

**As Introduced**

**135th General Assembly  
Regular Session  
2023-2024**

**H. B. No. 83**

**Representative Humphrey**

**Cosponsors: Representatives Russo, McNally, Abdullahi, Brent, Forhan, Somani,  
Brown, Miranda, Skindell, Isaacsohn, Grim, Weinstein, Upchurch, Miller, A.**

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**A BILL**

To amend sections 2925.11, 2925.12, 2925.14, 1  
2925.38, 2929.141, 2929.15, 2929.25, 2935.36, 2  
2967.28, 3707.57, and 4510.17 and to repeal 3  
section 2925.141 of the Revised Code to remove 4  
criminal penalties for the use and possession of 5  
drug paraphernalia and drug abuse instruments. 6

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

**Section 1.** That sections 2925.11, 2925.12, 2925.14, 7  
2925.38, 2929.141, 2929.15, 2929.25, 2935.36, 2967.28, 3707.57, 8  
and 4510.17 of the Revised Code be amended to read as follows: 9

**Sec. 2925.11.** (A) No person shall knowingly obtain, 10  
possess, or use a controlled substance or a controlled substance 11  
analog. 12

(B) (1) This section does not apply to any of the 13  
following: 14

(a) Manufacturers, licensed health professionals 15  
authorized to prescribe drugs, pharmacists, owners of 16  
pharmacies, and other persons whose conduct was in accordance 17

with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 18  
4741. of the Revised Code; 19

(b) If the offense involves an anabolic steroid, any 20  
person who is conducting or participating in a research project 21  
involving the use of an anabolic steroid if the project has been 22  
approved by the United States food and drug administration; 23

(c) Any person who sells, offers for sale, prescribes, 24  
dispenses, or administers for livestock or other nonhuman 25  
species an anabolic steroid that is expressly intended for 26  
administration through implants to livestock or other nonhuman 27  
species and approved for that purpose under the "Federal Food, 28  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 29  
as amended, and is sold, offered for sale, prescribed, 30  
dispensed, or administered for that purpose in accordance with 31  
that act; 32

(d) Any person who obtained the controlled substance 33  
pursuant to a prescription issued by a licensed health 34  
professional authorized to prescribe drugs if the prescription 35  
was issued for a legitimate medical purpose and not altered, 36  
forged, or obtained through deception or commission of a theft 37  
offense. 38

As used in division (B) (1) (d) of this section, "deception" 39  
and "theft offense" have the same meanings as in section 2913.01 40  
of the Revised Code. 41

(2) (a) As used in division (B) (2) of this section: 42

(i) "Community addiction services provider" has the same 43  
meaning as in section 5119.01 of the Revised Code. 44

(ii) "Community control sanction" and "drug treatment 45  
program" have the same meanings as in section 2929.01 of the 46

Revised Code.	47
(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code.	48 49
(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree.	50 51 52
(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code.	53 54
(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	55 56
(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code.	57 58
(viii) "Qualified individual" means a person who is 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.	59 60 61 62 63 64 65
(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.	66 67 68 69
(b) Subject to division (B) (2) (e) 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 <del>or a violation of section 2925.12,</del> <del>division (C) (1) of section 2925.14, or section 2925.141 of the</del>	70 71 72 73 74

~~Revised Code~~ if all of the following apply: 75

(i) The evidence of the obtaining, possession, or use of 76  
the controlled substance or controlled substance analog, ~~drug~~ 77  
~~abuse instruments, or drug paraphernalia~~ that would be the basis 78  
of the offense was obtained as a result of the qualified 79  
individual seeking the medical assistance or experiencing an 80  
overdose and needing medical assistance. 81

(ii) Subject to division (B) (2) (f) of this section, within 82  
thirty days after seeking or obtaining the medical assistance, 83  
the qualified individual seeks and obtains a screening and 84  
receives a referral for treatment from a community addiction 85  
services provider or a properly credentialed addiction treatment 86  
professional. 87

(iii) Subject to division (B) (2) (f) of this section, the 88  
qualified individual who obtains a screening and receives a 89  
referral for treatment under division (B) (2) (b) (ii) of this 90  
section, upon the request of any prosecuting attorney, submits 91  
documentation to the prosecuting attorney that verifies that the 92  
qualified individual satisfied the requirements of that 93  
division. The documentation shall be limited to the date and 94  
time of the screening obtained and referral received. 95

(c) If a person who is serving a community control 96  
sanction or is under a sanction on post-release control acts 97  
pursuant to division (B) (2) (b) of this section, then division 98  
(B) of section 2929.141, division (B) (2) of section 2929.15, 99  
division (D) (3) of section 2929.25, or division (F) (3) of 100  
section 2967.28 of the Revised Code applies to the person with 101  
respect to any violation of the sanction or post-release control 102  
sanction based on a minor drug possession offense, as defined in 103  
section 2925.11 of the Revised Code, ~~or a violation of section~~ 104

<del>2925.12, division (C) (1) of section 2925.14, or section 2925.141</del>	105
<del>of the Revised Code.</del>	106
(d) Nothing in division (B) (2) (b) of this section shall be construed to do any of the following:	107
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(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B) (2) (b) of this section or with regards to any crime other than a minor drug possession offense <del>or a violation of section 2925.12, division (C) (1) of section 2925.14, or section 2925.141 of the Revised Code</del> committed by a person who qualifies for protection pursuant to division (B) (2) (b) of this section;	109
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(ii) Limit any seizure of evidence or contraband otherwise permitted by law;	117
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(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;	119
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(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to September 13, 2016, to any public agency or to an employee of any public agency.	123
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(e) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.	126
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(f) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance	131
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Portability and Accountability Act of 1996," 104 Pub. L. No. 134  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 135  
regulations promulgated by the United States department of 136  
health and human services to implement the act or the 137  
requirements of 42 C.F.R. Part 2. 138

(C) Whoever violates division (A) of this section is 139  
guilty of one of the following: 140

(1) If the drug involved in the violation is a compound, 141  
mixture, preparation, or substance included in schedule I or II, 142  
with the exception of marihuana, cocaine, L.S.D., heroin, any 143  
fentanyl-related compound, hashish, and any controlled substance 144  
analog, whoever violates division (A) of this section is guilty 145  
of aggravated possession of drugs. The penalty for the offense 146  
shall be determined as follows: 147

(a) Except as otherwise provided in division (C) (1) (b), 148  
(c), (d), or (e) of this section, aggravated possession of drugs 149  
is a felony of the fifth degree, and division (B) of section 150  
2929.13 of the Revised Code applies in determining whether to 151  
impose a prison term on the offender. 152

(b) If the amount of the drug involved equals or exceeds 153  
the bulk amount but is less than five times the bulk amount, 154  
aggravated possession of drugs is a felony of the third degree, 155  
and there is a presumption for a prison term for the offense. 156

(c) If the amount of the drug involved equals or exceeds 157  
five times the bulk amount but is less than fifty times the bulk 158  
amount, aggravated possession of drugs is a felony of the second 159  
degree, and the court shall impose as a mandatory prison term a 160  
second degree felony mandatory prison term. 161

(d) If the amount of the drug involved equals or exceeds 162

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. 163  
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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. 167  
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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: 172  
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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. 177  
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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 division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 182  
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(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. 187  
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(d) If the amount of the drug involved equals or exceeds 191

fifty times the bulk amount, possession of drugs is a felony of 192  
the second degree, and the court shall impose upon the offender 193  
as a mandatory prison term a second degree felony mandatory 194  
prison term. 195

(3) If the drug involved in the violation is marihuana or 196  
a compound, mixture, preparation, or substance containing 197  
marihuana other than hashish, whoever violates division (A) of 198  
this section is guilty of possession of marihuana. The penalty 199  
for the offense shall be determined as follows: 200

(a) Except as otherwise provided in division (C) (3) (b), 201  
(c), (d), (e), (f), or (g) of this section, possession of 202  
marihuana is a minor misdemeanor. 203

(b) If the amount of the drug involved equals or exceeds 204  
one hundred grams but is less than two hundred grams, possession 205  
of marihuana is a misdemeanor of the fourth degree. 206

(c) If the amount of the drug involved equals or exceeds 207  
two hundred grams but is less than one thousand grams, 208  
possession of marihuana is a felony of the fifth degree, and 209  
division (B) of section 2929.13 of the Revised Code applies in 210  
determining whether to impose a prison term on the offender. 211

(d) If the amount of the drug involved equals or exceeds 212  
one thousand grams but is less than five thousand grams, 213  
possession of marihuana is a felony of the third degree, and 214  
division (C) of section 2929.13 of the Revised Code applies in 215  
determining whether to impose a prison term on the offender. 216

(e) If the amount of the drug involved equals or exceeds 217  
five thousand grams but is less than twenty thousand grams, 218  
possession of marihuana is a felony of the third degree, and 219  
there is a presumption that a prison term shall be imposed for 220

the offense.	221
(f) If the amount of the drug involved equals or exceeds	222
twenty thousand grams but is less than forty thousand grams,	223
possession of marihuana is a felony of the second degree, and	224
the court shall impose as a mandatory prison term a second	225
degree felony mandatory prison term of five, six, seven, or	226
eight years.	227
(g) If the amount of the drug involved equals or exceeds	228
forty thousand grams, possession of marihuana is a felony of the	229
second degree, and the court shall impose as a mandatory prison	230
term a maximum second degree felony mandatory prison term.	231
(4) If the drug involved in the violation is cocaine or a	232
compound, mixture, preparation, or substance containing cocaine,	233
whoever violates division (A) of this section is guilty of	234
possession of cocaine. The penalty for the offense shall be	235
determined as follows:	236
(a) Except as otherwise provided in division (C) (4) (b),	237
(c), (d), (e), or (f) of this section, possession of cocaine is	238
a felony of the fifth degree, and division (B) of section	239
2929.13 of the Revised Code applies in determining whether to	240
impose a prison term on the offender.	241
(b) If the amount of the drug involved equals or exceeds	242
five grams but is less than ten grams of cocaine, possession of	243
cocaine is a felony of the fourth degree, and division (B) of	244
section 2929.13 of the Revised Code applies in determining	245
whether to impose a prison term on the offender.	246
(c) If the amount of the drug involved equals or exceeds	247
ten grams but is less than twenty grams of cocaine, possession	248
of cocaine is a felony of the third degree, and, except as	249

otherwise provided in this division, there is a presumption for 250  
a prison term for the offense. If possession of cocaine is a 251  
felony of the third degree under this division and if the 252  
offender two or more times previously has been convicted of or 253  
pleaded guilty to a felony drug abuse offense, the court shall 254  
impose as a mandatory prison term one of the prison terms 255  
prescribed for a felony of the third degree. 256

(d) If the amount of the drug involved equals or exceeds 257  
twenty grams but is less than twenty-seven grams of cocaine, 258  
possession of cocaine is a felony of the second degree, and the 259  
court shall impose as a mandatory prison term a second degree 260  
felony mandatory prison term. 261

(e) If the amount of the drug involved equals or exceeds 262  
twenty-seven grams but is less than one hundred grams of 263  
cocaine, possession of cocaine is a felony of the first degree, 264  
and the court shall impose as a mandatory prison term a first 265  
degree felony mandatory prison term. 266

(f) If the amount of the drug involved equals or exceeds 267  
one hundred grams of cocaine, possession of cocaine is a felony 268  
of the first degree, the offender is a major drug offender, and 269  
the court shall impose as a mandatory prison term a maximum 270  
first degree felony mandatory prison term. 271

(5) If the drug involved in the violation is L.S.D., 272  
whoever violates division (A) of this section is guilty of 273  
possession of L.S.D. The penalty for the offense shall be 274  
determined as follows: 275

(a) Except as otherwise provided in division (C) (5) (b), 276  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 277  
felony of the fifth degree, and division (B) of section 2929.13 278

of the Revised Code applies in determining whether to impose a 279  
prison term on the offender. 280

(b) If the amount of L.S.D. involved equals or exceeds ten 281  
unit doses but is less than fifty unit doses of L.S.D. in a 282  
solid form or equals or exceeds one gram but is less than five 283  
grams of L.S.D. in a liquid concentrate, liquid extract, or 284  
liquid distillate form, possession of L.S.D. is a felony of the 285  
fourth degree, and division (C) of section 2929.13 of the 286  
Revised Code applies in determining whether to impose a prison 287  
term on the offender. 288

(c) If the amount of L.S.D. involved equals or exceeds 289  
fifty unit doses, but is less than two hundred fifty unit doses 290  
of L.S.D. in a solid form or equals or exceeds five grams but is 291  
less than twenty-five grams of L.S.D. in a liquid concentrate, 292  
liquid extract, or liquid distillate form, possession of L.S.D. 293  
is a felony of the third degree, and there is a presumption for 294  
a prison term for the offense. 295

(d) If the amount of L.S.D. involved equals or exceeds two 296  
hundred fifty unit doses but is less than one thousand unit 297  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 298  
grams but is less than one hundred grams of L.S.D. in a liquid 299  
concentrate, liquid extract, or liquid distillate form, 300  
possession of L.S.D. is a felony of the second degree, and the 301  
court shall impose as a mandatory prison term a second degree 302  
felony mandatory prison term. 303

(e) If the amount of L.S.D. involved equals or exceeds one 304  
thousand unit doses but is less than five thousand unit doses of 305  
L.S.D. in a solid form or equals or exceeds one hundred grams 306  
but is less than five hundred grams of L.S.D. in a liquid 307  
concentrate, liquid extract, or liquid distillate form, 308

possession of L.S.D. is a felony of the first degree, and the 309  
court shall impose as a mandatory prison term a first degree 310  
felony mandatory prison term. 311

(f) If the amount of L.S.D. involved equals or exceeds 312  
five thousand unit doses of L.S.D. in a solid form or equals or 313  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 314  
liquid extract, or liquid distillate form, possession of L.S.D. 315  
is a felony of the first degree, the offender is a major drug 316  
offender, and the court shall impose as a mandatory prison term 317  
a maximum first degree felony mandatory prison term. 318

(6) If the drug involved in the violation is heroin or a 319  
compound, mixture, preparation, or substance containing heroin, 320  
whoever violates division (A) of this section is guilty of 321  
possession of heroin. The penalty for the offense shall be 322  
determined as follows: 323

(a) Except as otherwise provided in division (C) (6) (b), 324  
(c), (d), (e), or (f) of this section, possession of heroin is a 325  
felony of the fifth degree, and division (B) of section 2929.13 326  
of the Revised Code applies in determining whether to impose a 327  
prison term on the offender. 328

(b) If the amount of the drug involved equals or exceeds 329  
ten unit doses but is less than fifty unit doses or equals or 330  
exceeds one gram but is less than five grams, possession of 331  
heroin is a felony of the fourth degree, and division (C) of 332  
section 2929.13 of the Revised Code applies in determining 333  
whether to impose a prison term on the offender. 334

(c) If the amount of the drug involved equals or exceeds 335  
fifty unit doses but is less than one hundred unit doses or 336  
equals or exceeds five grams but is less than ten grams, 337

possession of heroin is a felony of the third degree, and there 338  
is a presumption for a prison term for the offense. 339

(d) If the amount of the drug involved equals or exceeds 340  
one hundred unit doses but is less than five hundred unit doses 341  
or equals or exceeds ten grams but is less than fifty grams, 342  
possession of heroin is a felony of the second degree, and the 343  
court shall impose as a mandatory prison term a second degree 344  
felony mandatory prison term. 345

(e) If the amount of the drug involved equals or exceeds 346  
five hundred unit doses but is less than one thousand unit doses 347  
or equals or exceeds fifty grams but is less than one hundred 348  
grams, possession of heroin is a felony of the first degree, and 349  
the court shall impose as a mandatory prison term a first degree 350  
felony mandatory prison term. 351

(f) If the amount of the drug involved equals or exceeds 352  
one thousand unit doses or equals or exceeds one hundred grams, 353  
possession of heroin is a felony of the first degree, the 354  
offender is a major drug offender, and the court shall impose as 355  
a mandatory prison term a maximum first degree felony mandatory 356  
prison term. 357

(7) If the drug involved in the violation is hashish or a 358  
compound, mixture, preparation, or substance containing hashish, 359  
whoever violates division (A) of this section is guilty of 360  
possession of hashish. The penalty for the offense shall be 361  
determined as follows: 362

(a) Except as otherwise provided in division (C) (7) (b), 363  
(c), (d), (e), (f), or (g) of this section, possession of 364  
hashish is a minor misdemeanor. 365

(b) If the amount of the drug involved equals or exceeds 366

five grams but is less than ten grams of hashish in a solid form 367  
or equals or exceeds one gram but is less than two grams of 368  
hashish in a liquid concentrate, liquid extract, or liquid 369  
distillate form, possession of hashish is a misdemeanor of the 370  
fourth degree. 371

(c) If the amount of the drug involved equals or exceeds 372  
ten grams but is less than fifty grams of hashish in a solid 373  
form or equals or exceeds two grams but is less than ten grams 374  
of hashish in a liquid concentrate, liquid extract, or liquid 375  
distillate form, possession of hashish is a felony of the fifth 376  
degree, and division (B) of section 2929.13 of the Revised Code 377  
applies in determining whether to impose a prison term on the 378  
offender. 379

(d) If the amount of the drug involved equals or exceeds 380  
fifty grams but is less than two hundred fifty grams of hashish 381  
in a solid form or equals or exceeds ten grams but is less than 382  
fifty grams of hashish in a liquid concentrate, liquid extract, 383  
or liquid distillate form, possession of hashish is a felony of 384  
the third degree, and division (C) of section 2929.13 of the 385  
Revised Code applies in determining whether to impose a prison 386  
term on the offender. 387

(e) If the amount of the drug involved equals or exceeds 388  
two hundred fifty grams but is less than one thousand grams of 389  
hashish in a solid form or equals or exceeds fifty grams but is 390  
less than two hundred grams of hashish in a liquid concentrate, 391  
liquid extract, or liquid distillate form, possession of hashish 392  
is a felony of the third degree, and there is a presumption that 393  
a prison term shall be imposed for the offense. 394

(f) If the amount of the drug involved equals or exceeds 395  
one thousand grams but is less than two thousand grams of 396

hashish in a solid form or equals or exceeds two hundred grams 397  
but is less than four hundred grams of hashish in a liquid 398  
concentrate, liquid extract, or liquid distillate form, 399  
possession of hashish is a felony of the second degree, and the 400  
court shall impose as a mandatory prison term a second degree 401  
felony mandatory prison term of five, six, seven, or eight 402  
years. 403

(g) If the amount of the drug involved equals or exceeds 404  
two thousand grams of hashish in a solid form or equals or 405  
exceeds four hundred grams of hashish in a liquid concentrate, 406  
liquid extract, or liquid distillate form, possession of hashish 407  
is a felony of the second degree, and the court shall impose as 408  
a mandatory prison term a maximum second degree felony mandatory 409  
prison term. 410

(8) If the drug involved is a controlled substance analog 411  
or compound, mixture, preparation, or substance that contains a 412  
controlled substance analog, whoever violates division (A) of 413  
this section is guilty of possession of a controlled substance 414  
analog. The penalty for the offense shall be determined as 415  
follows: 416

(a) Except as otherwise provided in division (C) (8) (b), 417  
(c), (d), (e), or (f) of this section, possession of a 418  
controlled substance analog is a felony of the fifth degree, and 419  
division (B) of section 2929.13 of the Revised Code applies in 420  
determining whether to impose a prison term on the offender. 421

(b) If the amount of the drug involved equals or exceeds 422  
ten grams but is less than twenty grams, possession of a 423  
controlled substance analog is a felony of the fourth degree, 424  
and there is a presumption for a prison term for the offense. 425

(c) If the amount of the drug involved equals or exceeds 426  
twenty grams but is less than thirty grams, possession of a 427  
controlled substance analog is a felony of the third degree, and 428  
there is a presumption for a prison term for the offense. 429

(d) If the amount of the drug involved equals or exceeds 430  
thirty grams but is less than forty grams, possession of a 431  
controlled substance analog is a felony of the second degree, 432  
and the court shall impose as a mandatory prison term a second 433  
degree felony mandatory prison term. 434

(e) If the amount of the drug involved equals or exceeds 435  
forty grams but is less than fifty grams, possession of a 436  
controlled substance analog is a felony of the first degree, and 437  
the court shall impose as a mandatory prison term a first degree 438  
felony mandatory prison term. 439

(f) If the amount of the drug involved equals or exceeds 440  
fifty grams, possession of a controlled substance analog is a 441  
felony of the first degree, the offender is a major drug 442  
offender, and the court shall impose as a mandatory prison term 443  
a maximum first degree felony mandatory prison term. 444

(9) If the drug involved in the violation is a compound, 445  
mixture, preparation, or substance that is a combination of a 446  
fentanyl-related compound and marihuana, one of the following 447  
applies: 448

(a) Except as otherwise provided in division (C) (9) (b) of 449  
this section, the offender is guilty of possession of marihuana 450  
and shall be punished as provided in division (C) (3) of this 451  
section. Except as otherwise provided in division (C) (9) (b) of 452  
this section, the offender is not guilty of possession of a 453  
fentanyl-related compound under division (C) (11) of this section 454

and shall not be charged with, convicted of, or punished under 455  
division (C) (11) of this section for possession of a fentanyl- 456  
related compound. 457

(b) If the offender knows or has reason to know that the 458  
compound, mixture, preparation, or substance that is the drug 459  
involved contains a fentanyl-related compound, the offender is 460  
guilty of possession of a fentanyl-related compound and shall be 461  
punished under division (C) (11) of this section. 462

(10) If the drug involved in the violation is a compound, 463  
mixture, preparation, or substance that is a combination of a 464  
fentanyl-related compound and any schedule III, schedule IV, or 465  
schedule V controlled substance that is not a fentanyl-related 466  
compound, one of the following applies: 467

(a) Except as otherwise provided in division (C) (10) (b) of 468  
this section, the offender is guilty of possession of drugs and 469  
shall be punished as provided in division (C) (2) of this 470  
section. Except as otherwise provided in division (C) (10) (b) of 471  
this section, the offender is not guilty of possession of a 472  
fentanyl-related compound under division (C) (11) of this section 473  
and shall not be charged with, convicted of, or punished under 474  
division (C) (11) of this section for possession of a fentanyl- 475  
related compound. 476

(b) If the offender knows or has reason to know that the 477  
compound, mixture, preparation, or substance that is the drug 478  
involved contains a fentanyl-related compound, the offender is 479  
guilty of possession of a fentanyl-related compound and shall be 480  
punished under division (C) (11) of this section. 481

(11) If the drug involved in the violation is a fentanyl- 482  
related compound and neither division (C) (9) (a) nor division (C) 483

(10) (a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither division (C) (9) (a) nor division (C) (10) (a) of this section applies to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (11) (b), (c), (d), (e), (f), or (g) of this section, possession of 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) 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, possession of 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) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds one hundred unit doses but is less than two hundred unit doses or equals or exceeds ten grams but is less than twenty grams, possession of a fentanyl-related compound is a felony of the

second degree, and the court shall impose as a mandatory prison 514  
term one of the prison terms prescribed for a felony of the 515  
second degree. 516

(e) If the amount of the drug involved equals or exceeds 517  
two hundred unit doses but is less than five hundred unit doses 518  
or equals or exceeds twenty grams but is less than fifty grams, 519  
possession of a fentanyl-related compound is a felony of the 520  
first degree, and the court shall impose as a mandatory prison 521  
term one of the prison terms prescribed for a felony of the 522  
first degree. 523

(f) If the amount of the drug involved equals or exceeds 524  
five hundred unit doses but is less than one thousand unit doses 525  
or equals or exceeds fifty grams but is less than one hundred 526  
grams, possession of a fentanyl-related compound is a felony of 527  
the first degree, and the court shall impose as a mandatory 528  
prison term the maximum prison term prescribed for a felony of 529  
the first degree. 530

(g) If the amount of the drug involved equals or exceeds 531  
one thousand unit doses or equals or exceeds one hundred grams, 532  
possession of a fentanyl-related compound is a felony of the 533  
first degree, the offender is a major drug offender, and the 534  
court shall impose as a mandatory prison term the maximum prison 535  
term prescribed for a felony of the first degree. 536

(D) Arrest or conviction for a minor misdemeanor violation 537  
of this section does not constitute a criminal record and need 538  
not be reported by the person so arrested or convicted in 539  
response to any inquiries about the person's criminal record, 540  
including any inquiries contained in any application for 541  
employment, license, or other right or privilege, or made in 542  
connection with the person's appearance as a witness. 543

(E) In addition to any prison term or jail term authorized 544  
or required by division (C) of this section and sections 545  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 546  
Code and in addition to any other sanction that is imposed for 547  
the offense under this section, sections 2929.11 to 2929.18, or 548  
sections 2929.21 to 2929.28 of the Revised Code, the court that 549  
sentences an offender who is convicted of or pleads guilty to a 550  
violation of division (A) of this section may suspend the 551  
offender's driver's or commercial driver's license or permit for 552  
not more than five years. However, if the offender pleaded 553  
guilty to or was convicted of a violation of section 4511.19 of 554  
the Revised Code or a substantially similar municipal ordinance 555  
or the law of another state or the United States arising out of 556  
the same set of circumstances as the violation, the court shall 557  
suspend the offender's driver's or commercial driver's license 558  
or permit for not more than five years. If applicable, the court 559  
also shall do the following: 560

(1) (a) If the violation is a felony of the first, second, 561  
or third degree, the court shall impose upon the offender the 562  
mandatory fine specified for the offense under division (B) (1) 563  
of section 2929.18 of the Revised Code unless, as specified in 564  
that division, the court determines that the offender is 565  
indigent. 566

(b) Notwithstanding any contrary provision of section 567  
3719.21 of the Revised Code, the clerk of the court shall pay a 568  
mandatory fine or other fine imposed for a violation of this 569  
section pursuant to division (A) of section 2929.18 of the 570  
Revised Code in accordance with and subject to the requirements 571  
of division (F) of section 2925.03 of the Revised Code. The 572  
agency that receives the fine shall use the fine as specified in 573  
division (F) of section 2925.03 of the Revised Code. 574

(c) If a person is charged with a violation of this 575  
section that is a felony of the first, second, or third degree, 576  
posts bail, and forfeits the bail, the clerk shall pay the 577  
forfeited bail pursuant to division (E) (1) (b) of this section as 578  
if it were a mandatory fine imposed under division (E) (1) (a) of 579  
this section. 580

(2) If the offender is a professionally licensed person, 581  
in addition to any other sanction imposed for a violation of 582  
this section, the court immediately shall comply with section 583  
2925.38 of the Revised Code. 584

(F) It is an affirmative defense, as provided in section 585  
2901.05 of the Revised Code, to a charge of a fourth degree 586  
felony violation under this section that the controlled 587  
substance that gave rise to the charge is in an amount, is in a 588  
form, is prepared, compounded, or mixed with substances that are 589  
not controlled substances in a manner, or is possessed under any 590  
other circumstances, that indicate that the substance was 591  
possessed solely for personal use. Notwithstanding any contrary 592  
provision of this section, if, in accordance with section 593  
2901.05 of the Revised Code, an accused who is charged with a 594  
fourth degree felony violation of division (C) (2), (4), (5), or 595  
(6) of this section sustains the burden of going forward with 596  
evidence of and establishes by a preponderance of the evidence 597  
the affirmative defense described in this division, the accused 598  
may be prosecuted for and may plead guilty to or be convicted of 599  
a misdemeanor violation of division (C) (2) of this section or a 600  
fifth degree felony violation of division (C) (4), (5), or (6) of 601  
this section respectively. 602

(G) When a person is charged with possessing a bulk amount 603  
or multiple of a bulk amount, division (E) of section 2925.03 of 604

the Revised Code applies regarding the determination of the 605  
amount of the controlled substance involved at the time of the 606  
offense. 607

(H) It is an affirmative defense to a charge of possession 608  
of a controlled substance analog under division (C) (8) of this 609  
section that the person charged with violating that offense 610  
obtained, possessed, or used one of the following items that are 611  
excluded from the meaning of "controlled substance analog" under 612  
section 3719.01 of the Revised Code: 613

(1) A controlled substance; 614

(2) Any substance for which there is an approved new drug 615  
application; 616

(3) With respect to a particular person, any substance if 617  
an exemption is in effect for investigational use for that 618  
person pursuant to federal law to the extent that conduct with 619  
respect to that substance is pursuant to that exemption. 620

(I) Any offender who received a mandatory suspension of 621  
the offender's driver's or commercial driver's license or permit 622  
under this section prior to September 13, 2016, may file a 623  
motion with the sentencing court requesting the termination of 624  
the suspension. However, an offender who pleaded guilty to or 625  
was convicted of a violation of section 4511.19 of the Revised 626  
Code or a substantially similar municipal ordinance or law of 627  
another state or the United States that arose out of the same 628  
set of circumstances as the violation for which the offender's 629  
license or permit was suspended under this section shall not 630  
file such a motion. 631

Upon the filing of a motion under division (I) of this 632  
section, the sentencing court, in its discretion, may terminate 633

the suspension. 634

**Sec. 2925.12.** (A) No person shall knowingly make, ~~obtain,~~ 635  
~~possess, or use~~ any instrument, article, or thing the customary 636  
and primary purpose of which is for the administration or use of 637  
a dangerous drug, other than marihuana, when the instrument 638  
involved is a hypodermic or syringe, whether or not of crude or 639  
extemporized manufacture or assembly, and the instrument, 640  
article, or thing involved has been used by the offender to 641  
unlawfully administer or use a dangerous drug, other than 642  
marihuana, or to prepare a dangerous drug, other than marihuana, 643  
for unlawful administration or use. 644

~~(B)(1)~~ (B) This section does not apply to manufacturers, 645  
licensed health professionals authorized to prescribe drugs, 646  
pharmacists, owners of pharmacies, and other persons whose 647  
conduct was in accordance with Chapters 3719., 4715., 4723., 648  
4729., 4730., 4731., and 4741. of the Revised Code. 649

~~(2) Division (B)(2) of section 2925.11 of the Revised Code~~ 650  
~~applies with respect to a violation of this section when a~~ 651  
~~person seeks or obtains medical assistance for another person~~ 652  
~~who is experiencing a drug overdose, a person experiences a drug~~ 653  
~~overdose and seeks medical assistance for that overdose, or a~~ 654  
~~person is the subject of another person seeking or obtaining~~ 655  
~~medical assistance for that overdose.~~ 656

(C) Whoever violates this section is guilty of 657  
~~possessing~~making drug abuse instruments, a misdemeanor of the 658  
second degree. If the offender previously has been convicted of 659  
a drug abuse offense, a violation of this section is a 660  
misdemeanor of the first degree. 661

~~(D)(1) In addition to any other sanction imposed upon an~~ 662

~~offender for a violation of this section, the court may suspend  
for not more than five years the offender's driver's or  
commercial driver's license or permit. However, if the offender  
pleaded guilty to or was convicted of a violation of section  
4511.19 of the Revised Code or a substantially similar municipal  
ordinance or the law of another state or the United States  
arising out of the same set of circumstances as the violation,  
the court shall suspend the offender's driver's or commercial  
driver's license or permit for not more than five years. If the  
offender is a professionally licensed person, in addition to any  
other sanction imposed for a violation of this section, the  
court immediately shall comply with section 2925.38 of the  
Revised Code.~~

~~(2) Any offender who received a mandatory suspension of  
the offender's driver's or commercial driver's license or permit  
under this section prior to 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.~~

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

**Sec. 2925.14.** (A) As used in this section, "drug  
paraphernalia" means any equipment, product, or material of any  
kind that is used by the offender, intended by the offender for

use, or designed for use, in propagating, cultivating, growing, 693  
harvesting, manufacturing, compounding, converting, producing, 694  
processing, preparing, testing, analyzing, packaging, 695  
repackaging, storing, containing, concealing, injecting, 696  
ingesting, inhaling, or otherwise introducing into the human 697  
body, a controlled substance in violation of this chapter. "Drug 698  
paraphernalia" includes, but is not limited to, any of the 699  
following equipment, products, or materials that are used by the 700  
offender, intended by the offender for use, or designed by the 701  
offender for use, in any of the following manners: 702

(1) A kit for propagating, cultivating, growing, or 703  
harvesting any species of a plant that is a controlled substance 704  
or from which a controlled substance can be derived; 705

(2) A kit for manufacturing, compounding, converting, 706  
producing, processing, or preparing a controlled substance; 707

(3) Any object, instrument, or device for manufacturing, 708  
compounding, converting, producing, processing, or preparing 709  
methamphetamine; 710

(4) An isomerization device for increasing the potency of 711  
any species of a plant that is a controlled substance; 712

(5) Testing equipment for identifying, or analyzing the 713  
strength, effectiveness, or purity of, a controlled substance, 714  
except for those exempted in division (D) (4) of this section; 715

(6) A scale or balance for weighing or measuring a 716  
controlled substance; 717

(7) A diluent or adulterant, such as quinine 718  
hydrochloride, mannitol, mannite, dextrose, or lactose, for 719  
cutting a controlled substance; 720

- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 721  
722
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 723  
724
- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 725  
726
- (11) A container or device for storing or concealing a controlled substance; 727  
728
- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 729  
730  
731
- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 732  
733  
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 743  
744  
745
- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 746  
747
- (2) The proximity in time or space of the equipment, 748

product, or material, or of the act relating to the equipment,	749
product, or material, to a violation of any provision of this	750
chapter;	751
(3) The proximity of the equipment, product, or material	752
to any controlled substance;	753
(4) The existence of any residue of a controlled substance	754
on the equipment, product, or material;	755
(5) Direct or circumstantial evidence of the intent of the	756
owner, or of anyone in control, of the equipment, product, or	757
material, to deliver it to any person whom the owner or person	758
in control of the equipment, product, or material knows intends	759
to use the object to facilitate a violation of any provision of	760
this chapter. A finding that the owner, or anyone in control, of	761
the equipment, product, or material, is not guilty of a	762
violation of any other provision of this chapter does not	763
prevent a finding that the equipment, product, or material was	764
intended or designed by the offender for use as drug	765
paraphernalia.	766
(6) Any oral or written instruction provided with the	767
equipment, product, or material concerning its use;	768
(7) Any descriptive material accompanying the equipment,	769
product, or material and explaining or depicting its use;	770
(8) National or local advertising concerning the use of	771
the equipment, product, or material;	772
(9) The manner and circumstances in which the equipment,	773
product, or material is displayed for sale;	774
(10) Direct or circumstantial evidence of the ratio of the	775
sales of the equipment, product, or material to the total sales	776

of the business enterprise; 777

(11) The existence and scope of legitimate uses of the 778  
equipment, product, or material in the community; 779

(12) Expert testimony concerning the use of the equipment, 780  
product, or material. 781

~~(C) (1) Subject to divisions (D) (2), (3), and (4) of this 782  
section, no person shall knowingly use, or possess with purpose 783  
to use, drug paraphernalia. 784~~

~~(2) No person shall knowingly sell, or possess or 785  
manufacture with purpose to sell, drug paraphernalia, if the 786  
person knows or reasonably should know that the equipment, 787  
product, or material will be used as drug paraphernalia. 788~~

~~(3) (2) No person shall place an advertisement in any 789  
newspaper, magazine, handbill, or other publication that is 790  
published and printed and circulates primarily within this 791  
state, if the person knows that the purpose of the advertisement 792  
is to promote the illegal sale in this state of the equipment, 793  
product, or material that the offender intended or designed for 794  
use as drug paraphernalia. 795~~

~~(D) (1) (D) This section does not apply to manufacturers, 796  
licensed health professionals authorized to prescribe drugs, 797  
pharmacists, owners of pharmacies, and other persons whose 798  
conduct is in accordance with Chapters 3719., 4715., 4723., 799  
4729., 4730., 4731., and 4741. of the Revised Code. This section 800  
shall not be construed to prohibit the possession or use of a 801  
hypodermic as authorized by section 3719.172 of the Revised 802  
Code. 803~~

~~(2) Division (C) (1) of this section does not apply to a 804  
person's use, or possession with purpose to use, any drug 805~~

~~paraphernalia that is equipment, a product, or material of any~~ 806  
~~kind that is used by the person, intended by the person for use,~~ 807  
~~or designed for use in storing, containing, concealing,~~ 808  
~~injecting, ingesting, inhaling, or otherwise introducing into~~ 809  
~~the human body marihuana.~~ 810

~~(3) Division (B) (2) of section 2925.11 of the Revised Code~~ 811  
~~applies with respect to a violation of division (C) (1) of this~~ 812  
~~section when a person seeks or obtains medical assistance for~~ 813  
~~another person who is experiencing a drug overdose, a person~~ 814  
~~experiences a drug overdose and seeks medical assistance for~~ 815  
~~that overdose, or a person is the subject of another person~~ 816  
~~seeking or obtaining medical assistance for that overdose.~~ 817

~~(4) Division (C) (1) of this section does not apply to a~~ 818  
~~person's use, or possession with purpose to use, any drug~~ 819  
~~testing strips to determine the presence of fentanyl or a~~ 820  
~~fentanyl related compound.~~ 821

(E) Notwithstanding Chapter 2981. of the Revised Code, any 822  
drug paraphernalia that was ~~used, possessed, sold,~~ or 823  
manufactured in a violation of this section shall be seized, 824  
after a conviction for that violation shall be forfeited, and 825  
upon forfeiture shall be disposed of pursuant to division (B) of 826  
section 2981.12 of the Revised Code. 827

~~(F) (1) Whoever violates division (C) (1) of this section is~~ 828  
~~guilty of illegal use or possession of drug paraphernalia, a~~ 829  
~~misdemeanor of the fourth degree.~~ 830

~~(2) Except as provided in division (F) (3)~~ (F) (2) of this 831  
section, whoever violates division ~~(C) (2)~~ (C) (1) of this section 832  
is guilty of dealing in drug paraphernalia, a misdemeanor of the 833  
second degree. 834

~~(3)-(2)~~ Whoever violates division ~~(C)-(2)-(C)(1)~~ of this 835  
section by selling drug paraphernalia to a juvenile is guilty of 836  
selling drug paraphernalia to juveniles, a misdemeanor of the 837  
first degree. 838

~~(4)-(3)~~ Whoever violates division ~~(C)-(3)-(C)(2)~~ of this 839  
section is guilty of illegal advertising of drug paraphernalia, 840  
a misdemeanor of the second degree. 841

~~(G)(1)~~ In addition to any other sanction imposed upon an 842  
offender for a violation of this section, the court may suspend 843  
for not more than five years the offender's driver's or 844  
commercial driver's license or permit. However, if the offender 845  
pleaded guilty to or was convicted of a violation of section 846  
4511.19 of the Revised Code or a substantially similar municipal 847  
ordinance or the law of another state or the United States 848  
arising out of the same set of circumstances as the violation, 849  
the court shall suspend the offender's driver's or commercial 850  
driver's license or permit for not more than five years. If the 851  
offender is a professionally licensed person, in addition to any 852  
other sanction imposed for a violation of this section, the 853  
court immediately shall comply with section 2925.38 of the 854  
Revised Code. 855

~~(2)~~ Any offender who received a mandatory suspension of 856  
the offender's driver's or commercial driver's license or permit 857  
under this section prior to September 13, 2016, may file a 858  
motion with the sentencing court requesting the termination of 859  
the suspension. However, an offender who pleaded guilty to or 860  
was convicted of a violation of section 4511.19 of the Revised 861  
Code or a substantially similar municipal ordinance or law of 862  
another state or the United States that arose out of the same 863  
set of circumstances as the violation for which the offender's 864

license or permit was suspended under this section shall not 865  
file such a motion. 866

Upon the filing of a motion under this division ~~(G) (2) of~~ 867  
~~this section~~, the sentencing court, in its discretion, may 868  
terminate the suspension. 869

**Sec. 2925.38.** If a person who is convicted of or pleads 870  
guilty to a violation of section 2925.02, 2925.03, 2925.04, 871  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, ~~2925.141,~~ 872  
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 873  
2925.37 of the Revised Code is a professionally licensed person, 874  
in addition to any other sanctions imposed for the violation, 875  
the court, except as otherwise provided in this section, 876  
immediately shall transmit a certified copy of the judgment 877  
entry of conviction to the regulatory or licensing board or 878  
agency that has the administrative authority to suspend or 879  
revoke the offender's professional license. If the 880  
professionally licensed person who is convicted of or pleads 881  
guilty to a violation of any section listed in this section is a 882  
person who has been admitted to the bar by order of the supreme 883  
court in compliance with its prescribed and published rules, in 884  
addition to any other sanctions imposed for the violation, the 885  
court immediately shall transmit a certified copy of the 886  
judgment entry of conviction to the secretary of the board of 887  
commissioners on grievances and discipline of the supreme court 888  
and to either the disciplinary counsel or the president, 889  
secretary, and chairperson of each certified grievance 890  
committee. 891

**Sec. 2929.141.** (A) Upon the conviction of or plea of 892  
guilty to a felony by a person on post-release control at the 893  
time of the commission of the felony, the court may terminate 894

the term of post-release control, and the court may do either of 895  
the following regardless of whether the sentencing court or 896  
another court of this state imposed the original prison term for 897  
which the person is on post-release control: 898

(1) In addition to any prison term for the new felony, 899  
impose a prison term for the post-release control violation. The 900  
maximum prison term for the violation shall be the greater of 901  
twelve months or the period of post-release control for the 902  
earlier felony minus any time the person has spent under post- 903  
release control for the earlier felony. In all cases, any prison 904  
term imposed for the violation shall be reduced by any prison 905  
term that is administratively imposed by the parole board as a 906  
post-release control sanction. A prison term imposed for the 907  
violation shall be served consecutively to any prison term 908  
imposed for the new felony. The imposition of a prison term for 909  
the post-release control violation shall terminate the period of 910  
post-release control for the earlier felony. 911

(2) Impose a sanction under sections 2929.15 to 2929.18 of 912  
the Revised Code for the violation that shall be served 913  
concurrently or consecutively, as specified by the court, with 914  
any community control sanctions for the new felony. 915

(B) If a person on post-release control was acting 916  
pursuant to division (B) (2) (b) of section 2925.11 ~~or a related~~ 917  
~~provision under section 2925.12, 2925.14, or 2925.141~~ of the 918  
Revised Code and in so doing violated the conditions of a post- 919  
release control sanction based on a minor drug possession 920  
offense, as defined in that ~~section 2925.11 of the Revised Code,~~ 921  
~~or violated section 2925.12, division (C) (1) of section 2925.14,~~ 922  
~~or section 2925.141 of the Revised Code,~~ the court shall not 923  
impose any of the penalties described in division (A) of this 924

section based on the violation. 925

(C) Upon the conviction of or plea of guilty to a felony 926  
by a person on transitional control under section 2967.26 of the 927  
Revised Code at the time of the commission of the felony, the 928  
court may, in addition to any prison term for the new felony, 929  
impose a prison term not exceeding twelve months for having 930  
committed the felony while on transitional control. An 931  
additional prison term imposed pursuant to this section shall be 932  
served consecutively to any prison term imposed for the new 933  
felony. The sentencing court may impose the additional prison 934  
term authorized by this section regardless of whether the 935  
sentencing court or another court of this state imposed the 936  
original prison term for which the person is on transitional 937  
control. 938

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 939  
felony the court is not required to impose a prison term, a 940  
mandatory prison term, or a term of life imprisonment upon the 941  
offender, the court may directly impose a sentence that consists 942  
of one or more community control sanctions authorized pursuant 943  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 944  
the court is sentencing an offender for a fourth degree felony 945  
OVI offense under division (G) (1) of section 2929.13 of the 946  
Revised Code, in addition to the mandatory term of local 947  
incarceration imposed under that division and the mandatory fine 948  
required by division (B) (3) of section 2929.18 of the Revised 949  
Code, the court may impose upon the offender a community control 950  
sanction or combination of community control sanctions in 951  
accordance with sections 2929.16 and 2929.17 of the Revised 952  
Code. If the court is sentencing an offender for a third or 953  
fourth degree felony OVI offense under division (G) (2) of 954  
section 2929.13 of the Revised Code, in addition to the 955

mandatory prison term or mandatory prison term and additional 956  
prison term imposed under that division, the court also may 957  
impose upon the offender a community control sanction or 958  
combination of community control sanctions under section 2929.16 959  
or 2929.17 of the Revised Code, but the offender shall serve all 960  
of the prison terms so imposed prior to serving the community 961  
control sanction. 962

The duration of all community control sanctions imposed on 963  
an offender under this division shall not exceed five years. If 964  
the offender absconds or otherwise leaves the jurisdiction of 965  
the court in which the offender resides without obtaining 966  
permission from the court or the offender's probation officer to 967  
leave the jurisdiction of the court, or if the offender is 968  
confined in any institution for the commission of any offense 969  
while under a community control sanction, the period of the 970  
community control sanction ceases to run until the offender is 971  
brought before the court for its further action. If the court 972  
sentences the offender to one or more nonresidential sanctions 973  
under section 2929.17 of the Revised Code, the court shall 974  
impose as a condition of the nonresidential sanctions that, 975  
during the period of the sanctions, the offender must abide by 976  
the law and must not leave the state without the permission of 977  
the court or the offender's probation officer. The court may 978  
impose any other conditions of release under a community control 979  
sanction that the court considers appropriate, including, but 980  
not limited to, requiring that the offender not ingest or be 981  
injected with a drug of abuse and submit to random drug testing 982  
as provided in division (D) of this section to determine whether 983  
the offender ingested or was injected with a drug of abuse and 984  
requiring that the results of the drug test indicate that the 985  
offender did not ingest or was not injected with a drug of 986

abuse. 987

(2) (a) If a court sentences an offender to any community 988  
control sanction or combination of community control sanctions 989  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 990  
the Revised Code, the court shall place the offender under the 991  
general control and supervision of a department of probation in 992  
the county that serves the court for purposes of reporting to 993  
the court a violation of any condition of the sanctions, any 994  
condition of release under a community control sanction imposed 995  
by the court, a violation of law, or the departure of the 996  
offender from this state without the permission of the court or 997  
the offender's probation officer. Alternatively, if the offender 998  
resides in another county and a county department of probation 999  
has been established in that county or that county is served by 1000  
a multicounty probation department established under section 1001  
2301.27 of the Revised Code, the court may request the court of 1002  
common pleas of that county to receive the offender into the 1003  
general control and supervision of that county or multicounty 1004  
department of probation for purposes of reporting to the court a 1005  
violation of any condition of the sanctions, any condition of 1006  
release under a community control sanction imposed by the court, 1007  
a violation of law, or the departure of the offender from this 1008  
state without the permission of the court or the offender's 1009  
probation officer, subject to the jurisdiction of the trial 1010  
judge over and with respect to the person of the offender, and 1011  
to the rules governing that department of probation. 1012

If there is no department of probation in the county that 1013  
serves the court, the court shall place the offender, regardless 1014  
of the offender's county of residence, under the general control 1015  
and supervision of the adult parole authority, unless the court 1016  
has entered into an agreement with the authority as described in 1017

division (B) or (C) of section 2301.32 of the Revised Code, or 1018  
under an entity authorized under division (B) of section 2301.27 1019  
of the Revised Code to provide probation and supervisory 1020  
services to counties for purposes of reporting to the court a 1021  
violation of any of the sanctions, any condition of release 1022  
under a community control sanction imposed by the court, a 1023  
violation of law, or the departure of the offender from this 1024  
state without the permission of the court or the offender's 1025  
probation officer. 1026

(b) If the court imposing sentence on an offender 1027  
sentences the offender to any community control sanction or 1028  
combination of community control sanctions authorized pursuant 1029  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 1030  
if the offender violates any condition of the sanctions, 1031  
violates any condition of release under a community control 1032  
sanction imposed by the court, violates any law, or departs the 1033  
state without the permission of the court or the offender's 1034  
probation officer, the public or private person or entity that 1035  
operates or administers the sanction or the program or activity 1036  
that comprises the sanction shall report the violation or 1037  
departure directly to the sentencing court, or shall report the 1038  
violation or departure to the county or multicounty department 1039  
of probation with general control and supervision over the 1040  
offender under division (A) (2) (a) of this section or the officer 1041  
of that department who supervises the offender, or, if there is 1042  
no such department with general control and supervision over the 1043  
offender under that division, to the adult parole authority 1044  
unless the court has entered into an agreement with the 1045  
authority as described in division (B) or (C) of section 2301.32 1046  
of the Revised Code, or to an entity authorized under division 1047  
(B) of section 2301.27 of the Revised Code to provide probation 1048

and supervisory services to the county. If the public or private 1049  
person or entity that operates or administers the sanction or 1050  
the program or activity that comprises the sanction reports the 1051  
violation or departure to the county or multicounty department 1052  
of probation, the adult parole authority, or any other entity 1053  
providing probation and supervisory services to the county, the 1054  
department's, authority's, or other entity's officers may treat 1055  
the offender as if the offender were on probation and in 1056  
violation of the probation, and shall report the violation of 1057  
the condition of the sanction, any condition of release under a 1058  
community control sanction imposed by the court, the violation 1059  
of law, or the departure from the state without the required 1060  
permission to the sentencing court. 1061

(3) If an offender who is eligible for community control 1062  
sanctions under this section admits to having a drug addiction 1063  
or the court has reason to believe that the offender has a drug 1064  
addiction, and if the offense for which the offender is being 1065  
sentenced was related to the addiction, the court may require 1066  
that the offender be assessed by a properly credentialed 1067  
professional within a specified period of time and shall require 1068  
the professional to file a written assessment of the offender 1069  
with the court. If a court imposes treatment and recovery 1070  
support services as a community control sanction, the court 1071  
shall direct the level and type of treatment and recovery 1072  
support services after consideration of the written assessment, 1073  
if available at the time of sentencing, and recommendations of 1074  
the professional and other treatment and recovery support 1075  
services providers. 1076

(4) If an assessment completed pursuant to division (A) (3) 1077  
of this section indicates that the offender has an addiction to 1078  
drugs or alcohol, the court may include in any community control 1079

sanction imposed for a violation of section 2925.02, 2925.03, 1080  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1081  
2925.36, or 2925.37 of the Revised Code a requirement that the 1082  
offender participate in alcohol and drug addiction services and 1083  
recovery supports certified under section 5119.36 of the Revised 1084  
Code or offered by a properly credentialed community addiction 1085  
services provider. 1086

(B) (1) Except as provided in division (B) (2) of this 1087  
section, if the conditions of a community control sanction 1088  
imposed for a felony are violated or if the offender violates a 1089  
law or leaves the state without the permission of the court or 1090  
the offender's probation officer, the sentencing court may 1091  
impose on the violator one or more of the following penalties: 1092

(a) A longer time under the same sanction if the total 1093  
time under the sanctions does not exceed the five-year limit 1094  
specified in division (A) of this section; 1095

(b) A more restrictive sanction under section 2929.16, 1096  
2929.17, or 2929.18 of the Revised Code, including but not 1097  
limited to, a new term in a community-based correctional 1098  
facility, halfway house, or jail pursuant to division (A) (6) of 1099  
section 2929.16 of the Revised Code; 1100

(c) A prison term on the offender pursuant to section 1101  
2929.14 of the Revised Code and division (B) (3) of this section, 1102  
provided that a prison term imposed under this division is 1103  
subject to the following limitations and rules, as applicable: 1104

(i) If the prison term is imposed for any technical 1105  
violation of the conditions of a community control sanction 1106  
imposed for a felony of the fifth degree, the prison term shall 1107  
not exceed ninety days, provided that if the remaining period of 1108

community control at the time of the violation or the remaining 1109  
period of the reserved prison sentence at that time is less than 1110  
ninety days, the prison term shall not exceed the length of the 1111  
remaining period of community control or the remaining period of 1112  
the reserved prison sentence. If the court imposes a prison term 1113  
as described in this division, division (B) (2) (b) of this 1114  
section applies. 1115

(ii) If the prison term is imposed for any technical 1116  
violation of the conditions of a community control sanction 1117  
imposed for a felony of the fourth degree that is not an offense 1118  
of violence and is not a sexually oriented offense, the prison 1119  
term shall not exceed one hundred eighty days, provided that if 1120  
the remaining period of the community control at the time of the 1121  
violation or the remaining period of the reserved prison 1122  
sentence at that time is less than one hundred eighty days, the 1123  
prison term shall not exceed the length of the remaining period 1124  
of community control or the remaining period of the reserved 1125  
prison sentence. If the court imposes a prison term as described 1126  
in this division, division (B) (2) (b) of this section applies. 1127

(iii) A court is not limited in the number of times it may 1128  
sentence an offender to a prison term under division (B) (1) (c) 1129  
of this section for a violation of the conditions of a community 1130  
control sanction or for a violation of a law or leaving the 1131  
state without the permission of the court or the offender's 1132  
probation officer. If an offender who is under a community 1133  
control sanction violates the conditions of the sanction or 1134  
violates a law or leaves the state without the permission of the 1135  
court or the offender's probation officer, is sentenced to a 1136  
prison term for the violation or conduct, is released from the 1137  
term after serving it, and subsequently violates the conditions 1138  
of the sanction or violates a law or leaves the state without 1139

the permission of the court or the offender's probation officer, 1140  
the court may impose a new prison term sanction on the offender 1141  
under division (B) (1) (c) of this section for the subsequent 1142  
violation or conduct. 1143

(2) (a) If an offender was acting pursuant to division (B) 1144  
(2) (b) of section 2925.11 ~~or a related provision of section~~ 1145  
~~2925.12, 2925.14, or 2925.141~~ of the Revised Code and in so 1146  
doing violated the conditions of a community control sanction 1147  
based on a minor drug possession offense, as defined in that 1148  
~~section 2925.11 of the Revised Code, or violated section~~ 1149  
~~2925.12, division (C) (1) of section 2925.14, or section 2925.141~~ 1150  
~~of the Revised Code,~~ the sentencing court shall not impose any 1151  
of the penalties described in division (B) (1) of this section 1152  
based on the violation. 1153

(b) If a court imposes a prison term on an offender under 1154  
division (B) (1) (c) (i) or (ii) of this section for a technical 1155  
violation of the conditions of a community control sanction, one 1156  
of the following is applicable with respect to the time that the 1157  
offender spends in prison under the term: 1158

(i) Subject to division (B) (2) (b) (ii) of this section, it 1159  
shall be credited against the offender's community control 1160  
sanction that was being served at the time of the violation, and 1161  
the remaining time under that community control sanction shall 1162  
be reduced by the time that the offender spends in prison under 1163  
the prison term. By determination of the court, the offender 1164  
upon release from the prison term either shall continue serving 1165  
the remaining time under the community control sanction, as 1166  
reduced under this division, or shall have the community control 1167  
sanction terminated. 1168

(ii) If, at the time a prison term is imposed for a 1169

technical violation, the offender was serving a residential 1170  
community control sanction imposed under section 2929.16 of the 1171  
Revised Code, the time spent serving the residential community 1172  
control sanction shall be credited against the offender's 1173  
reserved prison sentence, and the remaining time under that 1174  
residential community control sanction and under the reserved 1175  
prison sentence shall be reduced by the time that the offender 1176  
spends in prison under the prison term. By determination of the 1177  
court, the offender upon release from the prison term either 1178  
shall continue serving the remaining time under the residential 1179  
community control sanction, as reduced under this division, or 1180  
shall have the residential community control sanction 1181  
terminated. 1182

(3) The prison term, if any, imposed on a violator 1183  
pursuant to this division and division (B)(1) of this section 1184  
shall be within the range of prison terms described in this 1185  
division and shall not exceed a prison term from the range of 1186  
terms specified in the notice provided to the offender at the 1187  
sentencing hearing pursuant to division (B)(4) of section 1188  
2929.19 of the Revised Code. The court may reduce the longer 1189  
period of time that the offender is required to spend under the 1190  
longer sanction, the more restrictive sanction, or a prison term 1191  
imposed pursuant to division (B)(1) of this section by the time 1192  
the offender successfully spent under the sanction that was 1193  
initially imposed. Except as otherwise specified in this 1194  
division, the prison term imposed under this division and 1195  
division (B)(1) of this section shall be within the range of 1196  
prison terms available as a definite term for the offense for 1197  
which the sanction that was violated was imposed. If the offense 1198  
for which the sanction that was violated was imposed is a felony 1199  
of the first or second degree committed on or after March 22, 1200

2019, the prison term so imposed under this division shall be 1201  
within the range of prison terms available as a minimum term for 1202  
the offense under division (A) (1) (a) or (2) (a) of section 1203  
2929.14 of the Revised Code. 1204

(C) If an offender, for a significant period of time, 1205  
fulfills the conditions of a sanction imposed pursuant to 1206  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 1207  
exemplary manner, the court may reduce the period of time under 1208  
the sanction or impose a less restrictive sanction, but the 1209  
court shall not permit the offender to violate any law or permit 1210  
the offender to leave the state without the permission of the 1211  
court or the offender's probation officer. 1212

(D) (1) If a court under division (A) (1) of this section 1213  
imposes a condition of release under a community control 1214  
sanction that requires the offender to submit to random drug 1215  
testing, the department of probation, the adult parole 1216  
authority, or any other entity that has general control and 1217  
supervision of the offender under division (A) (2) (a) of this 1218  
section may cause the offender to submit to random drug testing 1219  
performed by a laboratory or entity that has entered into a 1220  
contract with any of the governmental entities or officers 1221  
authorized to enter into a contract with that laboratory or 1222  
entity under section 341.26, 753.33, or 5120.63 of the Revised 1223  
Code. 1224

(2) If no laboratory or entity described in division (D) 1225  
(1) of this section has entered into a contract as specified in 1226  
that division, the department of probation, the adult parole 1227  
authority, or any other entity that has general control and 1228  
supervision of the offender under division (A) (2) (a) of this 1229  
section shall cause the offender to submit to random drug 1230

testing performed by a reputable public laboratory to determine 1231  
whether the individual who is the subject of the drug test 1232  
ingested or was injected with a drug of abuse. 1233

(3) A laboratory or entity that has entered into a 1234  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1235  
Revised Code shall perform the random drug tests under division 1236  
(D) (1) of this section in accordance with the applicable 1237  
standards that are included in the terms of that contract. A 1238  
public laboratory shall perform the random drug tests under 1239  
division (D) (2) of this section in accordance with the standards 1240  
set forth in the policies and procedures established by the 1241  
department of rehabilitation and correction pursuant to section 1242  
5120.63 of the Revised Code. An offender who is required under 1243  
division (A) (1) of this section to submit to random drug testing 1244  
as a condition of release under a community control sanction and 1245  
whose test results indicate that the offender ingested or was 1246  
injected with a drug of abuse shall pay the fee for the drug 1247  
test if the department of probation, the adult parole authority, 1248  
or any other entity that has general control and supervision of 1249  
the offender requires payment of a fee. A laboratory or entity 1250  
that performs the random drug testing on an offender under 1251  
division (D) (1) or (2) of this section shall transmit the 1252  
results of the drug test to the appropriate department of 1253  
probation, the adult parole authority, or any other entity that 1254  
has general control and supervision of the offender under 1255  
division (A) (2) (a) of this section. 1256

(E) As used in this section, "technical violation" means a 1257  
violation of the conditions of a community control sanction 1258  
imposed for a felony of the fifth degree, or for a felony of the 1259  
fourth degree that is not an offense of violence and is not a 1260  
sexually oriented offense, and to which neither of the following 1261

applies: 1262

(1) The violation consists of a new criminal offense that 1263  
is a felony or that is a misdemeanor other than a minor 1264  
misdemeanor, and the violation is committed while under the 1265  
community control sanction. 1266

(2) The violation consists of or includes the offender's 1267  
articulated or demonstrated refusal to participate in the 1268  
community control sanction imposed on the offender or any of its 1269  
conditions, and the refusal demonstrates to the court that the 1270  
offender has abandoned the objects of the community control 1271  
sanction or condition. 1272

**Sec. 2929.25.** (A) (1) Except as provided in sections 1273  
2929.22 and 2929.23 of the Revised Code or when a jail term is 1274  
required by law, in sentencing an offender for a misdemeanor, 1275  
other than a minor misdemeanor, the sentencing court may do 1276  
either of the following: 1277

(a) Directly impose a sentence that consists of one or 1278  
more community control sanctions authorized by section 2929.26, 1279  
2929.27, or 2929.28 of the Revised Code. The court may impose 1280  
any other conditions of release under a community control 1281  
sanction that the court considers appropriate. If the court 1282  
imposes a jail term upon the offender, the court may impose any 1283  
community control sanction or combination of community control 1284  
sanctions in addition to the jail term. 1285

(b) Impose a jail term under section 2929.24 of the 1286  
Revised Code from the range of jail terms authorized under that 1287  
section for the offense, suspend all or a portion of the jail 1288  
term imposed, and place the offender under a community control 1289  
sanction or combination of community control sanctions 1290

authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code. 1291  
1292

(2) The duration of all community control sanctions imposed upon an offender and in effect for an offender at any time shall not exceed five years. 1293  
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(3) At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (A)(1)(a) or (B) of this section, the court shall state the duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following: 1296  
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1302

(a) Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five-year limit specified in division (A)(2) of this section; 1303  
1304  
1305  
1306

(b) Impose a more restrictive community control sanction under section 2929.26, 2929.27, or 2929.28 of the Revised Code, but the court is not required to impose any particular sanction or sanctions; 1307  
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(c) Impose a definite jail term from the range of jail terms authorized for the offense under section 2929.24 of the Revised Code. 1311  
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(B) If a court sentences an offender to any community control sanction or combination of community control sanctions pursuant to division (A)(1)(a) of this section, the sentencing court retains jurisdiction over the offender and the period of community control for the duration of the period of community control. Upon the motion of either party or on the court's own 1314  
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motion, the court, in the court's sole discretion and as the 1320  
circumstances warrant, may modify the community control 1321  
sanctions or conditions of release previously imposed, 1322  
substitute a community control sanction or condition of release 1323  
for another community control sanction or condition of release 1324  
previously imposed, or impose an additional community control 1325  
sanction or condition of release. 1326

(C) (1) If a court sentences an offender to any community 1327  
control sanction or combination of community control sanctions 1328  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1329  
Revised Code, the court shall place the offender under the 1330  
general control and supervision of the court or of a department 1331  
of probation in the jurisdiction that serves the court for 1332  
purposes of reporting to the court a violation of any of the 1333  
conditions of the sanctions imposed. If the offender resides in 1334  
another jurisdiction and a department of probation has been 1335  
established to serve the municipal court or county court in that 1336  
jurisdiction, the sentencing court may request the municipal 1337  
court or the county court to receive the offender into the 1338  
general control and supervision of that department of probation 1339  
for purposes of reporting to the sentencing court a violation of 1340  
any of the conditions of the sanctions imposed. The sentencing 1341  
court retains jurisdiction over any offender whom it sentences 1342  
for the duration of the sanction or sanctions imposed. 1343

(2) The sentencing court shall require as a condition of 1344  
any community control sanction that the offender abide by the 1345  
law and not leave the state without the permission of the court 1346  
or the offender's probation officer. In the interests of doing 1347  
justice, rehabilitating the offender, and ensuring the 1348  
offender's good behavior, the court may impose additional 1349  
requirements on the offender. The offender's compliance with the 1350

additional requirements also shall be a condition of the 1351  
community control sanction imposed upon the offender. 1352

(D) (1) If the court imposing sentence upon an offender 1353  
sentences the offender to any community control sanction or 1354  
combination of community control sanctions authorized under 1355  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1356  
the offender violates any of the conditions of the sanctions, 1357  
the public or private person or entity that supervises or 1358  
administers the program or activity that comprises the sanction 1359  
shall report the violation directly to the sentencing court or 1360  
to the department of probation or probation officer with general 1361  
control and supervision over the offender. If the public or 1362  
private person or entity reports the violation to the department 1363  
of probation or probation officer, the department or officer 1364  
shall report the violation to the sentencing court. 1365

(2) Except as provided in division (D) (3) of this section, 1366  
if an offender violates any condition of a community control 1367  
sanction, the sentencing court may impose upon the violator one 1368  
or more of the following penalties: 1369

(a) A longer time under the same community control 1370  
sanction if the total time under all of the community control 1371  
sanctions imposed on the violator does not exceed the five-year 1372  
limit specified in division (A) (2) of this section; 1373

(b) A more restrictive community control sanction; 1374

(c) A combination of community control sanctions, 1375  
including a jail term. 1376

(3) If an offender was acting pursuant to division (B) (2) 1377  
(b) of section 2925.11 ~~or a related provision under section~~ 1378  
~~2925.12, 2925.14, or 2925.141~~ of the Revised Code and in so 1379

doing violated the conditions of a community control sanction 1380  
based on a minor drug possession offense, as defined in that 1381  
~~section 2925.11 of the Revised Code, or violated section~~ 1382  
~~2925.12, division (C) (1) of section 2925.14, or section 2925.141~~ 1383  
~~of the Revised Code,~~ the sentencing court shall not impose any 1384  
of the penalties described in division (D) (2) of this section 1385  
based on the violation. 1386

(4) If the court imposes a jail term upon a violator 1387  
pursuant to division (D) (2) of this section, the total time 1388  
spent in jail for the misdemeanor offense and the violation of a 1389  
condition of the community control sanction shall not exceed the 1390  
maximum jail term available for the offense for which the 1391  
sanction that was violated was imposed. The court may reduce the 1392  
longer period of time that the violator is required to spend 1393  
under the longer sanction or the more restrictive sanction 1394  
imposed under division (D) (2) of this section by all or part of 1395  
the time the violator successfully spent under the sanction that 1396  
was initially imposed. 1397

(E) Except as otherwise provided in this division, if an 1398  
offender, for a significant period of time, fulfills the 1399  
conditions of a community control sanction imposed pursuant to 1400  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1401  
exemplary manner, the court may reduce the period of time under 1402  
the community control sanction or impose a less restrictive 1403  
community control sanction. Fulfilling the conditions of a 1404  
community control sanction does not relieve the offender of a 1405  
duty to make restitution under section 2929.28 of the Revised 1406  
Code. 1407

**Sec. 2935.36.** (A) The prosecuting attorney may establish 1408  
pre-trial diversion programs for adults who are accused of 1409

committing criminal offenses and whom the prosecuting attorney 1410  
believes probably will not offend again. The prosecuting 1411  
attorney may require, as a condition of an accused's 1412  
participation in the program, the accused to pay a reasonable 1413  
fee for supervision services that include, but are not limited 1414  
to, monitoring and drug testing. The programs shall be operated 1415  
pursuant to written standards approved by journal entry by the 1416  
presiding judge or, in courts with only one judge, the judge of 1417  
the court of common pleas and shall not be applicable to any of 1418  
the following: 1419

(1) Repeat offenders or dangerous offenders; 1420

(2) Persons accused of an offense of violence, of a 1421  
violation of section 2903.06, 2907.04, 2907.05, 2907.21, 1422  
2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 1423  
2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the 1424  
Revised Code, or of a violation of section 2905.01, 2905.02, or 1425  
2919.23 of the Revised Code that, had it occurred prior to July 1426  
1, 1996, would have been a violation of section 2905.04 of the 1427  
Revised Code as it existed prior to that date, with the 1428  
exception that the prosecuting attorney may permit persons 1429  
accused of any such offense to enter a pre-trial diversion 1430  
program, if the prosecuting attorney finds any of the following: 1431

(a) The accused did not cause, threaten, or intend serious 1432  
physical harm to any person; 1433

(b) The offense was the result of circumstances not likely 1434  
to recur; 1435

(c) The accused has no history of prior delinquency or 1436  
criminal activity; 1437

(d) The accused has led a law-abiding life for a 1438

substantial time before commission of the alleged offense; 1439

(e) Substantial grounds tending to excuse or justify the 1440  
alleged offense. 1441

(3) Persons accused of a violation of Chapter 2925. or 1442  
3719. of the Revised Code, with the exception that the 1443  
prosecuting attorney may permit persons accused of any of the 1444  
following to enter a pre-trial diversion program: 1445

(a) A misdemeanor, fifth degree felony, or fourth degree 1446  
felony violation of section 2925.11 of the Revised Code; 1447

(b) A misdemeanor violation of section 2925.12~~7~~or 1448  
2925.13~~7~~or ~~division (C) (1) of section 2925.14~~ of the Revised 1449  
Code. 1450

(4) Persons accused of a violation of section 4511.19 of 1451  
the Revised Code or a violation of any substantially similar 1452  
municipal ordinance; 1453

(5) (a) Persons who are accused of an offense while 1454  
operating a commercial motor vehicle or persons who hold a 1455  
commercial driver's license and are accused of any offense, if 1456  
conviction of the offense would disqualify the person from 1457  
operating a commercial motor vehicle under Chapter 4506. of the 1458  
Revised Code or would subject the person to any other sanction 1459  
under that chapter; 1460

(b) As used in division (A) (5) of this section, 1461  
"commercial driver's license" and "commercial motor vehicle" 1462  
have the same meanings as in section 4506.01 of the Revised 1463  
Code. 1464

(B) An accused who enters a diversion program shall do all 1465  
of the following: 1466

(1) Waive, in writing and contingent upon the accused's 1467  
successful completion of the program, the accused's right to a 1468  
speedy trial, the preliminary hearing, the time period within 1469  
which the grand jury may consider an indictment against the 1470  
accused, and arraignment, unless the hearing, indictment, or 1471  
arraignment has already occurred; 1472

(2) Agree, in writing, to the tolling while in the program 1473  
of all periods of limitation established by statutes or rules of 1474  
court, that are applicable to the offense with which the accused 1475  
is charged and to the conditions of the diversion program 1476  
established by the prosecuting attorney; 1477

(3) Agree, in writing, to pay any reasonable fee for 1478  
supervision services established by the prosecuting attorney. 1479

(C) The trial court, upon the application of the 1480  
prosecuting attorney, shall order the release from confinement 1481  
of any accused who has agreed to enter a pre-trial diversion 1482  
program and shall discharge and release any existing bail and 1483  
release any sureties on recognizances and shall release the 1484  
accused on a recognizance bond conditioned upon the accused's 1485  
compliance with the terms of the diversion program. The 1486  
prosecuting attorney shall notify every victim of the crime and 1487  
the arresting officers of the prosecuting attorney's intent to 1488  
permit the accused to enter a pre-trial diversion program. The 1489  
victim of the crime and the arresting officers shall have the 1490  
opportunity to file written objections with the prosecuting 1491  
attorney prior to the commencement of the pre-trial diversion 1492  
program. 1493

(D) If the accused satisfactorily completes the diversion 1494  
program, the prosecuting attorney shall recommend to the trial 1495  
court that the charges against the accused be dismissed, and the 1496

court, upon the recommendation of the prosecuting attorney, 1497  
shall dismiss the charges. If the accused chooses not to enter 1498  
the prosecuting attorney's diversion program, or if the accused 1499  
violates the conditions of the agreement pursuant to which the 1500  
accused has been released, the accused may be brought to trial 1501  
upon the charges in the manner provided by law, and the waiver 1502  
executed pursuant to division (B) (1) of this section shall be 1503  
void on the date the accused is removed from the program for the 1504  
violation. 1505

(E) As used in this section: 1506

(1) "Repeat offender" means a person who has a history of 1507  
persistent criminal activity and whose character and condition 1508  
reveal a substantial risk that the person will commit another 1509  
offense. It is prima-facie evidence that a person is a repeat 1510  
offender if any of the following applies: 1511

(a) Having been convicted of one or more offenses of 1512  
violence and having been imprisoned pursuant to sentence for any 1513  
such offense, the person commits a subsequent offense of 1514  
violence; 1515

(b) Having been convicted of one or more sexually oriented 1516  
offenses or child-victim oriented offenses, both as defined in 1517  
section 2950.01 of the Revised Code, and having been imprisoned 1518  
pursuant to sentence for one or more of those offenses, the 1519  
person commits a subsequent sexually oriented offense or child- 1520  
victim oriented offense; 1521

(c) Having been convicted of one or more theft offenses as 1522  
defined in section 2913.01 of the Revised Code and having been 1523  
imprisoned pursuant to sentence for one or more of those theft 1524  
offenses, the person commits a subsequent theft offense; 1525

(d) Having been convicted of one or more felony drug abuse offenses as defined in section 2925.01 of the Revised Code and having been imprisoned pursuant to sentence for one or more of those felony drug abuse offenses, the person commits a subsequent felony drug abuse offense;

(e) Having been convicted of two or more felonies and having been imprisoned pursuant to sentence for one or more felonies, the person commits a subsequent offense;

(f) Having been convicted of three or more offenses of any type or degree other than traffic offenses, alcoholic intoxication offenses, or minor misdemeanors and having been imprisoned pursuant to sentence for any such offense, the person commits a subsequent offense.

(2) "Dangerous offender" means a person who has committed an offense, whose history, character, and condition reveal a substantial risk that the person will be a danger to others, and whose conduct has been characterized by a pattern of repetitive, compulsive, or aggressive behavior with heedless indifference to the consequences.

**Sec. 2967.28.** (A) As used in this section:

(1) "Monitored time" means the monitored time sanction specified in section 2929.17 and defined in section 2929.01 of the Revised Code.

(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.

(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.

(4) "Risk reduction sentence" means a prison term imposed

by a court, when the court recommends pursuant to section 1554  
2929.143 of the Revised Code that the offender serve the 1555  
sentence under section 5120.036 of the Revised Code, and the 1556  
offender may potentially be released from imprisonment prior to 1557  
the expiration of the prison term if the offender successfully 1558  
completes all assessment and treatment or programming required 1559  
by the department of rehabilitation and correction under section 1560  
5120.036 of the Revised Code. 1561

(5) "Victim's immediate family" has the same meaning as in 1562  
section 2967.12 of the Revised Code. 1563

(6) "Minor drug possession offense" has the same meaning 1564  
as in section 2925.11 of the Revised Code. 1565

(7) "Single validated risk assessment tool" means the 1566  
single validated risk assessment tool selected by the department 1567  
of rehabilitation and correction under section 5120.114 of the 1568  
Revised Code. 1569

(B) Each sentence to a prison term, other than a term of 1570  
life imprisonment, for a felony of the first degree, for a 1571  
felony of the second degree, for a felony sex offense, or for a 1572  
felony of the third degree that is an offense of violence and is 1573  
not a felony sex offense shall include a requirement that the 1574  
offender be subject to a period of post-release control imposed 1575  
by the parole board after the offender's release from 1576  
imprisonment. This division applies with respect to all prison 1577  
terms of a type described in this division, including a term of 1578  
any such type that is a risk reduction sentence. If a court 1579  
imposes a sentence including a prison term of a type described 1580  
in this division on or after July 11, 2006, the failure of a 1581  
sentencing court to notify the offender pursuant to division (B) 1582  
(2) (d) of section 2929.19 of the Revised Code of this 1583

requirement or to include in the judgment of conviction entered 1584  
on the journal a statement that the offender's sentence includes 1585  
this requirement does not negate, limit, or otherwise affect the 1586  
mandatory period of supervision that is required for the 1587  
offender under this division. This division applies with respect 1588  
to all prison terms of a type described in this division, 1589  
including a non-life felony indefinite prison term. Section 1590  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1591  
a court imposed a sentence including a prison term of a type 1592  
described in this division and failed to notify the offender 1593  
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 1594  
Code regarding post-release control or to include in the 1595  
judgment of conviction entered on the journal or in the sentence 1596  
pursuant to division (D) (1) of section 2929.14 of the Revised 1597  
Code a statement regarding post-release control. Unless reduced 1598  
by the parole board pursuant to division (D) of this section 1599  
when authorized under that division, a period of post-release 1600  
control required by this division for an offender shall be of 1601  
one of the following periods: 1602

- (1) For a felony sex offense, five years; 1603
- (2) For a felony of the first degree that is not a felony 1604  
sex offense, up to five years, but not less than two years; 1605
- (3) For a felony of the second degree that is not a felony 1606  
sex offense, up to three years, but not less than eighteen 1607  
months; 1608
- (4) For a felony of the third degree that is an offense of 1609  
violence and is not a felony sex offense, up to three years, but 1610  
not less than one year. 1611

(C) Any sentence to a prison term for a felony of the 1612

third, fourth, or fifth degree that is not subject to division 1613  
(B) (1) or (4) of this section shall include a requirement that 1614  
the offender be subject to a period of post-release control of 1615  
up to two years after the offender's release from imprisonment, 1616  
if the parole board, in accordance with division (D) of this 1617  
section, determines that a period of post-release control is 1618  
necessary for that offender. This division applies with respect 1619  
to all prison terms of a type described in this division, 1620  
including a term of any such type that is a risk reduction 1621  
sentence. Section 2929.191 of the Revised Code applies if, prior 1622  
to July 11, 2006, a court imposed a sentence including a prison 1623  
term of a type described in this division and failed to notify 1624  
the offender pursuant to division (B) (2) (e) of section 2929.19 1625  
of the Revised Code regarding post-release control or to include 1626  
in the judgment of conviction entered on the journal or in the 1627  
sentence pursuant to division (D) (2) of section 2929.14 of the 1628  
Revised Code a statement regarding post-release control. 1629  
Pursuant to an agreement entered into under section 2967.29 of 1630  
the Revised Code, a court of common pleas or parole board may 1631  
impose sanctions or conditions on an offender who is placed on 1632  
post-release control under this division. 1633

(D) (1) Before the prisoner is released from imprisonment, 1634  
the parole board or, pursuant to an agreement under section 1635  
2967.29 of the Revised Code, the court shall impose on a 1636  
prisoner described in division (B) of this section, shall impose 1637  
on a prisoner described in division (C) of this section who is 1638  
to be released before the expiration of the prisoner's stated 1639  
prison term under a risk reduction sentence, may impose on a 1640  
prisoner described in division (C) of this section who is not to 1641  
be released before the expiration of the prisoner's stated 1642  
prison term under a risk reduction sentence, and shall impose on 1643

a prisoner described in division (B) (2) (b) of section 5120.031 1644  
or in division (B) (1) of section 5120.032 of the Revised Code, 1645  
one or more post-release control sanctions to apply during the 1646  
prisoner's period of post-release control. Whenever the board or 1647  
court imposes one or more post-release control sanctions on a 1648  
prisoner, the board or court, in addition to imposing the 1649  
sanctions, also shall include as a condition of the post-release 1650  
control that the offender not leave the state without permission 1651  
of the court or the offender's parole or probation officer and 1652  
that the offender abide by the law. The board or court may 1653  
impose any other conditions of release under a post-release 1654  
control sanction that the board or court considers appropriate, 1655  
and the conditions of release may include any community 1656  
residential sanction, community nonresidential sanction, or 1657  
financial sanction that the sentencing court was authorized to 1658  
impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1659  
Revised Code. Prior to the release of a prisoner for whom it 1660  
will impose one or more post-release control sanctions under 1661  
this division, the parole board or court shall review the 1662  
prisoner's criminal history, results from the single validated 1663  
risk assessment tool, and the record of the prisoner's conduct 1664  
while imprisoned. The parole board or court shall consider any 1665  
recommendation regarding post-release control sanctions for the 1666  
prisoner made by the office of victims' services. After 1667  
considering those materials, the board or court shall determine, 1668  
for a prisoner described in division (B) of this section, 1669  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1670  
section 5120.032 of the Revised Code and for a prisoner 1671  
described in division (C) of this section who is to be released 1672  
before the expiration of the prisoner's stated prison term under 1673  
a risk reduction sentence, which post-release control sanction 1674  
or combination of post-release control sanctions is reasonable 1675

under the circumstances or, for a prisoner described in division 1676  
(C) of this section who is not to be released before the 1677  
expiration of the prisoner's stated prison term under a risk 1678  
reduction sentence, whether a post-release control sanction is 1679  
necessary and, if so, which post-release control sanction or 1680  
combination of post-release control sanctions is reasonable 1681  
under the circumstances. In the case of a prisoner convicted of 1682  
a felony of the fourth or fifth degree other than a felony sex 1683  
offense, the board or court shall presume that monitored time is 1684  
the appropriate post-release control sanction unless the board 1685  
or court determines that a more restrictive sanction is 1686  
warranted. A post-release control sanction imposed under this 1687  
division takes effect upon the prisoner's release from 1688  
imprisonment. 1689

Regardless of whether the prisoner was sentenced to the 1690  
prison term prior to, on, or after July 11, 2006, prior to the 1691  
release of a prisoner for whom it will impose one or more post- 1692  
release control sanctions under this division, the parole board 1693  
shall notify the prisoner that, if the prisoner violates any 1694  
sanction so imposed or any condition of post-release control 1695  
described in division (B) of section 2967.131 of the Revised 1696  
Code that is imposed on the prisoner, the parole board may 1697  
impose a prison term of up to one-half of the stated prison term 1698  
originally imposed on the prisoner. 1699

At least thirty days before the prisoner is released from 1700  
imprisonment under post-release control, except as otherwise 1701  
provided in this paragraph, the department of rehabilitation and 1702  
correction shall notify the victim and the victim's immediate 1703  
family of the date on which the prisoner will be released, the 1704  
period for which the prisoner will be under post-release control 1705  
supervision, and the terms and conditions of the prisoner's 1706

post-release control regardless of whether the victim or 1707  
victim's immediate family has requested the notification. The 1708  
notice described in this paragraph shall not be given to a 1709  
victim or victim's immediate family if the victim or the 1710  
victim's immediate family has requested pursuant to division (B) 1711  
(2) of section 2930.03 of the Revised Code that the notice not 1712  
be provided to the victim or the victim's immediate family. At 1713  
least thirty days before the prisoner is released from 1714  
imprisonment and regardless of whether the victim or victim's 1715  
immediate family has requested that the notice described in this 1716  
paragraph be provided or not be provided to the victim or the 1717  
victim's immediate family, the department also shall provide 1718  
notice of that nature to the prosecuting attorney in the case 1719  
and the law enforcement agency that arrested the prisoner if any 1720  
officer of that agency was a victim of the offense. 1721

If the notice given under the preceding paragraph to the 1722  
victim or the victim's immediate family is based on an offense 1723  
committed prior to March 22, 2013, and if the department of 1724  
rehabilitation and correction has not previously successfully 1725  
provided any notice to the victim or the victim's immediate 1726  
family under division (B), (C), or (D) of section 2930.16 of the 1727  
Revised Code with respect to that offense and the offender who 1728  
committed it, the notice also shall inform the victim or the 1729  
victim's immediate family that the victim or the victim's 1730  
immediate family may request that the victim or the victim's 1731  
immediate family not be provided any further notices with 1732  
respect to that offense and the offender who committed it and 1733  
shall describe the procedure for making that request. The 1734  
department may give the notices to which the preceding paragraph 1735  
applies by any reasonable means, including regular mail, 1736  
telephone, and electronic mail. If the department attempts to 1737

provide notice to any specified person under the preceding 1738  
paragraph but the attempt is unsuccessful because the department 1739  
is unable to locate the specified person, is unable to provide 1740  
the notice by its chosen method because it cannot determine the 1741  
mailing address, electronic mail address, or telephone number at 1742  
which to provide the notice, or, if the notice is sent by mail, 1743  
the notice is returned, the department shall make another 1744  
attempt to provide the notice to the specified person. If the 1745  
second attempt is unsuccessful, the department shall make at 1746  
least one more attempt to provide the notice. If the notice is 1747  
based on an offense committed prior to March 22, 2013, in each 1748  
attempt to provide the notice to the victim or victim's 1749  
immediate family, the notice shall include the opt-out 1750  
information described in this paragraph. The department, in the 1751  
manner described in division (D) (2) of section 2930.16 of the 1752  
Revised Code, shall keep a record of all attempts to provide the 1753  
notice, and of all notices provided, under this paragraph and 1754  
the preceding paragraph. The record shall be considered as if it 1755  
was kept under division (D) (2) of section 2930.16 of the Revised 1756  
Code. This paragraph, the preceding paragraph, and the notice- 1757  
related provisions of divisions (E) (2) and (K) of section 1758  
2929.20, division (D) (1) of section 2930.16, division (H) of 1759  
section 2967.12, division (E) (1) (b) of section 2967.19 as it 1760  
existed prior to ~~the effective date of this amendment~~ April 4, 1761  
2023, division (A) (3) (b) of section 2967.26, and division (A) (2) 1762  
of section 5149.101 of the Revised Code enacted in the act in 1763  
which this paragraph and the preceding paragraph were enacted, 1764  
shall be known as "Roberta's Law." 1765

(2) If a prisoner who is placed on post-release control 1766  
under this section is released before the expiration of the 1767  
definite term that is the prisoner's stated prison term or the 1768

expiration of the minimum term that is part of the prisoner's 1769  
indefinite prison term imposed under a non-life felony 1770  
indefinite prison term by reason of credit earned under section 1771  
2967.193 or 2967.194 or a reduction under division (F) of 1772  
section 2967.271 of the Revised Code and if the prisoner earned 1773  
sixty or more days of credit, the adult parole authority may 1774  
supervise the offender with an active global positioning system 1775  
device for the first fourteen days after the offender's release 1776  
from imprisonment. This division does not prohibit or limit the 1777  
imposition of any post-release control sanction otherwise 1778  
authorized by this section. 1779

(3) After a prisoner is released from imprisonment and 1780  
during the period of post-release control applicable to the 1781  
releasee, the adult parole authority or, pursuant to an 1782  
agreement under section 2967.29 of the Revised Code, the court 1783  
may review the releasee's behavior under the post-release 1784  
control sanctions imposed upon the releasee under this section. 1785  
The authority or court may determine, based upon the review and 1786  
in accordance with the standards established under division (E) 1787  
of this section, that the releasee has satisfactorily complied 1788  
with the sanctions imposed, and if such a determination is made, 1789  
the authority may recommend a less restrictive sanction, reduce 1790  
the period of post-release control, or, no sooner than the 1791  
minimum period of time required under section 2967.16 of the 1792  
Revised Code, recommend that the parole board or court terminate 1793  
the duration of the period of post-release control. In no case 1794  
shall the board or court reduce the duration of the period of 1795  
control imposed for a felony sex offense described in division 1796  
(B)(1) of this section. 1797

(4) The department of rehabilitation and correction shall 1798  
develop factors that the parole board or court shall consider in 1799

determining under division (D) (3) of this section whether to 1800  
terminate the period of control imposed on a releasee. 1801

(E) The department of rehabilitation and correction, in 1802  
accordance with Chapter 119. of the Revised Code, shall adopt 1803  
rules that do all of the following: 1804

(1) Establish standards for the imposition by the parole 1805  
board of post-release control sanctions under this section that 1806  
are consistent with the overriding purposes and sentencing 1807  
principles set forth in section 2929.11 of the Revised Code and 1808  
that are appropriate to the needs of releasees; 1809

(2) Establish standards that provide for a period of post- 1810  
release control of up to two years for all prisoners described 1811  
in division (C) of this section who are to be released before 1812  
the expiration of their stated prison term under a risk 1813  
reduction sentence and standards by which the parole board can 1814  
determine which prisoners described in division (C) of this 1815  
section who are not to be released before the expiration of 1816  
their stated prison term under a risk reduction sentence should 1817  
be placed under a period of post-release control; 1818

(3) Establish standards to be used by the parole board in 1819  
reducing or terminating the duration of the period of post- 1820  
release control imposed by the court when authorized under 1821  
division (D) of this section, in imposing a more restrictive 1822  
post-release control sanction than monitored time on a prisoner 1823  
convicted of a felony of the fourth or fifth degree other than a 1824  
felony sex offense, or in imposing a less restrictive control 1825  
sanction on a releasee based on results from the single 1826  
validated risk assessment tool and on the releasee's activities 1827  
including, but not limited to, remaining free from criminal 1828  
activity and from the abuse of alcohol or other drugs, 1829

successfully participating in approved rehabilitation programs, 1830  
maintaining employment, and paying restitution to the victim or 1831  
meeting the terms of other financial sanctions; 1832

(4) Establish standards to be used by the adult parole 1833  
authority in modifying a releasee's post-release control 1834  
sanctions pursuant to division (D)(2) of this section; 1835

(5) Establish standards to be used by the adult parole 1836  
authority or parole board in imposing further sanctions under 1837  
division (F) of this section on releasees who violate post- 1838  
release control sanctions, including standards that do the 1839  
following: 1840

(a) Classify violations according to the degree of 1841  
seriousness; 1842

(b) Define the circumstances under which formal action by 1843  
the parole board is warranted; 1844

(c) Govern the use of evidence at violation hearings; 1845

(d) Ensure procedural due process to an alleged violator; 1846

(e) Prescribe nonresidential community control sanctions 1847  
for most misdemeanor and technical violations; 1848

(f) Provide procedures for the return of a releasee to 1849  
imprisonment for violations of post-release control. 1850

(F)(1) Whenever the parole board imposes one or more post- 1851  
release control sanctions on an offender under this section, the 1852  
offender upon release from imprisonment shall be under the 1853  
general jurisdiction of the adult parole authority and generally 1854  
shall be supervised by the field services section through its 1855  
staff of parole and field officers as described in section 1856  
5149.04 of the Revised Code, as if the offender had been placed 1857

on parole. If the offender upon release from imprisonment 1858  
violates the post-release control sanction or any conditions 1859  
described in division (A) of section 2967.131 of the Revised 1860  
Code that are imposed on the offender, the public or private 1861  
person or entity that operates or administers the sanction or 1862  
the program or activity that comprises the sanction shall report 1863  
the violation directly to the adult parole authority or to the 1864  
officer of the authority who supervises the offender. The 1865  
authority's officers may treat the offender as if the offender 1866  
were on parole and in violation of the parole, and otherwise 1867  
shall comply with this section. 1868

(2) If the adult parole authority or, pursuant to an 1869  
agreement under section 2967.29 of the Revised Code, the court 1870  
determines that a releasee has violated a post-release control 1871  
sanction or any conditions described in division (A) of section 1872  
2967.131 of the Revised Code imposed on the releasee and that a 1873  
more restrictive sanction is appropriate, the authority or court 1874  
may impose a more restrictive sanction on the releasee, in 1875  
accordance with the standards established under division (E) of 1876  
this section or in accordance with the agreement made under 1877  
section 2967.29 of the Revised Code, or may report the violation 1878  
to the parole board for a hearing pursuant to division (F) (3) of 1879  
this section. The authority or court may not, pursuant to this 1880  
division, increase the duration of the releasee's post-release 1881  
control or impose as a post-release control sanction a 1882  
residential sanction that includes a prison term, but the 1883  
authority or court may impose on the releasee any other 1884  
residential sanction, nonresidential sanction, or financial 1885  
sanction that the sentencing court was authorized to impose 1886  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1887  
Revised Code. 1888

(3) The parole board or, pursuant to an agreement under 1889  
section 2967.29 of the Revised Code, the court may hold a 1890  
hearing on any alleged violation by a releasee of a post-release 1891  
control sanction or any conditions described in division (A) of 1892  
section 2967.131 of the Revised Code that are imposed upon the 1893  
releasee. Except as otherwise provided in this division, if 1894  
after the hearing the board or court finds that the releasee 1895  
violated the sanction or condition, the board or court may 1896  
increase the duration of the releasee's post-release control up 1897  
to the maximum duration authorized by division (B) or (C) of 1898  
this section or impose a more restrictive post-release control 1899  
sanction. If a releasee was acting pursuant to division (B) (2) 1900  
~~(b) of section 2925.11 or a related provision of section~~ 1901  
~~2925.12, 2925.14, or 2925.141~~ of the Revised Code and in so 1902  
doing violated the conditions of a post-release control sanction 1903  
based on a minor drug possession offense, as defined in that 1904  
section, ~~or violated section 2925.12, division (C) (1) of section~~ 1905  
~~2925.14, or section 2925.141~~ of the Revised Code, the board or 1906  
the court shall not impose any of the penalties described in 1907  
this division based on the violation. When appropriate, the 1908  
board or court may impose as a post-release control sanction a 1909  
residential sanction that includes a prison term. The board or 1910  
court shall consider a prison term as a post-release control 1911  
sanction imposed for a violation of post-release control when 1912  
the violation involves a deadly weapon or dangerous ordnance, 1913  
physical harm or attempted serious physical harm to a person, or 1914  
sexual misconduct. Unless a releasee's stated prison term was 1915  
reduced pursuant to section 5120.032 of the Revised Code, the 1916  
period of a prison term that is imposed as a post-release 1917  
control sanction under this division shall not exceed nine 1918  
months, and the maximum cumulative prison term for all 1919  
violations under this division shall not exceed one-half of the 1920

definite prison term that was the stated prison term originally 1921  
imposed on the offender as part of this sentence or, with 1922  
respect to a stated non-life felony indefinite prison term, one- 1923  
half of the minimum prison term that was imposed as part of that 1924  
stated prison term originally imposed on the offender. If a 1925  
releasee's stated prison term was reduced pursuant to section 1926  
5120.032 of the Revised Code, the period of a prison term that 1927  
is imposed as a post-release control sanction under this 1928  
division and the maximum cumulative prison term for all 1929  
violations under this division shall not exceed the period of 1930  
time not served in prison under the sentence imposed by the 1931  
court. The period of a prison term that is imposed as a post- 1932  
release control sanction under this division shall not count as, 1933  
or be credited toward, the remaining period of post-release 1934  
control. If, during the period of the releasee's post-release 1935  
control, the releasee serves as a post-release control sanction 1936  
the maximum prison time available as a sanction, the post- 1937  
release control shall terminate. 1938

If an offender is imprisoned for a felony committed while 1939  
under post-release control supervision and is again released on 1940  
post-release control for a period of time, the maximum 1941  
cumulative prison term for all violations under this division 1942  
shall not exceed one-half of the total stated prison terms of 1943  
the earlier felony, reduced by any prison term administratively 1944  
imposed by the parole board or court, plus one-half of the total 1945  
stated prison term of the new felony. 1946

(G) (1) If an offender is simultaneously subject to a 1947  
period of parole under an indefinite or life sentence and a 1948  
period of post-release control, or is simultaneously subject to 1949  
two periods of post-release control, the period of supervision 1950  
that expires last shall determine the length and form of 1951

supervision for all the periods and the related sentences. 1952

(2) An offender shall receive credit for post-release 1953  
control supervision during the period of parole, and shall not 1954  
be eligible for final release under section 2967.16 of the 1955  
Revised Code until the post-release control period otherwise 1956  
would have ended. 1957

(3) If the period of parole ends prior to the end of the 1958  
period of post-release control, the requirements of parole 1959  
supervision shall be satisfied during the post-release control 1960  
period. 1961

(H) (1) A period of post-release control shall not be 1962  
imposed consecutively to any other post-release control period. 1963

(2) The period of post-release control for a releasee who 1964  
commits a felony while under post-release control for an earlier 1965  
felony shall be the longer of the period of post-release control 1966  
specified for the new felony under division (B) or (C) of this 1967  
section or the time remaining under the period of post-release 1968  
control imposed for the earlier felony as determined by the 1969  
parole board or court. 1970

**Sec. 3707.57.** (A) As used in this section: 1971

(1) "Bloodborne pathogens" means the human 1972  
immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C 1973  
virus. 1974

(2) "Board of health" means the board of health of a city 1975  
or general health district or the authority having the duties of 1976  
a board of health under section 3709.05 of the Revised Code. 1977

(B) A board of health may establish a bloodborne 1978  
infectious disease prevention program. The cost of the program 1979

is the responsibility of the board of health. 1980

(C) A board of health that establishes a bloodborne 1981  
infectious disease prevention program shall determine the manner 1982  
in which the program is operated and the individuals who are 1983  
eligible to participate. The program shall do all of the 1984  
following: 1985

(1) If resources are available, provide on-site screening 1986  
for bloodborne pathogens; 1987

(2) Provide education to each program participant 1988  
regarding exposure to bloodborne pathogens; 1989

(3) Identify health and supportive services providers and 1990  
substance abuse treatment programs available in the area served 1991  
by the prevention program and, as appropriate, develop and enter 1992  
into referral agreements with the identified providers and 1993  
programs; 1994

(4) Encourage each program participant to seek appropriate 1995  
medical care, mental health services, substance abuse treatment, 1996  
or social services and, as appropriate, make referrals to health 1997  
and supportive services providers and substance abuse treatment 1998  
programs with which the prevention program has entered into 1999  
referral agreements; 2000

(5) Use a recordkeeping system that ensures that the 2001  
identity of each program participant remains anonymous; 2002

(6) Comply with applicable state and federal laws 2003  
governing participant confidentiality; 2004

(7) Provide each program participant with documentation 2005  
identifying the individual as an active participant in the 2006  
program. 2007

(D) A bloodborne infectious disease prevention program may collect demographic information about each program participant, including the zip code applicable to the participant's address, and the participant's comorbidity diagnosis, if any. The program may report the information to the department of mental health and addiction services.

(E) (1) Before establishing a bloodborne infectious disease prevention program, the board of health shall consult with all of the following:

(a) Interested parties from the health district represented by the board, including all of the following:

(i) Law enforcement representatives;

(ii) Prosecutors, as defined in section 2935.01 of the Revised Code;

(iii) Representatives of community addiction services providers whose alcohol and drug addiction services are certified under section 5119.36 of the Revised Code;

(iv) Persons recovering from substance abuse;

(v) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations;

(vi) Residents of the health district;

(vii) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located.

(b) Representatives selected by the governing authority of the city, village, or township in which the program is proposed to be established.

(2) If the board of health, after consulting with the interested parties and representatives listed in division (D) (1) of this section, decides to establish a bloodborne infectious disease prevention program, the board shall provide written notice of the proposed location to the governing authority of the city, village, or township in which the program is to be located. The governing authority retains all zoning rights.

(F) (1) If carrying out a duty under a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, an employee or volunteer of the program, when carrying out the duty, is not subject to criminal prosecution for the violation:

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code;

~~(c) Division (C) (1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia;~~

~~(d) Division (C) or (D) of section 3719.172 of the Revised Code regarding the prohibition against furnishing a hypodermic needle to another person.~~

(2) If participating in a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, a program participant who is within one thousand feet of a program facility and is in possession of documentation from the program identifying the individual as an active participant in the program is not subject to criminal prosecution for the violation:

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code 2063

~~(c) Division (C) (1) of section 2925.14 of the Revised Code~~ 2064  
~~regarding the prohibition against illegal possession of drug~~ 2065  
~~paraphernalia.~~ 2066

(G) A board of health that establishes a bloodborne 2067  
infectious disease prevention program shall include details 2068  
about the program in its annual report prepared under section 2069  
3707.47 of the Revised Code. 2070

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 2071  
impose a class D suspension of the person's driver's license, 2072  
commercial driver's license, temporary instruction permit, 2073  
probationary license, or nonresident operating privilege for the 2074  
period of time specified in division (B) (4) of section 4510.02 2075  
of the Revised Code on any person who is a resident of this 2076  
state and is convicted of or pleads guilty to a violation of a 2077  
statute of any other state or any federal statute that is 2078  
substantially similar to section 2925.02, 2925.03, 2925.04, 2079  
2925.041, 2925.05, 2925.06, 2925.11, ~~2925.12,~~ 2925.13, ~~2925.14,~~ 2080  
~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2081  
2925.37 of the Revised Code. Upon receipt of a report from a 2082  
court, court clerk, or other official of any other state or from 2083  
any federal authority that a resident of this state was 2084  
convicted of or pleaded guilty to an offense described in this 2085  
division, the registrar shall send a notice by regular first 2086  
class mail to the person, at the person's last known address as 2087  
shown in the records of the bureau of motor vehicles, informing 2088  
the person of the suspension, that the suspension will take 2089  
effect twenty-one days from the date of the notice, and that, if 2090  
the person wishes to appeal the suspension or denial, the person 2091  
must file a notice of appeal within twenty-one days of the date 2092

of the notice requesting a hearing on the matter. If the person 2093  
requests a hearing, the registrar shall hold the hearing not 2094  
more than forty days after receipt by the registrar of the 2095  
notice of appeal. The filing of a notice of appeal does not stay 2096  
the operation of the suspension that must be imposed pursuant to 2097  
this division. The scope of the hearing shall be limited to 2098  
whether the person actually was convicted of or pleaded guilty 2099  
to the offense for which the suspension is to be imposed. 2100

The suspension the registrar is required to impose under 2101  
this division shall end either on the last day of the class D 2102  
suspension period or of the suspension of the person's 2103  
nonresident operating privilege imposed by the state or federal 2104  
court, whichever is earlier. 2105

The registrar shall subscribe to or otherwise participate 2106  
in any information system or register, or enter into reciprocal 2107  
and mutual agreements with other states and federal authorities, 2108  
in order to facilitate the exchange of information with other 2109  
states and the United States government regarding persons who 2110  
plead guilty to or are convicted of offenses described in this 2111  
division and therefore are subject to the suspension or denial 2112  
described in this division. 2113

(B) The registrar shall impose a class D suspension of the 2114  
person's driver's license, commercial driver's license, 2115  
temporary instruction permit, probationary license, or 2116  
nonresident operating privilege for the period of time specified 2117  
in division (B) (4) of section 4510.02 of the Revised Code on any 2118  
person who is a resident of this state and is convicted of or 2119  
pleads guilty to a violation of a statute of any other state or 2120  
a municipal ordinance of a municipal corporation located in any 2121  
other state that is substantially similar to section 4511.19 of 2122

the Revised Code. Upon receipt of a report from another state 2123  
made pursuant to section 4510.61 of the Revised Code indicating 2124  
that a resident of this state was convicted of or pleaded guilty 2125  
to an offense described in this division, the registrar shall 2126  
send a notice by regular first class mail to the person, at the 2127  
person's last known address as shown in the records of the 2128  
bureau of motor vehicles, informing the person of the 2129  
suspension, that the suspension or denial will take effect 2130  
twenty-one days from the date of the notice, and that, if the 2131  
person wishes to appeal the suspension, the person must file a 2132  
notice of appeal within twenty-one days of the date of the 2133  
notice requesting a hearing on the matter. If the person 2134  
requests a hearing, the registrar shall hold the hearing not 2135  
more than forty days after receipt by the registrar of the 2136  
notice of appeal. The filing of a notice of appeal does not stay 2137  
the operation of the suspension that must be imposed pursuant to 2138  
this division. The scope of the hearing shall be limited to 2139  
whether the person actually was convicted of or pleaded guilty 2140  
to the offense for which the suspension is to be imposed. 2141

The suspension the registrar is required to impose under 2142  
this division shall end either on the last day of the class D 2143  
suspension period or of the suspension of the person's 2144  
nonresident operating privilege imposed by the state or federal 2145  
court, whichever is earlier. 2146

(C) The registrar shall impose a class D suspension of the 2147  
child's driver's license, commercial driver's license, temporary 2148  
instruction permit, or nonresident operating privilege for the 2149  
period of time specified in division (B) (4) of section 4510.02 2150  
of the Revised Code on any child who is a resident of this state 2151  
and is convicted of or pleads guilty to a violation of a statute 2152  
of any other state or any federal statute that is substantially 2153

similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2154  
2925.06, 2925.11, ~~2925.12~~, 2925.13, ~~2925.14~~, ~~2925.141~~, 2925.22, 2155  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2156  
Code. Upon receipt of a report from a court, court clerk, or 2157  
other official of any other state or from any federal authority 2158  
that a child who is a resident of this state was convicted of or 2159  
pleaded guilty to an offense described in this division, the 2160  
registrar shall send a notice by regular first class mail to the 2161  
child, at the child's last known address as shown in the records 2162  
of the bureau of motor vehicles, informing the child of the 2163  
suspension, that the suspension or denial will take effect 2164  
twenty-one days from the date of the notice, and that, if the 2165  
child wishes to appeal the suspension, the child must file a 2166  
notice of appeal within twenty-one days of the date of the 2167  
notice requesting a hearing on the matter. If the child requests 2168  
a hearing, the registrar shall hold the hearing not more than 2169  
forty days after receipt by the registrar of the notice of 2170  
appeal. The filing of a notice of appeal does not stay the 2171  
operation of the suspension that must be imposed pursuant to 2172  
this division. The scope of the hearing shall be limited to 2173  
whether the child actually was convicted of or pleaded guilty to 2174  
the offense for which the suspension is to be imposed. 2175

The suspension the registrar is required to impose under 2176  
this division shall end either on the last day of the class D 2177  
suspension period or of the suspension of the child's 2178  
nonresident operating privilege imposed by the state or federal 2179  
court, whichever is earlier. If the child is a resident of this 2180  
state who is sixteen years of age or older and does not have a 2181  
current, valid Ohio driver's or commercial driver's license or 2182  
permit, the notice shall inform the child that the child will be 2183  
denied issuance of a driver's or commercial driver's license or 2184

permit for six months beginning on the date of the notice. If 2185  
the child has not attained the age of sixteen years on the date 2186  
of the notice, the notice shall inform the child that the period 2187  
of denial of six months shall commence on the date the child 2188  
attains the age of sixteen years. 2189

The registrar shall subscribe to or otherwise participate 2190  
in any information system or register, or enter into reciprocal 2191  
and mutual agreements with other states and federal authorities, 2192  
in order to facilitate the exchange of information with other 2193  
states and the United States government regarding children who 2194  
are residents of this state and plead guilty to or are convicted 2195  
of offenses described in this division and therefore are subject 2196  
to the suspension or denial described in this division. 2197

(D) The registrar shall impose a class D suspension of the 2198  
child's driver's license, commercial driver's license, temporary 2199  
instruction permit, probationary license, or nonresident 2200  
operating privilege for the period of time specified in division 2201  
(B) (4) of section 4510.02 of the Revised Code on any child who 2202  
is a resident of this state and is convicted of or pleads guilty 2203  
to a violation of a statute of any other state or a municipal 2204  
ordinance of a municipal corporation located in any other state 2205  
that is substantially similar to section 4511.19 of the Revised 2206  
Code. Upon receipt of a report from another state made pursuant 2207  
to section 4510.61 of the Revised Code indicating that a child 2208  
who is a resident of this state was convicted of or pleaded 2209  
guilty to an offense described in this division, the registrar 2210  
shall send a notice by regular first class mail to the child, at 2211  
the child's last known address as shown in the records of the 2212  
bureau of motor vehicles, informing the child of the suspension, 2213  
that the suspension will take effect twenty-one days from the 2214  
date of the notice, and that, if the child wishes to appeal the 2215

suspension, the child must file a notice of appeal within 2216  
twenty-one days of the date of the notice requesting a hearing 2217  
on the matter. If the child requests a hearing, the registrar 2218  
shall hold the hearing not more than forty days after receipt by 2219  
the registrar of the notice of appeal. The filing of a notice of 2220  
appeal does not stay the operation of the suspension that must 2221  
be imposed pursuant to this division. The scope of the hearing 2222  
shall be limited to whether the child actually was convicted of 2223  
or pleaded guilty to the offense for which the suspension is to 2224  
be imposed. 2225

The suspension the registrar is required to impose under 2226  
this division shall end either on the last day of the class D 2227  
suspension period or of the suspension of the child's 2228  
nonresident operating privilege imposed by the state or federal 2229  
court, whichever is earlier. If the child is a resident of this 2230  
state who is sixteen years of age or older and does not have a 2231  
current, valid Ohio driver's or commercial driver's license or 2232  
permit, the notice shall inform the child that the child will be 2233  
denied issuance of a driver's or commercial driver's license or 2234  
permit for six months beginning on the date of the notice. If 2235  
the child has not attained the age of sixteen years on the date 2236  
of the notice, the notice shall inform the child that the period 2237  
of denial of six months shall commence on the date the child 2238  
attains the age of sixteen years. 2239

(E) (1) Any person whose license or permit has been 2240  
suspended pursuant to this section may file a petition in the 2241  
municipal or county court, or in case the person is under 2242  
eighteen years of age, the juvenile court, in whose jurisdiction 2243  
the person resides, requesting limited driving privileges and 2244  
agreeing to pay the cost of the proceedings. Except as provided 2245  
in division (E) (2) or (3) of this section, the judge may grant 2246

the person limited driving privileges during the period during 2247  
which the suspension otherwise would be imposed for any of the 2248  
purposes set forth in division (A) of section 4510.021 of the 2249  
Revised Code. 2250

(2) No judge shall grant limited driving privileges for 2251  
employment as a driver of a commercial motor vehicle to any 2252  
person who would be disqualified from operating a commercial 2253  
motor vehicle under section 4506.16 of the Revised Code if the 2254  
violation had occurred in this state. Further, no judge shall 2255  
grant limited driving privileges during any of the following 2256  
periods of time: 2257

(a) The first fifteen days of a suspension under division 2258  
(B) or (D) of this section, if the person has not been convicted 2259  
within ten years of the date of the offense giving rise to the 2260  
suspension under this section of a violation of any of the 2261  
following: 2262

(i) Division (A) of section 4511.19 of the Revised Code, 2263  
or a municipal ordinance relating to operating a vehicle while 2264  
under the influence of alcohol, a drug of abuse, or alcohol and 2265  
a drug of abuse; 2266

(ii) A municipal ordinance relating to operating a motor 2267  
vehicle with a prohibited concentration of alcohol, a controlled 2268  
substance, or a metabolite of a controlled substance in the 2269  
whole blood, blood serum or plasma, breath, or urine; 2270

(iii) Section 2903.04 of the Revised Code in a case in 2271  
which the person was subject to the sanctions described in 2272  
division (D) of that section; 2273

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 2274  
of section 2903.08 of the Revised Code or a municipal ordinance 2275

that is substantially similar to either of those divisions; 2276

(v) Division (A) (2), (3), or (4) of section 2903.06, 2277  
division (A) (2) of section 2903.08, or as it existed prior to 2278  
March 23, 2000, section 2903.07 of the Revised Code, or a 2279  
municipal ordinance that is substantially similar to any of 2280  
those divisions or that former section, in a case in which the 2281  
jury or judge found that the person was under the influence of 2282  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 2283

(b) The first thirty days of a suspension under division 2284  
(B) or (D) of this section, if the person has been convicted one 2285  
time within ten years of the date of the offense giving rise to 2286  
the suspension under this section of any violation identified in 2287  
division (E) (1) (a) of this section. 2288

(c) The first one hundred eighty days of a suspension 2289  
under division (B) or (D) of this section, if the person has 2290  
been convicted two times within ten years of the date of the 2291  
offense giving rise to the suspension under this section of any 2292  
violation identified in division (E) (1) (a) of this section. 2293

(3) No limited driving privileges may be granted if the 2294  
person has been convicted three or more times within five years 2295  
of the date of the offense giving rise to a suspension under 2296  
division (B) or (D) of this section of any violation identified 2297  
in division (E) (1) (a) of this section. 2298

(4) In accordance with section 4510.022 of the Revised 2299  
Code, a person may petition for, and a judge may grant, 2300  
unlimited driving privileges with a certified ignition interlock 2301  
device during the period of suspension imposed under division 2302  
(B) or (D) of this section to a person described in division (E) 2303  
(2) (a) of this section. 2304

(5) If a person petitions for limited driving privileges 2305  
under division (E) (1) of this section or unlimited driving 2306  
privileges with a certified ignition interlock device as 2307  
provided in division (E) (4) of this section, the registrar shall 2308  
be represented by the county prosecutor of the county in which 2309  
the person resides if the petition is filed in a juvenile court 2310  
or county court, except that if the person resides within a city 2311  
or village that is located within the jurisdiction of the county 2312  
in which the petition is filed, the city director of law or 2313  
village solicitor of that city or village shall represent the 2314  
registrar. If the petition is filed in a municipal court, the 2315  
registrar shall be represented as provided in section 1901.34 of 2316  
the Revised Code. 2317

(6) (a) In issuing an order granting limited driving 2318  
privileges under division (E) (1) of this section, the court may 2319  
impose any condition it considers reasonable and necessary to 2320  
limit the use of a vehicle by the person. The court shall 2321  
deliver to the person a copy of the order setting forth the 2322  
time, place, and other conditions limiting the person's use of a 2323  
motor vehicle. Unless division (E) (6) (b) of this section 2324  
applies, the grant of limited driving privileges shall be 2325  
conditioned upon the person's having the order in the person's 2326  
possession at all times during which the person is operating a 2327  
vehicle. 2328

(b) If, under the order, the court requires the use of an 2329  
immobilizing or disabling device as a condition of the grant of 2330  
limited or unlimited driving privileges, the person shall 2331  
present to the registrar or to a deputy registrar the copy of 2332  
the order granting limited driving privileges and a certificate 2333  
affirming the installation of an immobilizing or disabling 2334  
device that is in a form established by the director of public 2335

safety and is signed by the person who installed the device. 2336  
Upon presentation of the order and the certificate to the 2337  
registrar or a deputy registrar, the registrar or deputy 2338  
registrar shall issue to the offender a restricted license, 2339  
unless the offender's driver's or commercial driver's license or 2340  
permit is suspended under any other provision of law and limited 2341  
driving privileges have not been granted with regard to that 2342  
suspension. A restricted license issued under this division 2343  
shall be identical to an Ohio driver's license, except that it 2344  
shall have printed on its face a statement that the offender is 2345  
prohibited from operating any motor vehicle that is not equipped 2346  
with an immobilizing or disabling device in violation of the 2347  
order. 2348

(7) (a) Unless division (E) (7) (b) applies, a person granted 2349  
limited driving privileges who operates a vehicle for other than 2350  
limited purposes, in violation of any condition imposed by the 2351  
court or without having the order in the person's possession, is 2352  
guilty of a violation of section 4510.11 of the Revised Code. 2353

(b) No person who has been granted limited or unlimited 2354  
driving privileges under division (E) of this section subject to 2355  
an immobilizing or disabling device order shall operate a motor 2356  
vehicle prior to obtaining a restricted license. Any person who 2357  
violates this prohibition is subject to the penalties prescribed 2358  
in section 4510.14 of the Revised Code. 2359

(c) The offenses established under division (E) (7) of this 2360  
section are strict liability offenses and section 2901.20 of the 2361  
Revised Code does not apply. 2362

(F) The provisions of division (A) (8) of section 4510.13 2363  
of the Revised Code apply to a person who has been granted 2364  
limited or unlimited driving privileges with a certified 2365

ignition interlock device under this section and who either 2366  
commits an ignition interlock device violation as defined under 2367  
section 4510.46 of the Revised Code or operates a motor vehicle 2368  
that is not equipped with a certified ignition interlock device. 2369

(G) Any person whose license or permit has been suspended 2370  
under division (A) or (C) of this section may file a petition in 2371  
the municipal or county court, or in case the person is under 2372  
eighteen years of age, the juvenile court, in whose jurisdiction 2373  
the person resides, requesting the termination of the suspension 2374  
and agreeing to pay the cost of the proceedings. If the court, 2375  
in its discretion, determines that a termination of the 2376  
suspension is appropriate, the court shall issue an order to the 2377  
registrar to terminate the suspension. Upon receiving such an 2378  
order, the registrar shall reinstate the license. 2379

(H) As used in divisions (C) and (D) of this section: 2380

(1) "Child" means a person who is under the age of 2381  
eighteen years, except that any person who violates a statute or 2382  
ordinance described in division (C) or (D) of this section prior 2383  
to attaining eighteen years of age shall be deemed a "child" 2384  
irrespective of the person's age at the time the complaint or 2385  
other equivalent document is filed in the other state or a 2386  
hearing, trial, or other proceeding is held in the other state 2387  
on the complaint or other equivalent document, and irrespective 2388  
of the person's age when the period of license suspension or 2389  
denial prescribed in division (C) or (D) of this section is 2390  
imposed. 2391

(2) "Is convicted of or pleads guilty to" means, as it 2392  
relates to a child who is a resident of this state, that in a 2393  
proceeding conducted in a state or federal court located in 2394  
another state for a violation of a statute or ordinance 2395

described in division (C) or (D) of this section, the result of 2396  
the proceeding is any of the following: 2397

(a) Under the laws that govern the proceedings of the 2398  
court, the child is adjudicated to be or admits to being a 2399  
delinquent child or a juvenile traffic offender for a violation 2400  
described in division (C) or (D) of this section that would be a 2401  
crime if committed by an adult; 2402

(b) Under the laws that govern the proceedings of the 2403  
court, the child is convicted of or pleads guilty to a violation 2404  
described in division (C) or (D) of this section; 2405

(c) Under the laws that govern the proceedings of the 2406  
court, irrespective of the terminology utilized in those laws, 2407  
the result of the court's proceedings is the functional 2408  
equivalent of division (H)(2)(a) or (b) of this section. 2409

**Section 2.** That existing sections 2925.11, 2925.12, 2410  
2925.14, 2925.38, 2929.141, 2929.15, 2929.25, 2935.36, 2967.28, 2411  
3707.57, and 4510.17 of the Revised Code are hereby repealed. 2412

**Section 3.** That section 2925.141 of the Revised Code is 2413  
hereby repealed. 2414

**Section 4.** Section 2929.15 of the Revised Code is 2415  
presented in this act as a composite of the section as amended 2416  
by H.B. 110, H.B. 281, and S.B. 288 all of the 134th General 2417  
Assembly. The General Assembly, applying the principle stated in 2418  
division (B) of section 1.52 of the Revised Code that amendments 2419  
are to be harmonized if reasonably capable of simultaneous 2420  
operation, finds that the composite is the resulting version of 2421  
the section in effect prior to the effective date of the section 2422  
as presented in this act. 2423