 \times \text{bulk}$
	$\geq 100 \times \text{bulk}$	F1 mandatory	$\geq 50 \rightarrow < 100 \times \text{bulk}$ $\geq 100 \times \text{bulk}$ (MDO)
SCH I OR II SEXUAL ASSAULT ENABLING DRUG	$\geq 50 \rightarrow < 100 \times \text{bulk}$	F1 Mandatory	No distinction for these substances
	$\geq 100 \times \text{bulk}$	F1 MDO Mandatory Max	No distinction for these substances
FENTANYL- RELATED COMPOUNDS	$\geq 10 \text{ g} \rightarrow < 20 \text{ g};$ $\geq 100 \text{ UD} \rightarrow < 200 \text{ UD}$	F2 Mandatory Vicinity of school/juvenile = F1 Mandatory	same
	$\geq 20 \text{ g} \rightarrow < 50 \text{ g};$ $\geq 200 \text{ UD} \rightarrow < 500 \text{ UD}$	F1 mandatory	same
	$\geq 50 \text{ g} \rightarrow < 100 \text{ g};$ $\geq 500 \text{ UD} \rightarrow < 1000 \text{ UD}$	F1 Mandatory max	same
	$\geq 100 \text{g}$ $\geq 1000 \text{ UD}$	MDO	same
MARIJUANA	$\geq 40 \text{ kg}$	F2 Mandatory	$\geq 40 \text{ kg}$ mandatory F2 max Vicinity of school/juvenile is
COCAINE	$\geq 50 \text{ g} \rightarrow < 100 \text{ g}$	F2 Mandatory	$\geq 20 \text{ g} \rightarrow < 27 \text{ g}$
	$\geq 100 \text{ g} \rightarrow < 250 \text{ g}$	F1 Mandatory	$\geq 27 \text{ g} \rightarrow < 100 \text{ g}$
	$\geq 250 \text{ g}$	F1 MDO Mandatory 10 or 11	$\geq 100 \text{ g}$
LSD: SOLID LSD: LIQUID	$\geq 500 \text{ UD} \rightarrow < 5000 \text{ UD}$ $\geq 50 \text{ g} \rightarrow < 500 \text{ g}$	F2 Mandatory	$\geq 250 \text{ UD} \rightarrow < 1000 \text{ UD}$ $\geq 25 \text{ g} \rightarrow < 100 \text{ g}$
	$\geq 5000 \text{ UD}$ $\geq 500 \text{ g}$	F1 Mandatory	$\geq 1000 \text{ UD} \rightarrow < 5000 \text{ UD}$ $\geq 100 \text{ g} \rightarrow < 500 \text{ g}$
HEROIN	$\geq 30 \text{ g} \rightarrow < 50 \text{ g};$ $\geq 300 \text{ UD} \rightarrow < 500 \text{ UD}$	F2 Mandatory	$\geq 10 \text{ g} \rightarrow < 50 \text{ g};$ $\geq 100 \text{ UD} \rightarrow < 500 \text{ UD}$
	$\geq 50 \text{ g} \rightarrow < 100 \text{ g};$ $\geq 500 \text{ UD} \rightarrow < 1000 \text{ UD}$	F1 Mandatory	$\geq 50 \text{ g} \rightarrow < 100 \text{ g};$ $\geq 500 \text{ UD} \rightarrow < 1000 \text{ UD}$
	$\geq 100 \text{ g}; \geq 1000 \text{ UD}$	F1 Mandatory	$\geq 100 \text{ g}; \geq 1000 \text{ UD}$
HASHISH	$\geq 2 \text{ kg}$	F2 Mandatory	$\geq 2 \text{ kg}$ (solid) $\geq 400 \text{ g}$ (liquid)
CONTROLLED SUBSTANCE ANALOG	$\geq 30 \text{ g} \rightarrow < 40 \text{ g}$	F2 Mandatory	Same
	$\geq 40 \text{ g} \rightarrow < 50 \text{ g}$	F1 Mandatory	Same
	$\geq 50 \text{ g}$	F1 MDO Mandatory 10 or 11	Same

## Senate Bill 3 Drug Threshold Comparison

### MAJOR TRAFFICKING IN DRUGS

DRUG	RECOD THRESHOLD	LEVEL	CURRENT THRESHOLD
<b>SCHEDULE I OR II</b>	$\geq \text{bulk} \rightarrow < 50 \times \text{bulk}$	F3	$\geq \text{bulk} \rightarrow < 5 \times \text{bulk}$
<b>SCH I OR II SEXUAL ASSAULT ENABLING DRUG</b>	$\geq \text{bulk} \rightarrow < 5 \times \text{bulk}$	F3 w/presumption w/2 priors F3 mandatory if VSJ F2 mandatory	No distinction for these substances
	$\geq 5 \times \text{bulk} \rightarrow < 50 \times \text{bulk}$	F2 Mandatory If VSJ F1 Mandatory	No distinction for these substances
<b>SCHEDULE III, IV, OR V</b>	$\geq 5 \times \text{bulk}$	F3	$\geq 5 \times \text{bulk} \rightarrow < 50 \times \text{bulk}$
<b>SCH III, IV, OR V SEXUAL ASSAULT ENABLING DRUG</b>	$\geq 5 \times \text{bulk} \rightarrow < 50 \times \text{bulk}$	F3 w/presumption if VSJ F2 mandatory	No distinction for these substances
	$\geq 50 \times \text{bulk}$	F2 Mandatory If VSJ F1 Mandatory	No distinction for these substances
<b>FENTANYL-RELATED COMPOUNDS</b>	$\geq 50\text{ud} \rightarrow < 100\text{ud}$ $\geq 5\text{g} \rightarrow < 10\text{g}$	F3 w/presumption If VSJ F2 w/presumption	same
<b>MARIJUANA</b>	$\geq 1 \text{ kg} \rightarrow < 40 \text{ kg}$	F3	$\geq 1 \text{ kg} \rightarrow < 5 \text{ kg}$
<b>COCAINE</b>	$\geq 10 \text{ g} \rightarrow < 50 \text{ g}$	F3	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$
<b>LSD: SOLID LSD: LIQUID</b>	$\geq 50 \text{ UD} \rightarrow < 500 \text{ UD}$ $\geq 5 \text{ g} \rightarrow < 50 \text{ g}$	F3	$\geq 50 \text{ UD} \rightarrow < 250 \text{ UD}$ $\geq 5 \text{ g} \rightarrow < 25 \text{ g}$
<b>HEROIN</b>	$\geq 5 \text{ g} \rightarrow < 30 \text{ g};$ $\geq 50 \text{ UD} \rightarrow < 300 \text{ UD}$	F3	$\geq 5 \text{ g} \rightarrow < 10 \text{ g};$ $\geq 50 \text{ UD} \rightarrow < 100 \text{ UD}$
<b>HASHISH</b>	$\geq 50 \text{ g} \rightarrow < 2 \text{ kg}$	F3	$\geq 250 \text{ g} \rightarrow < 1 \text{ kg (solid)}$ $\geq 50 \text{ g} \rightarrow < 200 \text{ g}$
<b>CONTROLLED SUBSTANCE ANALOG</b>	$\geq 20 \text{ g} \rightarrow < 30 \text{ g}$	F3	$\geq 20 \text{ g} \rightarrow < 30 \text{ g}$

## Senate Bill 3 Drug Threshold Comparison

### TRAFFICKING IN DRUGS

DRUG	SB3 THRESHOLD	LEVEL	CURRENT THRESHOLD
SCHEDULE I OR II	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F5	n/a
	n/a	F4	< bulk
SCH I OR II SEXUAL ASSAULT ENABLING DRUG	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F4 If VJS F3	
SCHEDULE III, IV, OR V	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F5	< bulk
	$\geq \text{bulk} \rightarrow < 5 \times \text{bulk}$	F4	$\geq \text{bulk} \rightarrow < 5 \times \text{bulk}$
SCH III, IV, OR V SEXUAL ASSAULT ENABLING DRUG	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	F5 If VSJ F4	No distinction for these substances
	$\geq \text{bulk} \rightarrow < 5 \times \text{bulk}$	F4 If VSJ F3 w/presumption	No distinction for these substances
MARIJUANA	Gift $\leq 20\text{g}$	MM M3 with prior	same
	$\geq 0.025\text{g} \rightarrow < 1 \text{ kg}$	F5	< 200 g
COCAINE	$\geq 0.025\text{g} \rightarrow < 10 \text{ g}$	F5	< 5 g
LSD: SOLID LSD: LIQUID	$\geq 0.25 \text{ UD} \rightarrow < 50 \text{ UD}$ $\geq 0.025 \text{ g} \rightarrow < 5 \text{ g}$	F5	< 10 UD < 2 g
HEROIN	$\geq 0.025\text{g} \rightarrow < 1 \text{ g};$ $\geq 0.25 \text{ UD} \rightarrow < 10 \text{ UD}$	F5	< 1 g; < 10 UD
	$\geq 1 \text{ g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$	F4	$\geq 1 \text{ g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$
FENTANYL-RELATED COMPOUND	$\geq 0.025\text{g} \rightarrow < 1 \text{ g};$ $\geq 0.25 \text{ UD} \rightarrow < 10 \text{ UD}$	F5 If VSJ F4	same
	$\geq 1 \text{ g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$	F4 If VSJ F3 w/ presumption	same
HASHISH	$\geq 0.025\text{g} \rightarrow < 50 \text{ g}$	F5	< 10 g (solid) < 2 g (liquid)
CONTROLLED SUBSTANCE ANALOG	$\geq 0.025\text{g} \rightarrow < 10 \text{ g}$	F5	< 10 g
	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$	F4	$\geq 10 \text{ g} \rightarrow < 20 \text{ g}$

## Senate Bill 3 Drug Threshold Comparison

### UNLAWFUL POSSESSION OF DRUGS

DRUG	SB 3 THRESHOLD	LEVEL	CURRENT THRESHOLD
SCHEDULE I OR II	$\geq 0.025\text{g} \rightarrow < \text{bulk}$	UM	$< \text{bulk} = \text{F5}$ $\geq \text{bulk} \rightarrow < 5 \times \text{bulk} = \text{F3}$
SCH I OR II SEXUAL ASSAULT ENABLING DRUGS	$< \text{bulk}$	F5	No distinction for these substances
SCHEDULE III, IV, OR V	$\geq 0.025\text{g} \rightarrow < 5 \times \text{bulk}$	M1 (proposed M1)	$< \text{bulk} = \text{M1}$ Enhanceable to F5 w/prior $\geq \text{bulk} \rightarrow < 5 \times \text{bulk} = \text{F4}$
SCH III, IV, OR V SEXUAL ASSAULT ENABLING DRUGS	$< 5 \times \text{bulk}$	M1 F5 w/prior	No distinction for these substances
COCAINE	$\geq 0.025\text{g} \rightarrow < 10 \text{ g}$	UM	$< 5 \text{ g} = \text{F5}$ $\geq 5 \text{ g} \rightarrow < 10 \text{ g} = \text{F4}$
LSD: SOLID LSD: LIQUID	$\geq 0.25 \text{ UD} \rightarrow < 50 \text{ UD}$ $\geq 0.025\text{g} \rightarrow < 5 \text{ g}$	UM	$< 10 \text{ UD}, < 1 \text{ g} = \text{F5}$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}, \geq 1 \text{ g} \rightarrow < 5 \text{ g} = \text{F4}$
HEROIN	$\geq 0.025\text{g} \rightarrow < 5 \text{ g};$ $\geq 0.25 \text{ UD} \rightarrow < 50 \text{ UD}$	UM	$< 1 \text{ g}; < 10 \text{ UD} = \text{F5}$ $\geq 1 \text{ g} \rightarrow < 5 \text{ g}; \geq 10 \text{ UD} \rightarrow < 50 \text{ UD} = \text{F4}$
FENTANYL-RELATED COMPOUND	$\geq 0.025\text{g} \rightarrow < 1 \text{ g};$ $\geq 0.25 \text{ UD} \rightarrow < 10 \text{ UD}$	F5	Same
	$\geq 1 \text{ g} \rightarrow < 5 \text{ g};$ $\geq 10 \text{ UD} \rightarrow < 50 \text{ UD}$	F4	Same
CONTROLLED SUBSTANCE ANALOG	$\geq 0.025\text{g} \rightarrow < 20\text{g}$	F-5 (proposed UM)	$< 10\text{g} = \text{F5}$ $\geq 10 \text{ g} \rightarrow < 20 \text{ g} = \text{F4}$

## Senate Bill 3 Drug Threshold Comparison

### POSSESSION OF MARIJUANA

DRUG	SB 3 THRESHOLD	LEVEL	CURRENT THRESHOLD
MARIJUANA	$\geq 0.025\text{g} \rightarrow < 200\text{ g}$	Minor Misdemeanor	$< 100\text{ g} = \text{MM}$
	$\geq 200\text{ g} \rightarrow < 400\text{ g}$	M4	$\geq 100\text{ g} \rightarrow < 200\text{ g} = \text{M4}$
	$\geq 400\text{ g} \rightarrow < 1\text{ kg}$	M1	$\geq 200\text{ g} < 1\text{ kg} = \text{F5}$
HASHISH	$\geq 0.025\text{g} \rightarrow < 10\text{ g}$	Minor Misdemeanor	$< 5\text{ g (solid)}$ $< 1\text{ g (liquid)}$
	$\geq 10\text{ g} \rightarrow < 20\text{ g}$	M4	$\geq 5\text{ g} < 10\text{ g (solid)}$ $\geq 1\text{ g} < 2\text{ g (liquid)}$
	$\geq 20\text{ g} \rightarrow < 50\text{ g}$	M1	$\geq 10\text{ g} < 50\text{ g (solid)} = \text{F5}$ $\geq 2\text{ g} < 10\text{ g (liquid)} = \text{F5}$



## CRIMINAL SENTENCING COMMISSION

65 SOUTH FRONT STREET • 5TH FLOOR • COLUMBUS, OHIO 43215 3431

**TO:** Senator Eklund, Senator O'Brien  
**FROM:** Sara Andrews, Director *Sara Andrews*  
**DATE:** March 12, 2019  
**RE:** Sub. Senate Bill 3 – Interested Party Comment

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On behalf of the Ohio Criminal Sentencing Commission (Commission), thank you for the opportunity to comment on Substitute Senate Bill 3. The Commission has long discussed the need for common sense changes to modernize and refine the provisions of Revised Code section 2925. The Commission recognizes that incarceration without effective treatment results in higher recidivism and risk of overdose. We have to determine how best to address addiction-motivated criminal behavior, divert those individuals into needed treatment and rehabilitation, and avoid collateral consequences of conviction. To that end, the Commission has considered the work of the Recodification Committee, hosted the Council of State Government Justice Reinvestment Initiative (JR) in 2018, monitored legislative efforts, evaluated Issue 1 and subsequent draft proposals (i.e. "the Klein-O'Brien plan"), and researched reform efforts in other states to help inform the discussion of changes to Chapter 2925.

There also has to be constructive conversation about treatment and program resources, capacity, outcomes and, importantly movement toward a data-informed environment. Data at the aggregate level will provide Ohio a framework designed to move people with drug and mental health needs into treatment that works and reduce criminal justice involvement. Empowering the Commission to collect aggregate criminal justice data will provide an unprecedented level of information for system practitioners and policy makers that can in turn be used to develop and implement new law enforcement interventions and policing strategies, to refine extant criminal justice policies, and to leverage resources and programming to improve outcomes. Robust data and information translates to a safer, fairer, and more cost-efficient criminal justice system and guides people who need treatment into effective programs.

The full Commission meets on March 21, 2019, and will discuss Sub.SB3 to formally address its position on the provisions of the bill.

Additionally, as you know, at the meeting of the full Commission on December 13, 2018, the Commission heard details on several proposals for drug sentencing reform, including the "Klein-O'Brien" plan, suggestions from the Ohio Judicial Conference and Chief Justice O'Connor, the "Ohio Fresh Start" plan and others. The Commission sanctioned a workgroup to convene and work toward harmonizing the proposals. The workgroup is meeting next on March 25, 2019, and notably, has identified several consensus areas for reform, some of which are included in Sub.SB3, i.e. record sealing, intervention in lieu of conviction, and civil commitment. In the near future we anticipate offering specific suggestions to build on the language of those provisions in Sub.SB3 and, mindful of the Commission's interest in simplification, we will also include suggested revisions to achieve clarity and ease of administration of the aforementioned sections.

# The Supreme Court of Ohio

CHAMBERS OF  
CHIEF JUSTICE MAUREEN O'CONNOR

65 SOUTH FRONT STREET  
COLUMBUS, OH 43215-3431

March 12, 2019

Senator John Eklund  
The Ohio Senate  
1 Capitol Square  
Senate Building  
Columbus, Ohio 43215

Dear Senator Eklund:

Thank you for the opportunity to comment on S.B. 3 and for your continued work in addressing the important topics therein. If I can be of any assistance during the General Assembly's work on this bill, please do not hesitate to reach out to me or the Supreme Court staff.

S.B. 3 proposes to convert fifth and fourth degree drug-possession felonies into unclassified misdemeanors. Converting drug possession felonies into misdemeanors will hamper our very successful drug court programs across the state. We know, through multiple studies, that drug courts are very effective in combating substance use disorder. These programs are successful because they combine the carrot-and-stick approach that enables judges to use the possibility of prison time and the prospect of a felony conviction to incentivize participants to complete drug treatment programs.<sup>1</sup>

## **Incentives to Participate in Drug Courts**

The "stick" for drug possession felonies currently in place consists of the length of incarceration, the place of incarceration (a prison operated by the Ohio Department of Rehabilitation and Correction), and the restrictions that being a convicted felon place on an offender. Avoidance of those three consequences incentivizes offenders to participate in drug court programs.

### *Incarceration time*

Fourth degree felonies carry a maximum of 18 months of prison time and fifth degree felonies carry up to one year of prison time. The maximum penalty for S.B. 3's unclassified misdemeanor is 364 days in a local jail. As a practical matter, it is rare for an

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<sup>1</sup> Dr. Ted Parran, an Ohio doctor that has been an outspoken advocate for drug courts, has commented that the unique amount of "coercive control" that can be applied by the criminal justice system is key to the success of treatment in drug courts.

offender convicted of a misdemeanor to be sentenced to anywhere near to the maximum penalty. And local jails are more likely to have prisoners released to address overcrowding. By way of contrast, felony sentences carry very specific, definite periods of incarceration in prison. For example, for a fourth degree felony, the prison term must be a definite term of six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, or eighteen months. An offender convicted of an unclassified misdemeanor could be sentenced to anywhere between one and 364 days.

#### *Incarceration location*

The location of incarceration also matters to offenders. State prison time usually means increased distance from family and often results in contact with more serious and dangerous offenders, deterrents that would be eliminated with the reduction of felonies to misdemeanors. Another related consequence to the conversion of felonies to misdemeanors is the shift in cost of incarceration from the state ODRC budget to the already strapped budgets of county sheriffs.

#### *Collateral consequences*

The desire of offenders to avoid the collateral consequences of becoming a convicted felon also serve as a motivator for participation in drug court treatment programs. Convicted felons cannot obtain certain professional licenses. They cannot coach children's sports programs. They often struggle to find jobs and have difficulty renting apartments. These consequences are best addressed through participation in drug court programs or intervention in lieu of conviction so they can be avoided altogether, or through the sealing of the record process.

It is laudable that S.B. 3 proposes to alleviate the stigma associated with felony convictions. But the desire to avoid that very stigma can be the incentive to enter treatment.

The provisions making it easier for defendants to have possession charges held in abeyance – which can work *without* reclassifying felonies as misdemeanors – go a long way toward reducing the collateral effects of drug offense convictions. And, as a practical matter, law enforcement and prosecutors retain considerable discretion under the current system to reduce charges to misdemeanors when the circumstances warrant it.

There is no question that we need more treatment for those who are addicted to drugs. But there are consequences for illegal actions. The drug crisis calls for tough love, not leniency and consequence avoidance. We must preserve the discretion of judges to incentivize treatment consistent with these principles.

### **Issues Concerning Change in Jurisdiction**

S.B. 3 also modifies court jurisdiction for drug possession offenses. Specifically, it requires the cases to be heard in the applicable municipal or county court, provided the court operates a “drug court.” If the municipal or county court does not have a drug court, then the cases are to be heard in the appropriate court of common pleas.



### *Drug court definition*

The first concern is that S.B. 3 does not provide a definition for “drug court.” While Sup.R. 36.20 through 36.28 establish a certification process for specialized dockets, which includes drug courts, there are courts that have established dockets they refer to as “drug courts,” but that lack any type of certification or meeting any defined standards for certification as a true specialized docket drug court. Using the general term “drug court” in the statute would mean that the General Assembly’s constitutional authority to set the jurisdiction of courts would be exercised by the municipal or county court judge determining whether to have a drug court.<sup>2</sup> It also creates the possibility of these possession cases being handled by self-described, non-specialized docket certified “drug courts” with no established credentials or standards, thus not serving the offenders as the bill intends.<sup>3</sup>

### *Jurisdiction mandate / drug court participation*

Presently, specialized-docket certified drug courts thoroughly screen cases before they are accepted into the drug court docket. This step ensures that cases are appropriate for the drug court, so as to not waste resources on cases with a low likelihood of success in the program.

It also ensures that the offender enters the program willingly. An offender’s willingness to participate in programming is a cornerstone of the specialized docket concept. Not only does it increase the odds of success, it’s also necessary given the offender waives a handful of important rights once they are accepted into the drug court (e.g., speedy trial rights, HIPAA protections, etc.)

This jurisdictional mandate of S.B. 3 will funnel a number of cases into municipal and county drug courts that are currently being heard in common pleas courts. While some counties (such as the Franklin County) might already be primarily using their municipal drug courts for low-level possession offenses, others counties have not allocated the resources to deal with these cases at the municipal or county court level.

Additionally, such an influx of cases might strain the municipal or county drug court’s ability to effectively manage the offenders. The effectiveness of drug court treatment hinges not just on the supervision over the participant, but also on the *closeness* of the supervision. If a drug court is over capacity, it becomes ineffective for all its participants.

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<sup>2</sup> Additionally, the bill requires that unclassified misdemeanors committed before the effective date of the bill only go to municipal and county courts that have drug courts. Cases for such misdemeanors committed after the bill’s effective date would go to municipal/county courts regardless of whether they have a drug court. Based on statements from the bill’s sponsors and other members of the Judiciary Committee, it’s unclear if this was the intent of the bill.

<sup>3</sup> Also, while the bill specifically points to drug courts, it does not list other specialized dockets that could prove useful to an offender with addiction issues. This could include a veteran’s treatment court, mental health court, or OVI court.

In cases not handled in drug court, it is worth noting that common pleas courts generally have the capability to subject offenders to more intensive and individualized monitoring. The number of probationers assigned to a common pleas probation officers is typically significantly less than the number of probationers assigned to a municipal court probation officer.

### **Drug Court Perspective**

As previously noted, the use of the term “drug court” in the bill raises concerns. Ohio’s terminology is “specialized docket.” Almost every type of specialized docket in Ohio (mental health, drug, family, veteran, etc.) treats individuals with substance use disorder. Additionally and as noted above, Ohio requires certification of specialized dockets, assuring a minimal level of operation as well as fidelity to the treatment court model. Without certification, there is no oversight of a drug court’s operation nor confidence that the intervention is compliant with national best practice standards.

In Ohio, current certification standards permit each judge/certified docket to define the legal criteria under which participants are admitted locally. This includes types and degrees of charges. If the intent of the proposed bill is to mandate certain cases be heard in a drug court, it would eliminate this local discretion. Additionally, there are numerous charges, such as theft and assault, that are not classified as possession charges but often have a nexus to substance use disorder.<sup>4</sup> Flooding specialized dockets with all reclassified possession charges may eliminate the court’s ability to also serve other charges.

Ohio certification standards leave sole discretion for specialized docket admission with the judge. Legal screenings and treatment assessments should be completed prior to an individual’s admission to a specialized docket, confirming the individual is of the research-based risk and treatment need levels. Within the current structure of the bill, the judge would not have this discretion nor would there be a mechanism to guarantee that the appropriate individuals are being offered the specialized docket.

Research is definitive that specialized dockets should target high risk (risk of recidivism) and high need (need for treatment) individuals. Automatically sending a charge to a specialized docket prior to assessing the risk and need level of an individual would result in individuals who do not fit the risk/need profile best suited for drug courts being admitted.

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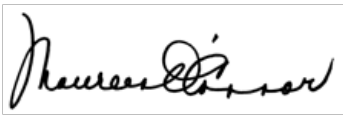
<sup>4</sup> On a related note, S.B. 3 also amends the civil commitment statute by allowing evidence of being revived from an opioid overdose “at least three times.” Just as addiction issues don’t always show themselves as drug possession charges, they don’t always require an overdose – let alone three. This section should be examined to see if broader language would better serve families trying to get their loved ones into treatment.

There are many dangers with this practice, most importantly, mixing risk levels. Individuals with high criminogenic risk do not adopt the behaviors of their lesser risk peers. The opposite is true with low risk individuals becoming high risk with their exposure to higher risk peers and being treated like high risk individuals.<sup>5</sup>

Overall, the drug court should be for a very specific segment of the court's defendants and will be a very small percentage of the total cases. It is not an intervention that is effective for all drug cases nor any defendant with a substance use disorder.

Once again, thank you for this opportunity and I look forward to continue working together on this important issue.

Warm Regards,

A handwritten signature in black ink, appearing to read "Maureen O'Connor", enclosed in a thin black rectangular border.

Maureen O'Connor  
Chief Justice

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<sup>5</sup> “Generally speaking, the higher the prognostic risk level, the more intensive the supervision services should be. Similarly, the higher the need level, the more intensive the treatment services should be. Drug-involved offenders who are both high-risk and high-need typically require the full array of treatment and supervision services embodied in the 10 Key Components of drug courts. The converse, however, is also true. The lower the risk level, the less intensive the supervision services should be. And the lower the need level, the less intensive the treatment services should be. Providing too much treatment or too much supervision is not merely a potential waste of scarce resources. **It can increase crime or substance abuse by exposing individuals to more seriously impaired or antisocial peers, or by interfering with their engagement in productive activities such as work, school, or parenting.**”

ALTERNATIVE TRACKS IN ADULT DRUG COURTS: Matching Your Program to the Needs of Your Clients, Douglas B. Marlowe, JD, PhD, Chief of Science, Law & Policy, National Association of Drug Court Professionals, available at <https://www.ndci.org/wp-content/uploads/AlternativeTracksInAdultDrugCourts.pdf>.