

As Introduced

134th General Assembly

Regular Session

2021-2022

H. B. No. 356

Representatives Loychik, Bird

Cosponsors: Representatives Young, T., Cutrona, Click



A BILL

To amend sections 127.19, 2152.021, 2743.60, 1
2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2
2925.11, 2929.01, 2929.13, 2929.14, 2941.1410, 3
2951.02, 2951.08, 2967.131, 2967.28, 3719.062, 4
3719.21, 4141.01, 4723.51, 4729.75, 4729.79, 5
4730.55, 4731.056, 5747.01, and 5751.01 and to 6
enact sections 121.53, 313.213, 341.231, 7
341.232, 2925.111, 2925.112, 2925.113, 2935.34, 8
2951.023, 2967.49, 2967.50, 2967.51, 2967.52, 9
2967.53, 2967.54, 2967.55, 2967.56, 2967.57, 10
2967.58, 2967.59, 2967.60, 3719.065, 3719.066, 11
4123.392, 4729.811, 5120.67, 5120.85, 5139.60, 12
5139.61, 5139.62, 5139.63, and 5164.7516 of the 13
Revised Code regarding a proposal to reduce the 14
abuse of prescription opioids, to establish 15
addiction treatment facilities, to increase 16
penalties for drug trafficking violations, to 17
modify penalties for drug possession, to require 18
an offender convicted of a drug possession or 19
drug trafficking offense involving certain drugs 20
to be subject to ten years of post-release 21
control, to allow a criminal defendant who has a 22
severe substance use disorder involving certain 23

drugs to be confined by a state detoxification 24
provider while awaiting trial, to create 25
restitution work programs, and to make an 26
appropriation. 27

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

Section 1. That sections 127.19, 2152.021, 2743.60, 28
2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2925.11, 2929.01, 29
2929.13, 2929.14, 2941.1410, 2951.02, 2951.08, 2967.131, 30
2967.28, 3719.062, 3719.21, 4141.01, 4723.51, 4729.75, 4729.79, 31
4730.55, 4731.056, 5747.01, and 5751.01 be amended and sections 32
121.53, 313.213, 341.231, 341.232, 2925.111, 2925.112, 2925.113, 33
2935.34, 2951.023, 2967.49, 2967.50, 2967.51, 2967.52, 2967.53, 34
2967.54, 2967.55, 2967.56, 2967.57, 2967.58, 2967.59, 2967.60, 35
3719.065, 3719.066, 4123.392, 4729.811, 5120.67, 5120.85, 36
5139.60, 5139.61, 5139.62, 5139.63, and 5164.7516 of the Revised 37
Code be enacted to read as follows: 38

Sec. 121.53. (A) There is hereby created in the office of 39
the inspector general the position of deputy inspector general 40
for the department of rehabilitation and correction. The 41
inspector general shall appoint the deputy inspector general, 42
and the deputy inspector general shall serve at the pleasure of 43
the inspector general. A person employed as the deputy inspector 44
general shall have the same qualifications as those specified in 45
section 121.49 of the Revised Code for the inspector general. 46
The inspector general shall provide technical, professional, and 47
clerical assistance to the deputy inspector general. 48

(B) There is hereby created in the state treasury the 49

deputy inspector for the department of rehabilitation and 50
correction fund. The fund shall consist of money credited to the 51
fund for the payment of costs incurred by the deputy inspector 52
general in performing the duties of the deputy inspector general 53
as specified in this section. The inspector general shall use 54
the fund to pay costs incurred by the deputy inspector general 55
in performing the duties of the deputy inspector general as 56
required under this section. 57

(C) The deputy inspector general shall investigate all 58
wrongful acts or omissions that have been committed or are being 59
committed by employees of the department of rehabilitation and 60
correction. In addition, the deputy inspector general shall 61
inspect work safety and conditions of participants in addiction 62
treatment facilities operated under sections 2967.49 to 2967.57 63
of the Revised Code and restitution work centers operated under 64
sections 341.231 and 341.232 of the Revised Code. The deputy 65
inspector general has the same powers and duties regarding 66
matters concerning addiction treatment facilities and 67
restitution work centers as those specified in sections 121.42, 68
121.43, and 121.45 of the Revised Code for the inspector 69
general. Complaints may be filed with the deputy inspector 70
general in the same manner as prescribed for complaints filed 71
with the inspector general under section 121.46 of the Revised 72
Code. All investigations conducted and reports issued by the 73
deputy inspector general are subject to section 121.44 of the 74
Revised Code. 75

(D) All officers and employees of the department of 76
rehabilitation and correction shall cooperate with and provide 77
assistance to the deputy inspector general in the performance of 78
any investigation by the deputy inspector general. In 79
particular, those persons shall make their premises, equipment, 80

personnel, books, records, and papers readily available to the 81
deputy inspector general. In the course of an investigation, the 82
deputy inspector general may question any officer or employee of 83
the department and any person transacting business with the 84
department and may inspect and copy any book, record, or paper 85
in the possession of the department, taking care to preserve the 86
confidentiality of information contained in responses to 87
questions or the books, records, or papers that are made 88
confidential by law. In performing any investigation, the deputy 89
inspector general shall avoid interfering with the ongoing 90
operations of the department, except insofar as interference is 91
reasonably necessary to complete the investigation successfully. 92

(E) At the conclusion of an investigation conducted by the 93
deputy inspector general, the deputy inspector general shall 94
deliver to the director of rehabilitation and correction and the 95
governor any case for which remedial action is necessary. The 96
deputy inspector general shall maintain a public record of the 97
activities of the office of the deputy inspector general to the 98
extent permitted under this section, ensuring that the rights of 99
the parties involved in each case are protected. The inspector 100
general shall include in the annual report required under 101
section 121.48 of the Revised Code a summary of the activities 102
of the deputy inspector general during the previous year. 103

(F) No person shall disclose any information that is 104
designated as confidential in accordance with section 121.44 of 105
the Revised Code or any confidential information that is 106
acquired in the course of an investigation conducted under this 107
section to any person who is not legally entitled to disclosure 108
of that information. 109

Sec. 127.19. There is hereby created in the state treasury 110

the controlling board emergency purposes/contingencies fund, 111
consisting of transfers from the general revenue fund and any 112
other funds appropriated by the general assembly. Moneys in the 113
fund may be used by the controlling board at the request of a 114
state agency or the director of budget and management for any of 115
the ~~purpose of providing~~ following purposes: 116

(A) Providing disaster and emergency aid to state agencies 117
and political subdivisions ~~or for;~~ 118

(B) Providing moneys to the department of rehabilitation 119
and correction to ensure that an adequate number of 120
detoxification facilities exist in the state; 121

(C) Any other purposes approved by the controlling board. 122

Sec. 313.213. If the coroner determines that an overdose 123
of a prescribed drug or drugs is the cause of death of a person, 124
the coroner shall provide notice of the death to the licensed 125
health care professional or professionals who prescribed the 126
drug or drugs on which the person overdosed. If the coroner is 127
unable to identify the prescriber after requesting information 128
from the drug database established and maintained by the state 129
board of pharmacy pursuant to section 4729.75 of the Revised 130
Code, and after reviewing medical or psychiatric records 131
received by the coroner, if any, the coroner shall contact 132
hospitals within the coroner's jurisdiction, the deceased's 133
health insurer, if known, or the United States department of 134
veterans affairs, if the deceased was a veteran. 135

Sec. 341.231. Except as provided in divisions (C) and (D) 136
of this section, the sheriff shall operate at least one 137
restitution work program in the county, in accordance with 138
section 341.232 of the Revised Code, to which offenders may be 139

sentenced or transferred through sentence modification pursuant 140
to sections 2967.58 and 2967.59 of the Revised Code. 141

(A) If the county has an operating restitution work center 142
and work is available at the restitution work center, the 143
sheriff shall order offenders participating in a restitution 144
work program to report every Saturday and Sunday during the 145
offender's period of community control, or on such other days as 146
are approved by the sheriff under division (C) of section 147
2967.60 of the Revised Code, for work at that restitution work 148
center. 149

(B) If no restitution work center is operating in the 150
county or if no work is available at a restitution work center 151
in the county, the sheriff may coordinate with a sheriff of 152
another county within one hundred miles of the county to send 153
offenders participating in the restitution work program to work 154
in a restitution work center in that other county on a combined 155
project. 156

(C) If no restitution work center is operating in the 157
county and the sheriff is unable to coordinate work with a 158
restitution work center in another county under division (B) of 159
this section, except as provided in division (D) of this 160
section, the sheriff shall transport offenders participating in 161
the restitution work program to a state work project so that 162
those offenders may provide labor for that project for the 163
period they would otherwise be required to work in a restitution 164
work center. 165

(D) If no restitution work center is operating in the 166
county, the sheriff is unable to coordinate work with a 167
restitution work center in another county under division (B) of 168
this section, and the sheriff is unable to find a state work 169

project to which offenders participating in the restitution work 170
program may contribute labor under division (C) of this section, 171
the sheriff shall choose a community service project to which 172
participating offenders may contribute labor. 173

(E) If the sheriff operates a restitution work center in 174
the county and combines labor for the operation of that 175
restitution work center with the sheriff of another county, the 176
sheriff of the first county shall distribute proceeds of the 177
restitution work center contract to the sheriff of the other 178
county in the same ratio as the ratio of work in the restitution 179
work center that is provided by offenders participating in the 180
restitution work program of the other county. 181

Sec. 341.232. (A) The sheriff of each county shall 182
establish and operate a restitution work center in the county, 183
provided that it is financially feasible to do so in accordance 184
with this section. The sheriff shall advertise a request for 185
proposals from manufacturers to partner with the sheriff in 186
establishing and operating a restitution work center in that 187
county. The request for proposals shall specify the estimated 188
number of offenders who would work at the proposed restitution 189
work center at any given time. 190

(B) A manufacturer proposal submitted in response to a 191
request for proposals issued under this section shall meet all 192
of the following requirements: 193

(1) The proposal shall specify a plan to contract with the 194
sheriff for a period of not less than five years to purchase 195
goods manufactured or altered by the offenders participating in 196
a restitution work program in that county and may provide for 197
any of the following: 198

(a) The manufacturer to provide a monetary contribution 199
toward the cost of establishing or operating the restitution 200
work center; 201

(b) The manufacturer to provide equipment, materials, or 202
training for purposes of the manufacturing work; 203

(c) Supervision or direction of the manufacturing work to 204
be performed by employees of the manufacturer, by offenders 205
participating in the restitution work program, by employees of 206
the sheriff, or by a combination of those persons. 207

(2) The proposal shall demonstrate either that the goods 208
to be manufactured or altered under the proposal or 209
substantially similar goods are not being manufactured or 210
altered in that manner in the United States or that the goods or 211
substantially similar goods are being manufactured or altered in 212
that manner in the United States and both of the following are 213
true: 214

(a) Not more than one-half of one per cent of the world's 215
total production of the goods or substantially similar goods or 216
alteration of the goods or substantially similar goods in that 217
manner was performed in the United States during the past three 218
years, excluding any such goods or substantially similar goods 219
manufactured or altered in that manner in the United States by 220
criminal offenders participating in federal, state, or local 221
work programs. 222

(b) One or more manufacturers are manufacturing the goods 223
or substantially similar goods or altering the goods or 224
substantially similar goods in that manner in the United States 225
with the intention of preventing a restitution work center from 226
manufacturing the goods, based on the restrictions set forth in 227

division (B) (2) of this section. The proposal shall include all 228
of the following information concerning the manufacturers that 229
are manufacturing the goods or substantially similar goods or 230
altering the goods or substantially similar goods in that manner 231
in the United States: 232

(i) The manufacturers' ownership, parents, affiliates, and 233
subsidiaries; 234

(ii) The manufacturers' source of capital; 235

(iii) The manufacturers' actual and projected net profits; 236

(iv) The date manufacturing began; 237

(v) The manufacturers' relationship to the world's large 238
foreign manufacturers; 239

(vi) The independence of the manufacturers; 240

(vii) Any other relevant information. 241

(C) (1) After receiving proposals from manufacturers under 242
this section, the sheriff shall evaluate the proposals and 243
select the qualified proposal that would make the establishment 244
and operation of a restitution work center the most financially 245
feasible. If no suitable proposal has been submitted, the 246
sheriff shall continue to advertise the request for proposals 247
until the sheriff has selected a proposal. 248

(2) After selecting a proposal under this section, the 249
sheriff shall request the department of rehabilitation and 250
correction to provide the funds necessary to establish and 251
operate the restitution work center. After the necessary funds 252
have been secured, the sheriff shall execute a written contract 253
with the manufacturer and begin work to establish the 254
restitution work center. 255

(D) (1) Subject to division (D) (2) (a) (ii) of this section, 256
the moneys the sheriff receives from the manufacturer under the 257
contract for the operation of the restitution work center shall 258
be divided as follows: 259

(a) The sheriff shall retain twenty-five per cent of the 260
funds in a special fund created and maintained by the county 261
exclusively for the purpose of operating the county's 262
restitution work program. The county restitution work program 263
fund shall be subject to all applicable provisions of Chapter 264
5705. of the Revised Code concerning the establishment or 265
maintenance of a special fund. 266

(b) The sheriff shall deposit twenty-five per cent of the 267
funds in the state treasury to the credit of the restitution 268
work program fund created under section 5120.67 of the Revised 269
Code. 270

(c) The sheriff shall deposit twenty-five per cent of the 271
funds in the state treasury to the credit of the reparations 272
fund created under section 2743.191 of the Revised Code. 273

(d) If the sheriff determines that it is financially 274
feasible to do so, the sheriff shall deposit twenty-five per 275
cent of the funds in a special fund created and maintained by 276
the county exclusively for the purpose of disbursing offender 277
bonuses under this section. The offender bonus fund shall be 278
subject to all applicable provisions of Chapter 5705. of the 279
Revised Code concerning the establishment or maintenance of a 280
special fund. If the sheriff determines that it is not 281
financially feasible to deposit those funds in the offender 282
bonus fund, the sheriff shall deposit them in the county 283
restitution work program fund described in division (D) (1) (a) of 284
this section. 285

(2) (a) (i) The department of rehabilitation and correction 286
shall compensate offenders participating in a restitution work 287
program for their work at a restitution work center or on a 288
state project at the same rate paid to participants in work 289
programs established under section 5145.16 of the Revised Code, 290
in addition to any bonus awarded under division (D) (3) of this 291
section. The department shall designate a financial manager for 292
each county that operates a restitution work program. 293

(ii) If the moneys the sheriff receives from the 294
manufacturer under the contract for the operation of the 295
restitution work center exceed ninety-five per cent of the cost 296
of operating the restitution work center, the sheriff shall use 297
the excess funds to increase the hourly compensation of each 298
offender who works at the restitution work center by an equal 299
amount. 300

(b) The net earnings of a participant in a restitution 301
work program, excluding any bonus described in division (D) (3) 302
of this section, shall be allocated in the same manner as the 303
earnings of participants in work programs under section 5145.16 304
of the Revised Code. Twenty-five per cent of the earnings 305
allocated to the account of the program participant shall be 306
held by a financial manager in accordance with divisions (D) (2) 307
(c) and (d) of this section. 308

(c) The financial manager shall hold the earnings 309
surrendered by a participant on behalf of the participant, place 310
the earnings surrendered by each participant in a separate 311
account, and provide a monthly account statement to the 312
participant. The financial manager shall place a participant's 313
earnings in an interest-bearing savings account at a savings 314
bank or in a bond account invested in bonds issued by the United 315

States treasury, this state, or a political subdivision of this 316
state that is chosen by the participant. 317

(d) The financial manager shall pay out the total funds 318
held on behalf of a participant upon the participant's release 319
from community control under the restitution work program. The 320
financial manager shall maintain complete and accurate records 321
with respect to all money received from and paid out to 322
participants. If an offender does not successfully complete 323
community control under the restitution work program, the 324
financial manager shall pay out the total funds held on behalf 325
of a participant upon the participant's release from 326
incarceration. 327

(3) (a) Based on the amount available in the offender bonus 328
fund described in division (D) (1) (d) of this section, the 329
sheriff shall establish an hourly bonus rate, which shall be an 330
amount reserved for each offender who participates in the 331
county's restitution work program for each hour the offender 332
works in the county's program. Except as otherwise provided in 333
division (D) (3) (b) of this section, when an offender is released 334
from community control under the restitution work program, the 335
sheriff shall pay to the offender from the fund a bonus equal to 336
the amount reserved for the offender as the offender's hourly 337
bonus rate. If the offender does not successfully complete 338
community control under the restitution work program, the 339
sheriff shall pay out the bonus upon the offender's release from 340
incarceration. 341

(b) During an offender's period of community control, the 342
sheriff annually shall notify the director of job and family 343
services of the offender's identity and ask the director to 344
determine whether the offender owes child support obligations, 345

as defined in section 4141.284 of the Revised Code. If the 346
offender owes child support obligations, the director shall 347
instruct the sheriff to deduct from the amount of any bonus 348
funds to which the offender will be entitled upon completing the 349
period of community control the amount that would be withheld 350
from any unemployment compensation payable to the offender under 351
that section. The sheriff shall remit the deducted amount to the 352
director, and the director shall dispose of the amount in the 353
same manner as if the amount were withheld from unemployment 354
compensation under that section. 355

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 356
section, any person having knowledge of a child who appears to 357
be a juvenile traffic offender or to be a delinquent child may 358
file a sworn complaint with respect to that child in the 359
juvenile court of the county in which the child has a residence 360
or legal settlement or in which the traffic offense or 361
delinquent act allegedly occurred. The sworn complaint may be 362
upon information and belief, and, in addition to the allegation 363
that the child is a delinquent child or a juvenile traffic 364
offender, the complaint shall allege the particular facts upon 365
which the allegation that the child is a delinquent child or a 366
juvenile traffic offender is based. 367

If a child appears to be a delinquent child who is 368
eligible for a serious youthful offender dispositional sentence 369
under section 2152.11 of the Revised Code and if the prosecuting 370
attorney desires to seek a serious youthful offender 371
dispositional sentence under section 2152.13 of the Revised Code 372
in regard to the child, the prosecuting attorney of the county 373
in which the alleged delinquency occurs may initiate a case in 374
the juvenile court of the county by presenting the case to a 375
grand jury for indictment, by charging the child in a bill of 376

information as a serious youthful offender pursuant to section 377
2152.13 of the Revised Code, by requesting a serious youthful 378
offender dispositional sentence in the original complaint 379
alleging that the child is a delinquent child, or by filing with 380
the juvenile court a written notice of intent to seek a serious 381
youthful offender dispositional sentence. This paragraph does 382
not apply regarding the imposition of a serious youthful 383
offender dispositional sentence pursuant to section 2152.121 of 384
the Revised Code. 385

(2) Any person having knowledge of a child who appears to 386
be a delinquent child for violating a court order regarding the 387
child's adjudication as an unruly child for being an habitual 388
truant, may file a sworn complaint with respect to that child, 389
or with respect to that child and the parent, guardian, or other 390
person having care of the child, in the juvenile court of the 391
county in which the child has a residence or legal settlement or 392
in which the child is supposed to attend public school. The 393
sworn complaint may be upon information and belief and shall 394
allege that the child is a delinquent child for violating a 395
court order regarding the child's prior adjudication as an 396
unruly child for being a habitual truant and, in addition, the 397
particular facts upon which that allegation is based. If the 398
complaint contains allegations regarding the child's parent, 399
guardian, or other person having care of the child, the 400
complaint additionally shall allege that the parent, guardian, 401
or other person having care of the child has failed to cause the 402
child's attendance at school in violation of section 3321.38 of 403
the Revised Code and, in addition, the particular facts upon 404
which that allegation is based. 405

(B) Any person with standing under applicable law may file 406
a complaint for the determination of any other matter over which 407

the juvenile court is given jurisdiction by section 2151.23 of 408
the Revised Code. The complaint shall be filed in the county in 409
which the child who is the subject of the complaint is found or 410
was last known to be found. 411

(C) Within ten days after the filing of a complaint or the 412
issuance of an indictment, the court shall give written notice 413
of the filing of the complaint or the issuance of an indictment 414
and of the substance of the complaint or indictment to the 415
superintendent of a city, local, exempted village, or joint 416
vocational school district if the complaint or indictment 417
alleges that a child committed an act that would be a criminal 418
offense if committed by an adult, that the child was sixteen 419
years of age or older at the time of the commission of the 420
alleged act, and that the alleged act is any of the following: 421

(1) A violation of section 2923.122 of the Revised Code 422
that relates to property owned or controlled by, or to an 423
activity held under the auspices of, the board of education of 424
that school district; 425

(2) A violation of section 2923.12 of the Revised Code, of 426
a substantially similar municipal ordinance, or of section 427
2925.03 of the Revised Code that was committed on property owned 428
or controlled by, or at an activity held under the auspices of, 429
the board of education of that school district; 430

(3) A violation of section 2925.11 of the Revised Code 431
that was committed on property owned or controlled by, or at an 432
activity held under the auspices of, the board of education of 433
that school district, other than a violation of that section 434
that would be a minor drug possession offense if committed by an 435
adult; 436

(4) A violation of section 2903.01, 2903.02, 2903.03, 437
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 438
Code, or a violation of former section 2907.12 of the Revised 439
Code, that was committed on property owned or controlled by, or 440
at an activity held under the auspices of, the board of 441
education of that school district, if the victim at the time of 442
the commission of the alleged act was an employee of the board 443
of education of that school district; 444

(5) Complicity in any violation described in division (C) 445
(1), (2), (3), or (4) of this section that was alleged to have 446
been committed in the manner described in division (C) (1), (2), 447
(3), or (4) of this section, regardless of whether the act of 448
complicity was committed on property owned or controlled by, or 449
at an activity held under the auspices of, the board of 450
education of that school district. 451

(D) A public children services agency, acting pursuant to 452
a complaint or an action on a complaint filed under this 453
section, is not subject to the requirements of section 3127.23 454
of the Revised Code. 455

(E) For purposes of the record to be maintained by the 456
clerk under division (B) of section 2152.71 of the Revised Code, 457
when a complaint is filed that alleges that a child is a 458
delinquent child, the court shall determine if the victim of the 459
alleged delinquent act was sixty-five years of age or older or 460
permanently and totally disabled at the time of the alleged 461
commission of the act. 462

(F) (1) At any time after the filing of a complaint 463
alleging that a child is a delinquent child and before 464
adjudication, the court shall promptly appoint for the child a 465
guardian ad litem who is not the child's attorney if the court 466

has reason to believe that either of the following might apply: 467

(a) The act charged would be a violation of section 468
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 469
were an adult. 470

(b) The child is a victim of a violation of section 471
2905.32 of the Revised Code, regardless of whether any person 472
has been convicted of a violation of that section or of any 473
other section for victimizing the child. 474

(2) The child, the child's attorney, the child's guardian 475
ad litem, or the prosecuting attorney may petition the court to 476
hold the complaint in abeyance if either of the following 477
applies: 478

(a) Division (F) (1) (a) of this section applies. 479

(b) Division (F) (1) (b) of this section applies and the act 480
charged in the complaint is related to the child's 481
victimization. 482

(3) (a) Upon the filing of a petition made under division 483
(F) (2) (a) of this section, the court may grant the petition 484
without a hearing. If the court decides to hold a hearing on the 485
petition, the court shall notify the prosecuting attorney of the 486
date, time, and location of the hearing, and the prosecuting 487
attorney has the right to participate in the hearing and may 488
object to holding the complaint in abeyance. No statement made 489
by a child at a hearing held under this division is admissible 490
in any subsequent proceeding against the child. 491

(b) Upon the filing of a petition made under division (F) 492
(2) (b) of this section, both of the following apply: 493

(i) The court may grant the petition without a hearing, 494

provided the prosecuting attorney, after receiving notice of the petition, consents.

(ii) If the prosecuting attorney does not consent to holding the complaint in abeyance, the court shall hold a hearing to determine whether to hold the complaint in abeyance. The prosecuting attorney shall be notified of the date, time, and location of the hearing, and has the right to participate in the hearing. No statement made by a child at a hearing held under this division is admissible in any subsequent proceeding against the child.

(4) If the court decides to hold a hearing under division (F) (3) (a) of this section and the court after the hearing finds by a preponderance of the evidence that division (F) (1) (a) of this section applies, if after a hearing held under division (F) (3) (b) (ii) of this section the court finds by a preponderance of the evidence that division (F) (1) (b) of this section applies and the act charged in the complaint is related to the child's victimization, or if the court grants the petition without a hearing under division (F) (3) (a) or (b) (i) of this section, the court shall hold the complaint in abeyance, provided the child consents. The guardian ad litem shall make recommendations that are in the best interest of the child. A psychiatrist, psychologist, licensed professional clinical counselor, or other clinician selected by the court, who has assessed the child, may make recommendations that are in the best interest of the child. The prosecuting attorney or the child's attorney may make recommendations related to diversion actions. The court may make any orders regarding placement, services, supervision, diversion actions, and conditions of abeyance, including, but not limited to, engagement in trauma-based behavioral health services or education activities, that the court considers appropriate and

in the best interest of the child. The court may hold the 526
complaint in abeyance for up to ninety days while the child 527
engages in diversion actions. If the child violates the 528
conditions of abeyance or is not actively engaging in the 529
diversion actions to the court's satisfaction within ninety 530
days, the court may extend the period of abeyance for not more 531
than three additional ninety-day periods. 532

(5) If the court holds the complaint in abeyance and the 533
child complies with the conditions of abeyance and actively 534
engages in the diversion actions to the court's satisfaction, 535
the court shall dismiss the complaint and order that the records 536
pertaining to the case be expunged immediately. If the child 537
fails to actively engage in the diversion actions to the court's 538
satisfaction, the court shall proceed upon the complaint. 539

(G) (1) At any time after the filing of a complaint 540
alleging that a child is a delinquent child and before 541
adjudication, the court may hold a hearing to determine whether 542
to hold the complaint in abeyance pending the child's successful 543
completion of treatment at a juvenile addiction treatment 544
facility if all of the following apply: 545

(a) The child agrees to the hearing, agrees to comply with 546
the requirements of the juvenile addiction treatment facility 547
program, and acknowledges that failure to complete treatment in 548
the juvenile addiction treatment facility to the court's 549
satisfaction will result in the court proceeding upon the 550
complaint. 551

(b) The child has a severe substance use disorder 552
involving a hard drug. 553

(c) None of the acts charged or for which the child was 554

previously adjudicated delinquent would be a felony offense of 555
violence if committed by an adult. 556

(d) The child agrees to submit to a naltrexone shot two 557
weeks before conditional release from a juvenile addiction 558
treatment facility. 559

(e) An addiction services provider has conducted an 560
assessment on the child and found the child to be suffering from 561
a severe substance use disorder involving a hard drug and 562
amenable to treatment. 563

(2) The prosecuting attorney has the right to participate 564
in any hearing held under division (G) (1) of this section to 565
object to holding the complaint that is the subject of the 566
hearing in abeyance and to make recommendations related to 567
treatment at a juvenile addiction treatment facility. No 568
statement made by a child at a hearing held under division (G) 569
(1) of this section is admissible in any subsequent proceeding 570
against the child. 571

(3) If after a hearing under division (G) (1) of this 572
section the court determines that the requirements in division 573
(G) (1) of this section are met and that at least one juvenile 574
addiction treatment facility is operating in the state and has 575
available space to hold and treat the child for up to three 576
years, the court may order the child conveyed to the juvenile 577
addiction treatment facility for a period of up to three years, 578
administered a naltrexone shot at least two weeks prior to 579
conditional release from the facility, and supervised by the 580
facility for three years subsequent to release, as a condition 581
of the court's abeyance. 582

(4) If the court holds the complaint in abeyance under 583

division (G) (3) of this section and the child complies with the 584
conditions of abeyance and completes treatment at a juvenile 585
addiction treatment facility to the court's satisfaction, the 586
court shall dismiss the complaint and order that the records 587
pertaining to the case be expunged immediately. If the child 588
fails to complete treatment at the juvenile addiction treatment 589
facility, the court shall proceed upon the complaint. 590

(5) As used in division (G) of this section: 591

(a) "Hard drug" has the same meaning as in section 2967.49 592
of the Revised Code. 593

(b) "Severe substance use disorder" means a condition in 594
which a person is found to have experienced within a twelve- 595
month period six or more symptoms of a substance use disorder, 596
as determined in accordance with the criteria established in the 597
fifth edition of the diagnostic and statistical manual of mental 598
disorders published by the American psychiatric association. 599

Sec. 2743.60. (A) The attorney general or the court of 600
claims shall not make or order an award of reparations to a 601
claimant if the criminally injurious conduct upon which the 602
claimant bases a claim never was reported to a law enforcement 603
officer or agency. 604

(B) (1) The attorney general or the court of claims shall 605
not make or order an award of reparations to a claimant if any 606
of the following apply: 607

(a) The claimant is the offender or an accomplice of the 608
offender who committed the criminally injurious conduct, the 609
claimant was engaged in criminal conduct at the time of the 610
injury that substantially contributed to the injury, or the 611
award would unjustly benefit the offender or accomplice. 612

(b) Except as provided in division (B) (2) of this section, 613
both of the following apply: 614

(i) The victim was a passenger in a motor vehicle and knew 615
or reasonably should have known that the driver was under the 616
influence of alcohol, a drug of abuse, or both. 617

(ii) The claimant is seeking compensation for injuries 618
proximately caused by the driver described in division (B) (1) (b) 619
(i) of this section being under the influence of alcohol, a drug 620
of abuse, or both. 621

(c) Both of the following apply: 622

(i) The victim was under the influence of alcohol, ~~a drug~~ 623
~~of abuse, or both~~ and was a passenger in a motor vehicle and, if 624
sober, should have reasonably known that the driver was under 625
the influence of alcohol, a drug of abuse, or both. 626

(ii) The claimant is seeking compensation for injuries 627
proximately caused by the driver described in division (B) (1) (b) 628
(i) of this section being under the influence of alcohol, a drug 629
of abuse, or both. 630

(2) Division (B) (1) (b) of this section does not apply if 631
on the date of the occurrence of the criminally injurious 632
conduct, the victim was under sixteen years of age or was at 633
least sixteen years of age but less than eighteen years of age 634
and was riding with a parent, guardian, or care-provider. 635

(C) The attorney general or the court of claims, upon a 636
finding that the claimant or victim has not fully cooperated 637
with appropriate law enforcement agencies, may deny a claim or 638
reconsider and reduce an award of reparations. 639

(D) The attorney general or the court of claims shall 640

reduce an award of reparations or deny a claim for an award of 641
reparations that is otherwise payable to a claimant to the 642
extent that the economic loss upon which the claim is based is 643
recouped from other persons, including collateral sources. If an 644
award is reduced or a claim is denied because of the expected 645
recoupment of all or part of the economic loss of the claimant 646
from a collateral source, the amount of the award or the denial 647
of the claim shall be conditioned upon the claimant's economic 648
loss being recouped by the collateral source. If the award or 649
denial is conditioned upon the recoupment of the claimant's 650
economic loss from a collateral source and it is determined that 651
the claimant did not unreasonably fail to present a timely claim 652
to the collateral source and will not receive all or part of the 653
expected recoupment, the claim may be reopened and an award may 654
be made in an amount equal to the amount of expected recoupment 655
that it is determined the claimant will not receive from the 656
collateral source. 657

If the claimant recoups all or part of the economic loss 658
upon which the claim is based from any other person or entity, 659
including a collateral source, the attorney general may recover 660
pursuant to section 2743.72 of the Revised Code the part of the 661
award that represents the economic loss for which the claimant 662
received the recoupment from the other person or entity. 663

(E) (1) Except as otherwise provided in division (E) (2) of 664
this section, the attorney general or the court of claims shall 665
not make an award to a claimant if any of the following applies: 666

(a) The victim was convicted of a felony within ten years 667
prior to the criminally injurious conduct that gave rise to the 668
claim or is convicted of a felony during the pendency of the 669
claim. 670

(b) The claimant was convicted of a felony within ten 671
years prior to the criminally injurious conduct that gave rise 672
to the claim or is convicted of a felony during the pendency of 673
the claim. 674

~~(c) It is proved by a preponderance of the evidence that 675
the victim or the claimant engaged, within ten years prior to 676
the criminally injurious conduct that gave rise to the claim or 677
during the pendency of the claim, in an offense of violence, a 678
violation of section 2925.03 of the Revised Code, or any 679
substantially similar offense that also would constitute a 680
felony under the laws of this state, another state, or the 681
United States. 682~~

~~(d) The claimant was convicted of a violation of section 683
2919.22 or 2919.25 of the Revised Code, or of any state law or 684
municipal ordinance substantially similar to either section, 685
within ten years prior to the criminally injurious conduct that 686
gave rise to the claim or during the pendency of the claim. 687~~

~~(e) It is proved by a preponderance of the evidence that 688
the victim at the time of the criminally injurious conduct that 689
gave rise to the claim engaged in conduct that was a felony 690
violation of section 2925.11 of the Revised Code or engaged in 691
any substantially similar conduct that would constitute a felony 692
under the laws of this state, another state, or the United 693
States. 694~~

(2) The attorney general or the court of claims may make 695
an award to a minor dependent of a deceased victim for 696
dependent's economic loss or for counseling pursuant to division 697
(F) (2) of section 2743.51 of the Revised Code if the minor 698
dependent is not ineligible under division (E) (1) of this 699
section due to the minor dependent's criminal history and if the 700

victim was not killed while engaging in illegal conduct that 701
contributed to the criminally injurious conduct that gave rise 702
to the claim. For purposes of this section, the use of illegal 703
drugs by the deceased victim shall not be deemed to have 704
contributed to the criminally injurious conduct that gave rise 705
to the claim and the attorney general shall not deny an award 706
under division (E)(1) of this section based solely on the victim 707
being under the influence of a drug of abuse at the time of the 708
criminally injurious conduct. 709

(F) In determining whether to make an award of reparations 710
pursuant to this section, the attorney general or the court of 711
claims shall consider whether there was contributory misconduct 712
by the victim or the claimant. The attorney general or the court 713
of claims shall reduce an award of reparations or deny a claim 714
for an award of reparations to the extent it is determined to be 715
reasonable because of the contributory misconduct of the 716
claimant or the victim. 717

When the attorney general decides whether a claim should 718
be denied because of an allegation of contributory misconduct, 719
the burden of proof on the issue of that alleged contributory 720
misconduct shall be upon the claimant, if ~~either of the~~ 721
~~following apply:~~ 722

~~(1) The the victim was convicted of a felony more than ten~~ 723
~~years prior to the criminally injurious conduct that is the~~ 724
~~subject of the claim ~~or has a record of felony arrests~~ under the~~ 725
~~laws of this state, another state, or the United States.~~ 726

~~(2) There is good cause to believe that the victim engaged~~ 727
~~in an ongoing course of criminal conduct within five years or~~ 728
~~less of the criminally injurious conduct that is the subject of~~ 729
~~the claim.~~ 730

(G) The attorney general or the court of claims shall not
make an award of reparations to a claimant if the criminally
injurious conduct that caused the injury or death that is the
subject of the claim occurred to a victim who was an adult and
while the victim, after being convicted of or pleading guilty to
an offense, was serving a sentence of imprisonment in any
detention facility, as defined in section 2921.01 of the Revised
Code.

(H) If a claimant unreasonably fails to present a claim
timely to a source of benefits or advantages that would have
been a collateral source and that would have reimbursed the
claimant for all or a portion of a particular expense, the
attorney general or the court of claims may reduce an award of
reparations or deny a claim for an award of reparations to the
extent that it is reasonable to do so.

(I) Reparations payable to a victim and to all other
claimants sustaining economic loss because of injury to or the
death of that victim shall not exceed fifty thousand dollars in
the aggregate. If the attorney general or the court of claims
reduces an award under division (F) of this section, the maximum
aggregate amount of reparations payable under this division
shall be reduced proportionately to the reduction under division
(F) of this section.

(J) Nothing in this section shall be construed to prohibit
an award to a claimant whose claim is based on the claimant's
being a victim of a violation of section 2905.32 of the Revised
Code if the claimant was less than eighteen years of age when
the criminally injurious conduct occurred.

(K) Nothing in this section shall be construed to prohibit
an award to a claimant or victim based solely on the claimant or

victim being under the influence of a drug of abuse at the time 761
of the criminally injurious conduct. 762

Sec. 2901.01. (A) As used in the Revised Code: 763

(1) "Force" means any violence, compulsion, or constraint 764
physically exerted by any means upon or against a person or 765
thing. 766

(2) "Deadly force" means any force that carries a 767
substantial risk that it will proximately result in the death of 768
any person. 769

(3) "Physical harm to persons" means any injury, illness, 770
or other physiological impairment, regardless of its gravity or 771
duration. 772

(4) "Physical harm to property" means any tangible or 773
intangible damage to property that, in any degree, results in 774
loss to its value or interferes with its use or enjoyment. 775
"Physical harm to property" does not include wear and tear 776
occasioned by normal use. 777

(5) "Serious physical harm to persons" means any of the 778
following: 779

(a) Any mental illness or condition of such gravity as 780
would normally require hospitalization or prolonged psychiatric 781
treatment; 782

(b) Any physical harm that carries a substantial risk of 783
death; 784

(c) Any physical harm that involves some permanent 785
incapacity, whether partial or total, or that involves some 786
temporary, substantial incapacity; 787

(d) Any physical harm that involves some permanent	788
disfigurement or that involves some temporary, serious	789
disfigurement;	790
(e) Any physical harm that involves acute pain of such	791
duration as to result in substantial suffering or that involves	792
any degree of prolonged or intractable pain.	793
(6) "Serious physical harm to property" means any physical	794
harm to property that does either of the following:	795
(a) Results in substantial loss to the value of the	796
property or requires a substantial amount of time, effort, or	797
money to repair or replace;	798
(b) Temporarily prevents the use or enjoyment of the	799
property or substantially interferes with its use or enjoyment	800
for an extended period of time.	801
(7) "Risk" means a significant possibility, as contrasted	802
with a remote possibility, that a certain result may occur or	803
that certain circumstances may exist.	804
(8) "Substantial risk" means a strong possibility, as	805
contrasted with a remote or significant possibility, that a	806
certain result may occur or that certain circumstances may	807
exist.	808
(9) "Offense of violence" means any of the following:	809
(a) A violation of section 2903.01, 2903.02, 2903.03,	810
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	811
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	812
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	813
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	814
2921.34, or 2923.161, of division (A)(1) of section 2903.34, of	815

division (A) (1), (2), or (3) of section 2911.12, or of division 816
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 817
or felonious sexual penetration in violation of former section 818
2907.12 of the Revised Code; 819

(b) A violation of an existing or former municipal 820
ordinance or law of this or any other state or the United 821
States, substantially equivalent to any section, division, or 822
offense listed in division (A) (9) (a) of this section; 823

(c) An offense, other than a traffic offense, under an 824
existing or former municipal ordinance or law of this or any 825
other state or the United States, committed purposely or 826
knowingly, and involving physical harm to persons or a risk of 827
serious physical harm to persons; 828

(d) A violation of section 2925.03 of the Revised Code 829
that is a felony and that involves heroin, fentanyl, 830
carfentanil, cocaine, L.S.D., or methamphetamine; 831

(e) A conspiracy or attempt to commit, or complicity in 832
committing, any offense under division (A) (9) (a), (b), ~~or (c),~~ 833
or (d) of this section. 834

(10) (a) "Property" means any property, real or personal, 835
tangible or intangible, and any interest or license in that 836
property. "Property" includes, but is not limited to, cable 837
television service, other telecommunications service, 838
telecommunications devices, information service, computers, 839
data, computer software, financial instruments associated with 840
computers, other documents associated with computers, or copies 841
of the documents, whether in machine or human readable form, 842
trade secrets, trademarks, copyrights, patents, and property 843
protected by a trademark, copyright, or patent. "Financial 844

instruments associated with computers" include, but are not 845
limited to, checks, drafts, warrants, money orders, notes of 846
indebtedness, certificates of deposit, letters of credit, bills 847
of credit or debit cards, financial transaction authorization 848
mechanisms, marketable securities, or any computer system 849
representations of any of them. 850

(b) As used in division (A) (10) of this section, "trade 851
secret" has the same meaning as in section 1333.61 of the 852
Revised Code, and "telecommunications service" and "information 853
service" have the same meanings as in section 2913.01 of the 854
Revised Code. 855

(c) As used in divisions (A) (10) and (13) of this section, 856
"cable television service," "computer," "computer software," 857
"computer system," "computer network," "data," and 858
"telecommunications device" have the same meanings as in section 859
2913.01 of the Revised Code. 860

(11) "Law enforcement officer" means any of the following: 861

(a) A sheriff, deputy sheriff, constable, police officer 862
of a township or joint police district, marshal, deputy marshal, 863
municipal police officer, member of a police force employed by a 864
metropolitan housing authority under division (D) of section 865
3735.31 of the Revised Code, or state highway patrol trooper; 866

(b) An officer, agent, or employee of the state or any of 867
its agencies, instrumentalities, or political subdivisions, upon 868
whom, by statute, a duty to conserve the peace or to enforce all 869
or certain laws is imposed and the authority to arrest violators 870
is conferred, within the limits of that statutory duty and 871
authority; 872

(c) A mayor, in the mayor's capacity as chief conservator 873

of the peace within the mayor's municipal corporation; 874

(d) A member of an auxiliary police force organized by 875
county, township, or municipal law enforcement authorities, 876
within the scope of the member's appointment or commission; 877

(e) A person lawfully called pursuant to section 311.07 of 878
the Revised Code to aid a sheriff in keeping the peace, for the 879
purposes and during the time when the person is called; 880

(f) A person appointed by a mayor pursuant to section 881
~~737.01~~737.10 of the Revised Code as a special patrolling 882
officer during riot or emergency, for the purposes and during 883
the time when the person is appointed; 884

(g) A member of the organized militia of this state or the 885
armed forces of the United States, lawfully called to duty to 886
aid civil authorities in keeping the peace or protect against 887
domestic violence; 888

(h) A prosecuting attorney, assistant prosecuting 889
attorney, secret service officer, or municipal prosecutor; 890

(i) A veterans' home police officer appointed under 891
section 5907.02 of the Revised Code; 892

(j) A member of a police force employed by a regional 893
transit authority under division (Y) of section 306.35 of the 894
Revised Code; 895

(k) A special police officer employed by a port authority 896
under section 4582.04 or 4582.28 of the Revised Code; 897

(l) The house of representatives sergeant at arms if the 898
house of representatives sergeant at arms has arrest authority 899
pursuant to division (E) (1) of section 101.311 of the Revised 900
Code and an assistant house of representatives sergeant at arms; 901

(m) The senate sergeant at arms and an assistant senate sergeant at arms;	902 903
(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	904 905 906 907 908 909 910 911 912 913
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	914 915 916 917
(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:	918 919 920 921 922 923
(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;	924 925
(b) Any unlawful gambling device or paraphernalia;	926
(c) Any dangerous ordnance or obscene material.	927
(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code,	928 929 930

that at the time of the commission of the offense, the person 931
did not know, as a result of a severe mental disease or defect, 932
the wrongfulness of the person's acts. 933

(B) (1) (a) Subject to division (B) (2) of this section, as 934
used in any section contained in Title XXIX of the Revised Code 935
that sets forth a criminal offense, "person" includes all of the 936
following: 937

(i) An individual, corporation, business trust, estate, 938
trust, partnership, and association; 939

(ii) An unborn human who is viable. 940

(b) As used in any section contained in Title XXIX of the 941
Revised Code that does not set forth a criminal offense, 942
"person" includes an individual, corporation, business trust, 943
estate, trust, partnership, and association. 944

(c) As used in division (B) (1) (a) of this section: 945

(i) "Unborn human" means an individual organism of the 946
species *Homo sapiens* from fertilization until live birth. 947

(ii) "Viable" means the stage of development of a human 948
fetus at which there is a realistic possibility of maintaining 949
and nourishing of a life outside the womb with or without 950
temporary artificial life-sustaining support. 951

(2) Notwithstanding division (B) (1) (a) of this section, in 952
no case shall the portion of the definition of the term "person" 953
that is set forth in division (B) (1) (a) (ii) of this section be 954
applied or construed in any section contained in Title XXIX of 955
the Revised Code that sets forth a criminal offense in any of 956
the following manners: 957

(a) Except as otherwise provided in division (B) (2) (a) of 958

this section, in a manner so that the offense prohibits or is 959
construed as prohibiting any pregnant woman or her physician 960
from performing an abortion with the consent of the pregnant 961
woman, with the consent of the pregnant woman implied by law in 962
a medical emergency, or with the approval of one otherwise 963
authorized by law to consent to medical treatment on behalf of 964
the pregnant woman. An abortion that violates the conditions 965
described in the immediately preceding sentence may be punished 966
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 967
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 968
2903.21, or 2903.22 of the Revised Code, as applicable. An 969
abortion that does not violate the conditions described in the 970
second immediately preceding sentence, but that does violate 971
section 2919.12, division (B) of section 2919.13, or section 972
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 973
be punished as a violation of section 2919.12, division (B) of 974
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 975
2919.18 of the Revised Code, as applicable. Consent is 976
sufficient under this division if it is of the type otherwise 977
adequate to permit medical treatment to the pregnant woman, even 978
if it does not comply with section 2919.12 of the Revised Code. 979

(b) In a manner so that the offense is applied or is 980
construed as applying to a woman based on an act or omission of 981
the woman that occurs while she is or was pregnant and that 982
results in any of the following: 983

(i) Her delivery of a stillborn baby; 984

(ii) Her causing, in any other manner, the death in utero 985
of a viable, unborn human that she is carrying; 986

(iii) Her causing the death of her child who is born alive 987
but who dies from one or more injuries that are sustained while 988

the child is a viable, unborn human;	989
(iv) Her causing her child who is born alive to sustain	990
one or more injuries while the child is a viable, unborn human;	991
(v) Her causing, threatening to cause, or attempting to	992
cause, in any other manner, an injury, illness, or other	993
physiological impairment, regardless of its duration or gravity,	994
or a mental illness or condition, regardless of its duration or	995
gravity, to a viable, unborn human that she is carrying.	996
(C) As used in Title XXIX of the Revised Code:	997
(1) "School safety zone" consists of a school, school	998
building, school premises, school activity, and school bus.	999
(2) "School," "school building," and "school premises"	1000
have the same meanings as in section 2925.01 of the Revised	1001
Code.	1002
(3) "School activity" means any activity held under the	1003
auspices of a board of education of a city, local, exempted	1004
village, joint vocational, or cooperative education school	1005
district; a governing authority of a community school	1006
established under Chapter 3314. of the Revised Code; a governing	1007
board of an educational service center, or the governing body of	1008
a school for which the state board of education prescribes	1009
minimum standards under section 3301.07 of the Revised Code.	1010
(4) "School bus" has the same meaning as in section	1011
4511.01 of the Revised Code.	1012
Sec. 2921.01. As used in sections 2921.01 to 2921.45 of	1013
the Revised Code:	1014
(A) "Public official" means any elected or appointed	1015
officer, or employee, or agent of the state or any political	1016

subdivision, whether in a temporary or permanent capacity, and 1017
includes, but is not limited to, legislators, judges, and law 1018
enforcement officers. "Public official" does not include an 1019
employee, officer, or governor-appointed member of the board of 1020
directors of the nonprofit corporation formed under section 1021
187.01 of the Revised Code. 1022

(B) "Public servant" means any of the following: 1023

(1) Any public official; 1024

(2) Any person performing ad hoc a governmental function, 1025
including, but not limited to, a juror, member of a temporary 1026
commission, master, arbitrator, advisor, or consultant; 1027

(3) A person who is a candidate for public office, whether 1028
or not the person is elected or appointed to the office for 1029
which the person is a candidate. A person is a candidate for 1030
purposes of this division if the person has been nominated 1031
according to law for election or appointment to public office, 1032
or if the person has filed a petition or petitions as required 1033
by law to have the person's name placed on the ballot in a 1034
primary, general, or special election, or if the person 1035
campaigns as a write-in candidate in any primary, general, or 1036
special election. 1037

"Public servant" does not include an employee, officer, or 1038
governor-appointed member of the board of directors of the 1039
nonprofit corporation formed under section 187.01 of the Revised 1040
Code. 1041

(C) "Party official" means any person who holds an 1042
elective or appointive post in a political party in the United 1043
States or this state, by virtue of which the person directs, 1044
conducts, or participates in directing or conducting party 1045

affairs at any level of responsibility. 1046

(D) "Official proceeding" means any proceeding before a 1047
legislative, judicial, administrative, or other governmental 1048
agency or official authorized to take evidence under oath, and 1049
includes any proceeding before a referee, hearing examiner, 1050
commissioner, notary, or other person taking testimony or a 1051
deposition in connection with an official proceeding. 1052

(E) "Detention" means arrest; confinement in any vehicle 1053
subsequent to an arrest; confinement in any public or private 1054
facility for custody of persons charged with or convicted of 1055
crime in this state or another state or under the laws of the 1056
United States or alleged or found to be a delinquent child or 1057
unruly child in this state or another state or under the laws of 1058
the United States; hospitalization, institutionalization, or 1059
confinement in any public or private facility that is ordered 1060
pursuant to or under the authority of section 2935.34, 2945.37, 1061
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of 1062
the Revised Code; confinement in any vehicle for transportation 1063
to or from any facility of any of those natures; detention for 1064
extradition or deportation; except as provided in this division, 1065
supervision by any employee of any facility of any of those 1066
natures that is incidental to hospitalization, 1067
institutionalization, or confinement in the facility but that 1068
occurs outside the facility; supervision by an employee of the 1069
department of rehabilitation and correction of a person on any 1070
type of release from a state correctional institution; or 1071
confinement in any vehicle, airplane, or place while being 1072
returned from outside of this state into this state by a private 1073
person or entity pursuant to a contract entered into under 1074
division (E) of section 311.29 of the Revised Code or division 1075
(B) of section 5149.03 of the Revised Code. For a person 1076

confined in a county jail who participates in a county jail 1077
industry program pursuant to section 5147.30 of the Revised 1078
Code, "detention" includes time spent at an assigned work site 1079
and going to and from the work site. 1080

(F) "Detention facility" means any public or private place 1081
used for the confinement of a person charged with or convicted 1082
of any crime in this state or another state or under the laws of 1083
the United States or alleged or found to be a delinquent child 1084
or unruly child in this state or another state or under the laws 1085
of the United States. 1086

(G) "Valuable thing or valuable benefit" includes, but is 1087
not limited to, a contribution. This inclusion does not indicate 1088
or imply that a contribution was not included in those terms 1089
before September 17, 1986. 1090

(H) "Campaign committee," "contribution," "political 1091
action committee," "legislative campaign fund," "political 1092
party," and "political contributing entity" have the same 1093
meanings as in section 3517.01 of the Revised Code. 1094

(I) "Provider agreement" has the same meaning as in 1095
section 5164.01 of the Revised Code. 1096

Sec. 2923.01. (A) No person, with purpose to commit or to 1097
promote or facilitate the commission of aggravated murder, 1098
murder, kidnapping, abduction, compelling prostitution, 1099
promoting prostitution, trafficking in persons, aggravated 1100
arson, arson, aggravated robbery, robbery, aggravated burglary, 1101
burglary, trespassing in a habitation when a person is present 1102
or likely to be present, engaging in a pattern of corrupt 1103
activity, corrupting another with drugs, a felony drug 1104
trafficking, manufacturing, processing, or possession offense, 1105

theft of drugs, or illegal processing of drug documents, the 1106
commission of a felony offense of unauthorized use of a vehicle, 1107
illegally transmitting multiple commercial electronic mail 1108
messages or unauthorized access of a computer in violation of 1109
section 2923.421 of the Revised Code, or the commission of a 1110
violation of any provision of Chapter 3734. of the Revised Code, 1111
other than section 3734.18 of the Revised Code, that relates to 1112
hazardous wastes, shall do either of the following: 1113

(1) With another person or persons, plan or aid in 1114
planning the commission of any of the specified offenses; 1115

(2) Agree with another person or persons that one or more 1116
of them will engage in conduct that facilitates the commission 1117
of any of the specified offenses. 1118

(B) No person shall be convicted of conspiracy unless a 1119
substantial overt act in furtherance of the conspiracy is 1120
alleged and proved to have been done by the accused or a person 1121
with whom the accused conspired, subsequent to the accused's 1122
entrance into the conspiracy. For purposes of this section, an 1123
overt act is substantial when it is of a character that 1124
manifests a purpose on the part of the actor that the object of 1125
the conspiracy should be completed. 1126

(C) When the offender knows or has reasonable cause to 1127
believe that a person with whom the offender conspires also has 1128
conspired or is conspiring with another to commit the same 1129
offense, the offender is guilty of conspiring with that other 1130
person, even though the other person's identity may be unknown 1131
to the offender. 1132

(D) It is no defense to a charge under this section that, 1133
in retrospect, commission of the offense that was the object of 1134

the conspiracy was impossible under the circumstances. 1135

(E) A conspiracy terminates when the offense or offenses 1136
that are its objects are committed or when it is abandoned by 1137
all conspirators. In the absence of abandonment, it is no 1138
defense to a charge under this section that no offense that was 1139
the object of the conspiracy was committed. 1140

(F) A person who conspires to commit more than one offense 1141
is guilty of only one conspiracy, when the offenses are the 1142
object of the same agreement or continuous conspiratorial 1143
relationship. 1144

(G) When a person is convicted of committing or attempting 1145
to commit a specific offense or of complicity in the commission 1146
of or attempt to commit the specific offense, the person shall 1147
not be convicted of conspiracy involving the same offense. 1148

(H) (1) No person shall be convicted of conspiracy upon the 1149
testimony of a person with whom the defendant conspired, 1150
unsupported by other evidence. 1151

(2) If a person with whom the defendant allegedly has 1152
conspired testifies against the defendant in a case in which the 1153
defendant is charged with conspiracy and if the testimony is 1154
supported by other evidence, the court, when it charges the 1155
jury, shall state substantially the following: 1156

"The testimony of an accomplice that is supported by other 1157
evidence does not become inadmissible because of the 1158
accomplice's complicity, moral turpitude, or self-interest, but 1159
the admitted or claimed complicity of a witness may affect the 1160
witness' credibility and make the witness' testimony subject to 1161
grave suspicion, and require that it be weighed with great 1162
caution. 1163

It is for you, as jurors, in the light of all the facts 1164
presented to you from the witness stand, to evaluate such 1165
testimony and to determine its quality and worth or its lack of 1166
quality and worth." 1167

(3) "Conspiracy," as used in division (H)(1) of this 1168
section, does not include any conspiracy that results in an 1169
attempt to commit an offense or in the commission of an offense. 1170

(I) The following are affirmative defenses to a charge of 1171
conspiracy: 1172

(1) After conspiring to commit an offense, the actor 1173
thwarted the success of the conspiracy under circumstances 1174
manifesting a complete and voluntary renunciation of the actor's 1175
criminal purpose. 1176

(2) After conspiring to commit an offense, the actor 1177
abandoned the conspiracy prior to the commission of or attempt 1178
to commit any offense that was the object of the conspiracy, 1179
either by advising all other conspirators of the actor's 1180
abandonment, or by informing any law enforcement authority of 1181
the existence of the conspiracy and of the actor's participation 1182
in the conspiracy. 1183

(J) Whoever violates this section is guilty of conspiracy, 1184
which is one of the following: 1185

(1) A felony of the first degree, when one of the objects 1186
of the conspiracy is aggravated murder, murder, or an offense 1187
for which the maximum penalty is imprisonment for life; 1188

(2) A felony of the next lesser degree than the most 1189
serious offense that is the object of the conspiracy, when the 1190
most serious offense that is the object of the conspiracy is a 1191
felony of the first, second, third, or fourth degree; 1192

(3) A felony punishable by a fine of not more than twenty-five thousand dollars or imprisonment for not more than eighteen months, or both, when the offense that is the object of the conspiracy is a violation of any provision of Chapter 3734. of the Revised Code, other than section 3734.18 of the Revised Code, that relates to hazardous wastes;

(4) A misdemeanor of the first degree, when the most serious offense that is the object of the conspiracy is a felony of the fifth degree.

(K) This section does not define a separate conspiracy offense or penalty where conspiracy is defined as an offense by one or more sections of the Revised Code, other than this section. In such a case, however:

(1) With respect to the offense specified as the object of the conspiracy in the other section or sections, division (A) of this section defines the voluntary act or acts and culpable mental state necessary to constitute the conspiracy;

(2) Divisions (B) to (I) of this section are incorporated by reference in the conspiracy offense defined by the other section or sections of the Revised Code.

(L) (1) In addition to the penalties that otherwise are imposed for conspiracy, a person who is found guilty of conspiracy to engage in a pattern of corrupt activity is subject to divisions (B) (2) and (3) of section 2923.32, division (A) of section 2981.04, and division (D) of section 2981.06 of the Revised Code.

(2) If a person is convicted of or pleads guilty to conspiracy and if the most serious offense that is the object of the conspiracy is a felony drug trafficking, manufacturing,

processing, or possession offense, in addition to the penalties 1222
or sanctions that may be imposed for the conspiracy under 1223
division (J) (2) or (4) of this section and Chapter 2929. of the 1224
Revised Code, both of the following apply: 1225

(a) The provisions of divisions (D), (F), and (G) of 1226
section 2925.03, division (D) of section 2925.04, division (D) 1227
of section 2925.05, and division (D) of section 2925.06, ~~and~~ 1228
~~division (E) of section 2925.11~~ of the Revised Code that pertain 1229
to mandatory and additional fines, driver's or commercial 1230
driver's license or permit suspensions, and professionally 1231
licensed persons and that would apply under the appropriate 1232
provisions of those divisions to a person who is convicted of or 1233
pleads guilty to the felony drug trafficking, manufacturing, 1234
processing, or possession offense that is the most serious 1235
offense that is the basis of the conspiracy shall apply to the 1236
person who is convicted of or pleads guilty to the conspiracy as 1237
if the person had been convicted of or pleaded guilty to the 1238
felony drug trafficking, manufacturing, processing, or 1239
possession offense that is the most serious offense that is the 1240
basis of the conspiracy. 1241

(b) The court that imposes sentence upon the person who is 1242
convicted of or pleads guilty to the conspiracy shall comply 1243
with the provisions identified as being applicable under 1244
division (L) (2) of this section, in addition to any other 1245
penalty or sanction that it imposes for the conspiracy under 1246
division (J) (2) or (4) of this section and Chapter 2929. of the 1247
Revised Code. 1248

(M) As used in this section: 1249

(1) "Felony drug trafficking, manufacturing, processing, 1250
or possession offense" means any of the following that is a 1251

felony:	1252
(a) A violation of section 2925.03, 2925.04, 2925.05, or 2925.06 of the Revised Code;	1253 1254
(b) A violation of section 2925.11 of the Revised Code that is not a minor drug possession offense.	1255 1256
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	1257 1258
Sec. 2925.01. As used in this chapter:	1259
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	1260 1261 1262 1263 1264 1265 1266
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	1267 1268
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	1269 1270 1271 1272
(D) "Bulk amount" of a controlled substance means any of the following:	1273 1274
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound <u>fentanyl,</u> <u>carfentanil,</u> and hashish and except as provided in division (D)	1275 1276 1277 1278 1279

(2) ~~7~~ or (5) ~~7~~ ~~or~~ (6) of this section, whichever of the following 1280
is applicable: 1281

(a) An amount equal to or exceeding ten grams or twenty- 1282
five unit doses of a compound, mixture, preparation, or 1283
substance that is or contains any amount of a schedule I opiate 1284
or opium derivative; 1285

(b) An amount equal to or exceeding ten grams of a 1286
compound, mixture, preparation, or substance that is or contains 1287
any amount of raw or gum opium; 1288

(c) An amount equal to or exceeding thirty grams or ten 1289
unit doses of a compound, mixture, preparation, or substance 1290
that is or contains any amount of a schedule I hallucinogen 1291
other than tetrahydrocannabinol or lysergic acid amide, or a 1292
schedule I stimulant or depressant; 1293

(d) An amount equal to or exceeding twenty grams or five 1294
times the maximum daily dose in the usual dose range specified 1295
in a standard pharmaceutical reference manual of a compound, 1296
mixture, preparation, or substance that is or contains any 1297
amount of a schedule II opiate or opium derivative; 1298

(e) An amount equal to or exceeding five grams or ten unit 1299
doses of a compound, mixture, preparation, or substance that is 1300
or contains any amount of phencyclidine; 1301

(f) An amount equal to or exceeding one hundred twenty 1302
grams or thirty times the maximum daily dose in the usual dose 1303
range specified in a standard pharmaceutical reference manual of 1304
a compound, mixture, preparation, or substance that is or 1305
contains any amount of a schedule II stimulant that is in a 1306
final dosage form manufactured by a person authorized by the 1307
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1308

U.S.C.A. 301, as amended, and the federal drug abuse control 1309
laws, as defined in section 3719.01 of the Revised Code, that is 1310
or contains any amount of a schedule II depressant substance or 1311
a schedule II hallucinogenic substance; 1312

(g) An amount equal to or exceeding three grams of a 1313
compound, mixture, preparation, or substance that is or contains 1314
any amount of a schedule II stimulant, or any of its salts or 1315
isomers, that is not in a final dosage form manufactured by a 1316
person authorized by the Federal Food, Drug, and Cosmetic Act 1317
and the federal drug abuse control laws. 1318

(2) An amount equal to or exceeding one hundred twenty 1319
grams or thirty times the maximum daily dose in the usual dose 1320
range specified in a standard pharmaceutical reference manual of 1321
a compound, mixture, preparation, or substance that is or 1322
contains any amount of a schedule III or IV substance other than 1323
an anabolic steroid or a schedule III opiate or opium 1324
derivative; 1325

(3) An amount equal to or exceeding twenty grams or five 1326
times the maximum daily dose in the usual dose range specified 1327
in a standard pharmaceutical reference manual of a compound, 1328
mixture, preparation, or substance that is or contains any 1329
amount of a schedule III opiate or opium derivative; 1330

(4) An amount equal to or exceeding two hundred fifty 1331
milliliters or two hundred fifty grams of a compound, mixture, 1332
preparation, or substance that is or contains any amount of a 1333
schedule V substance; 1334

(5) An amount equal to or exceeding two hundred solid 1335
dosage units, sixteen grams, or sixteen milliliters of a 1336
compound, mixture, preparation, or substance that is or contains 1337

any amount of a schedule III anabolic steroid;— 1338

~~(6) For any compound, mixture, preparation, or substance 1339
that is a combination of a fentanyl-related compound and any 1340
other compound, mixture, preparation, or substance included in 1341
schedule III, schedule IV, or schedule V, if the defendant is 1342
charged with a violation of section 2925.11 of the Revised Code 1343
and the sentencing provisions set forth in divisions (C) (10) (b) 1344
and (C) (11) of that section will not apply regarding the 1345
defendant and the violation, the bulk amount of the controlled 1346
substance for purposes of the violation is the amount specified 1347
in division (D) (1), (2), (3), (4), or (5) of this section for 1348
the other schedule III, IV, or V controlled substance that is 1349
combined with the fentanyl-related compound. 1350~~

(E) "Unit dose" means an amount or unit of a compound, 1351
mixture, or preparation containing a controlled substance that 1352
is separately identifiable and in a form that indicates that it 1353
is the amount or unit by which the controlled substance is 1354
separately administered to or taken by an individual. 1355

(F) "Cultivate" includes planting, watering, fertilizing, 1356
or tilling. 1357

(G) "Drug abuse offense" means any of the following: 1358

(1) A violation of division (A) of section 2913.02 that 1359
constitutes theft of drugs, or a violation of section 2925.02, 1360
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.111, 1361
2925.112, 2925.113, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 1362
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code; 1363

(2) A violation of an existing or former law of this or 1364
any other state or of the United States that is substantially 1365
equivalent to any section listed in division (G) (1) of this 1366

section; 1367

(3) An offense under an existing or former law of this or 1368
any other state, or of the United States, of which planting, 1369
cultivating, harvesting, processing, making, manufacturing, 1370
producing, shipping, transporting, delivering, acquiring, 1371
possessing, storing, distributing, dispensing, selling, inducing 1372
another to use, administering to another, using, or otherwise 1373
dealing with a controlled substance is an element; 1374

(4) A conspiracy to commit, attempt to commit, or 1375
complicity in committing or attempting to commit any offense 1376
under division (G) (1), (2), or (3) of this section. 1377

(H) "Felony drug abuse offense" means any drug abuse 1378
offense that would constitute a felony under the laws of this 1379
state, any other state, or the United States. 1380

(I) "Harmful intoxicant" does not include beer or 1381
intoxicating liquor but means any of the following: 1382

(1) Any compound, mixture, preparation, or substance the 1383
gas, fumes, or vapor of which when inhaled can induce 1384
intoxication, excitement, giddiness, irrational behavior, 1385
depression, stupefaction, paralysis, unconsciousness, 1386
asphyxiation, or other harmful physiological effects, and 1387
includes, but is not limited to, any of the following: 1388

(a) Any volatile organic solvent, plastic cement, model 1389
cement, fingernail polish remover, lacquer thinner, cleaning 1390
fluid, gasoline, or other preparation containing a volatile 1391
organic solvent; 1392

(b) Any aerosol propellant; 1393

(c) Any fluorocarbon refrigerant; 1394

(d) Any anesthetic gas.	1395
(2) Gamma Butyrolactone;	1396
(3) 1,4 Butanediol.	1397
(J) "Manufacture" means to plant, cultivate, harvest,	1398
process, make, prepare, or otherwise engage in any part of the	1399
production of a drug, by propagation, extraction, chemical	1400
synthesis, or compounding, or any combination of the same, and	1401
includes packaging, repackaging, labeling, and other activities	1402
incident to production.	1403
(K) "Possess" or "possession" means having control over a	1404
thing or substance, but may not be inferred solely from mere	1405
access to the thing or substance through ownership or occupation	1406
of the premises upon which the thing or substance is found.	1407
(L) "Sample drug" means a drug or pharmaceutical	1408
preparation that would be hazardous to health or safety if used	1409
without the supervision of a licensed health professional	1410
authorized to prescribe drugs, or a drug of abuse, and that, at	1411
one time, had been placed in a container plainly marked as a	1412
sample by a manufacturer.	1413
(M) "Standard pharmaceutical reference manual" means the	1414
current edition, with cumulative changes if any, of references	1415
that are approved by the state board of pharmacy.	1416
(N) "Juvenile" means a person under eighteen years of age.	1417
(O) "Counterfeit controlled substance" means any of the	1418
following:	1419
(1) Any drug that bears, or whose container or label	1420
bears, a trademark, trade name, or other identifying mark used	1421
without authorization of the owner of rights to that trademark,	1422

trade name, or identifying mark;	1423
(2) Any unmarked or unlabeled substance that is	1424
represented to be a controlled substance manufactured,	1425
processed, packed, or distributed by a person other than the	1426
person that manufactured, processed, packed, or distributed it;	1427
(3) Any substance that is represented to be a controlled	1428
substance but is not a controlled substance or is a different	1429
controlled substance;	1430
(4) Any substance other than a controlled substance that a	1431
reasonable person would believe to be a controlled substance	1432
because of its similarity in shape, size, and color, or its	1433
markings, labeling, packaging, distribution, or the price for	1434
which it is sold or offered for sale.	1435
(P) An offense is "committed in the vicinity of a school"	1436
if the offender commits the offense on school premises, in a	1437
school building, or within one thousand feet of the boundaries	1438
of any school premises, regardless of whether the offender knows	1439
the offense is being committed on school premises, in a school	1440
building, or within one thousand feet of the boundaries of any	1441
school premises.	1442
(Q) "School" means any school operated by a board of	1443
education, any community school established under Chapter 3314.	1444
of the Revised Code, or any nonpublic school for which the state	1445
board of education prescribes minimum standards under section	1446
3301.07 of the Revised Code, whether or not any instruction,	1447
extracurricular activities, or training provided by the school	1448
is being conducted at the time a criminal offense is committed.	1449
(R) "School premises" means either of the following:	1450
(1) The parcel of real property on which any school is	1451

situated, whether or not any instruction, extracurricular 1452
activities, or training provided by the school is being 1453
conducted on the premises at the time a criminal offense is 1454
committed; 1455

(2) Any other parcel of real property that is owned or 1456
leased by a board of education of a school, the governing 1457
authority of a community school established under Chapter 3314. 1458
of the Revised Code, or the governing body of a nonpublic school 1459
for which the state board of education prescribes minimum 1460
standards under section 3301.07 of the Revised Code and on which 1461
some of the instruction, extracurricular activities, or training 1462
of the school is conducted, whether or not any instruction, 1463
extracurricular activities, or training provided by the school 1464
is being conducted on the parcel of real property at the time a 1465
criminal offense is committed. 1466

(S) "School building" means any building in which any of 1467
the instruction, extracurricular activities, or training 1468
provided by a school is conducted, whether or not any 1469
instruction, extracurricular activities, or training provided by 1470
the school is being conducted in the school building at the time 1471
a criminal offense is committed. 1472

(T) "Disciplinary counsel" means the disciplinary counsel 1473
appointed by the board of commissioners on grievances and 1474
discipline of the supreme court under the Rules for the 1475
Government of the Bar of Ohio. 1476

(U) "Certified grievance committee" means a duly 1477
constituted and organized committee of the Ohio state bar 1478
association or of one or more local bar associations of the 1479
state of Ohio that complies with the criteria set forth in Rule 1480
V, section 6 of the Rules for the Government of the Bar of Ohio. 1481

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

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

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

(2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;

(3) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;

(4) A person licensed under Chapter 4707. of the Revised Code;

(5) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;

(7) A person who has been issued a cosmetologist's

license, hair designer's license, manicurist's license, 1510
esthetician's license, natural hair stylist's license, advanced 1511
cosmetologist's license, advanced hair designer's license, 1512
advanced manicurist's license, advanced esthetician's license, 1513
advanced natural hair stylist's license, cosmetology 1514
instructor's license, hair design instructor's license, 1515
manicurist instructor's license, esthetics instructor's license, 1516
natural hair style instructor's license, independent 1517
contractor's license, or tanning facility permit under Chapter 1518
4713. of the Revised Code; 1519

(8) A person who has been issued a license to practice 1520
dentistry, a general anesthesia permit, a conscious sedation 1521
permit, a limited resident's license, a limited teaching 1522
license, a dental hygienist's license, or a dental hygienist's 1523
teacher's certificate under Chapter 4715. of the Revised Code; 1524

(9) A person who has been issued an embalmer's license, a 1525
funeral director's license, a funeral home license, or a 1526
crematory license, or who has been registered for an embalmer's 1527
or funeral director's apprenticeship under Chapter 4717. of the 1528
Revised Code; 1529

(10) A person who has been licensed as a registered nurse 1530
or practical nurse, or who has been issued a certificate for the 1531
practice of nurse-midwifery under Chapter 4723. of the Revised 1532
Code; 1533

(11) A person who has been licensed to practice optometry 1534
or to engage in optical dispensing under Chapter 4725. of the 1535
Revised Code; 1536

(12) A person licensed to act as a pawnbroker under 1537
Chapter 4727. of the Revised Code; 1538

(13) A person licensed to act as a precious metals dealer	1539
under Chapter 4728. of the Revised Code;	1540
(14) A person licensed under Chapter 4729. of the Revised	1541
Code as a pharmacist or pharmacy intern or registered under that	1542
chapter as a registered pharmacy technician, certified pharmacy	1543
technician, or pharmacy technician trainee;	1544
(15) A person licensed under Chapter 4729. of the Revised	1545
Code as a manufacturer of dangerous drugs, outsourcing facility,	1546
third-party logistics provider, repackager of dangerous drugs,	1547
wholesale distributor of dangerous drugs, or terminal	1548
distributor of dangerous drugs;	1549
(16) A person who is authorized to practice as a physician	1550
assistant under Chapter 4730. of the Revised Code;	1551
(17) A person who has been issued a license to practice	1552
medicine and surgery, osteopathic medicine and surgery, or	1553
podiatric medicine and surgery under Chapter 4731. of the	1554
Revised Code or has been issued a certificate to practice a	1555
limited branch of medicine under that chapter;	1556
(18) A person licensed as a psychologist or school	1557
psychologist under Chapter 4732. of the Revised Code;	1558
(19) A person registered to practice the profession of	1559
engineering or surveying under Chapter 4733. of the Revised	1560
Code;	1561
(20) A person who has been issued a license to practice	1562
chiropractic under Chapter 4734. of the Revised Code;	1563
(21) A person licensed to act as a real estate broker or	1564
real estate salesperson under Chapter 4735. of the Revised Code;	1565
(22) A person registered as a registered environmental	1566

health specialist under Chapter 4736. of the Revised Code;	1567
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	1568 1569
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	1570 1571
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	1572 1573
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	1574 1575 1576 1577
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	1578 1579 1580
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	1581 1582 1583
(29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	1584 1585
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	1586 1587 1588
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	1589 1590 1591
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social	1592 1593

worker, independent social worker, independent marriage and 1594
family therapist, or marriage and family therapist, or 1595
registered as a social work assistant under Chapter 4757. of the 1596
Revised Code; 1597

(33) A person issued a license to practice dietetics under 1598
Chapter 4759. of the Revised Code; 1599

(34) A person who has been issued a license or limited 1600
permit to practice respiratory therapy under Chapter 4761. of 1601
the Revised Code; 1602

(35) A person who has been issued a real estate appraiser 1603
certificate under Chapter 4763. of the Revised Code; 1604

(36) A person who has been issued a home inspector license 1605
under Chapter 4764. of the Revised Code; 1606

(37) A person who has been admitted to the bar by order of 1607
the supreme court in compliance with its prescribed and 1608
published rules. 1609

(X) "Cocaine" means any of the following: 1610

(1) A cocaine salt, isomer, or derivative, a salt of a 1611
cocaine isomer or derivative, or the base form of cocaine; 1612

(2) Coca leaves or a salt, compound, derivative, or 1613
preparation of coca leaves, including ecgonine, a salt, isomer, 1614
or derivative of ecgonine, or a salt of an isomer or derivative 1615
of ecgonine; 1616

(3) A salt, compound, derivative, or preparation of a 1617
substance identified in division (X)(1) or (2) of this section 1618
that is chemically equivalent to or identical with any of those 1619
substances, except that the substances shall not include 1620
decocainized coca leaves or extraction of coca leaves if the 1621

extractions do not contain cocaine or ecgonine. 1622

(Y) "L.S.D." means lysergic acid diethylamide. 1623

(Z) "Hashish" means a resin or a preparation of a resin to 1624
which both of the following apply: 1625

(1) It is contained in or derived from any part of the 1626
plant of the genus cannabis, whether in solid form or in a 1627
liquid concentrate, liquid extract, or liquid distillate form. 1628

(2) It has a delta-9 tetrahydrocannabinol concentration of 1629
more than three-tenths per cent. 1630

"Hashish" does not include a hemp byproduct in the 1631
possession of a licensed hemp processor under Chapter 928. of 1632
the Revised Code, provided that the hemp byproduct is being 1633
produced, stored, and disposed of in accordance with rules 1634
adopted under section 928.03 of the Revised Code. 1635

(AA) "Marihuana" has the same meaning as in section 1636
3719.01 of the Revised Code, except that it does not include 1637
hashish. 1638

(BB) An offense is "committed in the vicinity of a 1639
juvenile" if the offender commits the offense within one hundred 1640
feet of a juvenile or within the view of a juvenile, regardless 1641
of whether the offender knows the age of the juvenile, whether 1642
the offender knows the offense is being committed within one 1643
hundred feet of or within view of the juvenile, or whether the 1644
juvenile actually views the commission of the offense. 1645

(CC) "Presumption for a prison term" or "presumption that 1646
a prison term shall be imposed" means a presumption, as 1647
described in division (D) of section 2929.13 of the Revised 1648
Code, that a prison term is a necessary sanction for a felony in 1649

order to comply with the purposes and principles of sentencing 1650
under section 2929.11 of the Revised Code. 1651

(DD) "Major drug offender" has the same meaning as in 1652
section 2929.01 of the Revised Code. 1653

(EE) "Minor drug possession offense" means either of the 1654
following: 1655

(1) A violation of section 2925.11 of the Revised Code as 1656
it existed prior to July 1, 1996; 1657

(2) A violation of section 2925.11 of the Revised Code as 1658
it exists on and after July 1, 1996, that is a misdemeanor or a 1659
felony of the fifth degree. 1660

(FF) "Mandatory prison term" has the same meaning as in 1661
section 2929.01 of the Revised Code. 1662

(GG) "Adulterate" means to cause a drug to be adulterated 1663
as described in section 3715.63 of the Revised Code. 1664

(HH) "Public premises" means any hotel, restaurant, 1665
tavern, store, arena, hall, or other place of public 1666
accommodation, business, amusement, or resort. 1667

(II) "Methamphetamine" means methamphetamine, any salt, 1668
isomer, or salt of an isomer of methamphetamine, or any 1669
compound, mixture, preparation, or substance containing 1670
methamphetamine or any salt, isomer, or salt of an isomer of 1671
methamphetamine. 1672

(JJ) "Deception" has the same meaning as in section 1673
2913.01 of the Revised Code. 1674

(KK) "Fentanyl-related compound" means any of the 1675
following: 1676

- (1) Fentanyl; 1677
- (2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine); 1678
1679
1680
- (3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide); 1681
1682
- (4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide); 1683
1684
- (5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide); 1685
1686
1687
- (6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide); 1688
1689
- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide); 1690
1691
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide; 1692
1693
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide; 1694
1695
- (10) Alfentanil; 1696
- (11) Carfentanil; 1697
- (12) Remifentanil; 1698
- (13) Sufentanil; 1699
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide); and 1700
1701
- (15) Any compound that meets all of the following fentanyl 1702

pharmacophore requirements to bind at the mu receptor, as 1703
identified by a report from an established forensic laboratory, 1704
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 1705
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 1706
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 1707
fluorofentanyl: 1708

(a) A chemical scaffold consisting of both of the 1709
following: 1710

(i) A five, six, or seven member ring structure containing 1711
a nitrogen, whether or not further substituted; 1712

(ii) An attached nitrogen to the ring, whether or not that 1713
nitrogen is enclosed in a ring structure, including an attached 1714
aromatic ring or other lipophilic group to that nitrogen. 1715

(b) A polar functional group attached to the chemical 1716
scaffold, including but not limited to a hydroxyl, ketone, 1717
amide, or ester; 1718

(c) An alkyl or aryl substitution off the ring nitrogen of 1719
the chemical scaffold; and 1720

(d) The compound has not been approved for medical use by 1721
the United States food and drug administration. 1722

(LL) "First degree felony mandatory prison term" means one 1723
of the definite prison terms prescribed in division (A) (1) (b) of 1724
section 2929.14 of the Revised Code for a felony of the first 1725
degree, except that if the violation for which sentence is being 1726
imposed is committed on or after March 22, 2019, it means one of 1727
the minimum prison terms prescribed in division (A) (1) (a) of 1728
that section for a felony of the first degree. 1729

(MM) "Second degree felony mandatory prison term" means 1730

one of the definite prison terms prescribed in division (A) (2) 1731
(b) of section 2929.14 of the Revised Code for a felony of the 1732
second degree, except that if the violation for which sentence 1733
is being imposed is committed on or after March 22, 2019, it 1734
means one of the minimum prison terms prescribed in division (A) 1735
(2) (a) of that section for a felony of the second degree. 1736

(NN) "Maximum first degree felony mandatory prison term" 1737
means the maximum definite prison term prescribed in division 1738
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 1739
the first degree, except that if the violation for which 1740
sentence is being imposed is committed on or after March 22, 1741
2019, it means the longest minimum prison term prescribed in 1742
division (A) (1) (a) of that section for a felony of the first 1743
degree. 1744

(OO) "Maximum second degree felony mandatory prison term" 1745
means the maximum definite prison term prescribed in division 1746
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 1747
the second degree, except that if the violation for which 1748
sentence is being imposed is committed on or after March 22, 1749
2019, it means the longest minimum prison term prescribed in 1750
division (A) (2) (a) of that section for a felony of the second 1751
degree. 1752

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 1753
as in section 928.01 of the Revised Code. 1754

(QQ) (1) "Hard drug analog" means, except as provided in 1755
division (QQ) (2) of this section, a substance to which both of 1756
the following apply: 1757

(a) The chemical structure of the substance is 1758
substantially similar to the structure of heroin, fentanyl, 1759

carfentanil, L.S.D., methamphetamine, or cocaine. 1760

(b) One of the following applies regarding the substance: 1761

(i) The substance has a stimulant, depressant, or 1762
hallucinogenic effect on the central nervous system that is 1763
substantially similar to or greater than the stimulant, 1764
depressant, or hallucinogenic effect on the central nervous 1765
system of heroin, fentanyl, carfentanil, L.S.D., 1766
methamphetamine, or cocaine. 1767

(ii) With respect to a particular person, that person 1768
represents or intends the substance to have a stimulant, 1769
depressant, or hallucinogenic effect on the central nervous 1770
system that is substantially similar to or greater than the 1771
stimulant, depressant, or hallucinogenic effect on the central 1772
nervous system of heroin, fentanyl, carfentanil, L.S.D., 1773
methamphetamine, or cocaine. 1774

(2) "Hard drug analog" does not include any of the 1775
following: 1776

(a) Heroin, fentanyl, carfentanil, L.S.D., 1777
methamphetamine, or cocaine; 1778

(b) Any substance for which there is an approved new drug 1779
application; 1780

(c) With respect to a particular person, any substance if 1781
an exemption is in effect for investigational use for that 1782
person pursuant to federal law to the extent that conduct with 1783
respect to that substance is pursuant to that exemption; 1784

(d) Any substance to the extent it is not intended for 1785
human consumption before the exemption described in division 1786
(QQ) (2) (b) of this section takes effect with respect to that 1787

<u>substance.</u>	1788
Sec. 2925.03. (A) No person shall knowingly do any of the	1789
following:	1790
(1) Sell or offer to sell a controlled substance or a	1791
controlled substance analog;	1792
(2) Prepare for shipment, ship, transport, deliver,	1793
prepare for distribution, or distribute a controlled substance	1794
or a controlled substance analog, when the offender knows or has	1795
reasonable cause to believe that the controlled substance or a	1796
controlled substance analog is intended for sale or resale by	1797
the offender or another person.	1798
(B) This section does not apply to any of the following:	1799
(1) Manufacturers, licensed health professionals	1800
authorized to prescribe drugs, pharmacists, owners of	1801
pharmacies, and other persons whose conduct is in accordance	1802
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1803
4741. of the Revised Code;	1804
(2) If the offense involves an anabolic steroid, any	1805
person who is conducting or participating in a research project	1806
involving the use of an anabolic steroid if the project has been	1807
approved by the United States food and drug administration;	1808
(3) Any person who sells, offers for sale, prescribes,	1809
dispenses, or administers for livestock or other nonhuman	1810
species an anabolic steroid that is expressly intended for	1811
administration through implants to livestock or other nonhuman	1812
species and approved for that purpose under the "Federal Food,	1813
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1814
as amended, and is sold, offered for sale, prescribed,	1815
dispensed, or administered for that purpose in accordance with	1816

that act. 1817

(C) Whoever violates division (A) of this section is 1818
guilty of one of the following: 1819

(1) If the drug involved in the violation is any compound, 1820
mixture, preparation, or substance included in schedule I or 1821
schedule II, with the exception of marihuana, cocaine, L.S.D., 1822
heroin, ~~any fentanyl-related compound~~, hashish, fentanyl, 1823
carfentanil, and any controlled substance analog, whoever 1824
violates division (A) of this section is guilty of aggravated 1825
trafficking in drugs. The penalty for the offense shall be 1826
determined as follows: 1827

(a) Except as otherwise provided in division (C) (1) (b), 1828
(c), (d), (e), or (f) of this section, aggravated trafficking in 1829
drugs is a felony of the fourth degree, and division (C) of 1830
section 2929.13 of the Revised Code applies in determining 1831
whether to impose a prison term on the offender. 1832

(b) Except as otherwise provided in division (C) (1) (c), 1833
(d), (e), or (f) of this section, if the offense was committed 1834
in the vicinity of a school or in the vicinity of a juvenile, 1835
aggravated trafficking in drugs is a felony of the third degree, 1836
and division (C) of section 2929.13 of the Revised Code applies 1837
in determining whether to impose a prison term on the offender. 1838

(c) Except as otherwise provided in this division, if the 1839
amount of the drug involved equals or exceeds the bulk amount 1840
but is less than five times the bulk amount, aggravated 1841
trafficking in drugs is a felony of the third degree, and, 1842
except as otherwise provided in this division, there is a 1843
presumption for a prison term for the offense. If aggravated 1844
trafficking in drugs is a felony of the third degree under this 1845

division and if the offender two or more times previously has 1846
been convicted of or pleaded guilty to a felony drug abuse 1847
offense, the court shall impose as a mandatory prison term one 1848
of the prison terms prescribed for a felony of the third degree. 1849
If the amount of the drug involved is within that range and if 1850
the offense was committed in the vicinity of a school or in the 1851
vicinity of a juvenile, aggravated trafficking in drugs is a 1852
felony of the second degree, and the court shall impose as a 1853
mandatory prison term a second degree felony mandatory prison 1854
term. 1855

(d) Except as otherwise provided in this division, if the 1856
amount of the drug involved equals or exceeds five times the 1857
bulk amount but is less than fifty times the bulk amount, 1858
aggravated trafficking in drugs is a felony of the second 1859
degree, and the court shall impose as a mandatory prison term a 1860
second degree felony mandatory prison term. If the amount of the 1861
drug involved is within that range and if the offense was 1862
committed in the vicinity of a school or in the vicinity of a 1863
juvenile, aggravated trafficking in drugs is a felony of the 1864
first degree, and the court shall impose as a mandatory prison 1865
term a first degree felony mandatory prison term. 1866

(e) If the amount of the drug involved equals or exceeds 1867
fifty times the bulk amount but is less than one hundred times 1868
the bulk amount and regardless of whether the offense was 1869
committed in the vicinity of a school or in the vicinity of a 1870
juvenile, aggravated trafficking in drugs is a felony of the 1871
first degree, and the court shall impose as a mandatory prison 1872
term a first degree felony mandatory prison term. 1873

(f) If the amount of the drug involved equals or exceeds 1874
one hundred times the bulk amount and regardless of whether the 1875

offense was committed in the vicinity of a school or in the 1876
vicinity of a juvenile, aggravated trafficking in drugs is a 1877
felony of the first degree, the offender is a major drug 1878
offender, and the court shall impose as a mandatory prison term 1879
a maximum first degree felony mandatory prison term. 1880

(2) If the drug involved in the violation is any compound, 1881
mixture, preparation, or substance included in schedule III, IV, 1882
or V, whoever violates division (A) of this section is guilty of 1883
trafficking in drugs. The penalty for the offense shall be 1884
determined as follows: 1885

(a) Except as otherwise provided in division (C) (2) (b), 1886
(c), (d), or (e) of this section, trafficking in drugs is a 1887
felony of the fifth degree, and division (B) of section 2929.13 1888
of the Revised Code applies in determining whether to impose a 1889
prison term on the offender. 1890

(b) Except as otherwise provided in division (C) (2) (c), 1891
(d), or (e) of this section, if the offense was committed in the 1892
vicinity of a school or in the vicinity of a juvenile, 1893
trafficking in drugs is a felony of the fourth degree, and 1894
division (C) of section 2929.13 of the Revised Code applies in 1895
determining whether to impose a prison term on the offender. 1896

(c) Except as otherwise provided in this division, if the 1897
amount of the drug involved equals or exceeds the bulk amount 1898
but is less than five times the bulk amount, trafficking in 1899
drugs is a felony of the fourth degree, and division (B) of 1900
section 2929.13 of the Revised Code applies in determining 1901
whether to impose a prison term for the offense. If the amount 1902
of the drug involved is within that range and if the offense was 1903
committed in the vicinity of a school or in the vicinity of a 1904
juvenile, trafficking in drugs is a felony of the third degree, 1905

and there is a presumption for a prison term for the offense. 1906

(d) Except as otherwise provided in this division, if the 1907
amount of the drug involved equals or exceeds five times the 1908
bulk amount but is less than fifty times the bulk amount, 1909
trafficking in drugs is a felony of the third degree, and there 1910
is a presumption for a prison term for the offense. If the 1911
amount of the drug involved is within that range and if the 1912
offense was committed in the vicinity of a school or in the 1913
vicinity of a juvenile, trafficking in drugs is a felony of the 1914
second degree, and there is a presumption for a prison term for 1915
the offense. 1916

(e) Except as otherwise provided in this division, if the 1917
amount of the drug involved equals or exceeds fifty times the 1918
bulk amount, trafficking in drugs is a felony of the second 1919
degree, and the court shall impose as a mandatory prison term a 1920
second degree felony mandatory prison term. If the amount of the 1921
drug involved equals or exceeds fifty times the bulk amount and 1922
if the offense was committed in the vicinity of a school or in 1923
the vicinity of a juvenile, trafficking in drugs is a felony of 1924
the first degree, and the court shall impose as a mandatory 1925
prison term a first degree felony mandatory prison term. 1926

(3) If the drug involved in the violation is marihuana or 1927
a compound, mixture, preparation, or substance containing 1928
marihuana other than hashish, whoever violates division (A) of 1929
this section is guilty of trafficking in marihuana. The penalty 1930
for the offense shall be determined as follows: 1931

(a) Except as otherwise provided in division (C) (3) (b), 1932
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1933
marihuana is a felony of the fifth degree, and division (B) of 1934
section 2929.13 of the Revised Code applies in determining 1935

whether to impose a prison term on the offender. 1936

(b) Except as otherwise provided in division (C) (3) (c), 1937
(d), (e), (f), (g), or (h) of this section, if the offense was 1938
committed in the vicinity of a school or in the vicinity of a 1939
juvenile, trafficking in marihuana is a felony of the fourth 1940
degree, and division (B) of section 2929.13 of the Revised Code 1941
applies in determining whether to impose a prison term on the 1942
offender. 1943

(c) Except as otherwise provided in this division, if the 1944
amount of the drug involved equals or exceeds two hundred grams 1945
but is less than one thousand grams, trafficking in marihuana is 1946
a felony of the fourth degree, and division (B) of section 1947
2929.13 of the Revised Code applies in determining whether to 1948
impose a prison term on the offender. If the amount of the drug 1949
involved is within that range and if the offense was committed 1950
in the vicinity of a school or in the vicinity of a juvenile, 1951
trafficking in marihuana is a felony of the third degree, and 1952
division (C) of section 2929.13 of the Revised Code applies in 1953
determining whether to impose a prison term on the offender. 1954

(d) Except as otherwise provided in this division, if the 1955
amount of the drug involved equals or exceeds one thousand grams 1956
but is less than five thousand grams, trafficking in marihuana 1957
is a felony of the third degree, and division (C) of section 1958
2929.13 of the Revised Code applies in determining whether to 1959
impose a prison term on the offender. If the amount of the drug 1960
involved is within that range and if the offense was committed 1961
in the vicinity of a school or in the vicinity of a juvenile, 1962
trafficking in marihuana is a felony of the second degree, and 1963
there is a presumption that a prison term shall be imposed for 1964
the offense. 1965

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

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

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

mandatory prison term. 1997

(h) Except as otherwise provided in this division, if the 1998
offense involves a gift of twenty grams or less of marihuana, 1999
trafficking in marihuana is a minor misdemeanor upon a first 2000
offense and a misdemeanor of the third degree upon a subsequent 2001
offense. If the offense involves a gift of twenty grams or less 2002
of marihuana and if the offense was committed in the vicinity of 2003
a school or in the vicinity of a juvenile, trafficking in 2004
marihuana is a misdemeanor of the third degree. 2005

(4) If the drug involved in the violation is cocaine or a 2006
compound, mixture, preparation, or substance containing cocaine, 2007
whoever violates division (A) of this section is guilty of 2008
trafficking in cocaine. The penalty for the offense shall be 2009
determined as follows: 2010

(a) Except as otherwise provided in division (C) (4) (b), 2011
(c), (d), (e), (f), or (g) of this section, trafficking in 2012
cocaine is a felony of the ~~fifth~~second degree, and division ~~(B)~~ 2013
(C) of section 2929.13 of the Revised Code applies in 2014
determining whether to impose a prison term on the offender. 2015

(b) Except as otherwise provided in division (C) (4) (c), 2016
(d), (e), (f), or (g) of this section, if the offense was 2017
committed in the vicinity of a school or in the vicinity of a 2018
juvenile, trafficking in cocaine is a felony of the ~~fourth~~first 2019
degree, and ~~division (C) of section 2929.13 of the Revised Code~~ 2020
~~applies in determining whether to impose a~~ there is a 2021
presumption that a prison term on the offender shall be imposed 2022
for the offense. 2023

(c) Except as otherwise provided in this division, if the 2024
amount of the drug involved equals or exceeds five grams but is 2025

less than ten grams of cocaine, trafficking in cocaine is a 2026
felony of the ~~fourth~~first degree, and ~~division (B) of section~~ 2027
~~2929.13 of the Revised Code applies in determining whether to~~ 2028
~~impose~~ there is a presumption that a prison term shall be 2029
imposed for the offense. If the amount of the drug involved is 2030
within that range and if the offense was committed in the 2031
vicinity of a school or in the vicinity of a juvenile, 2032
trafficking in cocaine is a felony of the ~~third~~first degree, 2033
and ~~there is a presumption for a prison term for the offense~~the 2034
court shall impose as a mandatory prison term a first degree 2035
felony mandatory prison term, and the court may impose an 2036
additional prison term of up to ten years. 2037

(d) Except as otherwise provided in this division, if the 2038
amount of the drug involved equals or exceeds ten grams but is 2039
less than twenty grams of cocaine, trafficking in cocaine is a 2040
felony of the ~~third~~first degree, and, ~~except as otherwise~~ 2041
~~provided in this division, there is a presumption for a prison~~ 2042
~~term for the offense~~the court shall impose as a mandatory prison 2043
term a first degree felony mandatory prison term, and the court 2044
may impose an additional prison term of up to ten years. If 2045
trafficking in cocaine is a felony of the ~~third~~first degree 2046
under this division and if the offender two or more times 2047
previously has been convicted of or pleaded guilty to a felony 2048
drug abuse offense, the court shall impose as a mandatory prison 2049
term ~~one of the prison terms prescribed for a felony of the~~ 2050
~~third~~a maximum first degree felony prison term, and the court 2051
may impose an additional prison term of up to ten years. If the 2052
amount of the drug involved is within that range and if the 2053
offense was committed in the vicinity of a school or in the 2054
vicinity of a juvenile, trafficking in cocaine is a felony of 2055
the ~~second~~first degree, and the court shall impose as a 2056

mandatory prison term a ~~second~~first degree felony mandatory 2057
prison term, and the court may impose an additional prison term 2058
of up to twenty years. 2059

(e) Except as otherwise provided in this division, if the 2060
amount of the drug involved equals or exceeds twenty grams but 2061
is less than twenty-seven grams of cocaine, trafficking in 2062
cocaine is a felony of the ~~second~~first degree, ~~and~~ the court 2063
shall impose as a mandatory prison term a ~~second~~first degree 2064
felony mandatory prison term, and the court may impose an 2065
additional prison term of up to twenty years. If the amount of 2066
the drug involved is within that range and if the offense was 2067
committed in the vicinity of a school or in the vicinity of a 2068
juvenile, trafficking in cocaine is a felony of the first 2069
degree, ~~and~~ the court shall impose as a mandatory prison term a 2070
first degree felony mandatory prison term, and the court may 2071
impose an additional prison term of up to thirty years. 2072

(f) If the amount of the drug involved equals or exceeds 2073
twenty-seven grams but is less than one hundred grams of cocaine 2074
and regardless of whether the offense was committed in the 2075
vicinity of a school or in the vicinity of a juvenile, 2076
trafficking in cocaine is a felony of the first degree, ~~and~~ the 2077
court shall impose as a mandatory prison term a first degree 2078
felony mandatory prison term, and the court may impose an 2079
additional prison term of up to thirty years. 2080

(g) If the amount of the drug involved equals or exceeds 2081
one hundred grams of cocaine and regardless of whether the 2082
offense was committed in the vicinity of a school or in the 2083
vicinity of a juvenile, trafficking in cocaine is a felony of 2084
the first degree, the offender is a major drug offender, ~~and~~ the 2085
court shall impose as a mandatory prison term a maximum first 2086

degree felony mandatory prison term, and the court may impose an 2087
additional prison term of up to thirty years. 2088

(5) If the drug involved in the violation is L.S.D. or a 2089
compound, mixture, preparation, or substance containing L.S.D., 2090
whoever violates division (A) of this section is guilty of 2091
trafficking in L.S.D. The penalty for the offense shall be 2092
determined as follows: 2093

(a) Except as otherwise provided in division (C) (5) (b), 2094
(c), (d), (e), (f), or (g) of this section, trafficking in 2095
L.S.D. is a felony of the ~~fifth~~ second degree, and division ~~(B)~~ 2096
(C) of section 2929.13 of the Revised Code applies in 2097
determining whether to impose a prison term on the offender. 2098

(b) Except as otherwise provided in division (C) (5) (c), 2099
(d), (e), (f), or (g) of this section, if the offense was 2100
committed in the vicinity of a school or in the vicinity of a 2101
juvenile, trafficking in L.S.D. is a felony of the ~~fourth~~ first 2102
degree, ~~and division (C) of section 2929.13 of the Revised Code~~ 2103
~~applies in determining whether to impose there is a presumption~~ 2104
that a prison term on the offenders shall be imposed for the 2105
offense. 2106

(c) Except as otherwise provided in this division, if the 2107
amount of the drug involved equals or exceeds ten unit doses but 2108
is less than fifty unit doses of L.S.D. in a solid form or 2109
equals or exceeds one gram but is less than five grams of L.S.D. 2110
in a liquid concentrate, liquid extract, or liquid distillate 2111
form, trafficking in L.S.D. is a felony of the ~~fourth~~ first 2112
degree, ~~and division (B) of section 2929.13 of the Revised Code~~ 2113
~~applies in determining whether to impose there is a presumption~~ 2114
that a prison term shall be imposed for the offense. If the 2115
amount of the drug involved is within that range and if the 2116

offense was committed in the vicinity of a school or in the 2117
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 2118
~~third-first~~ degree, ~~and~~ there is a presumption for a prison term 2119
for the offense, and the court may impose an additional prison 2120
term of up to ten years. 2121

(d) Except as otherwise provided in this division, if the 2122
amount of the drug involved equals or exceeds fifty unit doses 2123
but is less than two hundred fifty unit doses of L.S.D. in a 2124
solid form or equals or exceeds five grams but is less than 2125
twenty-five grams of L.S.D. in a liquid concentrate, liquid 2126
extract, or liquid distillate form, trafficking in L.S.D. is a 2127
felony of the ~~third-first~~ degree, and, except as otherwise 2128
provided in this division, ~~there is a presumption for a prison-~~ 2129
~~term for the offense~~the court shall impose as a mandatory prison 2130
term a first degree felony mandatory prison term, and the court 2131
may impose an additional prison term of up to ten years. If 2132
trafficking in L.S.D. is a felony of the ~~third-first~~ degree 2133
under this division and if the offender two or more times 2134
previously has been convicted of or pleaded guilty to a felony 2135
drug abuse offense, the court shall impose as a mandatory prison 2136
term ~~one of the prison terms prescribed for a felony of the~~ 2137
~~third degree~~a maximum first degree felony mandatory prison term, 2138
and the court may impose an additional prison term of up to ten 2139
years. If the amount of the drug involved is within that range 2140
and if the offense was committed in the vicinity of a school or 2141
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2142
of the ~~second-first~~ degree, ~~and~~ the court shall impose as a 2143
mandatory prison term a ~~second~~maximum first degree felony 2144
mandatory prison term, and the court may impose an additional 2145
prison term of up to twenty years. 2146

(e) Except as otherwise provided in this division, if the 2147

amount of the drug involved equals or exceeds two hundred fifty 2148
unit doses but is less than one thousand unit doses of L.S.D. in 2149
a solid form or equals or exceeds twenty-five grams but is less 2150
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2151
extract, or liquid distillate form, trafficking in L.S.D. is a 2152
felony of the ~~second~~first degree, ~~and~~ the court shall impose as 2153
a mandatory prison term a ~~second~~first degree felony mandatory 2154
prison term, and the court may impose an additional prison term 2155
of up to twenty years. If the amount of the drug involved is 2156
within that range and if the offense was committed in the 2157
vicinity of a school or in the vicinity of a juvenile, 2158
trafficking in L.S.D. is a felony of the first degree, ~~and~~ the 2159
court shall impose as a mandatory prison term a first degree 2160
felony mandatory prison term, and the court may impose an 2161
additional prison term of up to thirty years. 2162

(f) If the amount of the drug involved equals or exceeds 2163
one thousand unit doses but is less than five thousand unit 2164
doses of L.S.D. in a solid form or equals or exceeds one hundred 2165
grams but is less than five hundred grams of L.S.D. in a liquid 2166
concentrate, liquid extract, or liquid distillate form and 2167
regardless of whether the offense was committed in the vicinity 2168
of a school or in the vicinity of a juvenile, trafficking in 2169
L.S.D. is a felony of the first degree, ~~and~~ the court shall 2170
impose as a mandatory prison term a first degree felony 2171
mandatory prison term, and the court may impose an additional 2172
prison term of up to thirty years. 2173

(g) If the amount of the drug involved equals or exceeds 2174
five thousand unit doses of L.S.D. in a solid form or equals or 2175
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2176
liquid extract, or liquid distillate form and regardless of 2177
whether the offense was committed in the vicinity of a school or 2178

in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2179
of the first degree, the offender is a major drug offender, ~~and~~ 2180
the court shall impose as a mandatory prison term a maximum 2181
first degree felony mandatory prison term, and the court may 2182
impose an additional prison term of up to thirty years. 2183

(6) If the drug involved in the violation is heroin or a 2184
compound, mixture, preparation, or substance containing heroin, 2185
whoever violates division (A) of this section is guilty of 2186
trafficking in heroin. The penalty for the offense shall be 2187
determined as follows: 2188

(a) Except as otherwise provided in division (C) (6) (b), 2189
(c), (d), (e), (f), or (g) of this section, trafficking in 2190
heroin is a felony of the ~~fifth~~ second degree, and division ~~(B)~~ 2191
(C) of section 2929.13 of the Revised Code applies in 2192
determining whether to impose a prison term on the offender. 2193

(b) Except as otherwise provided in division (C) (6) (c), 2194
(d), (e), (f), or (g) of this section, if the offense was 2195
committed in the vicinity of a school or in the vicinity of a 2196
juvenile, trafficking in heroin is a felony of the ~~fourth~~ first 2197
degree, and ~~division (C) of section 2929.13 of the Revised Code~~ 2198
~~applies in determining whether to impose there is a presumption~~ 2199
for a prison term on for the offender offense. 2200

(c) Except as otherwise provided in this division, if the 2201
amount of the drug involved equals or exceeds ten unit doses but 2202
is less than fifty unit doses or equals or exceeds one gram but 2203
is less than five grams, trafficking in heroin is a felony of 2204
the ~~fourth~~ first degree, and ~~division (B) of section 2929.13 of~~ 2205
~~the Revised Code applies in determining whether to impose there~~ 2206
is a presumption for a prison term for the offense. If the 2207
amount of the drug involved is within that range and if the 2208

offense was committed in the vicinity of a school or in the 2209
vicinity of a juvenile, trafficking in heroin is a felony of the 2210
~~third first~~ degree, and there is a presumption for a the court 2211
shall impose as a mandatory prison term for the offense a first 2212
degree felony mandatory prison term, and the court may impose an 2213
additional prison term of up to ten years. 2214

(d) Except as otherwise provided in this division, if the 2215
amount of the drug involved equals or exceeds fifty unit doses 2216
but is less than one hundred unit doses or equals or exceeds 2217
five grams but is less than ten grams, trafficking in heroin is 2218
a felony of the ~~third first~~ degree, and there is a presumption 2219
~~for a the court shall impose as a mandatory prison term for the~~ 2220
~~offense a first degree felony mandatory prison term, and the~~ 2221
court may impose an additional prison term of up to ten years. 2222
If the amount of the drug involved is within that range and if 2223
the offense was committed in the vicinity of a school or in the 2224
vicinity of a juvenile, trafficking in heroin is a felony of the 2225
~~second first~~ degree, and there is a presumption for a the court 2226
shall impose as a mandatory prison term for the offense a first 2227
degree felony mandatory prison term, and the court may impose an 2228
additional prison term of up to twenty years. 2229

(e) Except as otherwise provided in this division, if the 2230
amount of the drug involved equals or exceeds one hundred unit 2231
doses but is less than five hundred unit doses or equals or 2232
exceeds ten grams but is less than fifty grams, trafficking in 2233
heroin is a felony of the ~~second first~~ degree, and the court 2234
shall impose as a mandatory prison term a ~~second first~~ degree 2235
felony mandatory prison term, and the court may impose an 2236
additional prison term of up to twenty years. If the amount of 2237
the drug involved is within that range and if the offense was 2238
committed in the vicinity of a school or in the vicinity of a 2239

juvenile, trafficking in heroin is a felony of the first degree, 2240
~~and~~ the court shall impose as a mandatory prison term a maximum 2241
first degree felony mandatory prison term, and the court may 2242
impose an additional prison term of up to thirty years. 2243

(f) If the amount of the drug involved equals or exceeds 2244
five hundred unit doses but is less than one thousand unit doses 2245
or equals or exceeds fifty grams but is less than one hundred 2246
grams and regardless of whether the offense was committed in the 2247
vicinity of a school or in the vicinity of a juvenile, 2248
trafficking in heroin is a felony of the first degree, ~~and~~ the 2249
court shall impose as a mandatory prison term a first degree 2250
felony mandatory prison term, and the court may impose an 2251
additional prison term of up to thirty years. 2252

(g) If the amount of the drug involved equals or exceeds 2253
one thousand unit doses or equals or exceeds one hundred grams 2254
and regardless of whether the offense was committed in the 2255
vicinity of a school or in the vicinity of a juvenile, 2256
trafficking in heroin is a felony of the first degree, the 2257
offender is a major drug offender, ~~and~~ the court shall impose as 2258
a mandatory prison term a maximum first degree felony mandatory 2259
prison term, and the court may impose an additional prison term 2260
of up to thirty years. 2261

(7) If the drug involved in the violation is hashish or a 2262
compound, mixture, preparation, or substance containing hashish, 2263
whoever violates division (A) of this section is guilty of 2264
trafficking in hashish. The penalty for the offense shall be 2265
determined as follows: 2266

(a) Except as otherwise provided in division (C) (7) (b), 2267
(c), (d), (e), (f), or (g) of this section, trafficking in 2268
hashish is a felony of the fifth degree, and division (B) of 2269

section 2929.13 of the Revised Code applies in determining 2270
whether to impose a prison term on the offender. 2271

(b) Except as otherwise provided in division (C) (7) (c), 2272
(d), (e), (f), or (g) of this section, if the offense was 2273
committed in the vicinity of a school or in the vicinity of a 2274
juvenile, trafficking in hashish is a felony of the fourth 2275
degree, and division (B) of section 2929.13 of the Revised Code 2276
applies in determining whether to impose a prison term on the 2277
offender. 2278

(c) Except as otherwise provided in this division, if the 2279
amount of the drug involved equals or exceeds ten grams but is 2280
less than fifty grams of hashish in a solid form or equals or 2281
exceeds two grams but is less than ten grams of hashish in a 2282
liquid concentrate, liquid extract, or liquid distillate form, 2283
trafficking in hashish is a felony of the fourth degree, and 2284
division (B) of section 2929.13 of the Revised Code applies in 2285
determining whether to impose a prison term on the offender. If 2286
the amount of the drug involved is within that range and if the 2287
offense was committed in the vicinity of a school or in the 2288
vicinity of a juvenile, trafficking in hashish is a felony of 2289
the third degree, and division (C) of section 2929.13 of the 2290
Revised Code applies in determining whether to impose a prison 2291
term on the offender. 2292

(d) Except as otherwise provided in this division, if the 2293
amount of the drug involved equals or exceeds fifty grams but is 2294
less than two hundred fifty grams of hashish in a solid form or 2295
equals or exceeds ten grams but is less than fifty grams of 2296
hashish in a liquid concentrate, liquid extract, or liquid 2297
distillate form, trafficking in hashish is a felony of the third 2298
degree, and division (C) of section 2929.13 of the Revised Code 2299

applies in determining whether to impose a prison term on the 2300
offender. If the amount of the drug involved is within that 2301
range and if the offense was committed in the vicinity of a 2302
school or in the vicinity of a juvenile, trafficking in hashish 2303
is a felony of the second degree, and there is a presumption 2304
that a prison term shall be imposed for the offense. 2305

(e) Except as otherwise provided in this division, if the 2306
amount of the drug involved equals or exceeds two hundred fifty 2307
grams but is less than one thousand grams of hashish in a solid 2308
form or equals or exceeds fifty grams but is less than two 2309
hundred grams of hashish in a liquid concentrate, liquid 2310
extract, or liquid distillate form, trafficking in hashish is a 2311
felony of the third degree, and there is a presumption that a 2312
prison term shall be imposed for the offense. If the amount of 2313
the drug involved is within that range and if the offense was 2314
committed in the vicinity of a school or in the vicinity of a 2315
juvenile, trafficking in hashish is a felony of the second 2316
degree, and there is a presumption that a prison term shall be 2317
imposed for the offense. 2318

(f) Except as otherwise provided in this division, if the 2319
amount of the drug involved equals or exceeds one thousand grams 2320
but is less than two thousand grams of hashish in a solid form 2321
or equals or exceeds two hundred grams but is less than four 2322
hundred grams of hashish in a liquid concentrate, liquid 2323
extract, or liquid distillate form, trafficking in hashish is a 2324
felony of the second degree, and the court shall impose as a 2325
mandatory prison term a second degree felony mandatory prison 2326
term of five, six, seven, or eight years. If the amount of the 2327
drug involved is within that range and if the offense was 2328
committed in the vicinity of a school or in the vicinity of a 2329
juvenile, trafficking in hashish is a felony of the first 2330

degree, and the court shall impose as a mandatory prison term a 2331
maximum first degree felony mandatory prison term. 2332

(g) Except as otherwise provided in this division, if the 2333
amount of the drug involved equals or exceeds two thousand grams 2334
of hashish in a solid form or equals or exceeds four hundred 2335
grams of hashish in a liquid concentrate, liquid extract, or 2336
liquid distillate form, trafficking in hashish is a felony of 2337
the second degree, and the court shall impose as a mandatory 2338
prison term a maximum second degree felony mandatory prison 2339
term. If the amount of the drug involved equals or exceeds two 2340
thousand grams of hashish in a solid form or equals or exceeds 2341
four hundred grams of hashish in a liquid concentrate, liquid 2342
extract, or liquid distillate form and if the offense was 2343
committed in the vicinity of a school or in the vicinity of a 2344
juvenile, trafficking in hashish is a felony of the first 2345
degree, and the court shall impose as a mandatory prison term a 2346
maximum first degree felony mandatory prison term. 2347

(8) If the drug involved in the violation is a controlled 2348
substance analog or compound, mixture, preparation, or substance 2349
that contains a controlled substance analog, and is not a hard 2350
drug analog or compound, mixture, preparation, or substance that 2351
contains a hard drug analog, whoever violates division (A) of 2352
this section is guilty of trafficking in a controlled substance 2353
analog. The penalty for the offense shall be determined as 2354
follows: 2355

(a) Except as otherwise provided in division (C) (8) (b), 2356
(c), (d), (e), (f), or (g) of this section, trafficking in a 2357
controlled substance analog is a felony of the fifth degree, and 2358
division (C) of section 2929.13 of the Revised Code applies in 2359
determining whether to impose a prison term on the offender. 2360

(b) Except as otherwise provided in division (C) (8) (c), 2361
(d), (e), (f), or (g) of this section, if the offense was 2362
committed in the vicinity of a school or in the vicinity of a 2363
juvenile, trafficking in a controlled substance analog is a 2364
felony of the fourth degree, and division (C) of section 2929.13 2365
of the Revised Code applies in determining whether to impose a 2366
prison term on the offender. 2367

(c) Except as otherwise provided in this division, if the 2368
amount of the drug involved equals or exceeds ten grams but is 2369
less than twenty grams, trafficking in a controlled substance 2370
analog is a felony of the fourth degree, and division (B) of 2371
section 2929.13 of the Revised Code applies in determining 2372
whether to impose a prison term for the offense. If the amount 2373
of the drug involved is within that range and if the offense was 2374
committed in the vicinity of a school or in the vicinity of a 2375
juvenile, trafficking in a controlled substance analog is a 2376
felony of the third degree, and there is a presumption for a 2377
prison term for the offense. 2378

(d) Except as otherwise provided in this division, if the 2379
amount of the drug involved equals or exceeds twenty grams but 2380
is less than thirty grams, trafficking in a controlled substance 2381
analog is a felony of the third degree, and there is a 2382
presumption for a prison term for the offense. If the amount of 2383
the drug involved is within that range and if the offense was 2384
committed in the vicinity of a school or in the vicinity of a 2385
juvenile, trafficking in a controlled substance analog is a 2386
felony of the second degree, and there is a presumption for a 2387
prison term for the offense. 2388

(e) Except as otherwise provided in this division, if the 2389
amount of the drug involved equals or exceeds thirty grams but 2390

is less than forty grams, trafficking in a controlled substance 2391
analog is a felony of the second degree, and the court shall 2392
impose as a mandatory prison term a second degree felony 2393
mandatory prison term. If the amount of the drug involved is 2394
within that range and if the offense was committed in the 2395
vicinity of a school or in the vicinity of a juvenile, 2396
trafficking in a controlled substance analog is a felony of the 2397
first degree, and the court shall impose as a mandatory prison 2398
term a first degree felony mandatory prison term. 2399

(f) If the amount of the drug involved equals or exceeds 2400
forty grams but is less than fifty grams and regardless of 2401
whether the offense was committed in the vicinity of a school or 2402
in the vicinity of a juvenile, trafficking in a controlled 2403
substance analog is a felony of the first degree, and the court 2404
shall impose as a mandatory prison term a first degree felony 2405
mandatory prison term. 2406

(g) If the amount of the drug involved equals or exceeds 2407
fifty grams and regardless of whether the offense was committed 2408
in the vicinity of a school or in the vicinity of a juvenile, 2409
trafficking in a controlled substance analog is a felony of the 2410
first degree, the offender is a major drug offender, and the 2411
court shall impose as a mandatory prison term a maximum first 2412
degree felony mandatory prison term. 2413

~~(9) If the drug involved in the violation is a fentanyl-~~ 2414
~~related compound or a compound, mixture, preparation, or~~ 2415
~~substance containing a fentanyl-related compound and division~~ 2416
~~(C) (10) (a) of this section does not apply to the drug involved,~~ 2417
~~whoever violates division (A) of this section is guilty of~~ 2418
~~trafficking in a fentanyl-related compound. The penalty for the~~ 2419
~~offense shall be determined as follows:~~ 2420

~~(a) Except as otherwise provided in division (C) (9) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2421-2425

~~(b) Except as otherwise provided in division (C) (9) (e), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 2426-2432

~~(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in a fentanyl-related compound is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 2433-2444

~~(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in a fentanyl-related compound is a felony of the third degree, and there is a presumption for a prison term for the offense. If the~~ 2445-2450

~~amount of the drug involved is within that range and if the~~ 2451
~~offense was committed in the vicinity of a school or in the~~ 2452
~~vicinity of a juvenile, trafficking in a fentanyl-related~~ 2453
~~compound is a felony of the second degree, and there is a~~ 2454
~~presumption for a prison term for the offense.~~ 2455

~~(e) Except as otherwise provided in this division, if the~~ 2456
~~amount of the drug involved equals or exceeds one hundred unit~~ 2457
~~doses but is less than two hundred unit doses or equals or~~ 2458
~~exceeds ten grams but is less than twenty grams, trafficking in~~ 2459
~~a fentanyl-related compound is a felony of the second degree,~~ 2460
~~and the court shall impose as a mandatory prison term one of the~~ 2461
~~prison terms prescribed for a felony of the second degree. If~~ 2462
~~the amount of the drug involved is within that range and if the~~ 2463
~~offense was committed in the vicinity of a school or in the~~ 2464
~~vicinity of a juvenile, trafficking in a fentanyl-related~~ 2465
~~compound is a felony of the first degree, and the court shall~~ 2466
~~impose as a mandatory prison term one of the prison terms~~ 2467
~~prescribed for a felony of the first degree.~~ 2468

~~(f) If the amount of the drug involved equals or exceeds~~ 2469
~~two hundred unit doses but is less than five hundred unit doses~~ 2470
~~or equals or exceeds twenty grams but is less than fifty grams~~ 2471
~~and regardless of whether the offense was committed in the~~ 2472
~~vicinity of a school or in the vicinity of a juvenile,~~ 2473
~~trafficking in a fentanyl-related compound is a felony of the~~ 2474
~~first degree, and the court shall impose as a mandatory prison~~ 2475
~~term one of the prison terms prescribed for a felony of the~~ 2476
~~first degree.~~ 2477

~~(g) If the amount of the drug involved equals or exceeds~~ 2478
~~five hundred unit doses but is less than one thousand unit doses~~ 2479
~~or equals or exceeds fifty grams but is less than one hundred~~ 2480

~~grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~

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

~~(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and marihuana, one of the following applies:~~

~~(a) Except as otherwise provided in division (C) (10) (b) of this section, the offender is guilty of trafficking in marihuana and shall be punished under division (C) (3) of this section. The offender is not guilty of trafficking in a fentanyl-related compound and shall not be charged with, convicted of, or punished under division (C) (9) of this section for trafficking in a fentanyl-related compound.~~

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

involved in the violation is fentanyl or a compound, mixture, 2511
preparation, or substance that contains fentanyl, whoever 2512
violates division (A) of this section is guilty of trafficking 2513
in fentanyl. The penalty for the offense shall be determined as 2514
follows: 2515

(a) Except as otherwise provided in division (C) (9) (b), 2516
(c), (d), (e), or (f) of this section, trafficking in fentanyl 2517
is a felony of the second degree, and division (C) of section 2518
2929.13 of the Revised Code applies in determining whether to 2519
impose a prison term on the offender. 2520

(b) Except as otherwise provided in division (C) (9) (c), 2521
(d), (e), or (f) of this section, if the offense was committed 2522
in the vicinity of a school or in the vicinity of a juvenile, 2523
trafficking in fentanyl is a felony of the first degree and 2524
there is a presumption for a prison term for the offender. 2525

(c) Except as otherwise provided in division (C) (9) (d), 2526
(e), or (f) of this section, if the amount of the drug involved 2527
equals or exceeds one-half of one gram or five unit doses, but 2528
is less than one and one-half grams or twenty unit doses, 2529
trafficking in fentanyl is a felony of the first degree and 2530
there is a presumption for a prison term for the offender. If 2531
the amount of the drug involved is within that range and if the 2532
offense was committed in the vicinity of a school or in the 2533
vicinity of a juvenile, trafficking in fentanyl is a felony of 2534
the first degree, the court shall impose as a mandatory prison 2535
term a first degree felony mandatory prison term, and the court 2536
may impose an additional prison term of up to ten years. 2537

(d) Except as otherwise provided in division (C) (9) (e) or 2538
(f) of this section, if the amount of the drug involved equals 2539
or exceeds one and one-half grams or twenty unit doses, but is 2540

less than three grams or forty unit doses, trafficking in 2541
fentanyl is a felony of the first degree, the court shall impose 2542
as a mandatory prison term a first degree felony mandatory 2543
prison term, and the court may impose an additional prison term 2544
of up to ten years. If the amount of the drug involved is within 2545
that range and if the offense was committed in the vicinity of a 2546
school or in the vicinity of a juvenile, trafficking in fentanyl 2547
is a felony of the first degree, the court shall impose as a 2548
mandatory prison term a first degree felony mandatory prison 2549
term, and the court may impose an additional prison term of up 2550
to twenty years. 2551

(e) Except as otherwise provided in division (C) (9) (f) of 2552
this section, if the amount of the drug involved equals or 2553
exceeds three grams or forty unit doses, but is less than twenty 2554
grams or one hundred unit doses, trafficking in fentanyl is a 2555
felony of the first degree, the court shall impose as a 2556
mandatory prison term a first degree felony mandatory prison 2557
term, and the court may impose an additional prison term of up 2558
to twenty years. If the amount of the drug involved is within 2559
that range and if the offense was committed in the vicinity of a 2560
school or in the vicinity of a juvenile, trafficking in fentanyl 2561
is a felony of the first degree, the court shall impose as a 2562
mandatory prison term a maximum first degree felony mandatory 2563
prison term, and the court may impose an additional prison term 2564
of up to twenty years. 2565

(f) If the amount of the drug involved equals or exceeds 2566
twenty grams or one hundred unit doses and regardless of whether 2567
the offense was committed in the vicinity of a school or in the 2568
vicinity of a juvenile, trafficking in fentanyl is a felony of 2569
the first degree, the offender is a major drug offender, the 2570
court shall impose as a mandatory prison term a maximum first 2571

degree felony mandatory prison term, and the court may impose an 2572
additional prison term of up to thirty years. 2573

(10) If the drug involved in the violation is carfentanil 2574
or a compound, mixture, preparation, or substance that contains 2575
carfentanil, whoever violates division (A) of this section is 2576
guilty of trafficking in carfentanil. The penalty for the 2577
offense shall be determined as follows: 2578

(a) Except as otherwise provided in division (C) (10) (b), 2579
(c), (d), or (e) of this section, trafficking in carfentanil is 2580
a felony of the first degree, and the court shall impose as a 2581
mandatory prison term a first degree felony mandatory prison 2582
term. 2583

(b) Except as otherwise provided in division (C) (10) (c), 2584
(d), or (e) of this section, if the offense was committed in the 2585
vicinity of a school or in the vicinity of a juvenile, 2586
trafficking in carfentanil is a felony of the first degree, the 2587
court shall impose as a mandatory prison term a first degree 2588
felony mandatory prison term, and the court may impose an 2589
additional prison term of up to ten years. 2590

(c) Except as otherwise provided in division (C) (10) (d) or 2591
(e) of this section, if the amount of the drug involved equals 2592
or exceeds one gram or five unit doses, but is less than five 2593
grams or ten unit doses, trafficking in carfentanil is a felony 2594
of the first degree, the court shall impose as a mandatory 2595
prison term a first degree felony mandatory prison term, and the 2596
court may impose an additional prison term of up to ten years. 2597
If the amount of the drug involved is within that range and if 2598
the offense was committed in the vicinity of a school or in the 2599
vicinity of a juvenile, trafficking in carfentanil is a felony 2600
of the first degree, the court shall impose as a mandatory 2601

prison term a first degree felony mandatory prison term, and the 2602
court may impose an additional prison term of up to twenty 2603
years. 2604

(d) Except as otherwise provided in division (C) (10) (e) of 2605
this section, if the amount of the drug involved equals or 2606
exceeds five grams or ten unit doses, but is less than ten grams 2607
or fifty unit doses and regardless of whether the offense was 2608
committed in the vicinity of a school or in the vicinity of a 2609
juvenile, trafficking in carfentanil is a felony of the first 2610
degree, the court shall impose as a mandatory prison term a 2611
first degree felony mandatory prison term, and the court may 2612
impose an additional prison term of up to thirty years. 2613

(e) If the amount of the drug involved equals or exceeds 2614
ten grams or fifty unit doses and regardless of whether the 2615
offense was committed in the vicinity of a school or in the 2616
vicinity of a juvenile, trafficking in carfentanil is a felony 2617
of the first degree, the offender is a major drug offender, the 2618
court shall impose as a mandatory prison term a maximum first 2619
degree felony mandatory prison term, and the court may impose an 2620
additional prison term of up to forty years. 2621

(11) If the drug involved is a hard drug analog or a 2622
compound, mixture, substance, or preparation that contains a 2623
hard drug analog, whoever violates division (A) of this section 2624
is guilty of trafficking in a hard drug analog. The penalty for 2625
the offense shall be determined as follows: 2626

(a) Except as otherwise provided in division (C) (11) (b), 2627
(c), (d), (e), or (f) of this section, trafficking in a hard 2628
drug analog is a felony of the second degree, and division (C) 2629
of section 2929.13 of the Revised Code applies in determining 2630
whether to impose a prison term on the offender. 2631

(b) Except as otherwise provided in division (C) (11) (c), 2632
(d), (e), or (f) of this section, if the offense was committed 2633
in the vicinity of a school or in the vicinity of a juvenile, 2634
trafficking in a hard drug analog is a felony of the first 2635
degree, and there is a presumption for a prison term for the 2636
offender. 2637

(c) Except as otherwise provided in this division, if the 2638
amount of the drug involved equals or exceeds ten grams but is 2639
less than twenty grams, trafficking in a hard drug analog is a 2640
felony of the first degree and there is a presumption of a 2641
prison term for the offender. If the amount of the drug involved 2642
is within that range and if the offense was committed in the 2643
vicinity of a school or in the vicinity of a juvenile, 2644
trafficking in a hard drug analog is a felony of the first 2645
degree, the court shall impose as a mandatory prison term a 2646
first degree felony mandatory prison term, and the court may 2647
impose an additional prison term of up to ten years. 2648

(d) Except as otherwise provided in this division, if the 2649
amount of the drug involved equals or exceeds twenty grams but 2650
is less than thirty grams, trafficking in a hard drug analog is 2651
a felony of the first degree, the court shall impose as a 2652
mandatory prison term a first degree felony mandatory prison 2653
term, and the court may impose an additional prison term of up 2654
to ten years. If the amount of the drug involved is within that 2655
range and if the offense was committed in the vicinity of a 2656
school or in the vicinity of a juvenile, trafficking in a hard 2657
drug analog is a felony of the first degree, the court shall 2658
impose as a mandatory prison term a first degree felony 2659
mandatory prison term, and the court may impose an additional 2660
prison term of up to twenty years. 2661

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a hard drug analog is a felony of the first degree, the court shall impose as a mandatory prison term a first degree felony mandatory prison term, and the court may impose an additional prison term of up to twenty years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a hard drug analog is a felony of the first degree, the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term, and the court may impose an additional prison term of up to twenty years.

(f) If the amount of the drug involved equals or exceeds forty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a hard drug analog is a felony of the first degree, the offender is a major drug offender, the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term, and the court may impose an additional prison term of up to thirty years.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the driver's or commercial driver's license or permit of the offender in accordance with division (G) of this section. However, if the offender pleaded guilty to or was convicted of a violation of

section 4511.19 of the Revised Code or a substantially similar 2693
municipal ordinance or the law of another state or the United 2694
States arising out of the same set of circumstances as the 2695
violation, the court shall suspend the offender's driver's or 2696
commercial driver's license or permit in accordance with 2697
division (G) of this section. If applicable, the court also 2698
shall do the following: 2699

(1) If the violation of division (A) of this section is a 2700
felony of the first, second, or third degree, the court shall 2701
impose upon the offender the mandatory fine specified for the 2702
offense under division (B)(1) of section 2929.18 of the Revised 2703
Code unless, as specified in that division, the court determines 2704
that the offender is indigent. Except as otherwise provided in 2705
division (H)(1) of this section, a mandatory fine or any other 2706
fine imposed for a violation of this section is subject to 2707
division (F) of this section. If a person is charged with a 2708
violation of this section that is a felony of the first, second, 2709
or third degree, posts bail, and forfeits the bail, the clerk of 2710
the court shall pay the forfeited bail pursuant to divisions (D) 2711
(1) and (F) of this section, as if the forfeited bail was a fine 2712
imposed for a violation of this section. If any amount of the 2713
forfeited bail remains after that payment and if a fine is 2714
imposed under division (H)(1) of this section, the clerk of the 2715
court shall pay the remaining amount of the forfeited bail 2716
pursuant to divisions (H)(2) and (3) of this section, as if that 2717
remaining amount was a fine imposed under division (H)(1) of 2718
this section. 2719

(2) If the offender is a professionally licensed person, 2720
the court immediately shall comply with section 2925.38 of the 2721
Revised Code. 2722

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

(F) (1) Notwithstanding any contrary provision of section
3719.21 of the Revised Code and except as provided in division
(H) of this section, the clerk of the court shall pay any
mandatory fine imposed pursuant to division (D) (1) of this
section and any fine other than a mandatory fine that is imposed
for a violation of this section pursuant to division (A) or (B)
(5) of section 2929.18 of the Revised Code to the county,
township, municipal corporation, park district, as created
pursuant to section 511.18 or 1545.04 of the Revised Code, or
state law enforcement agencies in this state that primarily were
responsible for or involved in making the arrest of, and in
prosecuting, the offender. However, the clerk shall not pay a
mandatory fine so imposed to a law enforcement agency unless the
agency has adopted a written internal control policy under
division (F) (2) of this section that addresses the use of the
fine moneys that it receives. Each agency shall use the
mandatory fines so paid to subsidize the agency's law
enforcement efforts that pertain to drug offenses, in accordance
with the written internal control policy adopted by the

recipient agency under division (F) (2) of this section. 2754

(2) Prior to receiving any fine moneys under division (F) 2755
(1) of this section or division (B) of section 2925.42 of the 2756
Revised Code, a law enforcement agency shall adopt a written 2757
internal control policy that addresses the agency's use and 2758
disposition of all fine moneys so received and that provides for 2759
the keeping of detailed financial records of the receipts of 2760
those fine moneys, the general types of expenditures made out of 2761
those fine moneys, and the specific amount of each general type 2762
of expenditure. The policy shall not provide for or permit the 2763
identification of any specific expenditure that is made in an 2764
ongoing investigation. All financial records of the receipts of 2765
those fine moneys, the general types of expenditures made out of 2766
those fine moneys, and the specific amount of each general type 2767
of expenditure by an agency are public records open for 2768
inspection under section 149.43 of the Revised Code. 2769
Additionally, a written internal control policy adopted under 2770
this division is such a public record, and the agency that 2771
adopted it shall comply with it. 2772

(3) As used in division (F) of this section: 2773

(a) "Law enforcement agencies" includes, but is not 2774
limited to, the state board of pharmacy and the office of a 2775
prosecutor. 2776

(b) "Prosecutor" has the same meaning as in section 2777
2935.01 of the Revised Code. 2778

(G) (1) If the sentencing court suspends the offender's 2779
driver's or commercial driver's license or permit under division 2780
(D) of this section or any other provision of this chapter, the 2781
court shall suspend the license, by order, for not more than 2782

five years. If an offender's driver's or commercial driver's 2783
license or permit is suspended pursuant to this division, the 2784
offender, at any time after the expiration of two years from the 2785
day on which the offender's sentence was imposed or from the day 2786
on which the offender finally was released from a prison term 2787
under the sentence, whichever is later, may file a motion with 2788
the sentencing court requesting termination of the suspension; 2789
upon the filing of such a motion and the court's finding of good 2790
cause for the termination, the court may terminate the 2791
suspension. 2792

(2) Any offender who received a mandatory suspension of 2793
the offender's driver's or commercial driver's license or permit 2794
under this section prior to September 13, 2016, may file a 2795
motion with the sentencing court requesting the termination of 2796
the suspension. However, an offender who pleaded guilty to or 2797
was convicted of a violation of section 4511.19 of the Revised 2798
Code or a substantially similar municipal ordinance or law of 2799
another state or the United States that arose out of the same 2800
set of circumstances as the violation for which the offender's 2801
license or permit was suspended under this section shall not 2802
file such a motion. 2803

Upon the filing of a motion under division (G) (2) of this 2804
section, the sentencing court, in its discretion, may terminate 2805
the suspension. 2806

(H) (1) In addition to any prison term authorized or 2807
required by division (C) of this section and sections 2929.13 2808
and 2929.14 of the Revised Code, in addition to any other 2809
penalty or sanction imposed for the offense under this section 2810
or sections 2929.11 to 2929.18 of the Revised Code, and in 2811
addition to the forfeiture of property in connection with the 2812

offense as prescribed in Chapter 2981. of the Revised Code, the 2813
court that sentences an offender who is convicted of or pleads 2814
guilty to a violation of division (A) of this section may impose 2815
upon the offender an additional fine specified for the offense 2816
in division (B) (4) of section 2929.18 of the Revised Code. A 2817
fine imposed under division (H) (1) of this section is not 2818
subject to division (F) of this section and shall be used solely 2819
for the support of one or more eligible community addiction 2820
services providers in accordance with divisions (H) (2) and (3) 2821
of this section. 2822

(2) The court that imposes a fine under division (H) (1) of 2823
this section shall specify in the judgment that imposes the fine 2824
one or more eligible community addiction services providers for 2825
the support of which the fine money is to be used. No community 2826
addiction services provider shall receive or use money paid or 2827
collected in satisfaction of a fine imposed under division (H) 2828
(1) of this section unless the services provider is specified in 2829
the judgment that imposes the fine. No community addiction 2830
services provider shall be specified in the judgment unless the 2831
services provider is an eligible community addiction services 2832
provider and, except as otherwise provided in division (H) (2) of 2833
this section, unless the services provider is located in the 2834
county in which the court that imposes the fine is located or in 2835
a county that is immediately contiguous to the county in which 2836
that court is located. If no eligible community addiction 2837
services provider is located in any of those counties, the 2838
judgment may specify an eligible community addiction services 2839
provider that is located anywhere within this state. 2840

(3) Notwithstanding any contrary provision of section 2841
3719.21 of the Revised Code, the clerk of the court shall pay 2842
any fine imposed under division (H) (1) of this section to the 2843

eligible community addiction services provider specified 2844
pursuant to division (H) (2) of this section in the judgment. The 2845
eligible community addiction services provider that receives the 2846
fine moneys shall use the moneys only for the alcohol and drug 2847
addiction services identified in the application for 2848
certification of services under section 5119.36 of the Revised 2849
Code or in the application for a license under section 5119.37 2850
of the Revised Code filed with the department of mental health 2851
and addiction services by the community addiction services 2852
provider specified in the judgment. 2853

(4) Each community addiction services provider that 2854
receives in a calendar year any fine moneys under division (H) 2855
(3) of this section shall file an annual report covering that 2856
calendar year with the court of common pleas and the board of 2857
county commissioners of the county in which the services 2858
provider is located, with the court of common pleas and the 2859
board of county commissioners of each county from which the 2860
services provider received the moneys if that county is 2861
different from the county in which the services provider is 2862
located, and with the attorney general. The community addiction 2863
services provider shall file the report no later than the first 2864
day of March in the calendar year following the calendar year in 2865
which the services provider received the fine moneys. The report 2866
shall include statistics on the number of persons served by the 2867
community addiction services provider, identify the types of 2868
alcohol and drug addiction services provided to those persons, 2869
and include a specific accounting of the purposes for which the 2870
fine moneys received were used. No information contained in the 2871
report shall identify, or enable a person to determine the 2872
identity of, any person served by the community addiction 2873
services provider. Each report received by a court of common 2874

pleas, a board of county commissioners, or the attorney general 2875
is a public record open for inspection under section 149.43 of 2876
the Revised Code. 2877

(5) As used in divisions (H) (1) to (5) of this section: 2878

(a) "Community addiction services provider" and "alcohol 2879
and drug addiction services" have the same meanings as in 2880
section 5119.01 of the Revised Code. 2881

(b) "Eligible community addiction services provider" means 2882
a community addiction services provider, including a community 2883
addiction services provider that operates an opioid treatment 2884
program licensed under section 5119.37 of the Revised Code. 2885

(I) As used in this section, "drug" includes any substance 2886
that is represented to be a drug. 2887

(J) It is an affirmative defense to a charge of 2888
trafficking in a controlled substance analog under division (C) 2889
(8) of this section that the person charged with violating that 2890
offense sold or offered to sell, or prepared for shipment, 2891
shipped, transported, delivered, prepared for distribution, or 2892
distributed one of the following items that are excluded from 2893
the meaning of "controlled substance analog" under section 2894
3719.01 of the Revised Code: 2895

(1) A controlled substance; 2896

(2) Any substance for which there is an approved new drug 2897
application; 2898

(3) With respect to a particular person, any substance if 2899
an exemption is in effect for investigational use for that 2900
person pursuant to federal law to the extent that conduct with 2901
respect to that substance is pursuant to that exemption. 2902

(K) It is an affirmative defense to a charge under this section that the person charged with violating the section had purchased a small amount of drugs intending to share those drugs with another person and did not receive anything of value, beyond the purchase price, from that distribution. Nothing precludes a person who has proven an affirmative defense under this division from being charged with a possession offense in violation of section 2925.11, 2925.111, 2925.112, or 2925.113 of the Revised Code.

(L) For purposes of this section, multiple sales over a period of time may be charged as a single offense based on the cumulative weight of the drug or drugs involved.

(M) For purposes of division (K) of this section, a "small amount" of a drug is an amount that would be subject to prosecution as a misdemeanor or as a felony of the fourth or fifth degree under section 2925.11 or 2925.113 of the Revised Code and does not include any amount that would be subject to prosecution as a felony of the first, second, or third degree under section 2925.11, 2925.111, or 2925.112 of the Revised Code.

Sec. 2925.11. (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog in any of the following amounts:

(1) For a controlled substance included in schedule I or schedule II, other than marihuana, cocaine, L.S.D., heroin, hashish, fentanyl, carfentanil, a fentanyl-related compound, a controlled substance analog, or a hard drug analog, less than five times the bulk amount;

(2) For a controlled substance included in schedule III,

<u>IV, or V, less than fifty times the bulk amount;</u>	2932
<u>(3) For cocaine, less than twenty-seven grams;</u>	2933
<u>(4) For L.S.D., less than two hundred unit doses in solid form or less than twenty grams in liquid concentrate, liquid extract, or liquid distillate form;</u>	2934 2935 2936
<u>(5) For heroin, less than ten grams, or less than one hundred unit doses;</u>	2937 2938
<u>(6) For hashish, less than two hundred fifty grams;</u>	2939
<u>(7) For a controlled substance analog, other than a fentanyl-related compound or a hard drug analog, less than twenty grams;</u>	2940 2941 2942
<u>(8) For fentanyl, a fentanyl-related compound other than carfentanil, or a hard drug analog, less than one and one-half grams or twenty unit doses.</u>	2943 2944 2945
(B) (1) This section does not apply to any of the following:	2946 2947
(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;	2948 2949 2950 2951 2952
(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	2953 2954 2955 2956
(c) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman	2957 2958

species an anabolic steroid that is expressly intended for 2959
administration through implants to livestock or other nonhuman 2960
species and approved for that purpose under the "Federal Food, 2961
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2962
as amended, and is sold, offered for sale, prescribed, 2963
dispensed, or administered for that purpose in accordance with 2964
that act; 2965

(d) Any person who obtained the controlled substance 2966
pursuant to a prescription issued by a licensed health 2967
professional authorized to prescribe drugs if the prescription 2968
was issued for a legitimate medical purpose and not altered, 2969
forged, or obtained through deception or commission of a theft 2970
offense. 2971

As used in division (B) (1) (d) of this section, "deception" 2972
and "theft offense" have the same meanings as in section 2913.01 2973
of the Revised Code. 2974

(2) (a) As used in division (B) (2) of this section: 2975

(i) "Community addiction services provider" has the same 2976
meaning as in section 5119.01 of the Revised Code. 2977

(ii) "Community control sanction" and "drug treatment 2978
program" have the same meanings as in section 2929.01 of the 2979
Revised Code. 2980

(iii) "Health care facility" has the same meaning as in 2981
section 2919.16 of the Revised Code. 2982

(iv) "Minor drug possession offense" means a violation of 2983
this section or section 2925.113 of the Revised Code that is a 2984
misdemeanor or a felony of the fifth degree. 2985

(v) "Post-release control sanction" has the same meaning 2986

as in section 2967.28 of the Revised Code. 2987

(vi) "Peace officer" has the same meaning as in section 2988
2935.01 of the Revised Code. 2989

(vii) "Public agency" has the same meaning as in section 2990
2930.01 of the Revised Code. 2991

(viii) "Qualified individual" means a person who is not on 2992
community control or post-release control and is a person acting 2993
in good faith who seeks or obtains medical assistance for 2994
another person who is experiencing a drug overdose, a person who 2995
experiences a drug overdose and who seeks medical assistance for 2996
that overdose, or a person who is the subject of another person 2997
seeking or obtaining medical assistance for that overdose as 2998
described in division (B) (2) (b) of this section. 2999

(ix) "Seek or obtain medical assistance" includes, but is 3000
not limited to making a 9-1-1 call, contacting in person or by 3001
telephone call an on-duty peace officer, or transporting or 3002
presenting a person to a health care facility. 3003

(b) Subject to division (B) (2) (f) of this section, a 3004
qualified individual shall not be arrested, charged, prosecuted, 3005
convicted, or penalized pursuant to this chapter for a minor 3006
drug possession offense if all of the following apply: 3007

(i) The evidence of the obtaining, possession, or use of 3008
the controlled substance or controlled substance analog that 3009
would be the basis of the offense was obtained as a result of 3010
the qualified individual seeking the medical assistance or 3011
experiencing an overdose and needing medical assistance. 3012

(ii) Subject to division (B) (2) (g) of this section, within 3013
thirty days after seeking or obtaining the medical assistance, 3014
the qualified individual seeks and obtains a screening and 3015

receives a referral for treatment from a community addiction 3016
services provider or a properly credentialed addiction treatment 3017
professional. 3018

(iii) Subject to division (B) (2) (g) of this section, the 3019
qualified individual who obtains a screening and receives a 3020
referral for treatment under division (B) (2) (b) (ii) of this 3021
section, upon the request of any prosecuting attorney, submits 3022
documentation to the prosecuting attorney that verifies that the 3023
qualified individual satisfied the requirements of that 3024
division. The documentation shall be limited to the date and 3025
time of the screening obtained and referral received. 3026

(c) If a person is found to be in violation of any 3027
community control sanction and if the violation is a result of 3028
either of the following, the court shall first consider ordering 3029
the person's participation or continued participation in a drug 3030
treatment program or mitigating the penalty specified in section 3031
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 3032
applicable, after which the court has the discretion either to 3033
order the person's participation or continued participation in a 3034
drug treatment program or to impose the penalty with the 3035
mitigating factor specified in any of those applicable sections: 3036

(i) Seeking or obtaining medical assistance in good faith 3037
for another person who is experiencing a drug overdose; 3038

(ii) Experiencing a drug overdose and seeking medical 3039
assistance for that overdose or being the subject of another 3040
person seeking or obtaining medical assistance for that overdose 3041
as described in division (B) (2) (b) of this section. 3042

(d) If a person is found to be in violation of any post- 3043
release control sanction and if the violation is a result of 3044

either of the following, the court or the parole board shall 3045
first consider ordering the person's participation or continued 3046
participation in a drug treatment program or mitigating the 3047
penalty specified in section 2929.141 or 2967.28 of the Revised 3048
Code, whichever is applicable, after which the court or the 3049
parole board has the discretion either to order the person's 3050
participation or continued participation in a drug treatment 3051
program or to impose the penalty with the mitigating factor 3052
specified in either of those applicable sections: 3053

(i) Seeking or obtaining medical assistance in good faith 3054
for another person who is experiencing a drug overdose; 3055

(ii) Experiencing a drug overdose and seeking medical 3056
assistance for that emergency or being the subject of another 3057
person seeking or obtaining medical assistance for that overdose 3058
as described in division (B) (2) (b) of this section. 3059

(e) Nothing in division (B) (2) (b) of this section shall be 3060
construed to do any of the following: 3061

(i) Limit the admissibility of any evidence in connection 3062
with the investigation or prosecution of a crime with regards to 3063
a defendant who does not qualify for the protections of division 3064
(B) (2) (b) of this section or with regards to any crime other 3065
than a minor drug possession offense committed by a person who 3066
qualifies for protection pursuant to division (B) (2) (b) of this 3067
section for a minor drug possession offense; 3068

(ii) Limit any seizure of evidence or contraband otherwise 3069
permitted by law; 3070

(iii) Limit or abridge the authority of a peace officer to 3071
detain or take into custody a person in the course of an 3072
investigation or to effectuate an arrest for any offense except 3073

as provided in that division; 3074

(iv) Limit, modify, or remove any immunity from liability 3075
available pursuant to law in effect prior to September 13, 2016, 3076
to any public agency or to an employee of any public agency. 3077

(f) Division (B) (2) (b) of this section does not apply to 3078
any person who twice previously has been granted an immunity 3079
under division (B) (2) (b) of this section. No person shall be 3080
granted an immunity under division (B) (2) (b) of this section 3081
more than two times. 3082

(g) Nothing in this section shall compel any qualified 3083
individual to disclose protected health information in a way 3084
that conflicts with the requirements of the "Health Insurance 3085
Portability and Accountability Act of 1996," 104 Pub. L. No. 3086
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3087
regulations promulgated by the United States department of 3088
health and human services to implement the act or the 3089
requirements of 42 C.F.R. Part 2. 3090

(C) (1) Whoever violates division (A) (1) of this section is 3091
guilty of ~~one of the following:~~ 3092

~~(1) If the drug involved in the violation is a compound,~~ 3093
~~mixture, preparation, or substance included in schedule I or II,~~ 3094
~~with the exception of marihuana, cocaine, L.S.D., heroin, any~~ 3095
~~fentanyl-related compound, hashish, and any controlled substance~~ 3096
~~analog, whoever violates division (A) of this section is guilty~~ 3097
~~of aggravated possession of schedule I or II drugs other than~~ 3098
~~marihuana, cocaine, L.S.D., heroin, hashish, fentanyl,~~ 3099
~~carfentanil, a fentanyl-related compound, a controlled substance~~ 3100
~~analog, or a hard drug analog. The penalty for the offense shall~~ 3101
be determined as follows: 3102

~~(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3103
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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, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3108
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~~(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 3112
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~~(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount but is less than one hundred times the bulk amount, aggravated possession of drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 3117
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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.~~ 3122
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amount of the drug involved equals or exceeds the bulk amount, 3127
but is less than five times the bulk amount, possession of 3128
schedule I or II drugs other than marihuana, cocaine, L.S.D., 3129
heroin, hashish, fentanyl, carfentanil, a fentanyl-related 3130
compound, a controlled substance analog, or a hard drug analog 3131
is a felony of the fourth degree. 3132

(b) If the amount of the drug involved equals or exceeds 3133
twenty-five one-thousandths of one gram, but is less than the 3134
bulk amount, possession of schedule I or II drugs other than 3135
marihuana, cocaine, L.S.D., heroin, hashish, fentanyl, 3136
carfentanil, a fentanyl-related compound, a controlled substance 3137
analog, or a hard drug analog is a felony of the fifth degree. 3138

~~(2) If the drug involved in the violation is a compound,~~ 3139
~~mixture, preparation, or substance included in schedule III, IV,~~ 3140
~~or V, whoever~~ Whoever ~~violates division (A) (2) of this section~~ 3141
is guilty of possession of drugs. The penalty for the offense 3142
shall be determined as follows: 3143

~~(a) Except as otherwise provided in division (C) (2) (b),~~ 3144
~~(c), or (d) of this section, possession of drugs is a~~ 3145
~~misdemeanor of the first degree or, if the offender previously~~ 3146
~~has been convicted of a drug abuse offense, a felony of the~~ 3147
~~fifth degree.~~ 3148

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

~~(c) If the amount of the drug involved equals or exceeds~~ 3154
~~five times the bulk amount but is less than fifty times the bulk~~ 3155
~~amount, possession of drugs is a felony of the third degree, and~~ 3156
~~there is a presumption for a prison term for the offense.~~ 3157

~~(d) If the amount of the drug involved equals or exceeds~~ 3158
~~fifty times the bulk amount, possession of drugs is a felony of~~ 3159
~~the second degree, and the court shall impose upon the offender~~ 3160
~~as a mandatory prison term a second degree felony mandatory~~ 3161

~~prison term.~~ 3162

~~(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:~~ 3163
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~~(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.~~ 3168
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~~(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.~~ 3171
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~~(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3174
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~~(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3179
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~~(e) If the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, possession of marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense.~~ 3184
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~~(f) If the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams,~~ 3189
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~~possession of marihuana is a felony of the second degree, and
the court shall impose as a mandatory prison term a second
degree felony mandatory prison term of five, six, seven, or
eight years.~~ 3191
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~~(g) If the amount of the drug involved equals or exceeds
forty thousand grams, possession of marihuana is a felony of the
second degree, and the court shall impose as a mandatory prison
term a maximum second degree felony mandatory prison term.~~ 3195
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~~(4) If the drug involved in the violation is cocaine or a
compound, mixture, preparation, or substance containing cocaine,
whoever violates division (A) of this section is guilty of
possession of cocaine. The penalty for the offense shall be
determined as follows:~~ 3199
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~~(a) Except as otherwise provided in division (C) (4) (b),
(c), (d), (e), or (f) of this section, possession of cocaine is
a felony of the fifth degree, and division (B) of section
2929.13 of the Revised Code applies in determining whether to
impose a prison term on the offender.~~ 3204
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~~(b) If the amount of the drug involved equals or exceeds
five grams but is less than ten grams of cocaine, possession of
cocaine is a felony of the fourth degree, and division (B) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender.~~ 3209
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~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than twenty grams of cocaine, possession
of cocaine is a felony of the third degree, and, except as
otherwise provided in this division, there is a presumption for
a prison term for the offense. If possession of cocaine is a
felony of the third degree under this division and if the~~ 3214
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~~offender two or more times previously has been convicted of or
pleaded guilty to a felony drug abuse offense, the court shall
impose as a mandatory prison term one of the prison terms
prescribed for a felony of the third degree.~~ 3220-3223

~~(d) If the amount of the drug involved equals or exceeds
twenty grams but is less than twenty seven grams of cocaine,
possession of cocaine is a felony of the second degree, and the
court shall impose as a mandatory prison term a second degree
felony mandatory prison term.~~ 3224-3228

~~(e) If the amount of the drug involved equals or exceeds
twenty seven grams but is less than one hundred grams of
cocaine, possession of cocaine is a felony of the first degree,
and the court shall impose as a mandatory prison term a first
degree felony mandatory prison term.~~ 3229-3233

~~(f) If the amount of the drug involved equals or exceeds
one hundred grams of cocaine, possession of cocaine is a felony
of the first degree, the offender is a major drug offender, and
the court shall impose as a mandatory prison term a maximum
first degree felony mandatory prison term.~~ 3234-3238

~~(5) If the drug involved in the violation is L.S.D.,
whoever violates division (A) of this section is guilty of
possession of L.S.D. The penalty for the offense shall be
determined as follows:~~ 3239-3242

~~(a) Except as otherwise provided in division (C) (5) (b),
(c), (d), (e), or (f) of this section, possession of L.S.D. is a
felony of the fifth degree, and division (B) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 3243-3247

~~(b) If the amount of L.S.D. involved equals or exceeds ten~~ 3248

~~unit doses but is less than fifty unit doses of L.S.D. in a
solid form or equals or exceeds one gram but is less than five
grams of L.S.D. in a liquid concentrate, liquid extract, or
liquid distillate form, possession of L.S.D. is a felony of the
fourth degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.~~

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

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

~~(e) If the amount of L.S.D. involved equals or exceeds one
thousand unit doses but is less than five thousand unit doses of
L.S.D. in a solid form or equals or exceeds one hundred grams
but is less than five hundred grams of L.S.D. in a liquid
concentrate, liquid extract, or liquid distillate form,
possession of L.S.D. is a felony of the first degree, and the
court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~

~~(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 3279
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~~(6) If the drug involved in the violation is heroin or a compound, mixture, preparation, or substance containing heroin, whoever violates division (A) of this section is guilty of possession of heroin. The penalty for the offense shall be determined as follows:~~ 3286
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~~(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), or (f) of this section, possession of heroin is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3291
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~~(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 heroin is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3296
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~~(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, possession of heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.~~ 3302
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~~(d) If the amount of the drug involved equals or exceeds~~ 3307

~~one hundred unit doses but is less than five hundred unit doses— 3308
or equals or exceeds ten grams but is less than fifty grams,— 3309
possession of heroin is a felony of the second degree, and the 3310
court shall impose as a mandatory prison term a second degree— 3311
felony mandatory prison term. 3312~~

~~(e) If the amount of the drug involved equals or exceeds— 3313
five hundred unit doses but is less than one thousand unit doses— 3314
or equals or exceeds fifty grams but is less than one hundred— 3315
grams, possession of heroin is a felony of the first degree, and— 3316
the court shall impose as a mandatory prison term a first degree— 3317
felony mandatory prison term. 3318~~

~~(f) If the amount of the drug involved equals or exceeds— 3319
one thousand unit doses or equals or exceeds one hundred grams,— 3320
possession of heroin is a felony of the first degree, the— 3321
offender is a major drug offender, and the court shall impose as— 3322
a mandatory prison term a maximum first degree felony mandatory— 3323
prison term. 3324~~

~~(7) If the drug involved in the violation is hashish or a— 3325
compound, mixture, preparation, or substance containing hashish,— 3326
whoever violates division (A) of this section is guilty of— 3327
possession of hashish. The penalty for the offense shall be— 3328
determined as follows: 3329~~

~~(a) Except as otherwise provided in division (C) (7) (b),— 3330
(c), (d), (e), (f), or (g) of this section, possession of— 3331
hashish is a minor misdemeanor. 3332~~

~~(b) If the amount of the drug involved equals or exceeds— 3333
five grams but is less than ten grams of hashish in a solid form— 3334
or equals or exceeds one gram but is less than two grams of— 3335
hashish in a liquid concentrate, liquid extract, or liquid— 3336~~

~~distillate form, possession of hashish is a misdemeanor of the
fourth degree.~~ 3337
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~~(c) If the amount of the drug involved equals or exceeds
ten grams but is less than fifty grams of hashish in a solid
form or equals or exceeds two grams but is less than ten grams
of hashish in a liquid concentrate, liquid extract, or liquid
distillate form, possession of hashish is a felony of the fifth
degree, and division (B) of section 2929.13 of the Revised Code
applies in determining whether to impose a prison term on the
offender.~~ 3339
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~~(d) If the amount of the drug involved equals or exceeds
fifty grams but is less than two hundred fifty grams of hashish
in a solid form or equals or exceeds ten grams but is less than
fifty grams of hashish in a liquid concentrate, liquid extract,
or liquid distillate form, possession of hashish is a felony of
the third degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.~~ 3347
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~~(e) If the amount of the drug involved equals or exceeds
two hundred fifty grams but is less than one thousand grams of
hashish in a solid form or equals or exceeds fifty grams but is
less than two hundred grams of hashish in a liquid concentrate,
liquid extract, or liquid distillate form, possession of hashish
is a felony of the third degree, and there is a presumption that
a prison term shall be imposed for the offense.~~ 3355
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~~(f) If the amount of the drug involved equals or exceeds
one thousand grams but is less than two thousand grams of
hashish in a solid form or equals or exceeds two hundred grams
but is less than four hundred grams of hashish in a liquid
concentrate, liquid extract, or liquid distillate form,~~ 3362
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~~possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years.~~ 3367
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~~(g) If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term.~~ 3371
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~~(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:~~ 3378
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~~(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 3384
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~~(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.~~ 3389
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~~(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and~~ 3393
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~~there is a presumption for a prison term for the offense.~~ 3396

~~(d) If the amount of the drug involved equals or exceeds
thirty grams but is less than forty grams, possession of a
controlled substance analog is a felony of the second degree,
and the court shall impose as a mandatory prison term a second-
degree felony mandatory prison term.~~ 3397
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~~(e) If the amount of the drug involved equals or exceeds
forty grams but is less than fifty grams, possession of a
controlled substance analog is a felony of the first degree, and
the court shall impose as a mandatory prison term a first degree
felony mandatory prison term.~~ 3402
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~~(f) If the amount of the drug involved equals or exceeds
fifty grams, possession of a controlled substance analog is a
felony of the first degree, the offender is a major drug
offender, and the court shall impose as a mandatory prison term
a maximum first degree felony mandatory prison term.~~ 3407
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~~(9) If the drug involved in the violation is a compound,
mixture, preparation, or substance that is a combination of a
fentanyl-related compound and marihuana, one of the following
applies:~~ 3412
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~~(a) Except as otherwise provided in division (C) (9) (b) of
this section, the offender is guilty of possession of marihuana
and shall be punished as provided in division (C) (3) of this
section. Except as otherwise provided in division (C) (9) (b) of
this section, the offender is not guilty of possession of a
fentanyl related compound under division (C) (11) of this section
and shall not be charged with, convicted of, or punished under
division (C) (11) of this section for possession of a fentanyl-
related compound.~~ 3416
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~~(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) (11) of this section.~~ 3425
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~~(10) If the drug involved in the violation is a compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any schedule III, schedule IV, or schedule V controlled substance that is not a fentanyl-related compound, one of the following applies:~~ 3430
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~~(a) Except as otherwise provided in division (C) (10) (b) of this section, the offender is guilty of possession of drugs and shall be punished as provided in division (C) (2) of this section. Except as otherwise provided in division (C) (10) (b) of this section, the offender is not guilty of possession of a fentanyl-related compound under division (C) (11) of this section and shall not be charged with, convicted of, or punished under division (C) (11) of this section for possession of a fentanyl-related compound.~~ 3435
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~~(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C) (11) of this section.~~ 3444
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~~(11) If the drug involved in the violation is a fentanyl-related compound and neither division (C) (9) (a) nor division (C) (10) (a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither~~ 3449
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~~division (C) (9) (a) nor division (C) (10) (a) of this section~~ 3455
~~applies to the drug involved, whoever violates division (A) of~~ 3456
~~this section is guilty of possession of a fentanyl-related~~ 3457
~~compound. The penalty for the offense shall be determined as~~ 3458
~~follows:~~ 3459

~~(a) Except as otherwise provided in division (C) (11) (b),~~ 3460
~~(c), (d), (e), (f), or (g) of this section, possession of a~~ 3461
~~fentanyl-related compound is a felony of the fifth degree, and~~ 3462
~~division (B) of section 2929.13 of the Revised Code applies in~~ 3463
~~determining whether to impose a prison term on the offender.~~ 3464

~~(b) If the amount of the drug involved equals or exceeds~~ 3465
~~ten unit doses but is less than fifty unit doses or equals or~~ 3466
~~exceeds one gram but is less than five grams, possession of a~~ 3467
~~fentanyl-related compound is a felony of the fourth degree, and~~ 3468
~~division (C) of section 2929.13 of the Revised Code applies in~~ 3469
~~determining whether to impose a prison term on the offender.~~ 3470

~~(c) If the amount of the drug involved equals or exceeds~~ 3471
~~fifty unit doses but is less than one hundred unit doses or~~ 3472
~~equals or exceeds five grams but is less than ten grams,~~ 3473
~~possession of a fentanyl-related compound is a felony of the~~ 3474
~~third degree, and there is a presumption for a prison term for~~ 3475
~~the offense.~~ 3476

~~(d) If the amount of the drug involved equals or exceeds~~ 3477
~~one hundred unit doses but is less than two hundred unit doses~~ 3478
~~or equals or exceeds ten grams but is less than twenty grams,~~ 3479
~~possession of a fentanyl-related compound is a felony of the~~ 3480
~~second degree, and the court shall impose as a mandatory prison~~ 3481
~~term one of the prison terms prescribed for a felony of the~~ 3482
~~second degree.~~ 3483

~~(e) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.~~ 3484-3490

~~(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 3491-3497

~~(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of a fentanyl related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 3498-3503

~~(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.~~ 3504-3510

~~(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised~~ 3511-3513

~~Code and in addition to any other sanction that is imposed for~~ 3514
~~the offense under this section, sections 2929.11 to 2929.18, or~~ 3515
~~sections 2929.21 to 2929.28 of the Revised Code, the court that~~ 3516
~~sentences an offender who is convicted of or pleads guilty to a~~ 3517
~~violation of division (A) of this section may suspend the~~ 3518
~~offender's driver's or commercial driver's license or permit for~~ 3519
~~not more than five years. However, if the offender pleaded~~ 3520
~~guilty to or was convicted of a violation of section 4511.19 of~~ 3521
~~the Revised Code or a substantially similar municipal ordinance~~ 3522
~~or the law of another state or the United States arising out of~~ 3523
~~the same set of circumstances as the violation, the court shall~~ 3524
~~suspend the offender's driver's or commercial driver's license~~ 3525
~~or permit for not more than five years. If applicable, the court~~ 3526
~~also shall do the following:~~ 3527

~~(1) (a) If the violation is a felony of the first, second,~~ 3528
~~or third degree, the court shall impose upon the offender the~~ 3529
~~mandatory fine specified for the offense under division (B) (1)~~ 3530
~~of section 2929.18 of the Revised Code unless, as specified in~~ 3531
~~that division, the court determines that the offender is~~ 3532
~~indigent.~~ 3533

~~(b) Notwithstanding any contrary provision of section~~ 3534
~~3719.21 of the Revised Code, the clerk of the court shall pay a~~ 3535
~~mandatory fine or other fine imposed for a violation of this~~ 3536
~~section pursuant to division (A) of section 2929.18 of the~~ 3537
~~Revised Code in accordance with and subject to the requirements~~ 3538
~~of division (F) of section 2925.03 of the Revised Code. The~~ 3539
~~agency that receives the fine shall use the fine as specified in~~ 3540
~~division (F) of section 2925.03 of the Revised Code.~~ 3541

~~(c) If a person is charged with a violation of this~~ 3542
~~section that is a felony of the first, second, or third degree,~~ 3543

~~posts bail, and forfeits the bail, the clerk shall pay the~~ 3544
~~forfeited bail pursuant to division (E) (1) (b) of this section as~~ 3545
~~if it were a mandatory fine imposed under division (E) (1) (a) of~~ 3546
~~this section.~~ 3547

(2) (a) If the amount of the drug involved equals or 3548
exceeds five times the bulk amount, but is less than fifty times 3549
the bulk amount, possession of drugs is a felony of the fourth 3550
degree. 3551

(b) If the amount of the drug involved equals or exceeds 3552
twenty-five one-thousandths of one gram, but is less than five 3553
times the bulk amount, possession of drugs is a felony of the 3554
fifth degree. 3555

(3) Whoever violates division (A) (3) of this section is 3556
guilty of possession of cocaine. The penalty for the offense 3557
shall be determined as follows: 3558

(a) If the amount of the drug involved equals or exceeds 3559
ten grams, but is less than twenty-seven grams, possession of 3560
cocaine is a felony of the fourth degree. 3561

(b) If the amount of the drug involved equals or exceeds 3562
twenty-five one-thousandths of one gram, but is less than ten 3563
grams, possession of cocaine is a felony of the fifth degree. 3564

(4) Whoever violates division (A) (4) of this section is 3565
guilty of possession of L.S.D. The penalty for the offense shall 3566
be determined as follows: 3567

(a) If the amount of the drug involved equals or exceeds 3568
fifty unit doses, but is less than two hundred unit doses in 3569
solid form, or equals or exceeds five grams, but is less than 3570
twenty grams in liquid concentrate, liquid extract, or liquid 3571
distillate form, possession of L.S.D. is a felony of the fourth 3572

degree. 3573

(b) If the amount of the drug involved equals or exceeds 3574
one-fourth of one unit dose, but is less than fifty unit doses 3575
in solid form, or equals or exceeds twenty-five one-thousandths 3576
of one gram, but is less than five grams in liquid concentrate, 3577
liquid extract, or liquid distillate form, possession of L.S.D. 3578
is a felony of the fifth degree. 3579

(5) Whoever violates division (A) (5) of this section is 3580
guilty of possession of heroin. The penalty for the offense 3581
shall be determined as follows: 3582

(a) If the amount of the drug involved equals or exceeds 3583
one gram, but is less than ten grams, or equals or exceeds ten 3584
unit doses, but is less than one hundred unit doses, possession 3585
of heroin is a felony of the fourth degree. 3586

(b) If the amount of the drug involved equals or exceeds 3587
twenty-five one-thousandths of one gram, but is less than one 3588
gram, or equals or exceeds one-fourth of one unit dose, but is 3589
less than ten unit doses, possession of heroin is a felony of 3590
the fifth degree. 3591

(6) Whoever violates division (A) (6) of this section is 3592
guilty of possession of hashish. The penalty for the offense 3593
shall be determined as follows: 3594

(a) If the amount of the drug involved equals or exceeds 3595
twenty-five one-thousandths of one gram, but is less than ten 3596
grams, possession of hashish is a minor misdemeanor. 3597

(b) If the amount of the drug involved is at least ten 3598
grams, but is less than twenty grams, possession of hashish is a 3599
misdemeanor of the fourth degree. 3600

(c) If the amount of the drug involved is at least twenty grams, but is less than fifty grams, possession of hashish is a felony of the fifth degree. 3601
3602
3603

(d) If the amount of the drug involved is at least fifty grams, but is less than two hundred fifty grams, possession of hashish is a felony of the fourth degree. 3604
3605
3606

(7) Whoever violates division (A) (7) of this section is guilty of possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog. The penalty for the offense shall be determined as follows: 3607
3608
3609
3610

(a) If the amount of the drug involved equals or exceeds ten grams, but is less than twenty grams, possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog is a felony of the fourth degree. 3611
3612
3613
3614

(b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of one gram, but is less than ten grams, possession of a controlled substance analog other than a fentanyl-related compound or a hard drug analog is a felony of the fifth degree. 3615
3616
3617
3618
3619

(8) Whoever violates division (A) (8) of this section is guilty of possession of fentanyl, a fentanyl-related compound, or a hard drug analog. The penalty for the offense shall be determined as follows: 3620
3621
3622
3623

(a) If the amount of the drug involved equals or exceeds one-half of one gram, but is less than one and one-half grams, or equals or exceeds five unit doses, but is less than twenty unit doses, possession of fentanyl, a fentanyl-related compound, or a hard drug analog is a felony of the fourth degree. 3624
3625
3626
3627
3628

(b) If the amount of the drug involved is less than one- 3629

half of one gram or less than five unit doses, possession of 3630
fentanyl, a fentanyl-related compound, or a hard drug analog is 3631
a felony of the fifth degree. 3632

(D) If the offender is a professionally licensed person, 3633
in addition to any other sanction imposed for a violation of 3634
this section, the court immediately shall comply with section 3635
2925.38 of the Revised Code. 3636

~~(F)~~ (E) It is an affirmative defense, as provided in 3637
section 2901.05 of the Revised Code, to a charge of a fourth 3638
degree felony violation under this section that the controlled 3639
substance that gave rise to the charge is in an amount, is in a 3640
form, is prepared, compounded, or mixed with substances that are 3641
not controlled substances in a manner, or is possessed under any 3642
other circumstances, that indicate that the substance was 3643
possessed solely for personal use. Notwithstanding any contrary 3644
provision of this section, if, in accordance with section 3645
2901.05 of the Revised Code, an accused who is charged with a 3646
fourth degree felony violation of division ~~(C)~~ (A) (2), (3), (4), 3647
or (5), ~~or (6)~~ of this section sustains the burden of going 3648
forward with evidence of and establishes by a preponderance of 3649
the evidence the affirmative defense described in this division, 3650
the accused may be prosecuted for and may plead guilty to or be 3651
convicted of a ~~misdemeanor violation of division (C) (2) of this~~ 3652
~~section or a fifth degree felony violation of division (C) (A)~~ 3653
(2), (3), (4), or (5), or (6) of this section ~~respectively.~~ 3654

~~(G)~~ (F) When a person is charged with possessing a bulk 3655
amount or multiple of a bulk amount, division (E) of section 3656
2925.03 of the Revised Code applies regarding the determination 3657
of the amount of the controlled substance involved at the time 3658
of the offense. 3659

~~(H)~~(G) It is an affirmative defense to a charge of 3660
possession of a controlled substance analog under division ~~(C)~~ 3661
~~(8)~~(A) (7) of this section that the person charged with 3662
violating that offense obtained, possessed, or used one of the 3663
following items that are excluded from the meaning of 3664
"controlled substance analog" under section 3719.01 of the 3665
Revised Code: 3666

(1) A controlled substance; 3667

(2) Any substance for which there is an approved new drug 3668
application; 3669

(3) With respect to a particular person, any substance if 3670
an exemption is in effect for investigational use for that 3671
person pursuant to federal law to the extent that conduct with 3672
respect to that substance is pursuant to that exemption. 3673

~~(I)~~(H) Any offender who received a mandatory suspension 3674
of the offender's driver's or commercial driver's license or 3675
permit under this section prior to September 13, 2016, may file 3676
a motion with the sentencing court requesting the termination of 3677
the suspension. However, an offender who pleaded guilty to or 3678
was convicted of a violation of section 4511.19 of the Revised 3679
Code or a substantially similar municipal ordinance or law of 3680
another state or the United States that arose out of the same 3681
set of circumstances as the violation for which the offender's 3682
license or permit was suspended under this section shall not 3683
file such a motion. 3684

Upon the filing of a motion under division ~~(I)~~(H) of this 3685
section, the sentencing court, in its discretion, may terminate 3686
the suspension. 3687

Sec. 2925.111. (A) No person shall knowingly obtain or 3688

possess a controlled substance or a controlled substance analog 3689
in any of the following amounts: 3690

(1) For a controlled substance included in schedule I or 3691
schedule II, other than marihuana, cocaine, L.S.D., heroin, 3692
fentanyl, a fentanyl-related compound, carfentanil, hashish, a 3693
controlled substance analog, or a hard drug analog, five times 3694
or more, but less than fifty times the bulk amount; 3695

(2) For a controlled substance included in schedule III, 3696
IV, or V, fifty times the bulk amount or more; 3697

(3) For cocaine, twenty-seven grams or more, but less than 3698
fifty grams; 3699

(4) For L.S.D., two hundred unit doses or more, but less 3700
than five hundred unit doses in solid form or twenty grams or 3701
more, but less than fifty grams in liquid concentrate, liquid 3702
extract, or liquid distillate form; 3703

(5) For heroin, one hundred unit doses or more, but less 3704
than three hundred unit doses, or ten grams or more, but less 3705
than thirty grams; 3706

(6) For hashish, two hundred fifty grams or more, but less 3707
than two thousand grams; 3708

(7) For a controlled substance analog other than a 3709
fentanyl-related compound or a hard drug analog, twenty grams or 3710
more, but less than thirty grams; 3711

(8) For fentanyl, a fentanyl-related compound other than 3712
carfentanil, or a hard drug analog, one and one-half grams or 3713
more, but less than three grams, or twenty unit doses or more, 3714
but less than forty unit doses; 3715

(9) For carfentanil, less than one gram or five unit 3716

doses. 3717

(B) This section does not apply to any of the following: 3718

(1) Manufacturers, licensed health professionals 3719
authorized to prescribe drugs, pharmacists, owners of 3720
pharmacies, and other persons whose conduct is in accordance 3721
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3722
4741. of the Revised Code; 3723

(2) If the offense involves an anabolic steroid, any 3724
person who is conducting or participating in a research project 3725
involving the use of an anabolic steroid if the project has been 3726
approved by the United States food and drug administration; 3727

(3) Any person who sells, offers for sale, prescribes, 3728
dispenses, or administers for livestock or other nonhuman 3729
species an anabolic steroid that is expressly intended for 3730
administration through implants to livestock or other nonhuman 3731
species and approved for that purpose under the "Federal Food, 3732
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 3733
amended, and is sold, offered for sale, prescribed, dispensed, 3734
or administered for that purpose in accordance with that act. 3735

(4) Any person who obtained the controlled substance 3736
pursuant to a lawful prescription issued by a licensed health 3737
professional authorized to prescribe drugs. 3738

(C) Whoever violates this section is guilty of bulk 3739
possession of drugs, a felony of the third degree. 3740

(D) If a person found guilty of a violation of this 3741
section is a professionally licensed person, in addition to any 3742
other sanction imposed for a violation of this section, the 3743
court immediately shall comply with section 2925.38 of the 3744
Revised Code. 3745

Sec. 2925.112. (A) No person shall knowingly obtain or 3746
possess a controlled substance or controlled substance analog in 3747
any of the following amounts: 3748

(1) For a controlled substance included in schedule I or 3749
schedule II, other than marihuana, cocaine, L.S.D., heroin, 3750
fentanyl, a fentanyl-related compound, hashish, a controlled 3751
substance analog, or a hard drug analog, fifty times the bulk 3752
amount or more; 3753

(2) For cocaine, fifty grams or more; 3754

(3) For L.S.D., five hundred unit doses or more in solid 3755
form or fifty grams or in liquid concentrate, liquid extract, or 3756
liquid distillate form; 3757

(4) For heroin, three hundred unit doses or thirty grams 3758
or more; 3759

(5) For hashish, two thousand grams or more; 3760

(6) For a controlled substance analog other than a 3761
fentanyl-related compound or a hard drug analog, thirty grams or 3762
more; 3763

(7) For fentanyl, a fentanyl-related compound other than 3764
carfentanil, or a hard drug analog, three grams or forty unit 3765
doses or more; 3766

(8) For carfentanil, one gram or five unit doses or more. 3767

(B) This section does not apply to any of the following: 3768

(1) Manufacturers, licensed health professionals 3769
authorized to prescribe drugs, pharmacists, owners of 3770
pharmacies, and other persons whose conduct is in accordance 3771
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3772

4741. of the Revised Code; 3773

(2) If the offense involves an anabolic steroid, any 3774
person who is conducting or participating in a research project 3775
involving the use of an anabolic steroid if the project has been 3776
approved by the United States food and drug administration; 3777

(3) Any person who sells, offers for sale, prescribes, 3778
dispenses, or administers for livestock or other nonhuman 3779
species an anabolic steroid that is expressly intended for 3780
administration through implants to livestock or other nonhuman 3781
species and approved for that purpose under the "Federal Food, 3782
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, as 3783
amended, and is sold, offered for sale, prescribed, dispensed, 3784
or administered for that purpose in accordance with that act. 3785

(4) Any person who obtained the controlled substance 3786
pursuant to a lawful prescription issued by a licensed health 3787
professional authorized to prescribe drugs. 3788

(C) Whoever violates division (A) (1) of this section is 3789
guilty of aggravated possession of schedule I or schedule II 3790
drugs other than marihuana, cocaine, L.S.D., heroin, hashish, 3791
fentanyl, a fentanyl-related compound, a controlled substance 3792
analog, or a hard drug analog. The penalty for the offense shall 3793
be determined as follows: 3794

(1) If the amount of the drug involved equals or exceeds 3795
fifty times the bulk amount but is less than one hundred times 3796
the bulk amount, aggravated possession in drugs is a felony of 3797
the second degree and the court shall impose as a mandatory 3798
prison term one of the stated minimum prison terms prescribed 3799
for a felony of the second degree. 3800

(2) If the amount of the drug involved equals or exceeds 3801

one hundred times the bulk amount, aggravated possession of 3802
schedule I or II drugs other than marihuana, cocaine, L.S.D., 3803
heroin, hashish, fentanyl, a fentanyl-related compound, a 3804
controlled substance analog, or a hard drug analog is a felony 3805
of the first degree and the court shall impose as a mandatory 3806
prison term one of the stated minimum prison terms prescribed 3807
for a felony of the first degree. 3808

(D) Whoever violates division (A) (2) of this section is 3809
guilty of aggravated possession of cocaine. The penalty for the 3810
offense shall be determined as follows: 3811

(1) If the amount of the drug involved equals or exceeds 3812
fifty grams but is less than one hundred grams, aggravated 3813
possession of cocaine is a felony of the second degree and the 3814
court shall impose as a mandatory prison term one of the stated 3815
minimum prison terms prescribed for a felony of the second 3816
degree; 3817

(2) If the amount of the drug involved equals or exceeds 3818
one hundred grams but is less than two hundred fifty grams, 3819
aggravated possession of cocaine is a felony of the first degree 3820
and the court shall impose as a mandatory prison term one of the 3821
stated minimum prison terms prescribed for a felony of the first 3822
degree; 3823

(3) If the amount of the drug involved equals or exceeds 3824
two hundred fifty grams, aggravated possession of cocaine is a 3825
felony of the first degree, the offender is a major drug 3826
offender, and the court shall impose as the stated minimum 3827
prison term a mandatory prison term of ten or eleven years. 3828

(E) Whoever violates division (A) (3) of this section is 3829
guilty of aggravated possession of L.S.D. The penalty for the 3830

offense shall be determined as follows: 3831

(1) If the amount of the drug involved equals or exceeds 3832
five hundred unit doses but is less than five thousand unit 3833
doses in a solid form or equals or exceeds fifty grams but is 3834
less than five hundred grams in a liquid concentrate, liquid 3835
extract, or liquid distillate form, aggravated possession of 3836
L.S.D. is a felony of the second degree and the court shall 3837
impose as a mandatory prison term one of the stated minimum 3838
prison terms prescribed for a felony of the second degree; 3839

(2) If the amount of the drug involved equals or exceeds 3840
five thousand unit doses in a solid form or equals or exceeds 3841
five hundred grams in a liquid concentrate, liquid extract, or 3842
liquid distillate form, aggravated possession of L.S.D. is a 3843
felony of the first degree, the offender is a major drug 3844
offender, and the court shall impose as a mandatory prison term 3845
one of the stated minimum prison terms prescribed for a felony 3846
of the first degree. 3847

(F) Whoever violates division (A) (4) of this section is 3848
guilty of aggravated possession of heroin. The penalty for the 3849
offense shall be as follows: 3850

(1) If the amount of the drug involved equals or exceeds 3851
three hundred unit doses, but is less than five hundred unit 3852
doses, or equals or exceeds thirty grams but is less than fifty 3853
grams, aggravated possession of heroin is a felony of the second 3854
degree and the court shall impose as a mandatory prison term one 3855
of the stated minimum prison terms prescribed for a felony of 3856
the second degree; 3857

(2) If the amount of the drug involved equals or exceeds 3858
five hundred unit doses, but is less than one thousand unit 3859

doses, or equals or exceeds fifty grams but is less than one 3860
hundred grams, aggravated possession of heroin is a felony of 3861
the first degree and the court shall impose as a mandatory 3862
prison term one of the stated minimum prison terms prescribed 3863
for a felony of the first degree; 3864

(3) If the amount of the drug involved equals or exceeds 3865
one thousand unit doses or one hundred grams, aggravated 3866
possession of heroin is a felony of the first degree, the 3867
offender is a major drug offender, and the court shall impose as 3868
the stated minimum prison term a mandatory prison term of ten or 3869
eleven years. 3870

(G) Whoever violates division (A) (5) of this section is 3871
guilty of aggravated possession of hashish, a felony of the 3872
second degree, and the court shall impose as a mandatory prison 3873
term one of the stated minimum prison terms prescribed for a 3874
felony of the second degree. 3875

(H) Whoever violates division (A) (6) of this section is 3876
guilty of aggravated possession of a controlled substance 3877
analog. The penalty for the offense shall be determined as 3878
follows: 3879

(1) If the amount of the drug involved equals or exceeds 3880
thirty grams but is less than forty grams, aggravated possession 3881
of a controlled substance analog is a felony of the second 3882
degree and the court shall impose as a mandatory prison term one 3883
of the stated minimum prison terms prescribed for a felony of 3884
the second degree. 3885

(2) If the amount of the drug equals or exceeds forty 3886
grams but is less than fifty grams, aggravated possession of a 3887
controlled substance analog is a felony of the first degree and 3888

the court shall impose as a mandatory prison term one of the 3889
stated minimum prison terms prescribed for a felony of the first 3890
degree. 3891

(3) If the amount of the drug equals or exceeds fifty 3892
grams, aggravated possession of a controlled substance analog is 3893
a felony of the first degree, the offender is a major drug 3894
offender, and the court shall impose as the stated minimum 3895
prison term a mandatory prison term of ten or eleven years. 3896

(I) Whoever violates division (A) (7) of this section is 3897
guilty of aggravated possession of fentanyl, a fentanyl-related 3898
compound other than carfentanil, or a hard drug analog. The 3899
penalty for the offense shall be determined as follows: 3900

(1) If the amount of the drug equals or exceeds three 3901
grams, but is less than twenty grams, or equals or exceeds forty 3902
unit doses, but is less than one hundred unit doses, aggravated 3903
possession of fentanyl, a fentanyl-related compound other than 3904
carfentanil, or a hard drug analog is a felony of the second 3905
degree and the court shall impose as a mandatory prison term one 3906
of the stated minimum prison terms prescribed for a felony of 3907
the second degree. 3908

(2) If the amount of the drug equals or exceeds twenty 3909
grams, but is less than eighty grams, or equals or exceeds one 3910
hundred unit doses, but is less than five hundred unit doses, 3911
aggravated possession of fentanyl, a fentanyl-related compound 3912
other than carfentanil, or a hard drug analog is a felony of the 3913
first degree and the court shall impose as a mandatory prison 3914
term one of the stated minimum prison terms prescribed for a 3915
felony of the first degree. 3916

(3) If the amount of the drug equals or exceeds eighty 3917

grams or five hundred unit doses, aggravated possession of 3918
fentanyl, a fentanyl-related compound other than carfentanil, or 3919
a hard drug analog is a felony of the first degree, the offender 3920
is a major drug offender, and the court shall impose as the 3921
stated minimum prison term a mandatory prison term of ten or 3922
eleven years. 3923

(J) Whoever violates division (A) (8) of this section is 3924
guilty of aggravated possession of carfentanil. The penalty for 3925
the offense shall be determined as follows: 3926

(1) If the amount of the drug equals or exceeds one gram, 3927
but is less than five grams, or equals or exceeds five unit 3928
doses, but is less than ten unit doses, aggravated possession of 3929
carfentanil is a felony of the second degree and the court shall 3930
impose as a mandatory prison term one of the stated minimum 3931
prison terms prescribed for a felony of the second degree. 3932

(2) If the amount of the drug equals or exceeds five 3933
grams, but is less than ten grams, or equals or exceeds ten unit 3934
doses, but is less than fifty unit doses, aggravated possession 3935
of carfentanil is a felony of the first degree and the court 3936
shall impose as a mandatory prison term one of the stated 3937
minimum prison terms prescribed for a felony of the first 3938
degree. 3939

(3) If the amount of the drug equals or exceeds ten grams 3940
or fifty unit doses, aggravated possession of carfentanil is a 3941
felony of the first degree, the offender is a major drug 3942
offender, and the court shall impose as the stated minimum 3943
prison term a mandatory prison term of ten or eleven years. 3944

(K) If a person found guilty of a violation of this 3945
section is a professionally licensed person, in addition to any 3946

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

Sec. 2925.113. (A) No person shall knowingly obtain, 3950
possess, or use marihuana. 3951

(B) Whoever violates division (A) of this section is 3952
guilty of possession of marihuana. The penalty for the offense 3953
shall be determined as follows: 3954

(1) If the amount of marihuana involved equals or exceeds 3955
twenty-five one-thousandths of one gram, but is less than two 3956
hundred grams, possession of marihuana is a minor misdemeanor; 3957

(2) If the amount of marihuana involved equals or exceeds 3958
two hundred grams, possession of marihuana is a first degree 3959
misdemeanor. 3960

(C) A court shall not sentence an offender who violates 3961
this section to a jail term, but may impose any nonresidential 3962
sanction or combination of nonresidential sanctions authorized 3963
under section 2929.27 of the Revised Code. 3964

Sec. 2929.01. As used in this chapter: 3965

(A) (1) "Alternative residential facility" means, subject 3966
to division (A) (2) of this section, any facility other than an 3967
offender's home or residence in which an offender is assigned to 3968
live and that satisfies all of the following criteria: 3969

(a) It provides programs through which the offender may 3970
seek or maintain employment or may receive education, training, 3971
treatment, or habilitation. 3972

(b) It has received the appropriate license or certificate 3973
for any specialized education, training, treatment, 3974

habilitation, or other service that it provides from the 3975
government agency that is responsible for licensing or 3976
certifying that type of education, training, treatment, 3977
habilitation, or service. 3978

(2) "Alternative residential facility" does not include a 3979
community-based correctional facility, jail, halfway house, or 3980
prison. 3981

(B) "Basic probation supervision" means a requirement that 3982
the offender maintain contact with a person appointed to 3983
supervise the offender in accordance with sanctions imposed by 3984
the court or imposed by the parole board pursuant to section 3985
2967.28 of the Revised Code. "Basic probation supervision" 3986
includes basic parole supervision and basic post-release control 3987
supervision. 3988

(C) "Cocaine," "fentanyl-related compound," "hashish," 3989
"L.S.D.," "hard drug analog," and "unit dose" have the same 3990
meanings as in section 2925.01 of the Revised Code. 3991

(D) "Community-based correctional facility" means a 3992
community-based correctional facility and program or district 3993
community-based correctional facility and program developed 3994
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 3995

(E) "Community control sanction" means a sanction that is 3996
not a prison term and that is described in section 2929.15, 3997
2929.16, 2929.17, ~~or 2929.18,~~ 2967.58, or 2967.59 of the Revised 3998
Code or a sanction that is not a jail term and that is described 3999
in section 2929.26, 2929.27, ~~or 2929.28,~~ 2967.58, or 2967.59 of 4000
the Revised Code. "Community control sanction" includes 4001
probation if the sentence involved was imposed for a felony that 4002
was committed prior to July 1, 1996, or if the sentence involved 4003

was imposed for a misdemeanor that was committed prior to 4004
January 1, 2004. 4005

(F) "Controlled substance," "marihuana," "schedule I," and 4006
"schedule II" have the same meanings as in section 3719.01 of 4007
the Revised Code. 4008

(G) "Curfew" means a requirement that an offender during a 4009
specified period of time be at a designated place. 4010

(H) "Day reporting" means a sanction pursuant to which an 4011
offender is required each day to report to and leave a center or 4012
other approved reporting location at specified times in order to 4013
participate in work, education or training, treatment, and other 4014
approved programs at the center or outside the center. 4015

(I) "Deadly weapon" has the same meaning as in section 4016
2923.11 of the Revised Code. 4017

(J) "Drug and alcohol use monitoring" means a program 4018
under which an offender agrees to submit to random chemical 4019
analysis of the offender's blood, breath, or urine to determine 4020
whether the offender has ingested any alcohol or other drugs. 4021

(K) "Drug treatment program" means any program under which 4022
a person undergoes assessment and treatment designed to reduce 4023
or completely eliminate the person's physical or emotional 4024
reliance upon alcohol, another drug, or alcohol and another drug 4025
and under which the person may be required to receive assessment 4026
and treatment on an outpatient basis or may be required to 4027
reside at a facility other than the person's home or residence 4028
while undergoing assessment and treatment. 4029

(L) "Economic loss" means any economic detriment suffered 4030
by a victim as a direct and proximate result of the commission 4031
of an offense and includes any loss of income due to lost time 4032

at work because of any injury caused to the victim, and any 4033
property loss, medical cost, or funeral expense incurred as a 4034
result of the commission of the offense. "Economic loss" does 4035
not include non-economic loss or any punitive or exemplary 4036
damages. 4037

(M) "Education or training" includes study at, or in 4038
conjunction with a program offered by, a university, college, or 4039
technical college or vocational study and also includes the 4040
completion of primary school, secondary school, and literacy 4041
curricula or their equivalent. 4042

(N) "Firearm" has the same meaning as in section 2923.11 4043
of the Revised Code. 4044

(O) "Halfway house" means a facility licensed by the 4045
division of parole and community services of the department of 4046
rehabilitation and correction pursuant to section 2967.14 of the 4047
Revised Code as a suitable facility for the care and treatment 4048
of adult offenders. 4049

(P) "House arrest" means a period of confinement of an 4050
offender that is in the offender's home or in other premises 4051
specified by the sentencing court or by the parole board 4052
pursuant to section 2967.28 of the Revised Code and during which 4053
all of the following apply: 4054

(1) The offender is required to remain in the offender's 4055
home or other specified premises for the specified period of 4056
confinement, except for periods of time during which the 4057
offender is at the offender's place of employment or at other 4058
premises as authorized by the sentencing court or by the parole 4059
board. 4060

(2) The offender is required to report periodically to a 4061

person designated by the court or parole board. 4062

(3) The offender is subject to any other restrictions and 4063
requirements that may be imposed by the sentencing court or by 4064
the parole board. 4065

(Q) "Intensive probation supervision" means a requirement 4066
that an offender maintain frequent contact with a person 4067
appointed by the court, or by the parole board pursuant to 4068
section 2967.28 of the Revised Code, to supervise the offender 4069
while the offender is seeking or maintaining necessary 4070
employment and participating in training, education, and 4071
treatment programs as required in the court's or parole board's 4072
order. "Intensive probation supervision" includes intensive 4073
parole supervision and intensive post-release control 4074
supervision. 4075

(R) "Jail" means a jail, workhouse, minimum security jail, 4076
or other residential facility used for the confinement of 4077
alleged or convicted offenders that is operated by a political 4078
subdivision or a combination of political subdivisions of this 4079
state. 4080

(S) "Jail term" means the term in a jail that a sentencing 4081
court imposes or is authorized to impose pursuant to section 4082
2929.24 or 2929.25 of the Revised Code or pursuant to any other 4083
provision of the Revised Code that authorizes a term in a jail 4084
for a misdemeanor conviction. 4085

(T) "Mandatory jail term" means the term in a jail that a 4086
sentencing court is required to impose pursuant to division (G) 4087
of section 1547.99 of the Revised Code, division (E) of section 4088
2903.06 or division (D) of section 2903.08 of the Revised Code, 4089
division (E) or (G) of section 2929.24 of the Revised Code, 4090

division (B) of section 4510.14 of the Revised Code, or division 4091
(G) of section 4511.19 of the Revised Code or pursuant to any 4092
other provision of the Revised Code that requires a term in a 4093
jail for a misdemeanor conviction. 4094

(U) "Delinquent child" has the same meaning as in section 4095
2152.02 of the Revised Code. 4096

(V) "License violation report" means a report that is made 4097
by a sentencing court, or by the parole board pursuant to 4098
section 2967.28 of the Revised Code, to the regulatory or 4099
licensing board or agency that issued an offender a professional 4100
license or a license or permit to do business in this state and 4101
that specifies that the offender has been convicted of or 4102
pleaded guilty to an offense that may violate the conditions 4103
under which the offender's professional license or license or 4104
permit to do business in this state was granted or an offense 4105
for which the offender's professional license or license or 4106
permit to do business in this state may be revoked or suspended. 4107

(W) "Major drug offender" means an either of the 4108
following: 4109

(1) An offender who is convicted of or pleads guilty to 4110
the possession of, sale of, or offer to sell any drug, compound, 4111
mixture, preparation, or substance that consists of or contains 4112
at least ~~one thousand grams of hashish; at least one hundred~~ 4113
~~grams of cocaine; at least one thousand unit doses or one~~ 4114
~~hundred grams of heroin; at least five thousand unit doses of~~ 4115
~~L.S.D. or five hundred grams of L.S.D. in a liquid concentrate,~~ 4116
~~liquid extract, or liquid distillate form; at least fifty grams~~ 4117
~~of a controlled substance analog; at least one thousand unit~~ 4118
~~doses or one hundred grams of a fentanyl-related compound; or at~~ 4119
~~least one hundred times the amount of any other schedule I or II~~ 4120

controlled substance other than marihuana, hashish, cocaine, 4121
heroin, L.S.D., fentanyl, carfentanil, or a controlled substance 4122
analog that is necessary to commit a felony of the third degree 4123
pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 of the 4124
Revised Code ~~that is based on the possession of, sale of, or~~ 4125
~~offer to sell the controlled substance.~~ 4126

(2) An offender who is convicted of or pleads guilty to a 4127
violation of section 2925.03, 2925.04, 2925.05, or 2925.11 of 4128
the Revised Code and is designated a major drug offender under 4129
any of those sections. 4130

(X) "Mandatory prison term" means any of the following: 4131

(1) Subject to division (X) (2) of this section, the term 4132
in prison that must be imposed for the offenses or circumstances 4133
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 4134
section 2929.13 and division (B) of section 2929.14 of the 4135
Revised Code. Except as provided in sections 2925.02, 2925.03, 4136
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 4137
maximum or another specific term is required under section 4138
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 4139
described in this division may be any prison term authorized for 4140
the level of offense except that if the offense is a felony of 4141
the first or second degree committed on or after the effective 4142
date of this amendment, a mandatory prison term described in 4143
this division may be one of the terms prescribed in division (A) 4144
(1) (a) or (2) (a) of section 2929.14 of the Revised Code, 4145
whichever is applicable, that is authorized as the minimum term 4146
for the offense. 4147

(2) The term of sixty or one hundred twenty days in prison 4148
that a sentencing court is required to impose for a third or 4149
fourth degree felony OVI offense pursuant to division (G) (2) of 4150

section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 4151
of the Revised Code or the term of one, two, three, four, or 4152
five years in prison that a sentencing court is required to 4153
impose pursuant to division (G) (2) of section 2929.13 of the 4154
Revised Code. 4155

(3) The term in prison imposed pursuant to division (A) of 4156
section 2971.03 of the Revised Code for the offenses and in the 4157
circumstances described in division (F) (11) of section 2929.13 4158
of the Revised Code or pursuant to division (B) (1) (a), (b), or 4159
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 4160
section 2971.03 of the Revised Code and that term as modified or 4161
terminated pursuant to section 2971.05 of the Revised Code. 4162

(Y) "Monitored time" means a period of time during which 4163
an offender continues to be under the control of the sentencing 4164
court or parole board, subject to no conditions other than 4165
leading a law-abiding life. 4166

(Z) "Offender" means a person who, in this state, is 4167
convicted of or pleads guilty to a felony or a misdemeanor. 4168

(AA) "Prison" means a residential facility used for the 4169
confinement of convicted felony offenders that is under the 4170
control of the department of rehabilitation and correction and 4171
includes a violation sanction center operated under authority of 4172
section 2967.141 of the Revised Code. 4173

(BB) (1) "Prison term" includes either of the following 4174
sanctions for an offender: 4175

(a) A stated prison term; 4176

(b) A term in a prison shortened by, or with the approval 4177
of, the sentencing court pursuant to section 2929.143, 2929.20, 4178
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 4179

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

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

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

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

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

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

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

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

(FF) (1) "Stated prison term" means the prison term, 4208
mandatory prison term, or combination of all prison terms and 4209
mandatory prison terms imposed by the sentencing court pursuant 4210
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 4211
under section 2919.25 of the Revised Code. "Stated prison term" 4212
includes any credit received by the offender for time spent in 4213
jail awaiting trial, sentencing, or transfer to prison for the 4214
offense and any time spent under house arrest or house arrest 4215
with electronic monitoring imposed after earning credits 4216
pursuant to section 2967.193 of the Revised Code. If an offender 4217
is serving a prison term as a risk reduction sentence under 4218
sections 2929.143 and 5120.036 of the Revised Code, "stated 4219
prison term" includes any period of time by which the prison 4220
term imposed upon the offender is shortened by the offender's 4221
successful completion of all assessment and treatment or 4222
programming pursuant to those sections. 4223

(2) As used in the definition of "stated prison term" set 4224
forth in division (FF) (1) of this section, a prison term is a 4225
definite prison term imposed under section 2929.14 of the 4226
Revised Code or any other provision of law, is the minimum and 4227
maximum prison terms under a non-life felony indefinite prison 4228
term, or is a term of life imprisonment except to the extent 4229
that the use of that definition in a section of the Revised Code 4230
clearly is not intended to include a term of life imprisonment. 4231
With respect to an offender sentenced to a non-life felony 4232
indefinite prison term, references in section 2967.191 or 4233
2967.193 of the Revised Code or any other provision of law to a 4234
reduction of, or deduction from, the offender's stated prison 4235
term or to release of the offender before the expiration of the 4236
offender's stated prison term mean a reduction in, or deduction 4237
from, the minimum term imposed as part of the indefinite term or 4238

a release of the offender before the expiration of that minimum 4239
term, references in section 2929.19 or 2967.28 of the Revised 4240
Code to a stated prison term with respect to a prison term 4241
imposed for a violation of a post-release control sanction mean 4242
the minimum term so imposed, and references in any provision of 4243
law to an offender's service of the offender's stated prison 4244
term or the expiration of the offender's stated prison term mean 4245
service or expiration of the minimum term so imposed plus any 4246
additional period of incarceration under the sentence that is 4247
required under section 2967.271 of the Revised Code. 4248

(GG) "Victim-offender mediation" means a reconciliation or 4249
mediation program that involves an offender and the victim of 4250
the offense committed by the offender and that includes a 4251
meeting in which the offender and the victim may discuss the 4252
offense, discuss restitution, and consider other sanctions for 4253
the offense. 4254

(HH) "Fourth degree felony OVI offense" means a violation 4255
of division (A) of section 4511.19 of the Revised Code that, 4256
under division (G) of that section, is a felony of the fourth 4257
degree. 4258

(II) "Mandatory term of local incarceration" means the 4259
term of sixty or one hundred twenty days in a jail, a community- 4260
based correctional facility, a halfway house, or an alternative 4261
residential facility that a sentencing court may impose upon a 4262
person who is convicted of or pleads guilty to a fourth degree 4263
felony OVI offense pursuant to division (G) (1) of section 4264
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 4265
section 4511.19 of the Revised Code. 4266

(JJ) "Designated homicide, assault, or kidnapping 4267
offense," "violent sex offense," "sexual motivation 4268

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

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

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

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

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

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

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

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

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

(SS) "Body armor" has the same meaning as in section 4297
2941.1411 of the Revised Code. 4298

(TT) "Electronic monitoring" means monitoring through the 4299
use of an electronic monitoring device. 4300

(UU) "Electronic monitoring device" means any of the 4301
following: 4302

(1) Any device that can be operated by electrical or 4303
battery power and that conforms with all of the following: 4304

(a) The device has a transmitter that can be attached to a 4305
person, that will transmit a specified signal to a receiver of 4306
the type described in division (UU) (1) (b) of this section if the 4307
transmitter is removed from the person, turned off, or altered 4308
in any manner without prior court approval in relation to 4309
electronic monitoring or without prior approval of the 4310
department of rehabilitation and correction in relation to the 4311
use of an electronic monitoring device for an inmate on 4312
transitional control or otherwise is tampered with, that can 4313
transmit continuously and periodically a signal to that receiver 4314
when the person is within a specified distance from the 4315
receiver, and that can transmit an appropriate signal to that 4316
receiver if the person to whom it is attached travels a 4317
specified distance from that receiver. 4318

(b) The device has a receiver that can receive 4319
continuously the signals transmitted by a transmitter of the 4320
type described in division (UU) (1) (a) of this section, can 4321
transmit continuously those signals by a wireless or landline 4322
telephone connection to a central monitoring computer of the 4323
type described in division (UU) (1) (c) of this section, and can 4324
transmit continuously an appropriate signal to that central 4325

monitoring computer if the device has been turned off or altered 4326
without prior court approval or otherwise tampered with. The 4327
device is designed specifically for use in electronic 4328
monitoring, is not a converted wireless phone or another 4329
tracking device that is clearly not designed for electronic 4330
monitoring, and provides a means of text-based or voice 4331
communication with the person. 4332

(c) The device has a central monitoring computer that can 4333
receive continuously the signals transmitted by a wireless or 4334
landline telephone connection by a receiver of the type 4335
described in division (UU) (1) (b) of this section and can monitor 4336
continuously the person to whom an electronic monitoring device 4337
of the type described in division (UU) (1) (a) of this section is 4338
attached. 4339

(2) Any device that is not a device of the type described 4340
in division (UU) (1) of this section and that conforms with all 4341
of the following: 4342

(a) The device includes a transmitter and receiver that 4343
can monitor and determine the location of a subject person at 4344
any time, or at a designated point in time, through the use of a 4345
central monitoring computer or through other electronic means. 4346

(b) The device includes a transmitter and receiver that 4347
can determine at any time, or at a designated point in time, 4348
through the use of a central monitoring computer or other 4349
electronic means the fact that the transmitter is turned off or 4350
altered in any manner without prior approval of the court in 4351
relation to the electronic monitoring or without prior approval 4352
of the department of rehabilitation and correction in relation 4353
to the use of an electronic monitoring device for an inmate on 4354
transitional control or otherwise is tampered with. 4355

(3) Any type of technology that can adequately track or 4356
determine the location of a subject person at any time and that 4357
is approved by the director of rehabilitation and correction, 4358
including, but not limited to, any satellite technology, voice 4359
tracking system, or retinal scanning system that is so approved. 4360

(VV) "Non-economic loss" means nonpecuniary harm suffered 4361
by a victim of an offense as a result of or related to the 4362
commission of the offense, including, but not limited to, pain 4363
and suffering; loss of society, consortium, companionship, care, 4364
assistance, attention, protection, advice, guidance, counsel, 4365
instruction, training, or education; mental anguish; and any 4366
other intangible loss. 4367

(WW) "Prosecutor" has the same meaning as in section 4368
2935.01 of the Revised Code. 4369

(XX) "Continuous alcohol monitoring" means the ability to 4370
automatically test and periodically transmit alcohol consumption 4371
levels and tamper attempts at least every hour, regardless of 4372
the location of the person who is being monitored. 4373

(YY) A person is "adjudicated a sexually violent predator" 4374
if the person is convicted of or pleads guilty to a violent sex 4375
offense and also is convicted of or pleads guilty to a sexually 4376
violent predator specification that was included in the 4377
indictment, count in the indictment, or information charging 4378
that violent sex offense or if the person is convicted of or 4379
pleads guilty to a designated homicide, assault, or kidnapping 4380
offense and also is convicted of or pleads guilty to both a 4381
sexual motivation specification and a sexually violent predator 4382
specification that were included in the indictment, count in the 4383
indictment, or information charging that designated homicide, 4384
assault, or kidnapping offense. 4385

(ZZ) An offense is "committed in proximity to a school" if 4386
the offender commits the offense in a school safety zone or 4387
within five hundred feet of any school building or the 4388
boundaries of any school premises, regardless of whether the 4389
offender knows the offense is being committed in a school safety 4390
zone or within five hundred feet of any school building or the 4391
boundaries of any school premises. 4392

(AAA) "Human trafficking" means a scheme or plan to which 4393
all of the following apply: 4394

(1) Its object is one or more of the following: 4395

(a) To subject a victim or victims to involuntary 4396
servitude, as defined in section 2905.31 of the Revised Code or 4397
to compel a victim or victims to engage in sexual activity for 4398
hire, to engage in a performance that is obscene, sexually 4399
oriented, or nudity oriented, or to be a model or participant in 4400
the production of material that is obscene, sexually oriented, 4401
or nudity oriented; 4402

(b) To facilitate, encourage, or recruit a victim who is 4403
less than sixteen years of age or is a person with a 4404
developmental disability, or victims who are less than sixteen 4405
years of age or are persons with developmental disabilities, for 4406
any purpose listed in divisions (A)(2)(a) to (c) of section 4407
2905.32 of the Revised Code; 4408

(c) To facilitate, encourage, or recruit a victim who is 4409
sixteen or seventeen years of age, or victims who are sixteen or 4410
seventeen years of age, for any purpose listed in divisions (A) 4411
(2)(a) to (c) of section 2905.32 of the Revised Code, if the 4412
circumstances described in division (A)(5), (6), (7), (8), (9), 4413
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4414

apply with respect to the person engaging in the conduct and the 4415
victim or victims. 4416

(2) It involves at least two felony offenses, whether or 4417
not there has been a prior conviction for any of the felony 4418
offenses, to which all of the following apply: 4419

(a) Each of the felony offenses is a violation of section 4420
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4421
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4422
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4423
is a violation of a law of any state other than this state that 4424
is substantially similar to any of the sections or divisions of 4425
the Revised Code identified in this division. 4426

(b) At least one of the felony offenses was committed in 4427
this state. 4428

(c) The felony offenses are related to the same scheme or 4429
plan and are not isolated instances. 4430

(BBB) "Material," "nudity," "obscene," "performance," and 4431
"sexual activity" have the same meanings as in section 2907.01 4432
of the Revised Code. 4433

(CCC) "Material that is obscene, sexually oriented, or 4434
nudity oriented" means any material that is obscene, that shows 4435
a person participating or engaging in sexual activity, 4436
masturbation, or bestiality, or that shows a person in a state 4437
of nudity. 4438

(DDD) "Performance that is obscene, sexually oriented, or 4439
nudity oriented" means any performance that is obscene, that 4440
shows a person participating or engaging in sexual activity, 4441
masturbation, or bestiality, or that shows a person in a state 4442
of nudity. 4443

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4444
as an ignitable liquid, used to initiate a fire or increase the 4445
rate of growth or spread of a fire. 4446

(FFF) "Permanent disabling harm" means serious physical 4447
harm that results in permanent injury to the intellectual, 4448
physical, or sensory functions and that permanently and 4449
substantially impairs a person's ability to meet one or more of 4450
the ordinary demands of life, including the functions of caring 4451
for one's self, performing manual tasks, walking, seeing, 4452
hearing, speaking, breathing, learning, and working. 4453

(GGG) "Non-life felony indefinite prison term" means a 4454
prison term imposed under division (A) (1) (a) or (2) (a) of 4455
section 2929.14 and section 2929.144 of the Revised Code for a 4456
felony of the first or second degree committed on or after the 4457
effective date of this amendment. 4458

Sec. 2929.13. (A) Except as provided in division (E), (F), 4459
or (G) of this section and unless a specific sanction is 4460
required to be imposed or is precluded from being imposed 4461
pursuant to law, a court that imposes a sentence upon an 4462
offender for a felony may impose any sanction or combination of 4463
sanctions on the offender that are provided in sections 2929.14 4464
to 2929.18 of the Revised Code. 4465

If the offender is eligible to be sentenced to community 4466
control sanctions, the court shall consider the appropriateness 4467
of imposing a financial sanction pursuant to section 2929.18 of 4468
the Revised Code or a sanction of community service pursuant to 4469
section 2929.17 of the Revised Code as the sole sanction for the 4470
offense. Except as otherwise provided in this division, if the 4471
court is required to impose a mandatory prison term for the 4472
offense for which sentence is being imposed, the court also 4473

shall impose any financial sanction pursuant to section 2929.18 4474
of the Revised Code that is required for the offense and may 4475
impose any other financial sanction pursuant to that section but 4476
may not impose any additional sanction or combination of 4477
sanctions under section 2929.16 or 2929.17 of the Revised Code. 4478

If the offender is being sentenced for a fourth degree 4479
felony OVI offense or for a third degree felony OVI offense, in 4480
addition to the mandatory term of local incarceration or the 4481
mandatory prison term required for the offense by division (G) 4482
(1) or (2) of this section, the court shall impose upon the 4483
offender a mandatory fine in accordance with division (B) (3) of 4484
section 2929.18 of the Revised Code and may impose whichever of 4485
the following is applicable: 4486

(1) For a fourth degree felony OVI offense for which 4487
sentence is imposed under division (G) (1) of this section, an 4488
additional community control sanction or combination of 4489
community control sanctions under section 2929.16 or 2929.17 of 4490
the Revised Code. If the court imposes upon the offender a 4491
community control sanction and the offender violates any 4492
condition of the community control sanction, the court may take 4493
any action prescribed in division (B) of section 2929.15 of the 4494
Revised Code relative to the offender, including imposing a 4495
prison term on the offender pursuant to that division. 4496

(2) For a third or fourth degree felony OVI offense for 4497
which sentence is imposed under division (G) (2) of this section, 4498
an additional prison term as described in division (B) (4) of 4499
section 2929.14 of the Revised Code or a community control 4500
sanction as described in division (G) (2) of this section. 4501

(B) (1) (a) Except as provided in division (B) (1) (b) of this 4502
section, if an offender is convicted of or pleads guilty to a 4503

felony of the fourth or fifth degree that is not an offense of 4504
violence or that is a qualifying assault offense, the court 4505
shall sentence the offender to a community control sanction or 4506
combination of community control sanctions if all of the 4507
following apply: 4508

(i) The offender previously has not been convicted of or 4509
pleaded guilty to a felony offense. 4510

(ii) The most serious charge against the offender at the 4511
time of sentencing is a felony of the fourth or fifth degree. 4512

(iii) The offender previously has not been convicted of or 4513
pleaded guilty to a misdemeanor offense of violence that the 4514
offender committed within two years prior to the offense for 4515
which sentence is being imposed. 4516

(b) The court has discretion to impose a prison term upon 4517
an offender who is convicted of or pleads guilty to a felony of 4518
the fourth or fifth degree that is not an offense of violence or 4519
that is a qualifying assault offense if any of the following 4520
apply: 4521

(i) The offender committed the offense while having a 4522
firearm on or about the offender's person or under the 4523
offender's control. 4524

(ii) If the offense is a qualifying assault offense, the 4525
offender caused serious physical harm to another person while 4526
committing the offense, and, if the offense is not a qualifying 4527
assault offense, the offender caused physical harm to another 4528
person while committing the offense. 4529

(iii) The offender violated a term of the conditions of 4530
bond as set by the court. 4531

(iv) The offense is a sex offense that is a fourth or 4532
fifth degree felony violation of any provision of Chapter 2907. 4533
of the Revised Code. 4534

(v) In committing the offense, the offender attempted to 4535
cause or made an actual threat of physical harm to a person with 4536
a deadly weapon. 4537

(vi) In committing the offense, the offender attempted to 4538
cause or made an actual threat of physical harm to a person, and 4539
the offender previously was convicted of an offense that caused 4540
physical harm to a person. 4541

(vii) The offender held a public office or position of 4542
trust, and the offense related to that office or position; the 4543
offender's position obliged the offender to prevent the offense 4544
or to bring those committing it to justice; or the offender's 4545
professional reputation or position facilitated the offense or 4546
was likely to influence the future conduct of others. 4547

(viii) The offender committed the offense for hire or as 4548
part of an organized criminal activity. 4549

(ix) The offender at the time of the offense was serving, 4550
or the offender previously had served, a prison term. 4551

(x) The offender committed the offense while under a 4552
community control sanction, while on probation, or while 4553
released from custody on a bond or personal recognizance. 4554

(c) A sentencing court may impose an additional penalty 4555
under division (B) of section 2929.15 of the Revised Code upon 4556
an offender sentenced to a community control sanction under 4557
division (B)(1)(a) of this section if the offender violates the 4558
conditions of the community control sanction, violates a law, or 4559
leaves the state without the permission of the court or the 4560

offender's probation officer. 4561

(2) If division (B) (1) of this section does not apply, 4562
except as provided in division (E), (F), or (G) of this section, 4563
in determining whether to impose a prison term as a sanction for 4564
a felony of the fourth or fifth degree, the sentencing court 4565
shall comply with the purposes and principles of sentencing 4566
under section 2929.11 of the Revised Code and with section 4567
2929.12 of the Revised Code. 4568

(C) Except as provided in division (D), (E), (F), or (G) 4569
of this section, in determining whether to impose a prison term 4570
as a sanction for a felony of the third degree or a felony drug 4571
offense that is a violation of a provision of Chapter 2925. of 4572
the Revised Code and that is specified as being subject to this 4573
division for purposes of sentencing, the sentencing court shall 4574
comply with the purposes and principles of sentencing under 4575
section 2929.11 of the Revised Code and with section 2929.12 of 4576
the Revised Code. 4577

(D) (1) Except as provided in division (E) or (F) of this 4578
section, for a felony of the first or second degree, for a 4579
felony drug offense that is a violation of any provision of 4580
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4581
presumption in favor of a prison term is specified as being 4582
applicable, and for a violation of division (A) (4) or (B) of 4583
section 2907.05 of the Revised Code for which a presumption in 4584
favor of a prison term is specified as being applicable, it is 4585
presumed that a prison term is necessary in order to comply with 4586
the purposes and principles of sentencing under section 2929.11 4587
of the Revised Code. Division (D) (2) of this section does not 4588
apply to a presumption established under this division for a 4589
violation of division (A) (4) of section 2907.05 of the Revised 4590

Code. 4591

(2) Notwithstanding the presumption established under 4592
division (D)(1) of this section for the offenses listed in that 4593
division other than a violation of division (A)(4) or (B) of 4594
section 2907.05 of the Revised Code, the sentencing court may 4595
impose a community control sanction or a combination of 4596
community control sanctions instead of a prison term on an 4597
offender for a felony of the first or second degree or for a 4598
felony drug offense that is a violation of any provision of 4599
Chapter 2925., 3719., or 4729. of the Revised Code for which a 4600
presumption in favor of a prison term is specified as being 4601
applicable if it makes both of the following findings: 4602

(a) A community control sanction or a combination of 4603
community control sanctions would adequately punish the offender 4604
and protect the public from future crime, because the applicable 4605
factors under section 2929.12 of the Revised Code indicating a 4606
lesser likelihood of recidivism outweigh the applicable factors 4607
under that section indicating a greater likelihood of 4608
recidivism. 4609

(b) A community control sanction or a combination of 4610
community control sanctions would not demean the seriousness of 4611
the offense, because one or more factors under section 2929.12 4612
of the Revised Code that indicate that the offender's conduct 4613
was less serious than conduct normally constituting the offense 4614
are applicable, and they outweigh the applicable factors under 4615
that section that indicate that the offender's conduct was more 4616
serious than conduct normally constituting the offense. 4617

(E)(1) Except as provided in division (F) of this section, 4618
for any drug offense that is a violation of any provision of 4619
Chapter 2925. of the Revised Code and that is a felony of the 4620

third, fourth, or fifth degree, the applicability of a 4621
presumption under division (D) of this section in favor of a 4622
prison term or of division (B) or (C) of this section in 4623
determining whether to impose a prison term for the offense 4624
shall be determined as specified in section 2925.02, 2925.03, 4625
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 4626
2925.36, or 2925.37 of the Revised Code, whichever is applicable 4627
regarding the violation. 4628

(2) If an offender who was convicted of or pleaded guilty 4629
to a felony violates the conditions of a community control 4630
sanction imposed for the offense solely by reason of producing 4631
positive results on a drug test or by acting pursuant to 4632
division (B) (2) (b) of section 2925.11 of the Revised Code with 4633
respect to a minor drug possession offense, the court, as 4634
punishment for the violation of the sanction, shall not order 4635
that the offender be imprisoned unless the court determines on 4636
the record either of the following: 4637

(a) The offender had been ordered as a sanction for the 4638
felony to participate in a drug treatment program, in a drug 4639
education program, or in narcotics anonymous or a similar 4640
program, and the offender continued to use illegal drugs after a 4641
reasonable period of participation in the program. 4642

(b) The imprisonment of the offender for the violation is 4643
consistent with the purposes and principles of sentencing set 4644
forth in section 2929.11 of the Revised Code. 4645

(3) A court that sentences an offender for a drug abuse 4646
offense that is a felony of the third, fourth, or fifth degree 4647
may require that the offender be assessed by a properly 4648
credentialed professional within a specified period of time. The 4649
court shall require the professional to file a written 4650

assessment of the offender with the court. If the offender is 4651
eligible for a community control sanction and after considering 4652
the written assessment, the court may impose a community control 4653
sanction that includes addiction services and recovery supports 4654
included in a community-based continuum of care established 4655
under section 340.032 of the Revised Code. If the court imposes 4656
addiction services and recovery supports as a community control 4657
sanction, the court shall direct the level and type of addiction 4658
services and recovery supports after considering the assessment 4659
and recommendation of community addiction services providers. 4660

(F) Notwithstanding divisions (A) to (E) of this section, 4661
the court shall impose a prison term or terms under sections 4662
2929.02 to 2929.06, section 2929.14, section 2929.142, or 4663
section 2971.03 of the Revised Code and except as specifically 4664
provided in section 2929.20, divisions (C) to (I) of section 4665
2967.19, or section 2967.191 of the Revised Code or when parole 4666
is authorized for the offense under section 2967.13 of the 4667
Revised Code shall not reduce the term or terms pursuant to 4668
section 2929.20, section 2967.19, section 2967.193, or any other 4669
provision of Chapter 2967. or Chapter 5120. of the Revised Code 4670
for any of the following offenses: 4671

(1) Aggravated murder when death is not imposed or murder; 4672

(2) Any rape, regardless of whether force was involved and 4673
regardless of the age of the victim, or an attempt to commit 4674
rape if, had the offender completed the rape that was attempted, 4675
the offender would have been guilty of a violation of division 4676
(A) (1) (b) of section 2907.02 of the Revised Code and would be 4677
sentenced under section 2971.03 of the Revised Code; 4678

(3) Gross sexual imposition or sexual battery, if the 4679
victim is less than thirteen years of age and if any of the 4680

following applies: 4681

(a) Regarding gross sexual imposition, the offender 4682
previously was convicted of or pleaded guilty to rape, the 4683
former offense of felonious sexual penetration, gross sexual 4684
imposition, or sexual battery, and the victim of the previous 4685
offense was less than thirteen years of age; 4686

(b) Regarding gross sexual imposition, the offense was 4687
committed on or after August 3, 2006, and evidence other than 4688
the testimony of the victim was admitted in the case 4689
corroborating the violation. 4690

(c) Regarding sexual battery, either of the following 4691
applies: 4692

(i) The offense was committed prior to August 3, 2006, the 4693
offender previously was convicted of or pleaded guilty to rape, 4694
the former offense of felonious sexual penetration, or sexual 4695
battery, and the victim of the previous offense was less than 4696
thirteen years of age. 4697

(ii) The offense was committed on or after August 3, 2006. 4698

(4) A felony violation of section 2903.04, 2903.06, 4699
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 4700
or 2923.132 of the Revised Code if the section requires the 4701
imposition of a prison term; 4702

(5) A first, second, or third degree felony drug offense 4703
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 4704
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 4705
or 4729.99 of the Revised Code, whichever is applicable 4706
regarding the violation, requires the imposition of a mandatory 4707
prison term; 4708

(6) Any offense that is a first or second degree felony 4709
and that is not set forth in division (F) (1), (2), (3), or (4) 4710
of this section, if the offender previously was convicted of or 4711
pleaded guilty to aggravated murder, murder, any first or second 4712
degree felony, or an offense under an existing or former law of 4713
this state, another state, or the United States that is or was 4714
substantially equivalent to one of those offenses; 4715

(7) Any offense that is a third degree felony and either 4716
is a violation of section 2903.04 of the Revised Code or an 4717
attempt to commit a felony of the second degree that is an 4718
offense of violence and involved an attempt to cause serious 4719
physical harm to a person or that resulted in serious physical 4720
harm to a person if the offender previously was convicted of or 4721
pleaded guilty to any of the following offenses: 4722

(a) Aggravated murder, murder, involuntary manslaughter, 4723
rape, felonious sexual penetration as it existed under section 4724
2907.12 of the Revised Code prior to September 3, 1996, a felony 4725
of the first or second degree that resulted in the death of a 4726
person or in physical harm to a person, or complicity in or an 4727
attempt to commit any of those offenses; 4728

(b) An offense under an existing or former law of this 4729
state, another state, or the United States that is or was 4730
substantially equivalent to an offense listed in division (F) (7) 4731
(a) of this section that resulted in the death of a person or in 4732
physical harm to a person. 4733

(8) Any offense, other than a violation of section 2923.12 4734
of the Revised Code, that is a felony, if the offender had a 4735
firearm on or about the offender's person or under the 4736
offender's control while committing the felony, with respect to 4737
a portion of the sentence imposed pursuant to division (B) (1) (a) 4738

of section 2929.14 of the Revised Code for having the firearm; 4739

(9) Any offense of violence that is a felony, if the 4740
offender wore or carried body armor while committing the felony 4741
offense of violence, with respect to the portion of the sentence 4742
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 4743
Revised Code for wearing or carrying the body armor; 4744

(10) Corrupt activity in violation of section 2923.32 of 4745
the Revised Code when the most serious offense in the pattern of 4746
corrupt activity that is the basis of the offense is a felony of 4747
the first degree; 4748

(11) Any violent sex offense or designated homicide, 4749
assault, or kidnapping offense if, in relation to that offense, 4750
the offender is adjudicated a sexually violent predator; 4751

(12) A violation of division (A)(1) or (2) of section 4752
2921.36 of the Revised Code, or a violation of division (C) of 4753
that section involving an item listed in division (A)(1) or (2) 4754
of that section, if the offender is an officer or employee of 4755
the department of rehabilitation and correction; 4756

(13) A violation of division (A)(1) or (2) of section 4757
2903.06 of the Revised Code if the victim of the offense is a 4758
peace officer, as defined in section 2935.01 of the Revised 4759
Code, or an investigator of the bureau of criminal 4760
identification and investigation, as defined in section 2903.11 4761
of the Revised Code, with respect to the portion of the sentence 4762
imposed pursuant to division (B)(5) of section 2929.14 of the 4763
Revised Code; 4764

(14) A violation of division (A)(1) or (2) of section 4765
2903.06 of the Revised Code if the offender has been convicted 4766
of or pleaded guilty to three or more violations of division (A) 4767

or (B) of section 4511.19 of the Revised Code or an equivalent 4768
offense, as defined in section 2941.1415 of the Revised Code, or 4769
three or more violations of any combination of those divisions 4770
and offenses, with respect to the portion of the sentence 4771
imposed pursuant to division (B) (6) of section 2929.14 of the 4772
Revised Code; 4773

(15) Kidnapping, in the circumstances specified in section 4774
2971.03 of the Revised Code and when no other provision of 4775
division (F) of this section applies; 4776

(16) Kidnapping, abduction, compelling prostitution, 4777
promoting prostitution, engaging in a pattern of corrupt 4778
activity, a violation of division (A) (1) or (2) of section 4779
2907.323 of the Revised Code that involves a minor, or 4780
endangering children in violation of division (B) (1), (2), (3), 4781
(4), or (5) of section 2919.22 of the Revised Code, if the 4782
offender is convicted of or pleads guilty to a specification as 4783
described in section 2941.1422 of the Revised Code that was 4784
included in the indictment, count in the indictment, or 4785
information charging the offense; 4786

(17) A felony violation of division (A) or (B) of section 4787
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 4788
that section, and division (D) (6) of that section, require the 4789
imposition of a prison term; 4790

(18) A felony violation of section 2903.11, 2903.12, or 4791
2903.13 of the Revised Code, if the victim of the offense was a 4792
woman that the offender knew was pregnant at the time of the 4793
violation, with respect to a portion of the sentence imposed 4794
pursuant to division (B) (8) of section 2929.14 of the Revised 4795
Code; 4796

(19) (a) Any violent felony offense if the offender is a 4797
violent career criminal and had a firearm on or about the 4798
offender's person or under the offender's control during the 4799
commission of the violent felony offense and displayed or 4800
brandished the firearm, indicated that the offender possessed a 4801
firearm, or used the firearm to facilitate the offense, with 4802
respect to the portion of the sentence imposed under division 4803
(K) of section 2929.14 of the Revised Code. 4804

(b) As used in division (F) (19) (a) of this section, 4805
"violent career criminal" and "violent felony offense" have the 4806
same meanings as in section 2923.132 of the Revised Code. 4807

(20) Any violation of division (A) (1) of section 2903.11 4808
of the Revised Code if the offender used an accelerant in 4809
committing the violation and the serious physical harm to 4810
another or another's unborn caused by the violation resulted in 4811
a permanent, serious disfigurement or permanent, substantial 4812
incapacity or any violation of division (A) (2) of that section 4813
if the offender used an accelerant in committing the violation, 4814
the violation caused physical harm to another or another's 4815
unborn, and the physical harm resulted in a permanent, serious 4816
disfigurement or permanent, substantial incapacity, with respect 4817
to a portion of the sentence imposed pursuant to division (B) (9) 4818
of section 2929.14 of the Revised Code. The provisions of this 4819
division and of division (D) (2) of section 2903.11, divisions 4820
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 4821
the Revised Code shall be known as "Judy's Law." 4822

(21) Any violation of division (A) of section 2903.11 of 4823
the Revised Code if the victim of the offense suffered permanent 4824
disabling harm as a result of the offense and the victim was 4825
under ten years of age at the time of the offense, with respect 4826

to a portion of the sentence imposed pursuant to division (B) 4827
(10) of section 2929.14 of the Revised Code. 4828

(22) A felony violation of section ~~2925.03, 2925.05, or~~ 4829
~~2925.11~~ of the Revised Code, if the drug involved in the 4830
violation is a fentanyl-related compound or a compound, mixture, 4831
preparation, or substance containing a fentanyl-related compound 4832
and the offender is convicted of or pleads guilty to a 4833
specification of the type described in division (B) of section 4834
2941.1410 of the Revised Code that was included in the 4835
indictment, count in the indictment, or information charging the 4836
offense, with respect to the portion of the sentence imposed 4837
under division (B) (11) of section 2929.14 of the Revised Code. 4838

(G) Notwithstanding divisions (A) to (E) of this section, 4839
if an offender is being sentenced for a fourth degree felony OVI 4840
offense or for a third degree felony OVI offense, the court 4841
shall impose upon the offender a mandatory term of local 4842
incarceration or a mandatory prison term in accordance with the 4843
following: 4844

(1) If the offender is being sentenced for a fourth degree 4845
felony OVI offense and if the offender has not been convicted of 4846
and has not pleaded guilty to a specification of the type 4847
described in section 2941.1413 of the Revised Code, the court 4848
may impose upon the offender a mandatory term of local 4849
incarceration of sixty days or one hundred twenty days as 4850
specified in division (G) (1) (d) of section 4511.19 of the 4851
Revised Code. The court shall not reduce the term pursuant to 4852
section 2929.20, 2967.193, or any other provision of the Revised 4853
Code. The court that imposes a mandatory term of local 4854
incarceration under this division shall specify whether the term 4855
is to be served in a jail, a community-based correctional 4856

facility, a halfway house, or an alternative residential 4857
facility, and the offender shall serve the term in the type of 4858
facility specified by the court. A mandatory term of local 4859
incarceration imposed under division (G)(1) of this section is 4860
not subject to any other Revised Code provision that pertains to 4861
a prison term except as provided in division (A)(1) of this 4862
section. 4863

(2) If the offender is being sentenced for a third degree 4864
felony OVI offense, or if the offender is being sentenced for a 4865
fourth degree felony OVI offense and the court does not impose a 4866
mandatory term of local incarceration under division (G)(1) of 4867
this section, the court shall impose upon the offender a 4868
mandatory prison term of one, two, three, four, or five years if 4869
the offender also is convicted of or also pleads guilty to a 4870
specification of the type described in section 2941.1413 of the 4871
Revised Code or shall impose upon the offender a mandatory 4872
prison term of sixty days or one hundred twenty days as 4873
specified in division (G)(1)(d) or (e) of section 4511.19 of the 4874
Revised Code if the offender has not been convicted of and has 4875
not pleaded guilty to a specification of that type. Subject to 4876
divisions (C) to (I) of section 2967.19 of the Revised Code, the 4877
court shall not reduce the term pursuant to section 2929.20, 4878
2967.19, 2967.193, or any other provision of the Revised Code. 4879
The offender shall serve the one-, two-, three-, four-, or five- 4880
year mandatory prison term consecutively to and prior to the 4881
prison term imposed for the underlying offense and consecutively 4882
to any other mandatory prison term imposed in relation to the 4883
offense. In no case shall an offender who once has been 4884
sentenced to a mandatory term of local incarceration pursuant to 4885
division (G)(1) of this section for a fourth degree felony OVI 4886
offense be sentenced to another mandatory term of local 4887

incarceration under that division for any violation of division 4888
(A) of section 4511.19 of the Revised Code. In addition to the 4889
mandatory prison term described in division (G)(2) of this 4890
section, the court may sentence the offender to a community 4891
control sanction under section 2929.16 or 2929.17 of the Revised 4892
Code, but the offender shall serve the prison term prior to 4893
serving the community control sanction. The department of 4894
rehabilitation and correction may place an offender sentenced to 4895
a mandatory prison term under this division in an intensive 4896
program prison established pursuant to section 5120.033 of the 4897
Revised Code if the department gave the sentencing judge prior 4898
notice of its intent to place the offender in an intensive 4899
program prison established under that section and if the judge 4900
did not notify the department that the judge disapproved the 4901
placement. Upon the establishment of the initial intensive 4902
program prison pursuant to section 5120.033 of the Revised Code 4903
that is privately operated and managed by a contractor pursuant 4904
to a contract entered into under section 9.06 of the Revised 4905
Code, both of the following apply: 4906

(a) The department of rehabilitation and correction shall 4907
make a reasonable effort to ensure that a sufficient number of 4908
offenders sentenced to a mandatory prison term under this 4909
division are placed in the privately operated and managed prison 4910
so that the privately operated and managed prison has full 4911
occupancy. 4912

(b) Unless the privately operated and managed prison has 4913
full occupancy, the department of rehabilitation and correction 4914
shall not place any offender sentenced to a mandatory prison 4915
term under this division in any intensive program prison 4916
established pursuant to section 5120.033 of the Revised Code 4917
other than the privately operated and managed prison. 4918

(H) If an offender is being sentenced for a sexually 4919
oriented offense or child-victim oriented offense that is a 4920
felony committed on or after January 1, 1997, the judge shall 4921
require the offender to submit to a DNA specimen collection 4922
procedure pursuant to section 2901.07 of the Revised Code. 4923

(I) If an offender is being sentenced for a sexually 4924
oriented offense or a child-victim oriented offense committed on 4925
or after January 1, 1997, the judge shall include in the 4926
sentence a summary of the offender's duties imposed under 4927
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 4928
Code and the duration of the duties. The judge shall inform the 4929
offender, at the time of sentencing, of those duties and of 4930
their duration. If required under division (A) (2) of section 4931
2950.03 of the Revised Code, the judge shall perform the duties 4932
specified in that section, or, if required under division (A) (6) 4933
of section 2950.03 of the Revised Code, the judge shall perform 4934
the duties specified in that division. 4935

(J) (1) Except as provided in division (J) (2) of this 4936
section, when considering sentencing factors under this section 4937
in relation to an offender who is convicted of or pleads guilty 4938
to an attempt to commit an offense in violation of section 4939
2923.02 of the Revised Code, the sentencing court shall consider 4940
the factors applicable to the felony category of the violation 4941
of section 2923.02 of the Revised Code instead of the factors 4942
applicable to the felony category of the offense attempted. 4943

(2) When considering sentencing factors under this section 4944
in relation to an offender who is convicted of or pleads guilty 4945
to an attempt to commit a drug abuse offense for which the 4946
penalty is determined by the amount or number of unit doses of 4947
the controlled substance involved in the drug abuse offense, the 4948

sentencing court shall consider the factors applicable to the 4949
felony category that the drug abuse offense attempted would be 4950
if that drug abuse offense had been committed and had involved 4951
an amount or number of unit doses of the controlled substance 4952
that is within the next lower range of controlled substance 4953
amounts than was involved in the attempt. 4954

(K) As used in this section: 4955

(1) "Community addiction services provider" has the same 4956
meaning as in section 5119.01 of the Revised Code. 4957

(2) "Drug abuse offense" has the same meaning as in 4958
section 2925.01 of the Revised Code. 4959

(3) "Minor drug possession offense" has the same meaning 4960
as in section 2925.11 of the Revised Code. 4961

(4) "Qualifying assault offense" means a violation of 4962
section 2903.13 of the Revised Code for which the penalty 4963
provision in division (C) (8) (b) or (C) (9) (b) of that section 4964
applies. 4965

(L) At the time of sentencing an offender for any sexually 4966
oriented offense, if the offender is a tier III sex 4967
offender/child-victim offender relative to that offense and the 4968
offender does not serve a prison term or jail term, the court 4969
may require that the offender be monitored by means of a global 4970
positioning device. If the court requires such monitoring, the 4971
cost of monitoring shall be borne by the offender. If the 4972
offender is indigent, the cost of compliance shall be paid by 4973
the crime victims reparations fund. 4974

Sec. 2929.14. (A) Except as provided in division (B) (1), 4975
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 4976
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 4977

in division (D) (6) of section 2919.25 of the Revised Code and 4978
except in relation to an offense for which a sentence of death 4979
or life imprisonment is to be imposed, if the court imposing a 4980
sentence upon an offender for a felony elects or is required to 4981
impose a prison term on the offender pursuant to this chapter, 4982
the court shall impose a prison term that shall be one of the 4983
following: 4984

(1) (a) For a felony of the first degree committed on or 4985
~~after the effective date of this amendment~~ March 22, 2019, the 4986
prison term shall be an indefinite prison term with a stated 4987
minimum term selected by the court of three, four, five, six, 4988
seven, eight, nine, ten, or eleven years and a maximum term that 4989
is determined pursuant to section 2929.144 of the Revised Code, 4990
except that if the section that criminalizes the conduct 4991
constituting the felony specifies a different minimum term or 4992
penalty for the offense, the specific language of that section 4993
shall control in determining the minimum term or otherwise 4994
sentencing the offender but the minimum term or sentence imposed 4995
under that specific language shall be considered for purposes of 4996
the Revised Code as if it had been imposed under this division. 4997

(b) For a felony of the first degree committed prior to 4998
~~the effective date of this amendment~~ March 22, 2019, the prison 4999
term shall be a definite prison term of three, four, five, six, 5000
seven, eight, nine, ten, or eleven years. 5001

(2) (a) For a felony of the second degree committed on or 5002
~~after the effective date of this amendment~~ March 22, 2019, the 5003
prison term shall be an indefinite prison term with a stated 5004
minimum term selected by the court of two, three, four, five, 5005
six, seven, or eight years and a maximum term that is determined 5006
pursuant to section 2929.144 of the Revised Code, except that if 5007

the section that criminalizes the conduct constituting the 5008
felony specifies a different minimum term or penalty for the 5009
offense, the specific language of that section shall control in 5010
determining the minimum term or otherwise sentencing the 5011
offender but the minimum term or sentence imposed under that 5012
specific language shall be considered for purposes of the 5013
Revised Code as if it had been imposed under this division. 5014

(b) For a felony of the second degree committed prior to 5015
~~the effective date of this amendment~~ March 22, 2019, the prison 5016
term shall be a definite term of two, three, four, five, six, 5017
seven, or eight years. 5018

(3) (a) For a felony of the third degree that is a 5019
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 5020
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 5021
Code or that is a violation of section 2911.02 or 2911.12 of the 5022
Revised Code if the offender previously has been convicted of or 5023
pleaded guilty in two or more separate proceedings to two or 5024
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 5025
of the Revised Code, the prison term shall be a definite term of 5026
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 5027
forty-eight, fifty-four, or sixty months. 5028

(b) For a felony of the third degree that is not an 5029
offense for which division (A) (3) (a) of this section applies, 5030
the prison term shall be a definite term of nine, twelve, 5031
eighteen, twenty-four, thirty, or thirty-six months. 5032

(4) For a felony of the fourth degree, the prison term 5033
shall be a definite term of six, seven, eight, nine, ten, 5034
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 5035
or eighteen months. 5036

(5) For a felony of the fifth degree, the prison term shall be a definite term of six, seven, eight, nine, ten, eleven, or twelve months.

(B) (1) (a) Except as provided in division (B) (1) (e) of this section, if an offender who is convicted of or pleads guilty to a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.141, 2941.144, or 2941.145 of the Revised Code, the court shall impose on the offender one of the following prison terms:

(i) A prison term of six years if the specification is of the type described in division (A) of section 2941.144 of the Revised Code that charges the offender with having a firearm that is an automatic firearm or that was equipped with a firearm muffler or suppressor on or about the offender's person or under the offender's control while committing the offense;

(ii) A prison term of three years if the specification is of the type described in division (A) of section 2941.145 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense and displaying the firearm, brandishing the firearm, indicating that the offender possessed the firearm, or using it to facilitate the offense;

(iii) A prison term of one year if the specification is of the type described in division (A) of section 2941.141 of the Revised Code that charges the offender with having a firearm on or about the offender's person or under the offender's control while committing the offense;

(iv) A prison term of nine years if the specification is of the type described in division (D) of section 2941.144 of the

Revised Code that charges the offender with having a firearm 5066
that is an automatic firearm or that was equipped with a firearm 5067
muffler or suppressor on or about the offender's person or under 5068
the offender's control while committing the offense and 5069
specifies that the offender previously has been convicted of or 5070
pleaded guilty to a specification of the type described in 5071
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5072
the Revised Code; 5073

(v) A prison term of fifty-four months if the 5074
specification is of the type described in division (D) of 5075
section 2941.145 of the Revised Code that charges the offender 5076
with having a firearm on or about the offender's person or under 5077
the offender's control while committing the offense and 5078
displaying the firearm, brandishing the firearm, indicating that 5079
the offender possessed the firearm, or using the firearm to 5080
facilitate the offense and that the offender previously has been 5081
convicted of or pleaded guilty to a specification of the type 5082
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 5083
2941.1412 of the Revised Code; 5084

(vi) A prison term of eighteen months if the specification 5085
is of the type described in division (D) of section 2941.141 of 5086
the Revised Code that charges the offender with having a firearm 5087
on or about the offender's person or under the offender's 5088
control while committing the offense and that the offender 5089
previously has been convicted of or pleaded guilty to a 5090
specification of the type described in section 2941.141, 5091
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 5092

(b) If a court imposes a prison term on an offender under 5093
division (B)(1)(a) of this section, the prison term shall not be 5094
reduced pursuant to section 2967.19, section 2929.20, section 5095

2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. Except as provided in division (B)(1)(g) of this section, a court shall not impose more than one prison term on an offender under division (B)(1)(a) of this section for felonies committed as part of the same act or transaction.

(c)(i) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (A) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (B)(3) of this section, shall impose an additional prison term of five years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code.

(ii) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender

with committing the offense by discharging a firearm from a 5127
motor vehicle other than a manufactured home and that the 5128
offender previously has been convicted of or pleaded guilty to a 5129
specification of the type described in section 2941.141, 5130
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 5131
the court, after imposing a prison term on the offender for the 5132
violation of section 2923.161 of the Revised Code or for the 5133
other felony offense under division (A), (B) (2), or (3) of this 5134
section, shall impose an additional prison term of ninety months 5135
upon the offender that shall not be reduced pursuant to section 5136
2929.20, 2967.19, 2967.193, or any other provision of Chapter 5137
2967. or Chapter 5120. of the Revised Code. 5138

(iii) A court shall not impose more than one additional 5139
prison term on an offender under division (B) (1) (c) of this 5140
section for felonies committed as part of the same act or 5141
transaction. If a court imposes an additional prison term on an 5142
offender under division (B) (1) (c) of this section relative to an 5143
offense, the court also shall impose a prison term under 5144
division (B) (1) (a) of this section relative to the same offense, 5145
provided the criteria specified in that division for imposing an 5146
additional prison term are satisfied relative to the offender 5147
and the offense. 5148

(d) If an offender who is convicted of or pleads guilty to 5149
an offense of violence that is a felony also is convicted of or 5150
pleads guilty to a specification of the type described in 5151
section 2941.1411 of the Revised Code that charges the offender 5152
with wearing or carrying body armor while committing the felony 5153
offense of violence, the court shall impose on the offender an 5154
additional prison term of two years. The prison term so imposed, 5155
subject to divisions (C) to (I) of section 2967.19 of the 5156
Revised Code, shall not be reduced pursuant to section 2929.20, 5157

section 2967.19, section 2967.193, or any other provision of 5158
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5159
shall not impose more than one prison term on an offender under 5160
division (B) (1) (d) of this section for felonies committed as 5161
part of the same act or transaction. If a court imposes an 5162
additional prison term under division (B) (1) (a) or (c) of this 5163
section, the court is not precluded from imposing an additional 5164
prison term under division (B) (1) (d) of this section. 5165

(e) The court shall not impose any of the prison terms 5166
described in division (B) (1) (a) of this section or any of the 5167
additional prison terms described in division (B) (1) (c) of this 5168
section upon an offender for a violation of section 2923.12 or 5169
2923.123 of the Revised Code. The court shall not impose any of 5170
the prison terms described in division (B) (1) (a) or (b) of this 5171
section upon an offender for a violation of section 2923.122 5172
that involves a deadly weapon that is a firearm other than a 5173
dangerous ordnance, section 2923.16, or section 2923.121 of the 5174
Revised Code. The court shall not impose any of the prison terms 5175
described in division (B) (1) (a) of this section or any of the 5176
additional prison terms described in division (B) (1) (c) of this 5177
section upon an offender for a violation of section 2923.13 of 5178
the Revised Code unless all of the following apply: 5179

(i) The offender previously has been convicted of 5180
aggravated murder, murder, or any felony of the first or second 5181
degree. 5182

(ii) Less than five years have passed since the offender 5183
was released from prison or post-release control, whichever is 5184
later, for the prior offense. 5185

(f) (i) If an offender is convicted of or pleads guilty to 5186
a felony that includes, as an essential element, causing or 5187

attempting to cause the death of or physical harm to another and 5188
also is convicted of or pleads guilty to a specification of the 5189
type described in division (A) of section 2941.1412 of the 5190
Revised Code that charges the offender with committing the 5191
offense by discharging a firearm at a peace officer as defined 5192
in section 2935.01 of the Revised Code or a corrections officer, 5193
as defined in section 2941.1412 of the Revised Code, the court, 5194
after imposing a prison term on the offender for the felony 5195
offense under division (A), (B) (2), or (B) (3) of this section, 5196
shall impose an additional prison term of seven years upon the 5197
offender that shall not be reduced pursuant to section 2929.20, 5198
section 2967.19, section 2967.193, or any other provision of 5199
Chapter 2967. or Chapter 5120. of the Revised Code. 5200

(ii) If an offender is convicted of or pleads guilty to a 5201
felony that includes, as an essential element, causing or 5202
attempting to cause the death of or physical harm to another and 5203
also is convicted of or pleads guilty to a specification of the 5204
type described in division (B) of section 2941.1412 of the 5205
Revised Code that charges the offender with committing the 5206
offense by discharging a firearm at a peace officer, as defined 5207
in section 2935.01 of the Revised Code, or a corrections 5208
officer, as defined in section 2941.1412 of the Revised Code, 5209
and that the offender previously has been convicted of or 5210
pleaded guilty to a specification of the type described in 5211
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 5212
the Revised Code, the court, after imposing a prison term on the 5213
offender for the felony offense under division (A), (B) (2), or 5214
(3) of this section, shall impose an additional prison term of 5215
one hundred twenty-six months upon the offender that shall not 5216
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 5217
any other provision of Chapter 2967. or 5120. of the Revised 5218

Code. 5219

(iii) If an offender is convicted of or pleads guilty to 5220
two or more felonies that include, as an essential element, 5221
causing or attempting to cause the death or physical harm to 5222
another and also is convicted of or pleads guilty to a 5223
specification of the type described under division (B)(1)(f) of 5224
this section in connection with two or more of the felonies of 5225
which the offender is convicted or to which the offender pleads 5226
guilty, the sentencing court shall impose on the offender the 5227
prison term specified under division (B)(1)(f) of this section 5228
for each of two of the specifications of which the offender is 5229
convicted or to which the offender pleads guilty and, in its 5230
discretion, also may impose on the offender the prison term 5231
specified under that division for any or all of the remaining 5232
specifications. If a court imposes an additional prison term on 5233
an offender under division (B)(1)(f) of this section relative to 5234
an offense, the court shall not impose a prison term under 5235
division (B)(1)(a) or (c) of this section relative to the same 5236
offense. 5237

(g) If an offender is convicted of or pleads guilty to two 5238
or more felonies, if one or more of those felonies are 5239
aggravated murder, murder, attempted aggravated murder, 5240
attempted murder, aggravated robbery, felonious assault, or 5241
rape, and if the offender is convicted of or pleads guilty to a 5242
specification of the type described under division (B)(1)(a) of 5243
this section in connection with two or more of the felonies, the 5244
sentencing court shall impose on the offender the prison term 5245
specified under division (B)(1)(a) of this section for each of 5246
the two most serious specifications of which the offender is 5247
convicted or to which the offender pleads guilty and, in its 5248
discretion, also may impose on the offender the prison term 5249

specified under that division for any or all of the remaining 5250
specifications. 5251

(2) (a) If division (B) (2) (b) of this section does not 5252
apply, the court may impose on an offender, in addition to the 5253
longest prison term authorized or required for the offense or, 5254
for offenses for which division (A) (1) (a) or (2) (a) of this 5255
section applies, in addition to the longest minimum prison term 5256
authorized or required for the offense, an additional definite 5257
prison term of one, two, three, four, five, six, seven, eight, 5258
nine, or ten years if all of the following criteria are met: 5259

(i) The offender is convicted of or pleads guilty to a 5260
specification of the type described in section 2941.149 of the 5261
Revised Code that the offender is a repeat violent offender. 5262

(ii) The offense of which the offender currently is 5263
convicted or to which the offender currently pleads guilty is 5264
aggravated murder and the court does not impose a sentence of 5265
death or life imprisonment without parole, murder, terrorism and 5266
the court does not impose a sentence of life imprisonment 5267
without parole, any felony of the first degree that is an 5268
offense of violence and the court does not impose a sentence of 5269
life imprisonment without parole, or any felony of the second 5270
degree that is an offense of violence and the trier of fact 5271
finds that the offense involved an attempt to cause or a threat 5272
to cause serious physical harm to a person or resulted in 5273
serious physical harm to a person. 5274

(iii) The court imposes the longest prison term for the 5275
offense or the longest minimum prison term for the offense, 5276
whichever is applicable, that is not life imprisonment without 5277
parole. 5278

(iv) The court finds that the prison terms imposed 5279
pursuant to division (B) (2) (a) (iii) of this section and, if 5280
applicable, division (B) (1) or (3) of this section are 5281
inadequate to punish the offender and protect the public from 5282
future crime, because the applicable factors under section 5283
2929.12 of the Revised Code indicating a greater likelihood of 5284
recidivism outweigh the applicable factors under that section 5285
indicating a lesser likelihood of recidivism. 5286

(v) The court finds that the prison terms imposed pursuant 5287
to division (B) (2) (a) (iii) of this section and, if applicable, 5288
division (B) (1) or (3) of this section are demeaning to the 5289
seriousness of the offense, because one or more of the factors 5290
under section 2929.12 of the Revised Code indicating that the 5291
offender's conduct is more serious than conduct normally 5292
constituting the offense are present, and they outweigh the 5293
applicable factors under that section indicating that the 5294
offender's conduct is less serious than conduct normally 5295
constituting the offense. 5296

(b) The court shall impose on an offender the longest 5297
prison term authorized or required for the offense or, for 5298
offenses for which division (A) (1) (a) or (2) (a) of this section 5299
applies, the longest minimum prison term authorized or required 5300
for the offense, and shall impose on the offender an additional 5301
definite prison term of one, two, three, four, five, six, seven, 5302
eight, nine, or ten years if all of the following criteria are 5303
met: 5304

(i) The offender is convicted of or pleads guilty to a 5305
specification of the type described in section 2941.149 of the 5306
Revised Code that the offender is a repeat violent offender. 5307

(ii) The offender within the preceding twenty years has 5308

been convicted of or pleaded guilty to three or more offenses 5309
described in division (CC) (1) of section 2929.01 of the Revised 5310
Code, including all offenses described in that division of which 5311
the offender is convicted or to which the offender pleads guilty 5312
in the current prosecution and all offenses described in that 5313
division of which the offender previously has been convicted or 5314
to which the offender previously pleaded guilty, whether 5315
prosecuted together or separately. 5316

(iii) The offense or offenses of which the offender 5317
currently is convicted or to which the offender currently pleads 5318
guilty is aggravated murder and the court does not impose a 5319
sentence of death or life imprisonment without parole, murder, 5320
terrorism and the court does not impose a sentence of life 5321
imprisonment without parole, any felony of the first degree that 5322
is an offense of violence and the court does not impose a 5323
sentence of life imprisonment without parole, or any felony of 5324
the second degree that is an offense of violence and the trier 5325
of fact finds that the offense involved an attempt to cause or a 5326
threat to cause serious physical harm to a person or resulted in 5327
serious physical harm to a person. 5328

(c) For purposes of division (B) (2) (b) of this section, 5329
two or more offenses committed at the same time or as part of 5330
the same act or event shall be considered one offense, and that 5331
one offense shall be the offense with the greatest penalty. 5332

(d) A sentence imposed under division (B) (2) (a) or (b) of 5333
this section shall not be reduced pursuant to section 2929.20, 5334
section 2967.19, or section 2967.193, or any other provision of 5335
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 5336
shall serve an additional prison term imposed under division (B) 5337
(2) (a) or (b) of this section consecutively to and prior to the 5338

prison term imposed for the underlying offense. 5339

(e) When imposing a sentence pursuant to division (B) (2) 5340
(a) or (b) of this section, the court shall state its findings 5341
explaining the imposed sentence. 5342

(3) Except when an offender commits a violation of section 5343
2903.01 or 2907.02 of the Revised Code and the penalty imposed 5344
for the violation is life imprisonment or commits a violation of 5345
section 2903.02 of the Revised Code, if the offender commits a 5346
violation of section 2925.03 or 2925.11 of the Revised Code and 5347
that section classifies the offender as a major drug offender, 5348
if the offender commits a violation of section 2925.05 of the 5349
Revised Code and division (E) (1) of that section classifies the 5350
offender as a major drug offender, if the offender commits a 5351
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 5352
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 5353
division (C) or (D) of section 3719.172, division (E) of section 5354
4729.51, or division (J) of section 4729.54 of the Revised Code 5355
that includes the sale, offer to sell, or possession of a 5356
schedule I or II controlled substance, with the exception of 5357
marihuana, and the court imposing sentence upon the offender 5358
finds that the offender is guilty of a specification of the type 5359
described in division (A) of section 2941.1410 of the Revised 5360
Code charging that the offender is a major drug offender, if the 5361
court imposing sentence upon an offender for a felony finds that 5362
the offender is guilty of corrupt activity with the most serious 5363
offense in the pattern of corrupt activity being a felony of the 5364
first degree, or if the offender is guilty of an attempted 5365
violation of section 2907.02 of the Revised Code and, had the 5366
offender completed the violation of section 2907.02 of the 5367
Revised Code that was attempted, the offender would have been 5368
subject to a sentence of life imprisonment or life imprisonment 5369

without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A) (1) (b) of this section for a felony of the first degree, except that for offenses for which division (A) (1) (a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, the sentencing court shall impose upon the offender a mandatory prison term in accordance with that division. In addition to the mandatory prison term, if the offender is being sentenced for a fourth degree felony OVI offense, the court, notwithstanding division (A) (4) of this section, may sentence the offender to a definite prison term of not less than six months and not more than thirty months, and if the offender is being sentenced for a third degree felony OVI offense, the sentencing court may sentence the offender to an additional prison term of any duration specified in division (A) (3) of this section. In either case, the additional prison term imposed shall be reduced by the sixty or one hundred twenty days imposed upon the offender as the mandatory prison term. The total of the additional prison term imposed under division (B) (4) of this section plus the sixty or one hundred twenty days imposed as the mandatory prison term shall equal a definite term

in the range of six months to thirty months for a fourth degree 5401
felony OVI offense and shall equal one of the authorized prison 5402
terms specified in division (A) (3) of this section for a third 5403
degree felony OVI offense. If the court imposes an additional 5404
prison term under division (B) (4) of this section, the offender 5405
shall serve the additional prison term after the offender has 5406
served the mandatory prison term required for the offense. In 5407
addition to the mandatory prison term or mandatory and 5408
additional prison term imposed as described in division (B) (4) 5409
of this section, the court also may sentence the offender to a 5410
community control sanction under section 2929.16 or 2929.17 of 5411
the Revised Code, but the offender shall serve all of the prison 5412
terms so imposed prior to serving the community control 5413
sanction. 5414

If the offender is being sentenced for a fourth degree 5415
felony OVI offense under division (G) (1) of section 2929.13 of 5416
the Revised Code and the court imposes a mandatory term of local 5417
incarceration, the court may impose a prison term as described 5418
in division (A) (1) of that section. 5419

(5) If an offender is convicted of or pleads guilty to a 5420
violation of division (A) (1) or (2) of section 2903.06 of the 5421
Revised Code and also is convicted of or pleads guilty to a 5422
specification of the type described in section 2941.1414 of the 5423
Revised Code that charges that the victim of the offense is a 5424
peace officer, as defined in section 2935.01 of the Revised 5425
Code, or an investigator of the bureau of criminal 5426
identification and investigation, as defined in section 2903.11 5427
of the Revised Code, the court shall impose on the offender a 5428
prison term of five years. If a court imposes a prison term on 5429
an offender under division (B) (5) of this section, the prison 5430
term, subject to divisions (C) to (I) of section 2967.19 of the 5431

Revised Code, shall not be reduced pursuant to section 2929.20, 5432
section 2967.19, section 2967.193, or any other provision of 5433
Chapter 2967. or Chapter 5120. of the Revised Code. A court 5434
shall not impose more than one prison term on an offender under 5435
division (B) (5) of this section for felonies committed as part 5436
of the same act. 5437

(6) If an offender is convicted of or pleads guilty to a 5438
violation of division (A) (1) or (2) of section 2903.06 of the 5439
Revised Code and also is convicted of or pleads guilty to a 5440
specification of the type described in section 2941.1415 of the 5441
Revised Code that charges that the offender previously has been 5442
convicted of or pleaded guilty to three or more violations of 5443
division (A) or (B) of section 4511.19 of the Revised Code or an 5444
equivalent offense, as defined in section 2941.1415 of the 5445
Revised Code, or three or more violations of any combination of 5446
those divisions and offenses, the court shall impose on the 5447
offender a prison term of three years. If a court imposes a 5448
prison term on an offender under division (B) (6) of this 5449
section, the prison term, subject to divisions (C) to (I) of 5450
section 2967.19 of the Revised Code, shall not be reduced 5451
pursuant to section 2929.20, section 2967.19, section 2967.193, 5452
or any other provision of Chapter 2967. or Chapter 5120. of the 5453
Revised Code. A court shall not impose more than one prison term 5454
on an offender under division (B) (6) of this section for 5455
felonies committed as part of the same act. 5456

(7) (a) If an offender is convicted of or pleads guilty to 5457
a felony violation of section 2905.01, 2905.02, 2907.21, 5458
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 5459
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 5460
section 2919.22 of the Revised Code and also is convicted of or 5461
pleads guilty to a specification of the type described in 5462

section 2941.1422 of the Revised Code that charges that the 5463
offender knowingly committed the offense in furtherance of human 5464
trafficking, the court shall impose on the offender a mandatory 5465
prison term that is one of the following: 5466

(i) If the offense is a felony of the first degree, a 5467
definite prison term of not less than five years and not greater 5468
than eleven years, except that if the offense is a felony of the 5469
first degree committed on or after ~~the effective date of this~~ 5470
~~amendment~~ March 22, 2019, the court shall impose as the minimum 5471
prison term a mandatory term of not less than five years and not 5472
greater than eleven years; 5473

(ii) If the offense is a felony of the second or third 5474
degree, a definite prison term of not less than three years and 5475
not greater than the maximum prison term allowed for the offense 5476
by division (A) (2) (b) or (3) of this section, except that if the 5477
offense is a felony of the second degree committed on or after 5478
~~the effective date of this amendment~~ March 22, 2019, the court 5479
shall impose as the minimum prison term a mandatory term of not 5480
less than three years and not greater than eight years; 5481

(iii) If the offense is a felony of the fourth or fifth 5482
degree, a definite prison term that is the maximum prison term 5483
allowed for the offense by division (A) of section 2929.14 of 5484
the Revised Code. 5485

(b) Subject to divisions (C) to (I) of section 2967.19 of 5486
the Revised Code, the prison term imposed under division (B) (7) 5487
(a) of this section shall not be reduced pursuant to section 5488
2929.20, section 2967.19, section 2967.193, or any other 5489
provision of Chapter 2967. of the Revised Code. A court shall 5490
not impose more than one prison term on an offender under 5491
division (B) (7) (a) of this section for felonies committed as 5492

part of the same act, scheme, or plan. 5493

(8) If an offender is convicted of or pleads guilty to a 5494
felony violation of section 2903.11, 2903.12, or 2903.13 of the 5495
Revised Code and also is convicted of or pleads guilty to a 5496
specification of the type described in section 2941.1423 of the 5497
Revised Code that charges that the victim of the violation was a 5498
woman whom the offender knew was pregnant at the time of the 5499
violation, notwithstanding the range prescribed in division (A) 5500
of this section as the definite prison term or minimum prison 5501
term for felonies of the same degree as the violation, the court 5502
shall impose on the offender a mandatory prison term that is 5503
either a definite prison term of six months or one of the prison 5504
terms prescribed in division (A) of this section for felonies of 5505
the same degree as the violation, except that if the violation 5506
is a felony of the first or second degree committed on or after 5507
~~the effective date of this amendment~~ March 22, 2019, the court 5508
shall impose as the minimum prison term under division (A) (1) (a) 5509
or (2) (a) of this section a mandatory term that is one of the 5510
terms prescribed in that division, whichever is applicable, for 5511
the offense. 5512

(9) (a) If an offender is convicted of or pleads guilty to 5513
a violation of division (A) (1) or (2) of section 2903.11 of the 5514
Revised Code and also is convicted of or pleads guilty to a 5515
specification of the type described in section 2941.1425 of the 5516
Revised Code, the court shall impose on the offender a mandatory 5517
prison term of six years if either of the following applies: 5518

(i) The violation is a violation of division (A) (1) of 5519
section 2903.11 of the Revised Code and the specification 5520
charges that the offender used an accelerant in committing the 5521
violation and the serious physical harm to another or to 5522

another's unborn caused by the violation resulted in a 5523
permanent, serious disfigurement or permanent, substantial 5524
incapacity; 5525

(ii) The violation is a violation of division (A) (2) of 5526
section 2903.11 of the Revised Code and the specification 5527
charges that the offender used an accelerant in committing the 5528
violation, that the violation caused physical harm to another or 5529
to another's unborn, and that the physical harm resulted in a 5530
permanent, serious disfigurement or permanent, substantial 5531
incapacity. 5532

(b) If a court imposes a prison term on an offender under 5533
division (B) (9) (a) of this section, the prison term shall not be 5534
reduced pursuant to section 2929.20, section 2967.19, section 5535
2967.193, or any other provision of Chapter 2967. or Chapter 5536
5120. of the Revised Code. A court shall not impose more than 5537
one prison term on an offender under division (B) (9) of this 5538
section for felonies committed as part of the same act. 5539

(c) The provisions of divisions (B) (9) and (C) (6) of this 5540
section and of division (D) (2) of section 2903.11, division (F) 5541
(20) of section 2929.13, and section 2941.1425 of the Revised 5542
Code shall be known as "Judy's Law." 5543

(10) If an offender is convicted of or pleads guilty to a 5544
violation of division (A) of section 2903.11 of the Revised Code 5545
and also is convicted of or pleads guilty to a specification of 5546
the type described in section 2941.1426 of the Revised Code that 5547
charges that the victim of the offense suffered permanent 5548
disabling harm as a result of the offense and that the victim 5549
was under ten years of age at the time of the offense, 5550
regardless of whether the offender knew the age of the victim, 5551
the court shall impose upon the offender an additional definite 5552

prison term of six years. A prison term imposed on an offender 5553
under division (B) (10) of this section shall not be reduced 5554
pursuant to section 2929.20, section 2967.193, or any other 5555
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 5556
If a court imposes an additional prison term on an offender 5557
under this division relative to a violation of division (A) of 5558
section 2903.11 of the Revised Code, the court shall not impose 5559
any other additional prison term on the offender relative to the 5560
same offense. 5561

(11) If an offender is convicted of or pleads guilty to a 5562
felony violation of section ~~2925.03 or 2925.05~~ of the Revised 5563
Code ~~or a felony violation of section 2925.11 of the Revised~~ 5564
Code ~~for which division (C) (11) of that section applies in~~ 5565
~~determining the sentence for the violation~~, if the drug involved 5566
in the violation is a fentanyl-related compound or a compound, 5567
mixture, preparation, or substance containing a fentanyl-related 5568
compound, and if the offender also is convicted of or pleads 5569
guilty to a specification of the type described in division (B) 5570
of section 2941.1410 of the Revised Code that charges that the 5571
offender is a major drug offender, in addition to any other 5572
penalty imposed for the violation, the court shall impose on the 5573
offender a mandatory prison term of three, four, five, six, 5574
seven, or eight years. If a court imposes a prison term on an 5575
offender under division (B) (11) of this section, the prison 5576
term, subject to divisions (C) to (I) of section 2967.19 of the 5577
Revised Code, shall not be reduced pursuant to section 2929.20, 5578
2967.19, or 2967.193, or any other provision of Chapter 2967. or 5579
5120. of the Revised Code. A court shall not impose more than 5580
one prison term on an offender under division (B) (11) of this 5581
section for felonies committed as part of the same act. 5582

(C) (1) (a) Subject to division (C) (1) (b) of this section, 5583

if a mandatory prison term is imposed upon an offender pursuant 5584
to division (B) (1) (a) of this section for having a firearm on or 5585
about the offender's person or under the offender's control 5586
while committing a felony, if a mandatory prison term is imposed 5587
upon an offender pursuant to division (B) (1) (c) of this section 5588
for committing a felony specified in that division by 5589
discharging a firearm from a motor vehicle, or if both types of 5590
mandatory prison terms are imposed, the offender shall serve any 5591
mandatory prison term imposed under either division 5592
consecutively to any other mandatory prison term imposed under 5593
either division or under division (B) (1) (d) of this section, 5594
consecutively to and prior to any prison term imposed for the 5595
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 5596
this section or any other section of the Revised Code, and 5597
consecutively to any other prison term or mandatory prison term 5598
previously or subsequently imposed upon the offender. 5599

(b) If a mandatory prison term is imposed upon an offender 5600
pursuant to division (B) (1) (d) of this section for wearing or 5601
carrying body armor while committing an offense of violence that 5602
is a felony, the offender shall serve the mandatory term so 5603
imposed consecutively to any other mandatory prison term imposed 5604
under that division or under division (B) (1) (a) or (c) of this 5605
section, consecutively to and prior to any prison term imposed 5606
for the underlying felony under division (A), (B) (2), or (B) (3) 5607
of this section or any other section of the Revised Code, and 5608
consecutively to any other prison term or mandatory prison term 5609
previously or subsequently imposed upon the offender. 5610

(c) If a mandatory prison term is imposed upon an offender 5611
pursuant to division (B) (1) (f) of this section, the offender 5612
shall serve the mandatory prison term so imposed consecutively 5613
to and prior to any prison term imposed for the underlying 5614

felony under division (A), (B) (2), or (B) (3) of this section or 5615
any other section of the Revised Code, and consecutively to any 5616
other prison term or mandatory prison term previously or 5617
subsequently imposed upon the offender. 5618

(d) If a mandatory prison term is imposed upon an offender 5619
pursuant to division (B) (7) or (8) of this section, the offender 5620
shall serve the mandatory prison term so imposed consecutively 5621
to any other mandatory prison term imposed under that division 5622
or under any other provision of law and consecutively to any 5623
other prison term or mandatory prison term previously or 5624
subsequently imposed upon the offender. 5625

(e) If a mandatory prison term is imposed upon an offender 5626
pursuant to division (B) (11) of this section, the offender shall 5627
serve the mandatory prison term consecutively to any other 5628
mandatory prison term imposed under that division, consecutively 5629
to and prior to any prison term imposed for the underlying 5630
felony, and consecutively to any other prison term or mandatory 5631
prison term previously or subsequently imposed upon the 5632
offender. 5633

(2) If an offender who is an inmate in a jail, prison, or 5634
other residential detention facility violates section 2917.02, 5635
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 5636
(2) of section 2921.34 of the Revised Code, if an offender who 5637
is under detention at a detention facility commits a felony 5638
violation of section 2923.131 of the Revised Code, or if an 5639
offender who is an inmate in a jail, prison, or other 5640
residential detention facility or is under detention at a 5641
detention facility commits another felony while the offender is 5642
an escapee in violation of division (A) (1) or (2) of section 5643
2921.34 of the Revised Code, any prison term imposed upon the 5644

offender for one of those violations shall be served by the 5645
offender consecutively to the prison term or term of 5646
imprisonment the offender was serving when the offender 5647
committed that offense and to any other prison term previously 5648
or subsequently imposed upon the offender. 5649

(3) If a prison term is imposed for a violation of 5650
division (B) of section 2911.01 of the Revised Code, a violation 5651
of division (A) of section 2913.02 of the Revised Code in which 5652
the stolen property is a firearm or dangerous ordnance, or a 5653
felony violation of division (B) of section 2921.331 of the 5654
Revised Code, the offender shall serve that prison term 5655
consecutively to any other prison term or mandatory prison term 5656
previously or subsequently imposed upon the offender. 5657

(4) If multiple prison terms are imposed on an offender 5658
for convictions of multiple offenses, the court may require the 5659
offender to serve the prison terms consecutively if the court 5660
finds that the consecutive service is necessary to protect the 5661
public from future crime or to punish the offender and that 5662
consecutive sentences are not disproportionate to the 5663
seriousness of the offender's conduct and to the danger the 5664
offender poses to the public, and if the court also finds any of 5665
the following: 5666

(a) The offender committed one or more of the multiple 5667
offenses while the offender was awaiting trial or sentencing, 5668
was under a sanction imposed pursuant to section 2929.16, 5669
2929.17, or 2929.18 of the Revised Code, or was under post- 5670
release control for a prior offense. 5671

(b) At least two of the multiple offenses were committed 5672
as part of one or more courses of conduct, and the harm caused 5673
by two or more of the multiple offenses so committed was so 5674

great or unusual that no single prison term for any of the 5675
offenses committed as part of any of the courses of conduct 5676
adequately reflects the seriousness of the offender's conduct. 5677

(c) The offender's history of criminal conduct 5678
demonstrates that consecutive sentences are necessary to protect 5679
the public from future crime by the offender. 5680

(5) If a mandatory prison term is imposed upon an offender 5681
pursuant to division (B) (5) or (6) of this section, the offender 5682
shall serve the mandatory prison term consecutively to and prior 5683
to any prison term imposed for the underlying violation of 5684
division (A) (1) or (2) of section 2903.06 of the Revised Code 5685
pursuant to division (A) of this section or section 2929.142 of 5686
the Revised Code. If a mandatory prison term is imposed upon an 5687
offender pursuant to division (B) (5) of this section, and if a 5688
mandatory prison term also is imposed upon the offender pursuant 5689
to division (B) (6) of this section in relation to the same 5690
violation, the offender shall serve the mandatory prison term 5691
imposed pursuant to division (B) (5) of this section 5692
consecutively to and prior to the mandatory prison term imposed 5693
pursuant to division (B) (6) of this section and consecutively to 5694
and prior to any prison term imposed for the underlying 5695
violation of division (A) (1) or (2) of section 2903.06 of the 5696
Revised Code pursuant to division (A) of this section or section 5697
2929.142 of the Revised Code. 5698

(6) If a mandatory prison term is imposed on an offender 5699
pursuant to division (B) (9) of this section, the offender shall 5700
serve the mandatory prison term consecutively to and prior to 5701
any prison term imposed for the underlying violation of division 5702
(A) (1) or (2) of section 2903.11 of the Revised Code and 5703
consecutively to and prior to any other prison term or mandatory 5704

prison term previously or subsequently imposed on the offender. 5705

(7) If a mandatory prison term is imposed on an offender 5706
pursuant to division (B)(10) of this section, the offender shall 5707
serve that mandatory prison term consecutively to and prior to 5708
any prison term imposed for the underlying felonious assault. 5709
Except as otherwise provided in division (C) of this section, 5710
any other prison term or mandatory prison term previously or 5711
subsequently imposed upon the offender may be served 5712
concurrently with, or consecutively to, the prison term imposed 5713
pursuant to division (B)(10) of this section. 5714

(8) Any prison term imposed for a violation of section 5715
2903.04 of the Revised Code that is based on a violation of 5716
section 2925.03 or 2925.11 of the Revised Code or on a violation 5717
of section 2925.05 of the Revised Code that is not funding of 5718
marihuana trafficking shall run consecutively to any prison term 5719
imposed for the violation of section 2925.03 or 2925.11 of the 5720
Revised Code or for the violation of section 2925.05 of the 5721
Revised Code that is not funding of marihuana trafficking. 5722

(9) When consecutive prison terms are imposed pursuant to 5723
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 5724
division (H)(1) or (2) of this section, subject to division (C) 5725
(10) of this section, the term to be served is the aggregate of 5726
all of the terms so imposed. 5727

(10) When a court sentences an offender to a non-life 5728
felony indefinite prison term, any definite prison term or 5729
mandatory definite prison term previously or subsequently 5730
imposed on the offender in addition to that indefinite sentence 5731
that is required to be served consecutively to that indefinite 5732
sentence shall be served prior to the indefinite sentence. 5733

(11) If a court is sentencing an offender for a felony of 5734
the first or second degree, if division (A) (1) (a) or (2) (a) of 5735
this section applies with respect to the sentencing for the 5736
offense, and if the court is required under the Revised Code 5737
section that sets forth the offense or any other Revised Code 5738
provision to impose a mandatory prison term for the offense, the 5739
court shall impose the required mandatory prison term as the 5740
minimum term imposed under division (A) (1) (a) or (2) (a) of this 5741
section, whichever is applicable. 5742

(D) (1) If a court imposes a prison term, other than a term 5743
of life imprisonment, for a felony of the first degree, for a 5744
felony of the second degree, for a felony sex offense, or for a 5745
felony of the third degree that is an offense of violence and 5746
that is not a felony sex offense, it shall include in the 5747
sentence a requirement that the offender be subject to a period 5748
of post-release control after the offender's release from 5749
imprisonment, in accordance with section 2967.28 of the Revised 5750
Code. If a court imposes a sentence including a prison term of a 5751
type described in this division on or after July 11, 2006, the 5752
failure of a court to include a post-release control requirement 5753
in the sentence pursuant to this division does not negate, 5754
limit, or otherwise affect the mandatory period of post-release 5755
control that is required for the offender under division (B) of 5756
section 2967.28 of the Revised Code. Section 2929.191 of the 5757
Revised Code applies if, prior to July 11, 2006, a court imposed 5758
a sentence including a prison term of a type described in this 5759
division and failed to include in the sentence pursuant to this 5760
division a statement regarding post-release control. 5761

(2) If a court imposes a prison term for a felony of the 5762
third, fourth, or fifth degree that is not subject to division 5763
(D) (1) of this section, it shall include in the sentence a 5764

requirement that the offender be subject to a period of post- 5765
release control after the offender's release from imprisonment, 5766
in accordance with that division, if the parole board determines 5767
that a period of post-release control is necessary. Section 5768
2929.191 of the Revised Code applies if, prior to July 11, 2006, 5769
a court imposed a sentence including a prison term of a type 5770
described in this division and failed to include in the sentence 5771
pursuant to this division a statement regarding post-release 5772
control. 5773

(E) The court shall impose sentence upon the offender in 5774
accordance with section 2971.03 of the Revised Code, and Chapter 5775
2971. of the Revised Code applies regarding the prison term or 5776
term of life imprisonment without parole imposed upon the 5777
offender and the service of that term of imprisonment if any of 5778
the following apply: 5779

(1) A person is convicted of or pleads guilty to a violent 5780
sex offense or a designated homicide, assault, or kidnapping 5781
offense, and, in relation to that offense, the offender is 5782
adjudicated a sexually violent predator. 5783

(2) A person is convicted of or pleads guilty to a 5784
violation of division (A) (1) (b) of section 2907.02 of the 5785
Revised Code committed on or after January 2, 2007, and either 5786
the court does not impose a sentence of life without parole when 5787
authorized pursuant to division (B) of section 2907.02 of the 5788
Revised Code, or division (B) of section 2907.02 of the Revised 5789
Code provides that the court shall not sentence the offender 5790
pursuant to section 2971.03 of the Revised Code. 5791

(3) A person is convicted of or pleads guilty to attempted 5792
rape committed on or after January 2, 2007, and a specification 5793
of the type described in section 2941.1418, 2941.1419, or 5794

2941.1420 of the Revised Code. 5795

(4) A person is convicted of or pleads guilty to a 5796
violation of section 2905.01 of the Revised Code committed on or 5797
after January 1, 2008, and that section requires the court to 5798
sentence the offender pursuant to section 2971.03 of the Revised 5799
Code. 5800

(5) A person is convicted of or pleads guilty to 5801
aggravated murder committed on or after January 1, 2008, and 5802
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 5803
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 5804
(a) (iv) of section 2929.03, or division (A) or (B) of section 5805
2929.06 of the Revised Code requires the court to sentence the 5806
offender pursuant to division (B) (3) of section 2971.03 of the 5807
Revised Code. 5808

(6) A person is convicted of or pleads guilty to murder 5809
committed on or after January 1, 2008, and division (B) (2) of 5810
section 2929.02 of the Revised Code requires the court to 5811
sentence the offender pursuant to section 2971.03 of the Revised 5812
Code. 5813

(F) If a person who has been convicted of or pleaded 5814
guilty to a felony is sentenced to a prison term or term of 5815
imprisonment under this section, sections 2929.02 to 2929.06 of 5816
the Revised Code, section 2929.142 of the Revised Code, section 5817
2971.03 of the Revised Code, or any other provision of law, 5818
section 5120.163 of the Revised Code applies regarding the 5819
person while the person is confined in a state correctional 5820
institution. 5821

(G) If an offender who is convicted of or pleads guilty to 5822
a felony that is an offense of violence also is convicted of or 5823

pleads guilty to a specification of the type described in 5824
section 2941.142 of the Revised Code that charges the offender 5825
with having committed the felony while participating in a 5826
criminal gang, the court shall impose upon the offender an 5827
additional prison term of one, two, or three years. 5828

(H) (1) If an offender who is convicted of or pleads guilty 5829
to aggravated murder, murder, or a felony of the first, second, 5830
or third degree that is an offense of violence also is convicted 5831
of or pleads guilty to a specification of the type described in 5832
section 2941.143 of the Revised Code that charges the offender 5833
with having committed the offense in a school safety zone or 5834
towards a person in a school safety zone, the court shall impose 5835
upon the offender an additional prison term of two years. The 5836
offender shall serve the additional two years consecutively to 5837
and prior to the prison term imposed for the underlying offense. 5838

(2) (a) If an offender is convicted of or pleads guilty to 5839
a felony violation of section 2907.22, 2907.24, 2907.241, or 5840
2907.25 of the Revised Code and to a specification of the type 5841
described in section 2941.1421 of the Revised Code and if the 5842
court imposes a prison term on the offender for the felony 5843
violation, the court may impose upon the offender an additional 5844
prison term as follows: 5845

(i) Subject to division (H) (2) (a) (ii) of this section, an 5846
additional prison term of one, two, three, four, five, or six 5847
months; 5848

(ii) If the offender previously has been convicted of or 5849
pleaded guilty to one or more felony or misdemeanor violations 5850
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5851
the Revised Code and also was convicted of or pleaded guilty to 5852
a specification of the type described in section 2941.1421 of 5853

the Revised Code regarding one or more of those violations, an 5854
additional prison term of one, two, three, four, five, six, 5855
seven, eight, nine, ten, eleven, or twelve months. 5856

(b) In lieu of imposing an additional prison term under 5857
division (H)(2)(a) of this section, the court may directly 5858
impose on the offender a sanction that requires the offender to 5859
wear a real-time processing, continual tracking electronic 5860
monitoring device during the period of time specified by the 5861
court. The period of time specified by the court shall equal the 5862
duration of an additional prison term that the court could have 5863
imposed upon the offender under division (H)(2)(a) of this 5864
section. A sanction imposed under this division shall commence 5865
on the date specified by the court, provided that the sanction 5866
shall not commence until after the offender has served the 5867
prison term imposed for the felony violation of section 2907.22, 5868
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5869
residential sanction imposed for the violation under section 5870
2929.16 of the Revised Code. A sanction imposed under this 5871
division shall be considered to be a community control sanction 5872
for purposes of section 2929.15 of the Revised Code, and all 5873
provisions of the Revised Code that pertain to community control 5874
sanctions shall apply to a sanction imposed under this division, 5875
except to the extent that they would by their nature be clearly 5876
inapplicable. The offender shall pay all costs associated with a 5877
sanction imposed under this division, including the cost of the 5878
use of the monitoring device. 5879

(I) At the time of sentencing, the court may recommend the 5880
offender for placement in a program of shock incarceration under 5881
section 5120.031 of the Revised Code or for placement in an 5882
intensive program prison under section 5120.032 of the Revised 5883
Code, disapprove placement of the offender in a program of shock 5884

incarceration or an intensive program prison of that nature, or 5885
make no recommendation on placement of the offender. In no case 5886
shall the department of rehabilitation and correction place the 5887
offender in a program or prison of that nature unless the 5888
department determines as specified in section 5120.031 or 5889
5120.032 of the Revised Code, whichever is applicable, that the 5890
offender is eligible for the placement. 5891

If the court disapproves placement of the offender in a 5892
program or prison of that nature, the department of 5893
rehabilitation and correction shall not place the offender in 5894
any program of shock incarceration or intensive program prison. 5895

If the court recommends placement of the offender in a 5896
program of shock incarceration or in an intensive program 5897
prison, and if the offender is subsequently placed in the 5898
recommended program or prison, the department shall notify the 5899
court of the placement and shall include with the notice a brief 5900
description of the placement. 5901

If the court recommends placement of the offender in a 5902
program of shock incarceration or in an intensive program prison 5903
and the department does not subsequently place the offender in 5904
the recommended program or prison, the department shall send a 5905
notice to the court indicating why the offender was not placed 5906
in the recommended program or prison. 5907

If the court does not make a recommendation under this 5908
division with respect to an offender and if the department 5909
determines as specified in section 5120.031 or 5120.032 of the 5910
Revised Code, whichever is applicable, that the offender is 5911
eligible for placement in a program or prison of that nature, 5912
the department shall screen the offender and determine if there 5913
is an available program of shock incarceration or an intensive 5914

program prison for which the offender is suited. If there is an 5915
available program of shock incarceration or an intensive program 5916
prison for which the offender is suited, the department shall 5917
notify the court of the proposed placement of the offender as 5918
specified in section 5120.031 or 5120.032 of the Revised Code 5919
and shall include with the notice a brief description of the 5920
placement. The court shall have ten days from receipt of the 5921
notice to disapprove the placement. 5922

(J) If a person is convicted of or pleads guilty to 5923
aggravated vehicular homicide in violation of division (A) (1) of 5924
section 2903.06 of the Revised Code and division (B) (2) (c) of 5925
that section applies, the person shall be sentenced pursuant to 5926
section 2929.142 of the Revised Code. 5927

(K) (1) The court shall impose an additional mandatory 5928
prison term of two, three, four, five, six, seven, eight, nine, 5929
ten, or eleven years on an offender who is convicted of or 5930
pleads guilty to a violent felony offense if the offender also 5931
is convicted of or pleads guilty to a specification of the type 5932
described in section 2941.1424 of the Revised Code that charges 5933
that the offender is a violent career criminal and had a firearm 5934
on or about the offender's person or under the offender's 5935
control while committing the presently charged violent felony 5936
offense and displayed or brandished the firearm, indicated that 5937
the offender possessed a firearm, or used the firearm to 5938
facilitate the offense. The offender shall serve the prison term 5939
imposed under this division consecutively to and prior to the 5940
prison term imposed for the underlying offense. The prison term 5941
shall not be reduced pursuant to section 2929.20 or 2967.19 or 5942
any other provision of Chapter 2967. or 5120. of the Revised 5943
Code. A court may not impose more than one sentence under 5944
division (B) (2) (a) of this section and this division for acts 5945

committed as part of the same act or transaction. 5946

(2) As used in division (K)(1) of this section, "violent 5947
career criminal" and "violent felony offense" have the same 5948
meanings as in section 2923.132 of the Revised Code. 5949

(L) If an offender receives or received a sentence of life 5950
imprisonment without parole, a sentence of life imprisonment, a 5951
definite sentence, or a sentence to an indefinite prison term 5952
under this chapter for a felony offense that was committed when 5953
the offender was under eighteen years of age, the offender's 5954
parole eligibility shall be determined under section 2967.132 of 5955
the Revised Code. 5956

Sec. 2935.34. (A) As used in this section: 5957

(1) "State detoxification provider" means a community 5958
addiction services provider that meets all of the following 5959
requirements: 5960

(a) The provider has been certified by the department of 5961
rehabilitation and correction as having a secure facility for 5962
the housing and detention of individuals prior to trial and has 5963
been designated by the department as a state detoxification 5964
provider. 5965

(b) The drug addiction services offered by the provider 5966
have been certified by the department of mental health and 5967
addiction services. 5968

(c) The provider is a medicaid provider, as defined in 5969
section 5164.01 of the Revised Code. 5970

(2) "Severe substance use disorder" means a condition in 5971
which a person is found to have experienced within a twelve- 5972
month period six or more symptoms of a substance use disorder, 5973

as determined in accordance with the criteria established in the 5974
fifth edition of the diagnostic and statistical manual of mental 5975
disorders published by the American psychiatric association. 5976

(B)(1) Except as provided in division (B)(2) of this 5977
section, if a person charged with an offense that is not an 5978
offense of violence is taken before a judge of a court of record 5979
and if it appears to the judge that the person has a severe 5980
substance use disorder involving heroin, fentanyl, carfentanil, 5981
cocaine, L.S.D., or methamphetamine, or is suffering withdrawal 5982
from heroin, fentanyl, carfentanil, cocaine, L.S.D., or 5983
methamphetamine, the judge may order the person to be confined 5984
by a state detoxification provider facility located in the area 5985
in which the court has jurisdiction for purposes of 5986
detoxification and treatment. The person shall remain confined 5987
at the facility while awaiting trial until the person has 5988
completed detoxification. 5989

(2) An individual confined under division (B)(1) of this 5990
section shall not be released on bail unless the court requires, 5991
as a condition of bail, that the individual be immediately 5992
admitted in a secure inpatient facility for the treatment of 5993
drug addiction and from which the offender cannot be discharged 5994
against medical advice. 5995

(C) The department of rehabilitation and correction, in 5996
consultation with the buckeye sheriffs association, shall 5997
determine the number of detoxification facilities necessary to 5998
meet the anticipated demand for those facilities under this 5999
section. 6000

(D) The department of rehabilitation and correction, in 6001
consultation with the department of mental health and addiction 6002
services, shall ensure that enough detoxification providers 6003

exist in the state to meet the anticipated need by calculating 6004
the amount of money that will be received by Medicaid for the 6005
detoxification of individuals sent to a detoxification provider 6006
and determining the amount of additional money that will be 6007
needed to construct or acquire facilities to house 6008
detoxification providers. If additional money is needed to 6009
construct or acquire facilities to house detoxification 6010
providers to meet anticipated needs, the director of 6011
rehabilitation and correction shall apply to the controlling 6012
board under section 127.19 of the Revised Code for the release 6013
of funds for that purpose. 6014

Sec. 2941.1410. (A) Except as provided in sections 2925.03 6015
and 2925.11 and division (E) (1) of section 2925.05 of the 6016
Revised Code, the determination by a court that an offender is a 6017
major drug offender is precluded unless the indictment, count in 6018
the indictment, or information charging the offender specifies 6019
that the offender is a major drug offender. The specification 6020
shall be stated at the end of the body of the indictment, count, 6021
or information, and shall be stated in substantially the 6022
following form: 6023

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 6024
Grand Jurors (or insert the person's or prosecuting attorney's 6025
name when appropriate) further find and specify that (set forth 6026
that the offender is a major drug offender)." 6027

(B) Imposition of a three, four, five, six, seven, or 6028
eight-year mandatory prison term upon an offender under division 6029
(B) (9) of section 2929.14 of the Revised Code, pursuant to 6030
determination by a court that an offender is a major drug 6031
offender, is precluded unless the indictment, count in the 6032
indictment, or information charging the offender with the 6033

violation of section ~~2925.03, 2925.05, or 2925.11~~ of the Revised Code specifies that the offender is a major drug offender and that the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound. The specification shall be stated at the end of the body of the indictment, count, or information, and shall be stated in substantially the following form:

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The Grand Jurors (or insert the person's or prosecuting attorney's name when appropriate) further find and specify that (set forth that the offender is a major drug offender and the drug involved in the violation is a fentanyl-related compound or a compound, mixture, preparation, or substance containing a fentanyl-related compound)."

(C) The court shall determine the issue of whether an offender is a major drug offender.

(D) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 2951.02. (A) (1) During the period of a misdemeanor offender's community control sanction ~~or, during the period of a felony offender's nonresidential sanction, during the period of an offender's conditional release from an addiction treatment facility under section 2967.55, during the period of an offender's probation after release from an addiction treatment facility under section 2967.56, or during the period of an offender's community control through a restitution work program under section 2967.58 or 2967.59 of the Revised Code,~~ authorized probation officers who are engaged within the scope of their supervisory duties or responsibilities may search, with or

without a warrant, the person of the offender, the place of 6064
residence of the offender, and a motor vehicle, another item of 6065
tangible or intangible personal property, or other real property 6066
in which the offender has a right, title, or interest or for 6067
which the offender has the express or implied permission of a 6068
person with a right, title, or interest to use, occupy, or 6069
possess if the probation officers have reasonable grounds to 6070
believe that the offender is not abiding by the law or otherwise 6071
is not complying with the conditions of the misdemeanor 6072
offender's community control sanction or the conditions of the 6073
felony offender's nonresidential sanction. If a felony offender 6074
who is sentenced to a nonresidential sanction is under the 6075
general control and supervision of the adult parole authority, 6076
as described in division (A) (2) (a) of section 2929.15 of the 6077
Revised Code, adult parole authority field officers with 6078
supervisory responsibilities over the felony offender shall have 6079
the same search authority relative to the felony offender during 6080
the period of the sanction that is described under this division 6081
for probation officers. 6082

(2) The court that places the misdemeanor offender under a 6083
community control sanction pursuant to section 2929.25 of the 6084
Revised Code ~~or,~~ that sentences the felony offender to a 6085
nonresidential sanction pursuant to section 2929.17 of the 6086
Revised Code, that sentences an offender to an addiction 6087
treatment facility under section 2967.52 of the Revised Code, 6088
that transfers a prisoner to an addiction treatment facility 6089
under section 2967.53 of the Revised Code, that sentences an 6090
offender to community control through a restitution work center 6091
under section 2967.58 of the Revised Code, or that modifies an 6092
offender's sentence to community control through a restitution 6093
work program under section 2967.59 of the Revised Code, shall 6094

provide the offender with a written notice that informs the 6095
offender that authorized probation officers or adult parole 6096
authority field officers with supervisory responsibilities over 6097
the offender who are engaged within the scope of their 6098
supervisory duties or responsibilities may conduct those types 6099
of searches during the period of community control sanction~~or,~~ 6100
during the period of the nonresidential sanction, during the 6101
period of the offender's conditional release from an addiction 6102
treatment facility under section 2967.55, or during the period 6103
of an offender's probation after release from an addiction 6104
treatment facility under section 2967.56 of the Revised Code if 6105
they have reasonable grounds to believe that the offender is not 6106
abiding by the law or otherwise is not complying with the 6107
conditions of the offender's community control sanction~~or,~~ 6108
nonresidential sanction, conditional release, or probation. 6109

(B) If an offender is convicted of or pleads guilty to a 6110
misdemeanor, the court may require the offender, as a condition 6111
of the offender's sentence of a community control sanction, to 6112
perform supervised community service work in accordance with 6113
this division. If an offender is convicted of or pleads guilty 6114
to a felony, the court, pursuant to sections 2929.15 and 2929.17 6115
of the Revised Code, may impose a sanction that requires the 6116
offender to perform supervised community service work in 6117
accordance with this division. The supervised community service 6118
work shall be under the authority of health districts, park 6119
districts, counties, municipal corporations, townships, other 6120
political subdivisions of the state, or agencies of the state or 6121
any of its political subdivisions, or under the authority of 6122
charitable organizations that render services to the community 6123
or its citizens, in accordance with this division. The court may 6124
require an offender who is ordered to perform the work to pay to 6125

it a reasonable fee to cover the costs of the offender's 6126
participation in the work, including, but not limited to, the 6127
costs of procuring a policy or policies of liability insurance 6128
to cover the period during which the offender will perform the 6129
work. 6130

A court may permit any offender convicted of a felony or a 6131
misdemeanor to satisfy the payment of a fine imposed for the 6132
offense pursuant to section 2929.18 or 2929.28 of the Revised 6133
Code by performing supervised community service work as 6134
described in this division if the offender requests an 6135
opportunity to satisfy the payment by this means and if the 6136
court determines that the offender is financially unable to pay 6137
the fine. 6138

After imposing a term of community service, the court may 6139
modify the sentence to authorize a reasonable contribution to 6140
the appropriate general fund as provided in division (B) of 6141
section 2929.27 of the Revised Code. 6142

The supervised community service work that may be imposed 6143
under this division shall be subject to the following 6144
limitations: 6145

(1) The court shall fix the period of the work and, if 6146
necessary, shall distribute it over weekends or over other 6147
appropriate times that will allow the offender to continue at 6148
the offender's occupation or to care for the offender's family. 6149
The period of the work as fixed by the court shall not exceed in 6150
the aggregate the number of hours of community service imposed 6151
by the court pursuant to section 2929.17 or 2929.27 of the 6152
Revised Code. 6153

(2) An agency, political subdivision, or charitable 6154

organization must agree to accept the offender for the work 6155
before the court requires the offender to perform the work for 6156
the entity. A court shall not require an offender to perform 6157
supervised community service work for an agency, political 6158
subdivision, or charitable organization at a location that is an 6159
unreasonable distance from the offender's residence or domicile, 6160
unless the offender is provided with transportation to the 6161
location where the work is to be performed. 6162

(3) A court may enter into an agreement with a county 6163
department of job and family services for the management, 6164
placement, and supervision of offenders eligible for community 6165
service work in work activities, developmental activities, and 6166
alternative work activities under sections 5107.40 to 5107.69 of 6167
the Revised Code. If a court and a county department of job and 6168
family services have entered into an agreement of that nature, 6169
the clerk of that court is authorized to pay directly to the 6170
county department all or a portion of the fees collected by the 6171
court pursuant to this division in accordance with the terms of 6172
its agreement. 6173

(4) Community service work that a court requires under 6174
this division shall be supervised by an official of the agency, 6175
political subdivision, or charitable organization for which the 6176
work is performed or by a person designated by the agency, 6177
political subdivision, or charitable organization. The official 6178
or designated person shall be qualified for the supervision by 6179
education, training, or experience, and periodically shall 6180
report, in writing, to the court and to the offender's probation 6181
officer concerning the conduct of the offender in performing the 6182
work. 6183

(5) The total of any period of supervised community 6184

service work imposed on an offender under division (B) of this 6185
section plus the period of all other sanctions imposed pursuant 6186
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 6187
Revised Code for a felony, or pursuant to sections 2929.25, 6188
2929.26, 2929.27, and 2929.28 of the Revised Code for a 6189
misdemeanor, shall not exceed five years. 6190

(C) (1) If an offender is convicted of a violation of 6191
section 4511.19 of the Revised Code or a substantially similar 6192
municipal ordinance, the court may require, as a condition of a 6193
community control sanction, that the offender operate only a 6194
motor vehicle equipped with an ignition interlock device that is 6195
certified pursuant to section 4510.43 of the Revised Code. 6196

(2) If a court requires an offender, as a condition of a 6197
community control sanction pursuant to division (C) (1) of this 6198
section, to operate only a motor vehicle equipped with an 6199
ignition interlock device that is certified pursuant to section 6200
4510.43 of the Revised Code, the offender immediately shall 6201
surrender the offender's driver's or commercial driver's license 6202
or permit to the court. Upon the receipt of the offender's 6203
license or permit, the court shall issue an order authorizing 6204
the offender to operate a motor vehicle equipped with a 6205
certified ignition interlock device and deliver the offender's 6206
license or permit to the registrar of motor vehicles. The court 6207
also shall give the offender a copy of its order for purposes of 6208
obtaining a restricted license. 6209

(3) An offender shall present to the registrar or to a 6210
deputy registrar the copy of the order issued under division (C) 6211
of this section and a certificate affirming the installation of 6212
an ignition interlock device that is in a form established by 6213
the director of public safety and that is signed by the person 6214

who installed the device. Upon presentation of the order and certificate, the registrar or deputy registrar shall issue a restricted license to the offender, unless the offender's driver's license or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. The restricted license shall be identical to the surrendered license, except that it shall have printed on its face a statement that the offender is prohibited from operating a motor vehicle that is not equipped with an ignition interlock device that is certified pursuant to section 4510.43 of the Revised Code. The registrar shall deliver the offender's surrendered license or permit to the court upon receipt of a court order requiring it to do so, or reissue the offender's license or permit under section 4510.52 of the Revised Code if the registrar destroyed the offender's license or permit under that section. The offender shall surrender the restricted license to the court upon receipt of the offender's surrendered license or permit.

(4) If an offender violates a requirement of the court imposed under division (C)(1) of this section, the court may impose a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(7) of section 4510.02 of the Revised Code. On a second or subsequent violation, the court may impose a class four suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in division (A)(4) of section 4510.02 of the Revised Code.

Sec. 2951.023. (A) During the period of a hard drug trafficking offender's nonresidential sanction, the following

individuals may search, with or without a warrant, the person of 6246
the offender, the place of residence of the offender, and a 6247
motor vehicle, another item of tangible or intangible personal 6248
property, or other real property in which the offender has a 6249
right, title, or interest or for which the offender has the 6250
express or implied permission of a person with a right, title, 6251
or interest to use, occupy, or possess, if the individual has 6252
reasonable grounds to believe that the offender is not abiding 6253
by the law or otherwise is not complying with the conditions of 6254
the nonresidential sanction: 6255

(1) An authorized probation officer who is engaged within 6256
the scope of the officer's supervisory duties or 6257
responsibilities; 6258

(2) An adult parole authority field officer who has 6259
supervisory responsibilities over the offender; 6260

(3) A law enforcement officer who is engaged within the 6261
scope of the officer's law enforcement duties or 6262
responsibilities. 6263

(B) The court that sentences a felony hard drug 6264
trafficking offender to a nonresidential sanction pursuant to 6265
section 2929.17 of the Revised Code shall provide the offender 6266
with a written notice that informs the offender that authorized 6267
probation officers, adult parole authority field officers with 6268
supervisory responsibilities over the offender who are engaged 6269
within the scope of their supervisory duties or 6270
responsibilities, and law enforcement officers engaged within 6271
the scope of their duties or responsibilities may conduct the 6272
types of searches described in division (A) of this section 6273
during the period of the nonresidential sanction if they have 6274
reasonable grounds to believe that the offender is not abiding 6275

by the law or otherwise is not complying with the conditions of 6276
the offender's nonresidential sanction. 6277

(C) As used in this section: 6278

(1) "Hard drug trafficking offender" means a person who 6279
has been convicted of or pleaded guilty to committing a 6280
violation of section 2925.03 of the Revised Code that is a 6281
felony and that involves heroin, fentanyl, carfentanil, cocaine, 6282
L.S.D., methamphetamine, or a hard drug analog. 6283

(2) "Cocaine," "L.S.D.," "methamphetamine," and "hard drug 6284
analog" have the same meanings as in section 2925.01 of the 6285
Revised Code. 6286

Sec. 2951.08. (A) During a period of community control, 6287
conditional release from an addiction treatment facility, 6288
probation subsequent to release from an addiction treatment 6289
facility, or community control through a restitution work 6290
program, any field officer or probation officer may arrest the 6291
person under a community control, conditional release, or 6292
probation sanction without a warrant and bring the person before 6293
the judge or magistrate before whom the cause was pending. 6294
During a period of community control, conditional release from 6295
an addiction treatment facility, probation subsequent to release 6296
from an addiction treatment facility, or community control 6297
through a restitution work program, any peace officer may arrest 6298
the person under a community control sanction without a warrant 6299
upon the written order of the chief probation officer of the 6300
probation agency if the person under a community control 6301
sanction, conditional release, or probation is under the 6302
supervision of that probation agency or on the order of an 6303
officer of the adult parole authority created pursuant to 6304
section 5149.02 of the Revised Code if the person under a 6305

community control sanction, conditional release, or probation is 6306
under the supervision of the authority. During a period of 6307
community control, any peace officer may arrest the person under 6308
a community control sanction on the warrant of the judge or 6309
magistrate before whom the cause was pending. 6310

During a period of community control, conditional release 6311
from an addiction treatment facility, or probation subsequent to 6312
release from an addiction treatment facility, any peace officer 6313
may arrest the person under a community control, conditional 6314
release, or probation sanction without a warrant if the peace 6315
officer has reasonable ground to believe that the person has 6316
violated or is violating any of the following that is a 6317
condition of the person's community control sanction: 6318

(1) A condition that prohibits ownership, possession, or 6319
use of a firearm, deadly weapon, ammunition, or dangerous 6320
ordnance; 6321

(2) A condition that prohibits the person from being 6322
within a specified structure or geographic area; 6323

(3) A condition that confines the person to a residence, 6324
facility, or other structure; 6325

(4) A condition that prohibits the person from contacting 6326
or communicating with any specified individual; 6327

(5) A condition that prohibits the person from associating 6328
with a specified individual; 6329

(6) A condition as provided in division (A) (1) (a) of 6330
section 2929.25 of the Revised Code or in division (A) (1) of 6331
section 2929.15 or (A) (8) of section 2929.27 of the Revised Code 6332
that requires that the person not ingest or be injected with a 6333
drug of abuse and submit to random drug testing and requires 6334

that the results of the drug test indicate that the person did 6335
not ingest or was not injected with a drug of abuse. 6336

(B) Within three business days after making an arrest 6337
under this section, the arresting field officer, probation 6338
officer, or peace officer or the department or agency of the 6339
arresting officer shall notify the chief probation officer or 6340
the chief probation officer's designee that the person has been 6341
arrested. Within thirty days of being notified that a field 6342
officer, probation officer, or peace officer has made an arrest 6343
under this section, the chief probation officer or designee, or 6344
another probation officer designated by the chief probation 6345
officer, promptly shall bring the person who was arrested before 6346
the judge or magistrate before whom the cause was pending. 6347

(C) Nothing in this section limits the powers of arrest 6348
granted to certain law enforcement officers and citizens under 6349
sections 2935.03 and 2935.04 of the Revised Code. 6350

(D) A probation officer shall receive the actual and 6351
necessary expenses incurred in the performance of the officer's 6352
duties. 6353

(E) As used in this section, "random drug testing" has the 6354
same meaning as in section 5120.63 of the Revised Code. 6355

Sec. 2967.131. (A) In addition to any other terms and 6356
conditions of a conditional pardon or parole, of transitional 6357
control, or of another form of authorized release from 6358
confinement in a state correctional institution that is granted 6359
to an individual and that involves the placement of the 6360
individual under the supervision of the adult parole authority, 6361
and in addition to any other sanctions of post-release control 6362
of a felon imposed under section 2967.28 of the Revised Code, 6363

the authority or, in the case of a conditional pardon, the 6364
governor shall include in the terms and conditions of the 6365
conditional pardon, parole, transitional control, or other form 6366
of authorized release or shall include as conditions of the 6367
post-release control the conditions that the individual or felon 6368
not leave the state without permission of the court or the 6369
individual's or felon's parole or probation officer and that the 6370
individual or felon abide by the law during the period of the 6371
individual's or felon's conditional pardon, parole, transitional 6372
control, other form of authorized release, or post-release 6373
control. 6374

(B) (1) The department of rehabilitation and correction, as 6375
a condition of parole or post-release control, may require that 6376
the individual or felon shall not ingest or be injected with a 6377
drug of abuse and shall submit to random drug testing as 6378
provided in divisions (B) (2), (3), and (4) of this section and 6379
that the results of the drug test indicate that the individual 6380
or felon did not ingest or was not injected with a drug of 6381
abuse. 6382

(2) If the adult parole authority has general control and 6383
supervision of an individual or felon who is required to submit 6384
to random drug testing as a condition of parole or post-release 6385
control under division (B) (1) of this section, the authority may 6386
cause the individual or felon to submit to random drug testing 6387
performed by a laboratory or entity that has entered into a 6388
contract with any of the governmental entities or officers 6389
authorized to enter into a contract with that laboratory or 6390
entity under section 341.26, 753.33, or 5120.63 of the Revised 6391
Code. 6392

(3) If no laboratory or entity described in division (B) 6393

(2) of this section has entered into a contract as specified in 6394
that division, the adult parole authority shall cause the 6395
individual or felon to submit to random drug testing performed 6396
by a reputable public laboratory to determine whether the 6397
individual or felon who is the subject of the drug test ingested 6398
or was injected with a drug of abuse. 6399

(4) If a laboratory or entity has entered into a contract 6400
with a governmental entity or officer as specified in division 6401
(B) (2) of this section, the laboratory or entity shall perform 6402
the random drug testing under division (B) (2) of this section in 6403
accordance with the applicable standards that are included in 6404
the terms of that contract. A public laboratory shall perform 6405
the random drug tests under division (B) (3) of this section in 6406
accordance with the standards set forth in the policies and 6407
procedures established by the department of rehabilitation and 6408
correction pursuant to section 5120.63 of the Revised Code. An 6409
individual or felon who is required under division (B) (1) of 6410
this section to submit to random drug testing as a condition of 6411
parole or post-release control and whose test results indicate 6412
that the individual or felon ingested or was injected with a 6413
drug of abuse shall pay the fee for the drug test if the adult 6414
parole authority requires payment of a fee. A laboratory or 6415
entity that performs the random drug testing on a parolee or 6416
releasee under division (B) (2) or (3) of this section shall 6417
transmit the results of the drug test to the adult parole 6418
authority. 6419

(C) ~~During~~(1) Except as provided in division (C) (2) of 6420
this section, during the period of a conditional pardon or 6421
parole, of transitional control, or of another form of 6422
authorized release from confinement in a state correctional 6423
institution that is granted to an individual and that involves 6424

the placement of the individual under the supervision of the 6425
adult parole authority, and during a period of post-release 6426
control of a felon imposed under section 2967.28 of the Revised 6427
Code, authorized field officers of the authority who are engaged 6428
within the scope of their supervisory duties or responsibilities 6429
may search, with or without a warrant, the person of the 6430
individual or felon, the place of residence of the individual or 6431
felon, and a motor vehicle, another item of tangible or 6432
intangible personal property, or other real property in which 6433
the individual or felon has a right, title, or interest or for 6434
which the individual or felon has the express or implied 6435
permission of a person with a right, title, or interest to use, 6436
occupy, or possess, if the field officers have reasonable 6437
grounds to believe that the individual or felon has left the 6438
state, is not abiding by the law, or otherwise is not complying 6439
with the terms and conditions of the individual's or felon's 6440
conditional pardon, parole, transitional control, other form of 6441
authorized release, or post-release control. 6442

The (2) If a person is convicted of a hard drug 6443
trafficking offense, during the period of a conditional pardon 6444
or parole, of transitional control, or of another form of 6445
authorized release from confinement in a state correctional 6446
institution that is granted to the felon and that involves the 6447
placement of the felon under the supervision of the adult parole 6448
authority, and during a period of post-release control of the 6449
felon imposed under section 2967.28 of the Revised Code, either 6450
of the following individuals may search, with or without a 6451
warrant, the person of the felon, the place of residence of the 6452
felon, and a motor vehicle, another item of tangible or 6453
intangible personal property, or other real property in which 6454
the felon has a right, title, or interest or for which the felon 6455

has the express or implied permission of a person with a right, 6456
title, or interest to use, occupy, or possess: 6457

(a) An authorized field officer of the authority who is 6458
engaged within the scope of the officer's supervisory duties or 6459
responsibilities; 6460

(b) A law enforcement officer who is engaged within the 6461
scope of the officer's law enforcement duties or 6462
responsibilities. 6463

(3) (a) Except as provided in division (C) (3) (b) of this 6464
section, the authority shall provide each individual who is 6465
granted a conditional pardon or parole, transitional control, or 6466
another form of authorized release from confinement in a state 6467
correctional institution and each felon who is under post- 6468
release control with a written notice that informs the 6469
individual or felon that authorized field officers of the 6470
authority who are engaged within the scope of their supervisory 6471
duties or responsibilities may conduct those types of searches 6472
during the period of the conditional pardon, parole, 6473
transitional control, other form of authorized release, or post- 6474
release control if they have reasonable grounds to believe that 6475
the individual or felon has left the state, is not abiding by 6476
the law, or otherwise is not complying with the terms and 6477
conditions of the individual's or felon's conditional pardon, 6478
parole, transitional control, other form of authorized release, 6479
or post-release control. 6480

(b) The authority shall provide each individual convicted 6481
of a hard drug trafficking offense who is granted a conditional 6482
pardon or parole, transitional control, or another form of 6483
authorized release from confinement in a state correctional 6484
institution or who is under post-release control with a written 6485

notice that informs the felon that authorized field officers of 6486
the authority who are engaged within the scope of their 6487
supervisory duties or responsibilities and law enforcement 6488
officers who are engaged within the scope of their law 6489
enforcement duties or responsibilities may conduct those types 6490
of searches during the period of the conditional pardon, parole, 6491
transitional control, other form of authorized release, or post- 6492
release control if they have reasonable grounds to believe that 6493
the felon has left the state, is not abiding by the law, or 6494
otherwise is not complying with the terms and conditions of the 6495
felon's conditional pardon, parole, transitional control, or 6496
other form of authorized release or post-release control. 6497

Sec. 2967.28. (A) As used in this section: 6498

(1) "Monitored time" means the monitored time sanction 6499
specified in section 2929.17 of the Revised Code. 6500

(2) "Deadly weapon" and "dangerous ordnance" have the same 6501
meanings as in section 2923.11 of the Revised Code. 6502

(3) "Felony sex offense" means a violation of a section 6503
contained in Chapter 2907. of the Revised Code that is a felony. 6504

(4) "Risk reduction sentence" means a prison term imposed 6505
by a court, when the court recommends pursuant to section 6506
2929.143 of the Revised Code that the offender serve the 6507
sentence under section 5120.036 of the Revised Code, and the 6508
offender may potentially be released from imprisonment prior to 6509
the expiration of the prison term if the offender successfully 6510
completes all assessment and treatment or programming required 6511
by the department of rehabilitation and correction under section 6512
5120.036 of the Revised Code. 6513

(5) "Victim's immediate family" has the same meaning as in 6514

section 2967.12 of the Revised Code. 6515

(6) "Minor drug possession offense" has the same meaning 6516
as in section 2925.11 of the Revised Code. 6517

(7) "Felony hard drug trafficking offense" means a 6518
violation of section 2925.03 of the Revised Code that is a 6519
felony and that involves heroin, fentanyl, carfentanil, cocaine, 6520
L.S.D., or methamphetamine. 6521

(B) Each sentence to a prison term, other than a term of 6522
life imprisonment, for a felony of the first degree, for a 6523
felony of the second degree, for a felony sex offense, or for a 6524
felony of the third degree that is an offense of violence and is 6525
not a felony sex offense shall include a requirement that the 6526
offender be subject to a period of post-release control imposed 6527
by the parole board after the offender's release from 6528
imprisonment. This division applies with respect to all prison 6529
terms of a type described in this division, including a term of 6530
any such type that is a risk reduction sentence. If a court 6531
imposes a sentence including a prison term of a type described 6532
in this division on or after July 11, 2006, the failure of a 6533
sentencing court to notify the offender pursuant to division (B) 6534
(2) (d) of section 2929.19 of the Revised Code of this 6535
requirement or to include in the judgment of conviction entered 6536
on the journal a statement that the offender's sentence includes 6537
this requirement does not negate, limit, or otherwise affect the 6538
mandatory period of supervision that is required for the 6539
offender under this division. This division applies with respect 6540
to all prison terms of a type described in this division, 6541
including a non-life felony indefinite prison term. Section 6542
2929.191 of the Revised Code applies if, prior to July 11, 2006, 6543
a court imposed a sentence including a prison term of a type 6544

described in this division and failed to notify the offender 6545
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 6546
Code regarding post-release control or to include in the 6547
judgment of conviction entered on the journal or in the sentence 6548
pursuant to division (D) (1) of section 2929.14 of the Revised 6549
Code a statement regarding post-release control. Unless reduced 6550
by the parole board pursuant to division (D) of this section 6551
when authorized under that division, a period of post-release 6552
control required by this division for an offender shall be of 6553
one of the following periods: 6554

(1) For a felony hard drug trafficking offense, ten years; 6555

(2) For a felony of the first degree that is not a felony 6556
hard drug trafficking offense or for a felony sex offense, five 6557
years; 6558

~~(2)~~ (3) For a felony of the second degree that is not a 6559
felony sex offense or a felony hard drug trafficking offense, 6560
three years; 6561

~~(3)~~ (4) For a felony of the third degree that is an 6562
offense of violence and is not a felony sex offense or a felony 6563
hard drug trafficking offense, three years. 6564

(C) Any sentence to a prison term for a felony of the 6565
third, fourth, or fifth degree that is not subject to division 6566
(B) (1), (2), or ~~(3)~~ (4) of this section shall include a 6567
requirement that the offender be subject to a period of post- 6568
release control of up to three years after the offender's 6569
release from imprisonment, if the parole board, in accordance 6570
with division (D) of this section, determines that a period of 6571
post-release control is necessary for that offender. This 6572
division applies with respect to all prison terms of a type 6573

described in this division, including a term of any such type 6574
that is a risk reduction sentence. Section 2929.191 of the 6575
Revised Code applies if, prior to July 11, 2006, a court imposed 6576
a sentence including a prison term of a type described in this 6577
division and failed to notify the offender pursuant to division 6578
(B) (2) (e) of section 2929.19 of the Revised Code regarding post- 6579
release control or to include in the judgment of conviction 6580
entered on the journal or in the sentence pursuant to division 6581
(D) (2) of section 2929.14 of the Revised Code a statement 6582
regarding post-release control. Pursuant to an agreement entered 6583
into under section 2967.29 of the Revised Code, a court of 6584
common pleas or parole board may impose sanctions or conditions 6585
on an offender who is placed on post-release control under this 6586
division. 6587

(D) (1) Before the prisoner is released from imprisonment, 6588
the parole board or, pursuant to an agreement under section 6589
2967.29 of the Revised Code, the court shall impose upon a 6590
prisoner described in division (B) of this section, shall impose 6591
upon a prisoner described in division (C) of this section who is 6592
to be released before the expiration of the prisoner's stated 6593
prison term under a risk reduction sentence, may impose upon a 6594
prisoner described in division (C) of this section who is not to 6595
be released before the expiration of the prisoner's stated 6596
prison term under a risk reduction sentence, and shall impose 6597
upon a prisoner described in division (B) (2) (b) of section 6598
5120.031 or in division (B) (1) of section 5120.032 of the 6599
Revised Code, one or more post-release control sanctions to 6600
apply during the prisoner's period of post-release control. 6601
Whenever the board or court imposes one or more post-release 6602
control sanctions upon a prisoner, the board or court, in 6603
addition to imposing the sanctions, also shall include as a 6604

condition of the post-release control that the offender not 6605
leave the state without permission of the court or the 6606
offender's parole or probation officer and that the offender 6607
abide by the law. The board or court may impose any other 6608
conditions of release under a post-release control sanction that 6609
the board or court considers appropriate, and the conditions of 6610
release may include any community residential sanction, 6611
community nonresidential sanction, or financial sanction that 6612
the sentencing court was authorized to impose pursuant to 6613
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 6614
Prior to the release of a prisoner for whom it will impose one 6615
or more post-release control sanctions under this division, the 6616
parole board or court shall review the prisoner's criminal 6617
history, results from the single validated risk assessment tool 6618
selected by the department of rehabilitation and correction 6619
under section 5120.114 of the Revised Code, all juvenile court 6620
adjudications finding the prisoner, while a juvenile, to be a 6621
delinquent child, and the record of the prisoner's conduct while 6622
imprisoned. The parole board or court shall consider any 6623
recommendation regarding post-release control sanctions for the 6624
prisoner made by the office of victims' services. After 6625
considering those materials, the board or court shall determine, 6626
for a prisoner described in division (B) of this section, 6627
division (B) (2) (b) of section 5120.031, or division (B) (1) of 6628
section 5120.032 of the Revised Code and for a prisoner 6629
described in division (C) of this section who is to be released 6630
before the expiration of the prisoner's stated prison term under 6631
a risk reduction sentence, which post-release control sanction 6632
or combination of post-release control sanctions is reasonable 6633
under the circumstances or, for a prisoner described in division 6634
(C) of this section who is not to be released before the 6635
expiration of the prisoner's stated prison term under a risk 6636

reduction sentence, whether a post-release control sanction is 6637
necessary and, if so, which post-release control sanction or 6638
combination of post-release control sanctions is reasonable 6639
under the circumstances. In the case of a prisoner convicted of 6640
a felony of the fourth or fifth degree other than a felony sex 6641
offense, the board or court shall presume that monitored time is 6642
the appropriate post-release control sanction unless the board 6643
or court determines that a more restrictive sanction is 6644
warranted. In the case of a prisoner convicted of a felony hard 6645
drug trafficking offense, the board or court shall require, as a 6646
condition of post-release control, that the prisoner report 6647
regularly on the prisoner's progress abstaining from drug 6648
culture. A post-release control sanction imposed under this 6649
division takes effect upon the prisoner's release from 6650
imprisonment. 6651

Regardless of whether the prisoner was sentenced to the 6652
prison term prior to, on, or after July 11, 2006, prior to the 6653
release of a prisoner for whom it will impose one or more post- 6654
release control sanctions under this division, the parole board 6655
shall notify the prisoner that, if the prisoner violates any 6656
sanction so imposed or any condition of post-release control 6657
described in division (B) of section 2967.131 of the Revised 6658
Code that is imposed on the prisoner, the parole board may 6659
impose a prison term of up to one-half of the stated prison term 6660
originally imposed upon the prisoner. 6661

At least thirty days before the prisoner is released from 6662
imprisonment under post-release control, except as otherwise 6663
provided in this paragraph, the department of rehabilitation and 6664
correction shall notify the victim and the victim's immediate 6665
family of the date on which the prisoner will be released, the 6666
period for which the prisoner will be under post-release control 6667

supervision, and the terms and conditions of the prisoner's 6668
post-release control regardless of whether the victim or 6669
victim's immediate family has requested the notification. The 6670
notice described in this paragraph shall not be given to a 6671
victim or victim's immediate family if the victim or the 6672
victim's immediate family has requested pursuant to division (B) 6673
(2) of section 2930.03 of the Revised Code that the notice not 6674
be provided to the victim or the victim's immediate family. At 6675
least thirty days before the prisoner is released from 6676
imprisonment and regardless of whether the victim or victim's 6677
immediate family has requested that the notice described in this 6678
paragraph be provided or not be provided to the victim or the 6679
victim's immediate family, the department also shall provide 6680
notice of that nature to the prosecuting attorney in the case 6681
and the law enforcement agency that arrested the prisoner if any 6682
officer of that agency was a victim of the offense. 6683

If the notice given under the preceding paragraph to the 6684
victim or the victim's immediate family is based on an offense 6685
committed prior to March 22, 2013, and if the department of 6686
rehabilitation and correction has not previously successfully 6687
provided any notice to the victim or the victim's immediate 6688
family under division (B), (C), or (D) of section 2930.16 of the 6689
Revised Code with respect to that offense and the offender who 6690
committed it, the notice also shall inform the victim or the 6691
victim's immediate family that the victim or the victim's 6692
immediate family may request that the victim or the victim's 6693
immediate family not be provided any further notices with 6694
respect to that offense and the offender who committed it and 6695
shall describe the procedure for making that request. The 6696
department may give the notices to which the preceding paragraph 6697
applies by any reasonable means, including regular mail, 6698

telephone, and electronic mail. If the department attempts to provide notice to any specified person under the preceding paragraph but the attempt is unsuccessful because the department is unable to locate the specified person, is unable to provide the notice by its chosen method because it cannot determine the mailing address, electronic mail address, or telephone number at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the department shall make another attempt to provide the notice to the specified person. If the second attempt is unsuccessful, the department shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's immediate family, the notice shall include the opt-out information described in this paragraph. The department, in the manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

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

expiration of the minimum term that is part of the prisoner's 6730
indefinite prison term imposed under a non-life felony 6731
indefinite prison term by reason of credit earned under section 6732
2967.193 or a reduction under division (F) of section 2967.271 6733
of the Revised Code and if the prisoner earned sixty or more 6734
days of credit, the adult parole authority shall supervise the 6735
offender with an active global positioning system device for the 6736
first fourteen days after the offender's release from 6737
imprisonment. This division does not prohibit or limit the 6738
imposition of any post-release control sanction otherwise 6739
authorized by this section. 6740

(3) At any time after a prisoner is released from 6741
imprisonment and during the period of post-release control 6742
applicable to the releasee, the adult parole authority or, 6743
pursuant to an agreement under section 2967.29 of the Revised 6744
Code, the court may review the releasee's behavior under the 6745
post-release control sanctions imposed upon the releasee under 6746
this section. The authority or court may determine, based upon 6747
the review and in accordance with the standards established 6748
under division (E) of this section, that a more restrictive or a 6749
less restrictive sanction is appropriate and may impose a 6750
different sanction. The authority also may recommend that the 6751
parole board or court increase or reduce the duration of the 6752
period of post-release control imposed by the court. If the 6753
authority recommends that the board or court increase the 6754
duration of post-release control, the board or court shall 6755
review the releasee's behavior and may increase the duration of 6756
the period of post-release control imposed by the court up to 6757
eight years. If the authority recommends that the board or court 6758
reduce the duration of control for an offense described in 6759
division (B) or (C) of this section, the board or court shall 6760

review the releasee's behavior and, subject to divisions (D) (3) 6761
(a) to (c) of this section, may reduce the duration of the 6762
period of control imposed by the court or, if the period of 6763
control was imposed for a non-life felony indefinite prison 6764
term, reduce the duration of or terminate the period of control 6765
imposed by the court. In no case shall the board or court do any 6766
of the following: 6767

(a) Reduce the duration of the period of control imposed 6768
for an offense described in division (B) (1) or (2) of this 6769
section to a period less than the length of the definite prison 6770
term included in the stated prison term originally imposed on 6771
the offender as part of the sentence or, with respect to a 6772
stated non-life felony indefinite prison term, to a period less 6773
than the length of the minimum prison term imposed as part of 6774
that stated prison term; 6775

(b) Consider any reduction or termination of the duration 6776
of the period of control imposed on a releasee prior to the 6777
expiration of one year after the commencement of the period of 6778
control, if the period of control was imposed for a non-life 6779
felony indefinite prison term and the releasee's minimum prison 6780
term or presumptive earned early release date under that term 6781
was extended for any length of time under division (C) or (D) of 6782
section 2967.271 of the Revised Code. 6783

(c) Permit the releasee to leave the state without 6784
permission of the court or the releasee's parole or probation 6785
officer. 6786

(4) The department of rehabilitation and correction shall 6787
develop factors that the parole board or court shall consider in 6788
determining under division (D) (3) of this section whether to 6789
terminate the period of control imposed on a releasee for a non- 6790

life felony indefinite prison term. 6791

(E) The department of rehabilitation and correction, in 6792
accordance with Chapter 119. of the Revised Code, shall adopt 6793
rules that do all of the following: 6794

(1) Establish standards for the imposition by the parole 6795
board of post-release control sanctions under this section that 6796
are consistent with the overriding purposes and sentencing 6797
principles set forth in section 2929.11 of the Revised Code and 6798
that are appropriate to the needs of releasees; 6799

(2) Establish standards that provide for a period of post- 6800
release control of up to three years for all prisoners described 6801
in division (C) of this section who are to be released before 6802
the expiration of their stated prison term under a risk 6803
reduction sentence and standards by which the parole board can 6804
determine which prisoners described in division (C) of this 6805
section who are not to be released before the expiration of 6806
their stated prison term under a risk reduction sentence should 6807
be placed under a period of post-release control; 6808

(3) Establish standards to be used by the parole board in 6809
reducing the duration of the period of post-release control 6810
imposed by the court when authorized under division (D) of this 6811
section, in imposing a more restrictive post-release control 6812
sanction than monitored time upon a prisoner convicted of a 6813
felony of the fourth or fifth degree other than a felony sex 6814
offense, or in imposing a less restrictive control sanction upon 6815
a releasee based on the releasee's activities including, but not 6816
limited to, remaining free from criminal activity and from the 6817
abuse of alcohol or other drugs, successfully participating in 6818
approved rehabilitation programs, maintaining employment, and 6819
paying restitution to the victim or meeting the terms of other 6820

financial sanctions; 6821

(4) Establish standards to be used by the adult parole 6822
authority in modifying a releasee's post-release control 6823
sanctions pursuant to division (D)(2) of this section; 6824

(5) Establish standards to be used by the adult parole 6825
authority or parole board in imposing further sanctions under 6826
division (F) of this section on releasees who violate post- 6827
release control sanctions, including standards that do the 6828
following: 6829

(a) Classify violations according to the degree of 6830
seriousness; 6831

(b) Define the circumstances under which formal action by 6832
the parole board is warranted; 6833

(c) Govern the use of evidence at violation hearings; 6834

(d) Ensure procedural due process to an alleged violator; 6835

(e) Prescribe nonresidential community control sanctions 6836
for most misdemeanor and technical violations; 6837

(f) Provide procedures for the return of a releasee to 6838
imprisonment for violations of post-release control. 6839

(F)(1) Whenever the parole board imposes one or more post- 6840
release control sanctions upon an offender under this section, 6841
the offender upon release from imprisonment shall be under the 6842
general jurisdiction of the adult parole authority and generally 6843
shall be supervised by the field services section through its 6844
staff of parole and field officers as described in section 6845
5149.04 of the Revised Code, as if the offender had been placed 6846
on parole. If the offender upon release from imprisonment 6847
violates the post-release control sanction or any conditions 6848

described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.

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

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a

hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2) (b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct. Unless a releasee's stated prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division shall not exceed nine months, and the maximum cumulative prison term for all violations under this division shall not exceed one-half of the definite prison term that was the stated prison term originally imposed upon the offender as part of this sentence or, with

respect to a stated non-life felony indefinite prison term, one- 6912
half of the minimum prison term that was imposed as part of that 6913
stated prison term originally imposed upon the offender. If a 6914
releasee's stated prison term was reduced pursuant to section 6915
5120.032 of the Revised Code, the period of a prison term that 6916
is imposed as a post-release control sanction under this 6917
division and the maximum cumulative prison term for all 6918
violations under this division shall not exceed the period of 6919
time not served in prison under the sentence imposed by the 6920
court. The period of a prison term that is imposed as a post- 6921
release control sanction under this division shall not count as, 6922
or be credited toward, the remaining period of post-release 6923
control. 6924

If an offender is imprisoned for a felony committed while 6925
under post-release control supervision and is again released on 6926
post-release control for a period of time determined by division 6927
(F) (4) (d) of this section, the maximum cumulative prison term 6928
for all violations under this division shall not exceed one-half 6929
of the total stated prison terms of the earlier felony, reduced 6930
by any prison term administratively imposed by the parole board 6931
or court, plus one-half of the total stated prison term of the 6932
new felony. 6933

(4) Any period of post-release control shall commence upon 6934
an offender's actual release from prison. If an offender is 6935
serving an indefinite prison term or a life sentence in addition 6936
to a stated prison term, the offender shall serve the period of 6937
post-release control in the following manner: 6938

(a) If a period of post-release control is imposed upon 6939
the offender and if the offender also is subject to a period of 6940
parole under a life sentence or an indefinite sentence, and if 6941

the period of post-release control ends prior to the period of 6942
parole, the offender shall be supervised on parole. The offender 6943
shall receive credit for post-release control supervision during 6944
the period of parole. The offender is not eligible for final 6945
release under section 2967.16 of the Revised Code until the 6946
post-release control period otherwise would have ended. 6947

(b) If a period of post-release control is imposed upon 6948
the offender and if the offender also is subject to a period of 6949
parole under an indefinite sentence, and if the period of parole 6950
ends prior to the period of post-release control, the offender 6951
shall be supervised on post-release control. The requirements of 6952
parole supervision shall be satisfied during the post-release 6953
control period. 6954

(c) If an offender is subject to more than one period of 6955
post-release control, the period of post-release control for all 6956
of the sentences shall be the period of post-release control 6957
that expires last, as determined by the parole board or court. 6958
Periods of post-release control shall be served concurrently and 6959
shall not be imposed consecutively to each other. 6960

(d) The period of post-release control for a releasee who 6961
commits a felony while under post-release control for an earlier 6962
felony shall be the longer of the period of post-release control 6963
specified for the new felony under division (B) or (C) of this 6964
section or the time remaining under the period of post-release 6965
control imposed for the earlier felony as determined by the 6966
parole board or court. 6967

Sec. 2967.49. As used in sections 2967.49 to 2967.57 of 6968
the Revised Code: 6969

(A) "Addiction treatment facility" means a facility 6970

created by the department of rehabilitation and correction under 6971
section 2967.51 of the Revised Code and operated under section 6972
2967.54 of the Revised Code for the incarceration, treatment, 6973
and job training of persons who are convicted of at least one 6974
offense and found to have a severe substance use disorder 6975
involving a hard drug. 6976

(B) A "program participant" is a person sentenced to 6977
rehabilitation at an addiction treatment facility under section 6978
2967.52 of the Revised Code or transferred to an addiction 6979
treatment facility under section 2967.53 of the Revised Code. 6980

(C) "Hard drug" means carfentanil, cocaine, fentanyl, 6981
heroin, L.S.D., methamphetamine, or a hard drug analog. 6982

(D) "Hard drug analog" has the same meaning as in section 6983
2925.01 of the Revised Code. 6984

(E) "Severe substance use disorder" means a condition in 6985
which a person is found to have experienced within a twelve- 6986
month period six or more symptoms of a substance use disorder, 6987
as determined in accordance with the criteria established in the 6988
fifth edition of the diagnostic and statistical manual of mental 6989
disorders published by the American psychiatric association. 6990

Sec. 2967.50. There is in the state treasury the addiction 6991
treatment facility fund. The fund shall consist of any money 6992
appropriated to the fund by the general assembly or donated to 6993
the fund. Any interest on the fund shall be credited to the 6994
fund. The director of rehabilitation and correction shall use 6995
the money in the fund for the purpose of constructing and 6996
operating addiction treatment facilities in accordance with 6997
sections 2967.49 to 2967.57 of the Revised Code and the director 6998
of youth services shall use the money in the fund for the 6999

purpose of constructing and operating juvenile addiction 7000
treatment facilities in accordance with sections 5139.60 to 7001
5139.63 of the Revised Code. 7002

Sec. 2967.51. (A) The director of rehabilitation and 7003
correction shall establish and operate as many addiction 7004
treatment facilities as are necessary to meet the demand for 7005
those facilities in this state, to the extent that it is 7006
financially feasible to do so in accordance with this section. 7007
When the director of rehabilitation and correction determines 7008
that insufficient capacity exists in addiction treatment 7009
facilities located in a geographic region of the state to 7010
satisfy demand for accommodations in those facilities, the 7011
director, in consultation with the director of mental health and 7012
addiction services, shall advertise a request for proposals from 7013
manufacturers to establish an addiction treatment facility in 7014
that region. The request for proposals shall specify the 7015
estimated number of participants who would reside in the 7016
proposed addiction treatment facility and an estimate of the 7017
number of hours per week the program participants collectively 7018
would be available to work in the manufacturing facility 7019
associated with the addiction treatment facility. 7020

(B) A manufacturer proposal submitted in response to a 7021
request for proposals issued under this section shall meet all 7022
of the following requirements: 7023

(1) The proposal shall specify a plan to contract with the 7024
department of rehabilitation and correction for a period of not 7025
less than five years to purchase goods manufactured or altered 7026
by the participants at the addiction treatment facility and may 7027
provide for any of the following: 7028

(a) The manufacturer to provide a monetary contribution 7029

toward the cost of establishing or operating the addiction 7030
treatment facility; 7031

(b) The manufacturer to provide equipment, materials, or 7032
training for purposes of the manufacturing work; 7033

(c) Supervision or direction of the manufacturing work to 7034
be performed by employees of the manufacturer, by participants 7035
at the addiction treatment facility, by state employees or 7036
contractors, or by a combination of those persons. 7037

(2) The proposal shall demonstrate either that the goods 7038
to be manufactured or altered under the proposal or 7039
substantially similar goods are not being manufactured or 7040
altered in that manner in the United States or that the goods or 7041
substantially similar goods are being manufactured or altered in 7042
that manner in the United States and both of the following are 7043
true: 7044

(a) Not more than one-half of one per cent of the world's 7045
total production of the goods or substantially similar goods was 7046
manufactured or altered in that manner in the United States 7047
during the past three years, excluding any such goods or 7048
substantially similar goods manufactured or altered in that 7049
manner in the United States by criminal offenders participating 7050
in federal, state, or local work programs. 7051

(b) One or more manufacturers are manufacturing the goods 7052
or substantially similar goods or altering the goods or 7053
substantially similar goods in that manner in the United States 7054
with the intention of preventing an addiction treatment facility 7055
from manufacturing or altering the goods, based on the 7056
restrictions set forth in division (B) (2) of this section. The 7057
proposal shall include all of the following information 7058

concerning the manufacturers that are manufacturing the goods or 7059
substantially similar goods or altering the goods or 7060
substantially similar goods in that manner in the United States: 7061

(i) The manufacturers' ownership, parents, affiliates, and 7062
subsidiaries; 7063

(ii) The manufacturers' source of capital; 7064

(iii) The manufacturers' actual and projected net profits; 7065

(iv) The date manufacturing began; 7066

(v) The manufacturers' relationship to the world's large 7067
foreign manufacturers; 7068

(vi) The independence of the manufacturers; 7069

(vii) Any other relevant information. 7070

(C) (1) After receiving proposals from manufacturers under 7071
this section, the director of rehabilitation and correction, in 7072
consultation with the office of budget and management, shall 7073
evaluate the proposals and select one or more qualified 7074
proposals that would make the establishment and operation of an 7075
addiction treatment facility financially feasible, based on the 7076
estimated costs of operating the facility and the estimated 7077
funding provided by the manufacturer. If no suitable proposal 7078
has been submitted, the director shall continue to advertise the 7079
request for proposals until the director has selected a 7080
proposal. 7081

(2) After selecting one or more proposals under this 7082
section, if sufficient funds are not available in the addiction 7083
treatment facility fund, the director of rehabilitation and 7084
correction shall request the general assembly to appropriate the 7085
funds necessary to establish and operate the addiction treatment 7086

facility. If sufficient funds are available in the addiction 7087
treatment facility fund, or after the general assembly has 7088
appropriated the necessary funds, the director shall execute a 7089
written contract with the manufacturer or manufacturers and 7090
begin work to establish the addiction treatment facility. 7091

Sec. 2967.52. (A) Prior to trial, a defendant may apply to 7092
the court for rehabilitation at an addiction treatment facility 7093
if both of the following apply: 7094

(1) The defendant has a severe substance use disorder 7095
involving a hard drug; 7096

(2) The defendant is not charged with and has not 7097
previously been convicted of a felony offense of violence. 7098

(B) To apply for rehabilitation at an addiction treatment 7099
facility, a defendant must do all of the following: 7100

(1) Plead guilty to the offense or offenses with which the 7101
defendant is charged; 7102

(2) Agree to comply with the requirements of the 7103
rehabilitation program at the addiction treatment facility; 7104

(3) Agree to submit to a naltrexone shot two weeks before 7105
conditional release from an addiction treatment facility; 7106

(4) Acknowledge that failure to comply with the 7107
rehabilitation program could result in the court imposing a 7108
traditional sentence on the defendant, including a term of 7109
incarceration of three years or more. 7110

(C) If an eligible defendant applies to the court for 7111
rehabilitation at an addiction treatment facility under division 7112

(B) of this section and at least one addiction treatment 7113
facility is operating in the state and has available space to 7114

hold and treat the defendant for three years, the court may 7115
accept a defendant's application. If the court accepts an 7116
application under this division, the court shall do all of the 7117
following: 7118

(1) Accept the defendant's plea of guilty and find the 7119
defendant guilty of each of the offenses for which the defendant 7120
has plead guilty; 7121

(2) Sentence the defendant for each offense of which the 7122
defendant was found guilty, in accordance with Chapter 2929. of 7123
the Revised Code, or for a term of three years, whichever is 7124
longer; 7125

(3) Suspend the sentence imposed under division (B)(2) of 7126
this section on the condition that the defendant successfully 7127
complete rehabilitation at an addiction treatment facility; 7128

(4) Order the defendant to be incarcerated at the 7129
addiction treatment facility for a period of three years, 7130
administered a naltrexone shot at least two weeks prior to 7131
conditional release from that incarceration, and supervised by 7132
the addiction treatment facility for three years subsequent to 7133
release from that facility. 7134

(D) If a court does not accept a defendant's application 7135
under division (A) of this section, the court shall allow the 7136
defendant to withdraw the defendant's guilty plea and shall 7137
reinstate the criminal proceedings against the defendant. 7138

Sec. 2967.53. (A) An offender who is sentenced to a prison 7139
term for one or more felony offenses may apply to the sentencing 7140
court to have the offender's sentence transferred to an 7141
addiction treatment facility if all of the following apply: 7142

(1) The offender has served no more than two years of the 7143

offender's prison term. 7144

(2) The offender has a severe substance use disorder 7145
involving carfentanil, cocaine, fentanyl, heroin, L.S.D., or 7146
methamphetamine. 7147

(3) The offender is not serving a prison term for a felony 7148
offense of violence and has not previously been convicted of a 7149
felony offense of violence. 7150

(B) To apply for rehabilitation at an addiction treatment 7151
facility, an offender must do all of the following: 7152

(1) Submit an application to the trial court in writing, 7153
in a form prescribed by the department of rehabilitation and 7154
correction. 7155

(2) Agree to comply with the requirements of the 7156
rehabilitation program at the addiction treatment facility. 7157

(3) Acknowledge that failure to comply with the 7158
rehabilitation program could result in the court returning the 7159
offender to traditional incarceration for the remainder of the 7160
offender's prison term. 7161

(C) If an offender applies to the court for rehabilitation 7162
at an addiction treatment facility under division (B) of this 7163
section, at least one addiction treatment facility is operating 7164
in the state and has available space to hold the defendant for 7165
three years, and placement of the offender in the facility would 7166
not displace a defendant applying for the program under section 7167
2967.52 of the Revised Code, the court may accept an offender's 7168
application. If the court accepts an application under this 7169
division, the court shall do both of the following: 7170

(1) Suspend the offender's prison term on the condition 7171

that the defendant successfully complete rehabilitation at a 7172
rehabilitation program at an addiction treatment facility. 7173

(2) Order the defendant to be incarcerated at the 7174
addiction treatment facility or supervised on conditional 7175
release for a period of three years less any time the offender 7176
has already been incarcerated in a facility operated by the 7177
department of rehabilitation and correction. 7178

Sec. 2967.54. (A) Each addiction treatment facility shall 7179
be operated by the department of rehabilitation and correction 7180
in collaboration with the department of mental health and 7181
addiction services. The director of rehabilitation and 7182
correction shall hire staff for the facility to ensure security 7183
and the director of mental health and addiction services shall 7184
hire staff to ensure that program participants receive services 7185
necessary for their rehabilitation and shall ensure that all of 7186
the following are available to program participants: 7187

(1) Counseling; 7188

(2) Mentorship programs; 7189

(3) Mental health treatment; 7190

(4) Structure and regimen; 7191

(5) Vocational work programs; 7192

(6) Any other program or service that is determined by the 7193
department of mental health and addiction services to be a 7194
component of appropriate treatment. 7195

(B) (1) Program participants may be required to work up to 7196
forty hours each week manufacturing or altering items produced 7197
by the addiction treatment facility as determined as part of the 7198
program participant's treatment plan by medical staff at the 7199

facility. 7200

(2) (a) The department of rehabilitation and correction 7201
shall pay a program participant for the participant's work in 7202
the addiction treatment facility at the same rate paid to 7203
participants in work programs established under section 5145.16 7204
of the Revised Code. The department shall designate a financial 7205
manager for each addiction treatment facility. 7206

(b) If the moneys the department receives from the 7207
manufacturer under the contract for the operation of the 7208
addiction treatment facility exceed ninety-five per cent of the 7209
cost of operating the addiction treatment facility, the 7210
department shall use the excess funds to increase the hourly 7211
compensation of each offender who works at the addiction 7212
treatment facility by an equal amount. 7213

(3) The net earnings of a participant at an addiction 7214
treatment facility shall be allocated in the same manner as the 7215
earnings of participants in work programs under section 5145.16 7216
of the Revised Code. Twenty-five per cent of the earnings 7217
allocated to the account of the program participant shall be 7218
held by a financial manager in accordance with divisions (B) (4) 7219
and (5) of this section. 7220

(4) The financial manager shall hold the earnings 7221
surrendered by a participant on behalf of the participant, place 7222
the earnings surrendered by each participant in a separate 7223
account, and provide a monthly account statement to the 7224
participant. The financial manager shall place a participant's 7225
earnings in an interest-bearing savings account at a savings 7226
bank or in a bond account invested in bonds issued by the United 7227
States treasury, this state, or a political subdivision of this 7228
state that is chosen by the participant. 7229

(5) The financial manager shall pay out the total funds held on behalf of a participant upon the participant's release from the addiction treatment facility. The financial manager shall maintain complete and accurate records with respect to all money received from and paid out to participants. 7230
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(C) (1) The department of mental health and addiction services shall employ medical professionals to provide services to program participants, to design and modify treatment of program participants based on the exact needs of the participant and the participant's rehabilitation, and to screen program participants for conditional release under section 2967.55 of the Revised Code. 7235
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(2) Medical professionals employed by the director of mental health and addiction services shall determine the number of hours a week a program participant shall work based on the treatment progress of the participant. 7242
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(3) The department of mental health may utilize volunteers to provide medical services to program participants and those volunteers may claim the deduction under division (A) (34) of section 5747.01 of the Revised Code. 7246
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(D) The director of mental health and addiction services shall allow medical professionals employed by the department under division (C) of this section to work for a short term of three to six months in an addiction treatment facility if short terms are required to prevent burnout. 7250
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(E) The director of mental health and addiction services shall ensure that each addiction treatment facility has all components of necessary treatment available and may structure treatment in phases. Treatment phases may include any of the 7255
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services listed in division (A) of this section. 7259

Sec. 2967.55. (A) If a medical professional employed by 7260
the department of rehabilitation and correction at an addiction 7261
treatment facility determines that a program participant has a 7262
strong likelihood of abstaining from using hard drugs upon 7263
release, the department of rehabilitation and correction may 7264
conditionally release that program participant under division 7265
(B) of this section. 7266

(B) A program participant that is conditionally released 7267
under this section shall not be confined to an addiction 7268
treatment facility for the remainder of their three-year term 7269
but shall be required to do all of the following as conditions 7270
of release: 7271

(1) Submit to monitoring by means of a global positioning 7272
device that cannot be removed; 7273

(2) Submit to randomized drug screenings for hard drugs; 7274

(3) Report for counseling and other therapeutic activity, 7275
as prescribed by the health professionals employed by the 7276
facility; 7277

(4) Reside at least five miles away from the place where 7278
the program participant lived immediately prior to the program 7279
participant's most recent conviction; 7280

(5) Be actively working or seeking work, be seeking a 7281
trade certification, or be enrolled in a state institution of 7282
higher education; 7283

(6) If deemed medically appropriate, receive a naltrexone 7284
injection on a monthly basis. 7285

(C) If a program participant violates any condition of 7286

release listed in division (B) of this section, the program 7287
participant shall be returned to the addiction treatment 7288
facility for the duration of the participant's three-year term. 7289

Sec. 2967.56. (A) Following a period of incarceration at 7290
an addiction treatment facility, a program participant shall be 7291
supervised by the addiction treatment facility for a period of 7292
three years. Program participants who are supervised under this 7293
section shall be given priority to participate in any reentry 7294
employment program for ex-offenders that is offered by the 7295
department of rehabilitation and correction. Staff of the 7296
addiction treatment facility shall coordinate with staff of the 7297
department of rehabilitation and correction to ensure a smooth 7298
transition from the addiction treatment facility to the reentry 7299
employment program. 7300

(B) To be eligible for record sealing under this section, 7301
during the period of supervision, a program participant at an 7302
addiction treatment facility shall reside at least five miles 7303
away from the place of the participant's residence prior to the 7304
participant's most recent arrest and shall provide mentoring 7305
services to participants who are currently incarcerated in an 7306
addiction treatment facility either in person or remotely, as 7307
prescribed by the health professionals employed by the facility. 7308

(C) If a program participant completes the supervision 7309
required by division (B) of this section, the program 7310
participant may apply to the sentencing court for the sealing of 7311
the record of the case or cases for which the program 7312
participant was sentenced to an addiction treatment facility, 7313
for the sealing of the record of the case or cases for which the 7314
program participant was serving a period of imprisonment 7315
immediately prior to being transferred to an addiction treatment 7316

facility, or for the sealing of the record of any offense 7317
committed due to the participant's addiction to hard drugs. 7318

(D) Upon the filing of an application under division (C) 7319
of this section, the court shall set a date for a hearing and 7320
shall notify the prosecutor for the case of the hearing on the 7321
application. 7322

(E) If the court determines that the applicant has 7323
successfully completed the supervision period under division (B) 7324
of this section, the court shall order all official records of 7325
the case that pertain to the conviction deleted and shall 7326
dismiss the charges in the case. The proceedings in the case 7327
that pertain to the conviction shall be considered not to have 7328
occurred and the conviction of the person who is the subject of 7329
the proceedings shall be sealed, except that upon conviction of 7330
a subsequent offense, the sealed record of prior conviction may 7331
be considered by the court in determining the sentence or other 7332
appropriate disposition. 7333

(F) Inspection of records sealed under division (E) of 7334
this section may be made only by the persons listed in division 7335
(D) of section 2953.32 of the Revised Code and may be made only 7336
for the purposes listed in that division. 7337

(G) In any criminal proceeding, proof of any otherwise 7338
admissible prior conviction may be introduced and proved, 7339
notwithstanding the fact that for any such prior conviction an 7340
order of sealing previously was issued pursuant to this section. 7341

(H) The person or governmental agency, office, or 7342
department that maintains sealed records pertaining to 7343
convictions or bail forfeitures that have been sealed pursuant 7344
to this section may maintain a manual or computerized index to 7345

the sealed records. The index shall contain only the name of, 7346
and alphanumeric identifiers that relate to, the persons who are 7347
the subject of the sealed records, the word "sealed," and the 7348
name of the person, agency, office, or department that has 7349
custody of the sealed records, and shall not contain the name of 7350
the crime committed. The index shall be made available by the 7351
person who has custody of the sealed records only for the 7352
purposes set forth in divisions (E), (F), and (G) of this 7353
section. 7354

Sec. 2967.57. The director of rehabilitation and 7355
correction shall adopt rules under Chapter 119. of the Revised 7356
Code to do all of the following: 7357

(A) Establish a list of offenses that would pose an 7358
intentional physical threat to the public and may disqualify an 7359
offender or defendant under section 2967.58 or 2967.59 of the 7360
Revised Code from participating in a restitution work program. 7361

(B) Establish procedures for the reimbursement of county 7362
sheriffs for the costs of administering restitution work 7363
programs under sections 2967.58 through 2967.61 of the Revised 7364
Code, including costs associated with transportation of program 7365
participants and monitoring participants with global positioning 7366
system devices. 7367

(C) Prescribe the form that incarcerated offenders must 7368
use to apply for rehabilitation at an addiction treatment 7369
facility under section 2967.53 of the Revised Code. 7370

Sec. 2967.58. (A) After trial but prior to sentencing, a 7371
defendant may apply to the court to serve the defendant's 7372
sentence under community control through a restitution work 7373
program if the offenses for which the defendant was convicted do 7374

not include an offense designated by the department of 7375
rehabilitation and correction or determined by the court to be 7376
an intentional physical threat to the public. 7377

(B) To apply for community control through a restitution 7378
work program, a defendant must do all of the following: 7379

(1) Agree that notwithstanding Chapter 2929. of the 7380
Revised Code, if accepted to the community control program, the 7381
defendant will be sentenced to participate in the program for a 7382
period equal to twice the period of incarceration to which the 7383
defendant would otherwise be subject. 7384

(2) Agree to comply with the requirements of community 7385
control under the restitution work program. 7386

(3) Agree to report to the location designated by the 7387
sheriff in the defendant's county of residence to participate in 7388
labor under the restitution work program from eight a.m. to 7389
eight p.m. every Saturday and Sunday during the period of the 7390
defendant's community control or at such other days and times as 7391
are approved by the sheriff under division (C) of section 7392
2967.60 of the Revised Code. 7393

(4) Acknowledge that failure to comply with the terms of 7394
the community control could result in the court revoking the 7395
community control and imposing on the defendant a period of 7396
incarceration equal to the period of time remaining in the 7397
defendant's community control. 7398

(C) If an eligible defendant applies to the court for 7399
community control through a restitution work program under 7400
division (B) of this section, the prosecutor in the case shall 7401
submit an opinion to the court as to whether the defendant is 7402
amenable to community control through a restitution work 7403

program. 7404

(D) The court may choose, notwithstanding any sentence 7405
otherwise required or permitted under Chapter 2929. of the 7406
Revised Code, to sentence the offender to community control in a 7407
restitution work program. In making a decision to sentence a 7408
defendant to community control through a restitution work 7409
program, the court shall evaluate the nature of the offense or 7410
offenses committed by the defendant and any circumstances 7411
surrounding the offense. If the court decides to sentence a 7412
defendant to community control through a restitution work 7413
program, the court shall do all of the following: 7414

(1) Notwithstanding Chapter 2929. of the Revised Code, 7415
sentence the defendant to a period of incarceration equal to 7416
double the period of incarceration the court would have 7417
otherwise imposed on the offender under Chapter 2929. of the 7418
Revised Code. 7419

(2) Suspend the sentence imposed under division (D)(1) of 7420
this section on the condition that the defendant successfully 7421
complete community control through a restitution work program. 7422

(3) Sentence the defendant to a period of community 7423
control in a restitution work program equal to the period of 7424
incarceration suspended under division (D)(2) of this section. 7425

Sec. 2967.59. (A) An offender who is currently serving a 7426
term of imprisonment for one or more felony offenses may apply 7427
to the sentencing court to have the offender's sentence modified 7428
to community control through a restitution work program if no 7429
offense for which the offender is currently serving a term of 7430
imprisonment is an offense designated by the department of 7431
rehabilitation and correction or determined by the court to be 7432

an intentional physical threat to the public. 7433

(B) To apply for community control through a restitution work program, an incarcerated offender must do all of the following: 7434
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(1) Agree that if accepted to the restitution work program the defendant will be required to serve a period of community control equal to twice the remaining term of imprisonment to which the defendant is currently subject. 7437
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(2) Agree to comply with the requirements of community control under the restitution work program. 7441
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(3) Agree to report to the location designated by the sheriff in the defendant's county of residence to participate in labor under the restitution work program from eight a.m. to eight p.m. every Saturday and Sunday during the period of the defendant's community control, or at such other days and times as are approved by the sheriff under division (C) of section 2967.60 of the Revised Code. 7443
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(4) Acknowledge that failure to comply with the terms of the community control could result in the court revoking the probation and imposing on the offender a period of incarceration equal to the period of time remaining in the defendant's community control and may be a violation of section 2967.60 of the Revised Code. 7450
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(C) If an eligible offender applies to the sentencing court to have the offender's sentence modified to community control through a restitution work program under division (B) of this section, the prosecutor in the case shall submit an opinion to the court as to whether the offender is amenable to community control through a restitution work program. 7456
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(D) The court may choose to modify the offender's sentence 7462
to community control through a restitution work program. In 7463
making a decision to modify the sentence, the court shall 7464
evaluate the nature of the offense or offenses committed by the 7465
defendant and any circumstances surrounding the offense. If the 7466
court decides to modify the sentence, the court shall do all of 7467
the following: 7468

(1) Suspend the sentence under which the offender is 7469
currently incarcerated on the condition that the defendant 7470
successfully complete community control through a restitution 7471
work program. 7472

(2) Order the offender released from custody of the 7473
department of rehabilitation and correction to global 7474
positioning supervision by the sheriff in the county of the 7475
offender's residence. 7476

(3) Order the offender to complete a period of community 7477
control through a restitution work program in the county of the 7478
offender's residence equal to twice the period of incarceration 7479
suspended under division (D) (1) of this section. 7480

Sec. 2967.60. (A) Each of the following shall be 7481
considered a violation of community control imposed through a 7482
restitution work program: 7483

(1) Failure to report to the location designated by the 7484
sheriff for work in a restitution work program. 7485

(2) Failure to participate in work required of the 7486
participant as part of the restitution work program. 7487

(3) Conviction of a felony offense for conduct that 7488
occurred while the participant was under community control 7489
imposed through the restitution work program. 7490

(B) If a person who was sentenced to community control through a restitution work center under section 2967.58 of the Revised Code violates the community control imposed through the restitution work program, the sheriff may arrest the person and bring the person before the judge or court that sentenced the person. If the court determines that the person violated the terms of community control, the court may revoke community control and reinstate the person's prison sentence, up to the full amount suspended under division (D) (2) of section 2967.58 of the Revised Code.

(C) If a person sentenced to community control through a restitution work center or whose sentence was modified to community control through a restitution work center is unable to work the required twelve-hour shifts on Saturday or Sunday because of an unavoidable conflict, the sheriff may allow the person to fulfill their obligation by working on a different day or at a different time within two weeks after the missed shift.

(D) If a person whose sentence was modified to community control through a restitution work center under section 2967.58 of the Revised Code violates the community control imposed through the restitution work program, the sheriff may arrest the person and bring the person before the judge or court that modified the person's sentence. If the court determines that the person violated the terms of community control, the court may revoke community control and reinstate the person's prison sentence for a period up to the remaining term of the person's community control or the full amount suspended under division (D) (1) of section 2967.59 of the Revised Code, whichever is the shorter term.

(E) (1) No person whose sentence was modified to community

control through a restitution work center under section 2967.58 7521
of the Revised Code shall violate the community control imposed 7522
through the restitution work program. 7523

(2) Whoever violates division (E)(1) of this section is 7524
guilty of failure to complete a restitution work program 7525
modification, a felony offense. In lieu of any sanction for 7526
revocation of community control under division (D) of this 7527
section, the court may sentence the offender to a term of 7528
incarceration up to the term of community control remaining in 7529
the offender's modified sentence. 7530

(F) Division (E) of this section is a strict liability 7531
offense and section 2901.20 of the Revised Code does not apply. 7532

(G) For purposes of division (C) of this section, 7533
"unavoidable conflict" may include any of the following: 7534

(1) The funeral of an immediate family member; 7535

(2) The wedding of a close or immediate family member; 7536

(3) An illness that prevents the offender from working; 7537

(4) The graduation of an immediate family member; 7538

(5) The birth of a child; 7539

(6) A scheduling conflict with the offender's regular 7540
employment; 7541

(7) A state holiday, as specified in section 124.19 of the 7542
Revised Code. 7543

Sec. 3719.062. (A) As used in this section: 7544

(1) "~~health-related~~ Health-related licensing board" means 7545
a state board authorized to issue a license to engage in the 7546
practice of a licensed health professional authorized to 7547

~~prescribe drugs~~prescriber. 7548

(2) Notwithstanding the definition of "prescriber" given 7549
in section 3719.01 of the Revised Code, "prescriber" does not 7550
include a veterinarian licensed under Chapter 4741. of the 7551
Revised Code. 7552

(B) To the extent permitted by federal law and except as 7553
provided in rules adopted under this section, a prescriber who 7554
issues an initial prescription for an opioid analgesic for the 7555
treatment of acute pain shall limit the prescription to an 7556
amount that does not exceed the amount indicated for the 7557
patient's treatment for a period of three days. Before 7558
additional opioid analgesics may be prescribed after the initial 7559
prescription, the prescriber shall re-examine the patient. After 7560
the re-examination, a new prescription may be issued. The new 7561
prescription is not subject to the three-day limitation that 7562
applied to the initial prescription. 7563

(C) A health-related licensing board may adopt rules 7564
specifying circumstances under which a prescriber may issue an 7565
initial prescription for an opioid analgesic to treat acute pain 7566
in an amount that exceeds the amount indicated for the patient's 7567
treatment for a period of three days. 7568

In addition to the limits specified in division (B) of 7569
this section, a health-related licensing board may adopt rules 7570
otherwise limiting the amount of an opioid analgesic that may be 7571
prescribed pursuant to a single prescription by ~~an individual~~ a 7572
prescriber licensed by the board. ~~The~~ 7573

Any rules adopted under this section shall be adopted in 7574
accordance with Chapter 119. of the Revised Code. 7575

Sec. 3719.065. (A) As used in this section, "health- 7576

related licensing board" and "prescriber" have the same meanings 7577
as in section 3719.062 of the Revised Code. 7578

(B) Before initially prescribing an opioid analgesic or 7579
personally furnishing a complete or partial supply of such a 7580
drug, and at least annually thereafter for a patient on a 7581
continuing treatment with such a drug, a prescriber shall 7582
evaluate the patient for signs of drug abuse or addiction. The 7583
prescriber shall conduct the evaluation in accordance with rules 7584
adopted under division (C) of this section. 7585

(C) (1) Each health-related licensing board authorized to 7586
issue a license to a prescriber shall adopt rules establishing 7587
standards and procedures to be followed by prescribers when 7588
evaluating patients for signs of drug abuse or addiction. 7589

(2) In adopting the rules required by this section, all of 7590
the following apply: 7591

(a) Each board shall consult with all of the other health- 7592
related licensing boards subject to this section. 7593

(b) To the extent possible, each board shall establish 7594
standards and procedures that are substantially similar to those 7595
established by the other boards. 7596

(c) The rules shall be adopted in accordance with Chapter 7597
119. of the Revised Code. 7598

Sec. 3719.066. (A) As used in this section, "health- 7599
related licensing board" and "prescriber" have the same meanings 7600
as in section 3719.062 of the Revised Code. 7601

(B) A pharmacist who dispenses an opioid analgesic in an 7602
amount indicated for a period of five or more days shall discuss 7603
with the patient or the patient's representative the risks of 7604

opioid addiction, including that the risk of addiction increases 7605
substantially after taking such a drug for five or more days. 7606
For each discussion, the pharmacist may charge the fee 7607
established under section 5164.7516 of the Revised Code, 7608
regardless of the payment source. 7609

(C) Each health-related licensing board shall adopt 7610
guidelines regarding counseling and education to be provided by 7611
a prescriber to a patient who is prescribed an opioid analgesic 7612
in an amount indicated for a period of five or more days. 7613

Sec. 3719.21. Except as provided in division (C) of 7614
section 2923.42, division (B) of section 2923.44, divisions (D) 7615
(1), (F), and (H) of section 2925.03, division (D)(1) of section 7616
2925.02, 2925.04, or 2925.05, ~~division (E)(1) of section~~ 7617
~~2925.11,~~ division (E) of section 2925.13, division (F) of 7618
section 2925.36, division (D) of section 2925.22, division (H) 7619
of section 2925.23, division (M) of section 2925.37, division 7620
(B) of section 2925.42, division (B) of section 2929.18, 7621
division (D) of section 3719.99, division (B)(1) of section 7622
4729.65, division (E)(3) of section 4729.99, and division (I)(3) 7623
of section 4729.99 of the Revised Code, the clerk of the court 7624
shall pay all fines or forfeited bail assessed and collected 7625
under prosecutions or prosecutions commenced for violations of 7626
this chapter, section 2923.42 of the Revised Code, or Chapter 7627
2925. of the Revised Code, within thirty days, to the executive 7628
director of the state board of pharmacy, and the executive 7629
director shall deposit the fines into the state treasury to the 7630
credit of the occupational licensing and regulatory fund. 7631

Sec. 4123.392. (A) For purposes of this section, "reentry 7632
Ohio program" means the reentry Ohio program created in section 7633
5120.85 of the Revised Code. 7634

(B) Solely for the purpose of providing compensation and 7635
benefits as set forth in this section, a participant in the 7636
reentry Ohio program is an employee of the department of 7637
rehabilitation and correction, and not an employee of the 7638
private business employing the participant under the program. 7639

(C) A reentry Ohio program participant who suffers an 7640
injury or contracts an occupational disease in the course of and 7641
arising out of participation in the program is entitled to 7642
compensation and benefits under this chapter. 7643

(D) (1) This chapter is the exclusive remedy for a reentry 7644
Ohio program participant or the participant's dependents 7645
resulting from the participant's injury or occupational disease 7646
received in the course of and arising out of the participant's 7647
participation in the program. Pursuant to section 4123.74 of the 7648
Revised Code, neither the department nor the private business 7649
employing the participant under the program shall be liable to 7650
respond in damages at common law or by statute for any injury, 7651
occupational disease, or bodily condition suffered or contracted 7652
by a participant in the course of or arising out of 7653
participation in the program. 7654

(2) Notwithstanding division (D) (1) of this section, a 7655
participant or the participant's dependents do not waive any 7656
cause of action for an intentional tort under section 2745.01 of 7657
the Revised Code against the department or the private business 7658
employing the participant under the program. 7659

(E) The department may include a reentry Ohio program 7660
participant in its department workers' compensation coverage, or 7661
may establish a separate workers' compensation coverage policy 7662
with the bureau of workers' compensation upon the terms and 7663
conditions for insurance to be established by the bureau 7664

consistent with insurance principles, as is equitable in the 7665
view of degree and hazard. 7666

Sec. 4141.01. As used in this chapter, unless the context 7667
otherwise requires: 7668

(A) (1) "Employer" means the state, its instrumentalities, 7669
its political subdivisions and their instrumentalities, Indian 7670
tribes, and any individual or type of organization including any 7671
partnership, limited liability company, association, trust, 7672
estate, joint-stock company, insurance company, or corporation, 7673
whether domestic or foreign, or the receiver, trustee in 7674
bankruptcy, trustee, or the successor thereof, or the legal 7675
representative of a deceased person who subsequent to December 7676
31, 1971, or in the case of political subdivisions or their 7677
instrumentalities, subsequent to December 31, 1973: 7678

(a) Had in employment at least one individual, or in the 7679
case of a nonprofit organization, subsequent to December 31, 7680
1973, had not less than four individuals in employment for some 7681
portion of a day in each of twenty different calendar weeks, in 7682
either the current or the preceding calendar year whether or not 7683
the same individual was in employment in each such day; or 7684

(b) Except for a nonprofit organization, had paid for 7685
service in employment wages of fifteen hundred dollars or more 7686
in any calendar quarter in either the current or preceding 7687
calendar year; or 7688

(c) Had paid, subsequent to December 31, 1977, for 7689
employment in domestic service in a local college club, or local 7690
chapter of a college fraternity or sorority, cash remuneration 7691
of one thousand dollars or more in any calendar quarter in the 7692
current calendar year or the preceding calendar year, or had 7693

paid subsequent to December 31, 1977, for employment in domestic 7694
service in a private home cash remuneration of one thousand 7695
dollars in any calendar quarter in the current calendar year or 7696
the preceding calendar year: 7697

(i) For the purposes of divisions (A)(1)(a) and (b) of 7698
this section, there shall not be taken into account any wages 7699
paid to, or employment of, an individual performing domestic 7700
service as described in this division. 7701

(ii) An employer under this division shall not be an 7702
employer with respect to wages paid for any services other than 7703
domestic service unless the employer is also found to be an 7704
employer under division (A)(1)(a), (b), or (d) of this section. 7705

(d) As a farm operator or a crew leader subsequent to 7706
December 31, 1977, had in employment individuals in agricultural 7707
labor; and 7708

(i) During any calendar quarter in the current calendar 7709
year or the preceding calendar year, paid cash remuneration of 7710
twenty thousand dollars or more for the agricultural labor; or 7711

(ii) Had at least ten individuals in employment in 7712
agricultural labor, not including agricultural workers who are 7713
aliens admitted to the United States to perform agricultural 7714
labor pursuant to sections 1184(c) and 1101(a)(15)(H) of the 7715
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 7716
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in 7717
each of the twenty different calendar weeks, in either the 7718
current or preceding calendar year whether or not the same 7719
individual was in employment in each day; or 7720

(e) Is not otherwise an employer as defined under division 7721
(A)(1)(a) or (b) of this section; and 7722

(i) For which, within either the current or preceding 7723
calendar year, service, except for domestic service in a private 7724
home not covered under division (A) (1) (c) of this section, is or 7725
was performed with respect to which such employer is liable for 7726
any federal tax against which credit may be taken for 7727
contributions required to be paid into a state unemployment 7728
fund; 7729

(ii) Which, as a condition for approval of this chapter 7730
for full tax credit against the tax imposed by the "Federal 7731
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 7732
is required, pursuant to such act to be an employer under this 7733
chapter; or 7734

(iii) Who became an employer by election under division 7735
(A) (4) or (5) of this section and for the duration of such 7736
election; or 7737

(f) In the case of the state, its instrumentalities, its 7738
political subdivisions, and their instrumentalities, and Indian 7739
tribes, had in employment, as defined in divisions (B) (2) (a) and 7740
(B) (2) (1) of this section, at least one individual; 7741

(g) For the purposes of division (A) (1) (a) of this 7742
section, if any week includes both the thirty-first day of 7743
December and the first day of January, the days of that week 7744
before the first day of January shall be considered one calendar 7745
week and the days beginning the first day of January another 7746
week. 7747

(2) Each individual employed to perform or to assist in 7748
performing the work of any agent or employee of an employer is 7749
employed by such employer for all the purposes of this chapter, 7750
whether such individual was hired or paid directly by such 7751

employer or by such agent or employee, provided the employer had 7752
actual or constructive knowledge of the work. All individuals 7753
performing services for an employer of any person in this state 7754
who maintains two or more establishments within this state are 7755
employed by a single employer for the purposes of this chapter. 7756

(3) An employer subject to this chapter within any 7757
calendar year is subject to this chapter during the whole of 7758
such year and during the next succeeding calendar year. 7759

(4) An employer not otherwise subject to this chapter who 7760
files with the director of job and family services a written 7761
election to become an employer subject to this chapter for not 7762
less than two calendar years shall, with the written approval of 7763
such election by the director, become an employer subject to 7764
this chapter to the same extent as all other employers as of the 7765
date stated in such approval, and shall cease to be subject to 7766
this chapter as of the first day of January of any calendar year 7767
subsequent to such two calendar years only if at least thirty 7768
days prior to such first day of January the employer has filed 7769
with the director a written notice to that effect. 7770

(5) Any employer for whom services that do not constitute 7771
employment are performed may file with the director a written 7772
election that all such services performed by individuals in the 7773
employer's employ in one or more distinct establishments or 7774
places of business shall be deemed to constitute employment for 7775
all the purposes of this chapter, for not less than two calendar 7776
years. Upon written approval of the election by the director, 7777
such services shall be deemed to constitute employment subject 7778
to this chapter from and after the date stated in such approval. 7779
Such services shall cease to be employment subject to this 7780
chapter as of the first day of January of any calendar year 7781

subsequent to such two calendar years only if at least thirty 7782
days prior to such first day of January such employer has filed 7783
with the director a written notice to that effect. 7784

(6) "Employer" does not include a franchisor with respect 7785
to the franchisor's relationship with a franchisee or an 7786
employee of a franchisee, unless the franchisor agrees to assume 7787
that role in writing or a court of competent jurisdiction 7788
determines that the franchisor exercises a type or degree of 7789
control over the franchisee or the franchisee's employees that 7790
is not customarily exercised by a franchisor for the purpose of 7791
protecting the franchisor's trademark, brand, or both. For 7792
purposes of this division, "franchisor" and "franchisee" have 7793
the same meanings as in 16 C.F.R. 436.1. 7794

(B) (1) "Employment" means service performed by an 7795
individual for remuneration under any contract of hire, written 7796
or oral, express or implied, including service performed in 7797
interstate commerce and service performed by an officer of a 7798
corporation, without regard to whether such service is 7799
executive, managerial, or manual in nature, and without regard 7800
to whether such officer is a stockholder or a member of the 7801
board of directors of the corporation, unless it is shown to the 7802
satisfaction of the director that such individual has been and 7803
will continue to be free from direction or control over the 7804
performance of such service, both under a contract of service 7805
and in fact. The director shall adopt rules to define "direction 7806
or control." 7807

(2) "Employment" includes: 7808

(a) Service performed after December 31, 1977, by an 7809
individual in the employ of the state or any of its 7810
instrumentalities, or any political subdivision thereof or any 7811

of its instrumentalities or any instrumentality of more than one 7812
of the foregoing or any instrumentality of any of the foregoing 7813
and one or more other states or political subdivisions and 7814
without regard to divisions (A) (1) (a) and (b) of this section, 7815
provided that such service is excluded from employment as 7816
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 7817
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 7818
(3) of this section; or the services of employees covered by 7819
voluntary election, as provided under divisions (A) (4) and (5) 7820
of this section; 7821

(b) Service performed after December 31, 1971, by an 7822
individual in the employ of a religious, charitable, 7823
educational, or other organization which is excluded from the 7824
term "employment" as defined in the "Federal Unemployment Tax 7825
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 7826
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 7827
excluded under division (B) (3) of this section; 7828

(c) Domestic service performed after December 31, 1977, 7829
for an employer, as provided in division (A) (1) (c) of this 7830
section; 7831

(d) Agricultural labor performed after December 31, 1977, 7832
for a farm operator or a crew leader, as provided in division 7833
(A) (1) (d) of this section; 7834

(e) Subject to division (B) (2) (m) of this section, service 7835
not covered under division (B) (1) of this section which is 7836
performed after December 31, 1971: 7837

(i) As an agent-driver or commission-driver engaged in 7838
distributing meat products, vegetable products, fruit products, 7839
bakery products, beverages other than milk, laundry, or dry- 7840

cleaning services, for the individual's employer or principal; 7841

(ii) As a traveling or city salesperson, other than as an 7842
agent-driver or commission-driver, engaged on a full-time basis 7843
in the solicitation on behalf of and in the transmission to the 7844
salesperson's employer or principal except for sideline sales 7845
activities on behalf of some other person of orders from 7846
wholesalers, retailers, contractors, or operators of hotels, 7847
restaurants, or other similar establishments for merchandise for 7848
resale, or supplies for use in their business operations, 7849
provided that for the purposes of division (B) (2) (e) (ii) of this 7850
section, the services shall be deemed employment if the contract 7851
of service contemplates that substantially all of the services 7852
are to be performed personally by the individual and that the 7853
individual does not have a substantial investment in facilities 7854
used in connection with the performance of the services other 7855
than in facilities for transportation, and the services are not 7856
in the nature of a single transaction that is not a part of a 7857
continuing relationship with the person for whom the services 7858
are performed. 7859

(f) An individual's entire service performed within or 7860
both within and without the state if: 7861

(i) The service is localized in this state. 7862

(ii) The service is not localized in any state, but some 7863
of the service is performed in this state and either the base of 7864
operations, or if there is no base of operations then the place 7865
from which such service is directed or controlled, is in this 7866
state or the base of operations or place from which such service 7867
is directed or controlled is not in any state in which some part 7868
of the service is performed but the individual's residence is in 7869
this state. 7870

(g) Service not covered under division (B) (2) (f) (ii) of 7871
this section and performed entirely without this state, with 7872
respect to no part of which contributions are required and paid 7873
under an unemployment compensation law of any other state, the 7874
Virgin Islands, Canada, or of the United States, if the 7875
individual performing such service is a resident of this state 7876
and the director approves the election of the employer for whom 7877
such services are performed; or, if the individual is not a 7878
resident of this state but the place from which the service is 7879
directed or controlled is in this state, the entire services of 7880
such individual shall be deemed to be employment subject to this 7881
chapter, provided service is deemed to be localized within this 7882
state if the service is performed entirely within this state or 7883
if the service is performed both within and without this state 7884
but the service performed without this state is incidental to 7885
the individual's service within the state, for example, is 7886
temporary or transitory in nature or consists of isolated 7887
transactions; 7888

(h) Service of an individual who is a citizen of the 7889
United States, performed outside the United States except in 7890
Canada after December 31, 1971, or the Virgin Islands, after 7891
December 31, 1971, and before the first day of January of the 7892
year following that in which the United States secretary of 7893
labor approves the Virgin Islands law for the first time, in the 7894
employ of an American employer, other than service which is 7895
"employment" under divisions (B) (2) (f) and (g) of this section 7896
or similar provisions of another state's law, if: 7897

(i) The employer's principal place of business in the 7898
United States is located in this state; 7899

(ii) The employer has no place of business in the United 7900

States, but the employer is an individual who is a resident of 7901
this state; or the employer is a corporation which is organized 7902
under the laws of this state, or the employer is a partnership 7903
or a trust and the number of partners or trustees who are 7904
residents of this state is greater than the number who are 7905
residents of any other state; or 7906

(iii) None of the criteria of divisions (B) (2) (f) (i) and 7907
(ii) of this section is met but the employer has elected 7908
coverage in this state or the employer having failed to elect 7909
coverage in any state, the individual has filed a claim for 7910
benefits, based on such service, under this chapter. 7911

(i) For the purposes of division (B) (2) (h) of this 7912
section, the term "American employer" means an employer who is 7913
an individual who is a resident of the United States; or a 7914
partnership, if two-thirds or more of the partners are residents 7915
of the United States; or a trust, if all of the trustees are 7916
residents of the United States; or a corporation organized under 7917
the laws of the United States or of any state, provided the term 7918
"United States" includes the states, the District of Columbia, 7919
the Commonwealth of Puerto Rico, and the Virgin Islands. 7920

(j) Notwithstanding any other provisions of divisions (B) 7921
(1) and (2) of this section, service, except for domestic 7922
service in a private home not covered under division (A) (1) (c) 7923
of this section, with respect to which a tax is required to be 7924
paid under any federal law imposing a tax against which credit 7925
may be taken for contributions required to be paid into a state 7926
unemployment fund, or service, except for domestic service in a 7927
private home not covered under division (A) (1) (c) of this 7928
section, which, as a condition for full tax credit against the 7929
tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 7930

26 U.S.C.A. 3301 to 3311, is required to be covered under this 7931
chapter. 7932

(k) Construction services performed by any individual 7933
under a construction contract, as defined in section 4141.39 of 7934
the Revised Code, if the director determines that the employer 7935
for whom services are performed has the right to direct or 7936
control the performance of the services and that the individuals 7937
who perform the services receive remuneration for the services 7938
performed. The director shall presume that the employer for whom 7939
services are performed has the right to direct or control the 7940
performance of the services if ten or more of the following 7941
criteria apply: 7942

(i) The employer directs or controls the manner or method 7943
by which instructions are given to the individual performing 7944
services; 7945

(ii) The employer requires particular training for the 7946
individual performing services; 7947

(iii) Services performed by the individual are integrated 7948
into the regular functioning of the employer; 7949

(iv) The employer requires that services be provided by a 7950
particular individual; 7951

(v) The employer hires, supervises, or pays the wages of 7952
the individual performing services; 7953

(vi) A continuing relationship between the employer and 7954
the individual performing services exists which contemplates 7955
continuing or recurring work, even if not full-time work; 7956

(vii) The employer requires the individual to perform 7957
services during established hours; 7958

(viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;	7959 7960 7961
(ix) The employer requires the individual to perform services on the employer's premises;	7962 7963
(x) The employer requires the individual performing services to follow the order of work established by the employer;	7964 7965 7966
(xi) The employer requires the individual performing services to make oral or written reports of progress;	7967 7968
(xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;	7969 7970
(xiii) The employer pays expenses for the individual performing services;	7971 7972
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	7973 7974
(xv) The individual performing services has not invested in the facilities used to perform services;	7975 7976
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	7977 7978 7979
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	7980 7981
(xviii) The individual performing services does not make the services available to the general public;	7982 7983
(xix) The employer has a right to discharge the individual performing services;	7984 7985

(xx) The individual performing services has the right to 7986
end the individual's relationship with the employer without 7987
incurring liability pursuant to an employment contract or 7988
agreement. 7989

(l) Service performed by an individual in the employ of an 7990
Indian tribe as defined by section 4(e) of the "Indian Self- 7991
Determination and Education Assistance Act," 88 Stat. 2204 7992
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 7993
subsidiary, or business enterprise wholly owned by an Indian 7994
tribe provided that the service is excluded from employment as 7995
defined in the "Federal Unemployment Tax Act," 53 Stat. 183 7996
(1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded 7997
under division (B)(3) of this section. 7998

(m) Service performed by an individual for or on behalf of 7999
a motor carrier transporting property as an operator of a 8000
vehicle or vessel, unless all of the following factors apply to 8001
the individual and the motor carrier has not elected to consider 8002
the individual's service as employment: 8003

(i) The individual owns the vehicle or vessel that is used 8004
in performing the services for or on behalf of the carrier, or 8005
the individual leases the vehicle or vessel under a bona fide 8006
lease agreement that is not a temporary replacement lease 8007
agreement. For purposes of this division, a bona fide lease 8008
agreement does not include an agreement between the individual 8009
and the motor carrier transporting property for which, or on 8010
whose behalf, the individual provides services. 8011

(ii) The individual is responsible for supplying the 8012
necessary personal services to operate the vehicle or vessel 8013
used to provide the service. 8014

(iii) The compensation paid to the individual is based on 8015
factors related to work performed, including on a mileage-based 8016
rate or a percentage of any schedule of rates, and not solely on 8017
the basis of the hours or time expended. 8018

(iv) The individual substantially controls the means and 8019
manner of performing the services, in conformance with 8020
regulatory requirements and specifications of the shipper. 8021

(v) The individual enters into a written contract with the 8022
carrier for whom the individual is performing the services that 8023
describes the relationship between the individual and the 8024
carrier to be that of an independent contractor and not that of 8025
an employee. 8026

(vi) The individual is responsible for substantially all 8027
of the principal operating costs of the vehicle or vessel and 8028
equipment used to provide the services, including maintenance, 8029
fuel, repairs, supplies, vehicle or vessel insurance, and 8030
personal expenses, except that the individual may be paid by the 8031
carrier the carrier's fuel surcharge and incidental costs, 8032
including tolls, permits, and lumper fees. 8033

(vii) The individual is responsible for any economic loss 8034
or economic gain from the arrangement with the carrier. 8035

(viii) The individual is not performing services described 8036
in 26 U.S.C. 3306(c) (7) or (8). 8037

(3) "Employment" does not include the following services 8038
if they are found not subject to the "Federal Unemployment Tax 8039
Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the 8040
services are not required to be included under division (B) (2) 8041
(j) of this section: 8042

(a) Service performed after December 31, 1977, in 8043

agricultural labor, except as provided in division (A) (1) (d) of this section;	8044 8045
(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A) (1) (c) of this section;	8046 8047 8048 8049
(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B) (2) (a) of this section when performed:	8050 8051 8052
(i) As a publicly elected official;	8053
(ii) As a member of a legislative body, or a member of the judiciary;	8054 8055
(iii) As a military member of the Ohio national guard;	8056
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	8057 8058 8059 8060
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	8061 8062 8063 8064 8065 8066
(d) In the employ of any governmental unit or instrumentality of the United States;	8067 8068
(e) Service performed after December 31, 1971:	8069
(i) Service in the employ of an educational institution or	8070

institution of higher education, including those operated by the 8071
state or a political subdivision, if such service is performed 8072
by a student who is enrolled and is regularly attending classes 8073
at the educational institution or institution of higher 8074
education; or 8075

(ii) By an individual who is enrolled at a nonprofit or 8076
public educational institution which normally maintains a 8077
regular faculty and curriculum and normally has a regularly 8078
organized body of students in attendance at the place where its 8079
educational activities are carried on as a student in a full- 8080
time program, taken for credit at the institution, which 8081
combines academic instruction with work experience, if the 8082
service is an integral part of the program, and the institution 8083
has so certified to the employer, provided that this subdivision 8084
shall not apply to service performed in a program established 8085
for or on behalf of an employer or group of employers. 8086

(f) Service performed by an individual in the employ of 8087
the individual's son, daughter, or spouse and service performed 8088
by a child under the age of eighteen in the employ of the 8089
child's father or mother; 8090

(g) Service performed for one or more principals by an 8091
individual who is compensated on a commission basis, who in the 8092
performance of the work is master of the individual's own time 8093
and efforts, and whose remuneration is wholly dependent on the 8094
amount of effort the individual chooses to expend, and which 8095
service is not subject to the "Federal Unemployment Tax Act," 53 8096
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 8097
after December 31, 1971: 8098

(i) By an individual for an employer as an insurance agent 8099
or as an insurance solicitor, if all this service is performed 8100

for remuneration solely by way of commission; 8101

(ii) As a home worker performing work, according to 8102
specifications furnished by the employer for whom the services 8103
are performed, on materials or goods furnished by such employer 8104
which are required to be returned to the employer or to a person 8105
designated for that purpose. 8106

(h) Service performed after December 31, 1971: 8107

(i) In the employ of a church or convention or association 8108
of churches, or in an organization which is operated primarily 8109
for religious purposes and which is operated, supervised, 8110
controlled, or principally supported by a church or convention 8111
or association of churches; 8112

(ii) By a duly ordained, commissioned, or licensed 8113
minister of a church in the exercise of the individual's 8114
ministry or by a member of a religious order in the exercise of 8115
duties required by such order; or 8116

(iii) In a facility conducted for the purpose of carrying 8117
out a program of rehabilitation for individuals whose earning 8118
capacity is impaired by age or physical or mental deficiency or 8119
injury, or providing remunerative work for individuals who 8120
because of their impaired physical or mental capacity cannot be 8121
readily absorbed in the competitive labor market, by an 8122
individual receiving such rehabilitation or remunerative work. 8123

(i) Service performed after June 30, 1939, with respect to 8124
which unemployment compensation is payable under the "Railroad 8125
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 8126
351; 8127

(j) Service performed by an individual in the employ of 8128
any organization exempt from income tax under section 501 of the 8129

"Internal Revenue Code of 1954," if the remuneration for such 8130
service does not exceed fifty dollars in any calendar quarter, 8131
or if such service is in connection with the collection of dues 8132
or premiums for a fraternal beneficial society, order, or 8133
association and is performed away from the home office or is 8134
ritualistic service in connection with any such society, order, 8135
or association; 8136

(k) Casual labor not in the course of an employer's trade 8137
or business; incidental service performed by an officer, 8138
appraiser, or member of a finance committee of a bank, building 8139
and loan association, savings and loan association, or savings 8140
association when the remuneration for such incidental service 8141
exclusive of the amount paid or allotted for directors' fees 8142
does not exceed sixty dollars per calendar quarter is casual 8143
labor; 8144

(l) Service performed in the employ of a voluntary 8145
employees' beneficial association providing for the payment of 8146
life, sickness, accident, or other benefits to the members of 8147
such association or their dependents or their designated 8148
beneficiaries, if admission to a membership in such association 8149
is limited to individuals who are officers or employees of a 8150
municipal or public corporation, of a political subdivision of 8151
the state, or of the United States and no part of the net 8152
earnings of such association inures, other than through such 8153
payments, to the benefit of any private shareholder or 8154
individual; 8155

(m) Service performed by an individual in the employ of a 8156
foreign government, including service as a consular or other 8157
officer or employee or of a nondiplomatic representative; 8158

(n) Service performed in the employ of an instrumentality 8159

wholly owned by a foreign government if the service is of a 8160
character similar to that performed in foreign countries by 8161
employees of the United States or of an instrumentality thereof 8162
and if the director finds that the secretary of state of the 8163
United States has certified to the secretary of the treasury of 8164
the United States that the foreign government, with respect to 8165
whose instrumentality exemption is claimed, grants an equivalent 8166
exemption with respect to similar service performed in the 8167
foreign country by employees of the United States and of 8168
instrumentalities thereof; 8169

(o) Service with respect to which unemployment 8170
compensation is payable under an unemployment compensation 8171
system established by an act of congress; 8172

(p) Service performed as a student nurse in the employ of 8173
a hospital or a nurses' training school by an individual who is 8174
enrolled and is regularly attending classes in a nurses' 8175
training school chartered or approved pursuant to state law, and 8176
service performed as an intern in the employ of a hospital by an 8177
individual who has completed a four years' course in a medical 8178
school chartered or approved pursuant to state law; 8179

(q) Service performed by an individual under the age of 8180
eighteen in the delivery or distribution of newspapers or 8181
shopping news, not including delivery or distribution to any 8182
point for subsequent delivery or distribution; 8183

(r) Service performed in the employ of the United States 8184
or an instrumentality of the United States immune under the 8185
Constitution of the United States from the contributions imposed 8186
by this chapter, except that to the extent that congress permits 8187
states to require any instrumentalities of the United States to 8188
make payments into an unemployment fund under a state 8189

unemployment compensation act, this chapter shall be applicable 8190
to such instrumentalities and to services performed for such 8191
instrumentalities in the same manner, to the same extent, and on 8192
the same terms as to all other employers, individuals, and 8193
services, provided that if this state is not certified for any 8194
year by the proper agency of the United States under section 8195
3304 of the "Internal Revenue Code of 1954," the payments 8196
required of such instrumentalities with respect to such year 8197
shall be refunded by the director from the fund in the same 8198
manner and within the same period as is provided in division (E) 8199
of section 4141.09 of the Revised Code with respect to 8200
contributions erroneously collected; 8201

(s) Service performed by an individual as a member of a 8202
band or orchestra, provided such service does not represent the 8203
principal occupation of such individual, and which service is 8204
not subject to or required to be covered for full tax credit 8205
against the tax imposed by the "Federal Unemployment Tax Act," 8206
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 8207

(t) Service performed in the employ of a day camp whose 8208
camping season does not exceed twelve weeks in any calendar 8209
year, and which service is not subject to the "Federal 8210
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 8211
3311. Service performed after December 31, 1971: 8212

(i) In the employ of a hospital, if the service is 8213
performed by a patient of the hospital, as defined in division 8214
(W) of this section; 8215

(ii) For a prison or other correctional institution by an 8216
inmate of the prison or correctional institution; 8217

(iii) Service performed after December 31, 1977, by an 8218

inmate of a custodial institution operated by the state, a 8219
political subdivision, or a nonprofit organization. 8220

(u) Service that is performed by a nonresident alien 8221
individual for the period the individual temporarily is present 8222
in the United States as a nonimmigrant under division (F), (J), 8223
(M), or (Q) of section 101(a)(15) of the "Immigration and 8224
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 8225
that is excluded under section 3306(c)(19) of the "Federal 8226
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 8227
3311. 8228

(v) Notwithstanding any other provisions of division (B) 8229
(3) of this section, services that are excluded under divisions 8230
(B)(3)(g), (j), (k), and (l) of this section shall not be 8231
excluded from employment when performed for a nonprofit 8232
organization, as defined in division (X) of this section, or for 8233
this state or its instrumentalities, or for a political 8234
subdivision or its instrumentalities or for Indian tribes; 8235

(w) Service that is performed by an individual working as 8236
an election official or election worker if the amount of 8237
remuneration received by the individual during the calendar year 8238
for services as an election official or election worker is less 8239
than one thousand dollars; 8240

(x) Service performed for an elementary or secondary 8241
school that is operated primarily for religious purposes, that 8242
is described in subsection 501(c)(3) and exempt from federal 8243
income taxation under subsection 501(a) of the Internal Revenue 8244
Code, 26 U.S.C.A. 501; 8245

(y) Service performed by a person committed to a penal 8246
institution. 8247

(z) Service performed for an Indian tribe as described in	8248
division (B) (2) (1) of this section when performed in any of the	8249
following manners:	8250
(i) As a publicly elected official;	8251
(ii) As a member of an Indian tribal council;	8252
(iii) As a member of a legislative or judiciary body;	8253
(iv) In a position which, pursuant to Indian tribal law,	8254
is designated as a major nontenured policymaking or advisory	8255
position, or a policymaking or advisory position where the	8256
performance of the duties ordinarily does not require more than	8257
eight hours of time per week;	8258
(v) As an employee serving on a temporary basis in the	8259
case of a fire, storm, snow, earthquake, flood, or similar	8260
emergency.	8261
(aa) Service performed after December 31, 1971, for a	8262
nonprofit organization, this state or its instrumentalities, a	8263
political subdivision or its instrumentalities, or an Indian	8264
tribe as part of an unemployment work-relief or work-training	8265
program assisted or financed in whole or in part by any federal	8266
agency or an agency of a state or political subdivision,	8267
thereof, by an individual receiving the work-relief or work-	8268
training.	8269
(bb) Participation in a learn to earn program as defined	8270
in section 4141.293 of the Revised Code.	8271
(cc) <u>Participation in the reentry Ohio program as defined</u>	8272
<u>in section 5120.85 of the Revised Code.</u>	8273
(4) If the services performed during one half or more of	8274
any pay period by an employee for the person employing that	8275

employee constitute employment, all the services of such 8276
employee for such period shall be deemed to be employment; but 8277
if the services performed during more than one half of any such 8278
pay period by an employee for the person employing that employee 8279
do not constitute employment, then none of the services of such 8280
employee for such period shall be deemed to be employment. As 8281
used in division (B) (4) of this section, "pay period" means a 8282
period, of not more than thirty-one consecutive days, for which 8283
payment of remuneration is ordinarily made to the employee by 8284
the person employing that employee. Division (B) (4) of this 8285
section does not apply to services performed in a pay period by 8286
an employee for the person employing that employee, if any of 8287
such service is excepted by division (B) (3) (o) of this section. 8288

(C) "Benefits" means money payments payable to an 8289
individual who has established benefit rights, as provided in 8290
this chapter, for loss of remuneration due to the individual's 8291
unemployment. 8292

(D) "Benefit rights" means the weekly benefit amount and 8293
the maximum benefit amount that may become payable to an 8294
individual within the individual's benefit year as determined by 8295
the director. 8296

(E) "Claim for benefits" means a claim for waiting period 8297
or benefits for a designated week. 8298

(F) "Additional claim" means the first claim for benefits 8299
filed following any separation from employment during a benefit 8300
year; "continued claim" means any claim other than the first 8301
claim for benefits and other than an additional claim. 8302

(G) "Wages" means remuneration paid to an employee by each 8303
of the employee's employers with respect to employment; except 8304

that wages shall not include that part of remuneration paid 8305
during any calendar year to an individual by an employer or such 8306
employer's predecessor in interest in the same business or 8307
enterprise, which in any calendar year is in excess of nine 8308
thousand dollars on and after January 1, 1995; nine thousand 8309
five hundred dollars on and after January 1, 2018; and nine 8310
thousand dollars on and after January 1, 2020. Remuneration in 8311
excess of such amounts shall be deemed wages subject to 8312
contribution to the same extent that such remuneration is 8313
defined as wages under the "Federal Unemployment Tax Act," 84 8314
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 8315
remuneration paid an employee by an employer with respect to 8316
employment in another state, upon which contributions were 8317
required and paid by such employer under the unemployment 8318
compensation act of such other state, shall be included as a 8319
part of remuneration in computing the amount specified in this 8320
division. 8321

(H) (1) "Remuneration" means all compensation for personal 8322
services, including commissions and bonuses and the cash value 8323
of all compensation in any medium other than cash, except that 8324
in the case of agricultural or domestic service, "remuneration" 8325
includes only cash remuneration. Gratuities customarily received 8326
by an individual in the course of the individual's employment 8327
from persons other than the individual's employer and which are 8328
accounted for by such individual to the individual's employer 8329
are taxable wages. 8330

The reasonable cash value of compensation paid in any 8331
medium other than cash shall be estimated and determined in 8332
accordance with rules prescribed by the director, provided that 8333
"remuneration" does not include: 8334

(a) Payments as provided in divisions (b) (2) to (b) (20) of 8335
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 8336
713, 26 U.S.C.A. 3301 to 3311, as amended; 8337

(b) The payment by an employer, without deduction from the 8338
remuneration of the individual in the employer's employ, of the 8339
tax imposed upon an individual in the employer's employ under 8340
section 3101 of the "Internal Revenue Code of 1954," with 8341
respect to services performed after October 1, 1941. 8342

(2) "Cash remuneration" means all remuneration paid in 8343
cash, including commissions and bonuses, but not including the 8344
cash value of all compensation in any medium other than cash. 8345

(I) "Interested party" means the director and any party to 8346
whom notice of a determination of an application for benefit 8347
rights or a claim for benefits is required to be given under 8348
section 4141.28 of the Revised Code. 8349

(J) "Annual payroll" means the total amount of wages 8350
subject to contributions during a twelve-month period ending 8351
with the last day of the second calendar quarter of any calendar 8352
year. 8353

(K) "Average annual payroll" means the average of the last 8354
three annual payrolls of an employer, provided that if, as of 8355
any computation date, the employer has had less than three 8356
annual payrolls in such three-year period, such average shall be 8357
based on the annual payrolls which the employer has had as of 8358
such date. 8359

(L) (1) "Contributions" means the money payments to the 8360
state unemployment compensation fund required of employers by 8361
section 4141.25 of the Revised Code and of the state and any of 8362
its political subdivisions electing to pay contributions under 8363

section 4141.242 of the Revised Code. Employers paying 8364
contributions shall be described as "contributory employers." 8365

(2) "Payments in lieu of contributions" means the money 8366
payments to the state unemployment compensation fund required of 8367
reimbursing employers under sections 4141.241 and 4141.242 of 8368
the Revised Code. 8369

(M) An individual is "totally unemployed" in any week 8370
during which the individual performs no services and with 8371
respect to such week no remuneration is payable to the 8372
individual. 8373

(N) An individual is "partially unemployed" in any week 8374
if, due to involuntary loss of work, the total remuneration 8375
payable to the individual for such week is less than the 8376
individual's weekly benefit amount. 8377

(O) "Week" means the calendar week ending at midnight 8378
Saturday unless an equivalent week of seven consecutive calendar 8379
days is prescribed by the director. 8380

(1) "Qualifying week" means any calendar week in an 8381
individual's base period with respect to which the individual 8382
earns or is paid remuneration in employment subject to this 8383
chapter. A calendar week with respect to which an individual 8384
earns remuneration but for which payment was not made within the 8385
base period, when necessary to qualify for benefit rights, may 8386
be considered to be a qualifying week. The number of qualifying 8387
weeks which may be established in a calendar quarter shall not 8388
exceed the number of calendar weeks in the quarter. 8389

(2) "Average weekly wage" means the amount obtained by 8390
dividing an individual's total remuneration for all qualifying 8391
weeks during the base period by the number of such qualifying 8392

weeks, provided that if the computation results in an amount 8393
that is not a multiple of one dollar, such amount shall be 8394
rounded to the next lower multiple of one dollar. 8395

(P) "Weekly benefit amount" means the amount of benefits 8396
an individual would be entitled to receive for one week of total 8397
unemployment. 8398

(Q) (1) "Base period" means the first four of the last five 8399
completed calendar quarters immediately preceding the first day 8400
of an individual's benefit year, except as provided in division 8401
(Q) (2) of this section. 8402

(2) If an individual does not have sufficient qualifying 8403
weeks and wages in the base period to qualify for benefit 8404
rights, the individual's base period shall be the four most 8405
recently completed calendar quarters preceding the first day of 8406
the individual's benefit year. Such base period shall be known 8407
as the "alternate base period." If information as to weeks and 8408
wages for the most recent quarter of the alternate base period 8409
is not available to the director from the regular quarterly 8410
reports of wage information, which are systematically 8411
accessible, the director may, consistent with the provisions of 8412
section 4141.28 of the Revised Code, base the determination of 8413
eligibility for benefits on the affidavit of the claimant with 8414
respect to weeks and wages for that calendar quarter. The 8415
claimant shall furnish payroll documentation, where available, 8416
in support of the affidavit. The determination based upon the 8417
alternate base period as it relates to the claimant's benefit 8418
rights, shall be amended when the quarterly report of wage 8419
information from the employer is timely received and that 8420
information causes a change in the determination. As provided in 8421
division (B) of section 4141.28 of the Revised Code, any 8422

benefits paid and charged to an employer's account, based upon a 8423
claimant's affidavit, shall be adjusted effective as of the 8424
beginning of the claimant's benefit year. No calendar quarter in 8425
a base period or alternate base period shall be used to 8426
establish a subsequent benefit year. 8427

(3) The "base period" of a combined wage claim, as 8428
described in division (H) of section 4141.43 of the Revised 8429
Code, shall be the base period prescribed by the law of the 8430
state in which the claim is allowed. 8431

(4) For purposes of determining the weeks that comprise a 8432
completed calendar quarter under this division, only those weeks 8433
ending at midnight Saturday within the calendar quarter shall be 8434
utilized. 8435

(R)(1) "Benefit year" with respect to an individual means 8436
the fifty-two week period beginning with the first day of that 8437
week with respect to which the individual first files a valid 8438
application for determination of benefit rights, and thereafter 8439
the fifty-two week period beginning with the first day of that 8440
week with respect to which the individual next files a valid 8441
application for determination of benefit rights after the 8442
termination of the individual's last preceding benefit year, 8443
except that the application shall not be considered valid unless 8444
the individual has had employment in six weeks that is subject 8445
to this chapter or the unemployment compensation act of another 8446
state, or the United States, and has, since the beginning of the 8447
individual's previous benefit year, in the employment earned 8448
three times the average weekly wage determined for the previous 8449
benefit year. The "benefit year" of a combined wage claim, as 8450
described in division (H) of section 4141.43 of the Revised 8451
Code, shall be the benefit year prescribed by the law of the 8452

state in which the claim is allowed. Any application for 8453
determination of benefit rights made in accordance with section 8454
4141.28 of the Revised Code is valid if the individual filing 8455
such application is unemployed, has been employed by an employer 8456
or employers subject to this chapter in at least twenty 8457
qualifying weeks within the individual's base period, and has 8458
earned or been paid remuneration at an average weekly wage of 8459
not less than twenty-seven and one-half per cent of the 8460
statewide average weekly wage for such weeks. For purposes of 8461
determining whether an individual has had sufficient employment 8462
since the beginning of the individual's previous benefit year to 8463
file a valid application, "employment" means the performance of 8464
services for which remuneration is payable. 8465

(2) Effective for benefit years beginning on and after 8466
December 26, 2004, any application for determination of benefit 8467
rights made in accordance with section 4141.28 of the Revised 8468
Code is valid if the individual satisfies the criteria described 8469
in division (R) (1) of this section, and if the reason for the 8470
individual's separation from employment is not disqualifying 8471
pursuant to division (D) (2) of section 4141.29 or section 8472
4141.291 of the Revised Code. A disqualification imposed 8473
pursuant to division (D) (2) of section 4141.29 or section 8474
4141.291 of the Revised Code must be removed as provided in 8475
those sections as a requirement of establishing a valid 8476
application for benefit years beginning on and after December 8477
26, 2004. 8478

(3) The statewide average weekly wage shall be calculated 8479
by the director once a year based on the twelve-month period 8480
ending the thirtieth day of June, as set forth in division (B) 8481
(3) of section 4141.30 of the Revised Code, rounded down to the 8482
nearest dollar. Increases or decreases in the amount of 8483

remuneration required to have been earned or paid in order for 8484
individuals to have filed valid applications shall become 8485
effective on Sunday of the calendar week in which the first day 8486
of January occurs that follows the twelve-month period ending 8487
the thirtieth day of June upon which the calculation of the 8488
statewide average weekly wage was based. 8489

(4) As used in this division, an individual is 8490
"unemployed" if, with respect to the calendar week in which such 8491
application is filed, the individual is "partially unemployed" 8492
or "totally unemployed" as defined in this section or if, prior 8493
to filing the application, the individual was separated from the 8494
individual's most recent work for any reason which terminated 8495
the individual's employee-employer relationship, or was laid off 8496
indefinitely or for a definite period of seven or more days. 8497

(S) "Calendar quarter" means the period of three 8498
consecutive calendar months ending on the thirty-first day of 8499
March, the thirtieth day of June, the thirtieth day of 8500
September, and the thirty-first day of December, or the 8501
equivalent thereof as the director prescribes by rule. 8502

(T) "Computation date" means the first day of the third 8503
calendar quarter of any calendar year. 8504

(U) "Contribution period" means the calendar year 8505
beginning on the first day of January of any year. 8506

(V) "Agricultural labor," for the purpose of this 8507
division, means any service performed prior to January 1, 1972, 8508
which was agricultural labor as defined in this division prior 8509
to that date, and service performed after December 31, 1971: 8510

(1) On a farm, in the employ of any person, in connection 8511
with cultivating the soil, or in connection with raising or 8512

harvesting any agricultural or horticultural commodity, 8513
including the raising, shearing, feeding, caring for, training, 8514
and management of livestock, bees, poultry, and fur-bearing 8515
animals and wildlife; 8516

(2) In the employ of the owner or tenant or other operator 8517
of a farm in connection with the operation, management, 8518
conservation, improvement, or maintenance of such farm and its 8519
tools and equipment, or in salvaging timber or clearing land of 8520
brush and other debris left by hurricane, if the major part of 8521
such service is performed on a farm; 8522

(3) In connection with the production or harvesting of any 8523
commodity defined as an agricultural commodity in section 15 (g) 8524
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 8525
U.S.C. 1141j, as amended, or in connection with the ginning of 8526
cotton, or in connection with the operation or maintenance of 8527
ditches, canals, reservoirs, or waterways, not owned or operated 8528
for profit, used exclusively for supplying and storing water for 8529
farming purposes; 8530

(4) In the employ of the operator of a farm in handling, 8531
planting, drying, packing, packaging, processing, freezing, 8532
grading, storing, or delivering to storage or to market or to a 8533
carrier for transportation to market, in its unmanufactured 8534
state, any agricultural or horticultural commodity, but only if 8535
the operator produced more than one half of the commodity with 8536
respect to which such service is performed; 8537

(5) In the employ of a group of operators of farms, or a 8538
cooperative organization of which the operators are members, in 8539
the performance of service described in division (V) (4) of this 8540
section, but only if the operators produced more than one-half 8541
of the commodity with respect to which the service is performed; 8542

(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:	8543 8544
(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or	8545 8546 8547 8548
(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.	8549 8550
As used in division (V) of this section, "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities and orchards.	8551 8552 8553 8554 8555
(W) "Hospital" means an institution which has been registered or licensed by the Ohio department of health as a hospital.	8556 8557 8558
(X) "Nonprofit organization" means an organization, or group of organizations, described in section 501(c)(3) of the "Internal Revenue Code of 1954," and exempt from income tax under section 501(a) of that code.	8559 8560 8561 8562
(Y) "Institution of higher education" means a public or nonprofit educational institution, including an educational institution operated by an Indian tribe, which:	8563 8564 8565
(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent;	8566 8567 8568
(2) Is legally authorized in this state or by the Indian tribe to provide a program of education beyond high school; and	8569 8570

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of post-graduate or post-doctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation.

For the purposes of this division, all colleges and universities in this state are institutions of higher education.

(Z) For the purposes of this chapter, "states" includes the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(AA) "Alien" means, for the purposes of division (A) (1) (d) of this section, an individual who is an alien admitted to the United States to perform service in agricultural labor pursuant to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101.

(BB) (1) "Crew leader" means an individual who furnishes individuals to perform agricultural labor for any other employer or farm operator, and:

(a) Pays, either on the individual's own behalf or on behalf of the other employer or farm operator, the individuals so furnished by the individual for the service in agricultural labor performed by them;

(b) Has not entered into a written agreement with the other employer or farm operator under which the agricultural worker is designated as in the employ of the other employer or farm operator.

(2) For the purposes of this chapter, any individual who is a member of a crew furnished by a crew leader to perform

service in agricultural labor for any other employer or farm operator shall be treated as an employee of the crew leader if: 8600
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(a) The crew leader holds a valid certificate of registration under the "Farm Labor Contractor Registration Act of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 8602
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(b) Substantially all the members of the crew operate or maintain tractors, mechanized harvesting or crop-dusting equipment, or any other mechanized equipment, which is provided by the crew leader; and 8605
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(c) If the individual is not in the employment of the other employer or farm operator within the meaning of division (B) (1) of this section. 8609
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(3) For the purposes of this division, any individual who is furnished by a crew leader to perform service in agricultural labor for any other employer or farm operator and who is not treated as in the employment of the crew leader under division (BB) (2) of this section shall be treated as the employee of the other employer or farm operator and not of the crew leader. The other employer or farm operator shall be treated as having paid cash remuneration to the individual in an amount equal to the amount of cash remuneration paid to the individual by the crew leader, either on the crew leader's own behalf or on behalf of the other employer or farm operator, for the service in agricultural labor performed for the other employer or farm operator. 8612
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(CC) "Educational institution" means an institution other than an institution of higher education as defined in division (Y) of this section, including an educational institution operated by an Indian tribe, which: 8625
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(1) Offers participants, trainees, or students an organized course of study or training designed to transfer to them knowledge, skills, information, doctrines, attitudes, or abilities from, by, or under the guidance of an instructor or teacher; and

(2) Is approved, chartered, or issued a permit to operate as a school by the state board of education, other government agency, or Indian tribe that is authorized within the state to approve, charter, or issue a permit for the operation of a school.

For the purposes of this division, the courses of study or training which the institution offers may be academic, technical, trade, or preparation for gainful employment in a recognized occupation.

(DD) "Cost savings day" means any unpaid day off from work in which employees continue to accrue employee benefits which have a determinable value including, but not limited to, vacation, pension contribution, sick time, and life and health insurance.

(EE) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.

Sec. 4723.51. (A) As used in this section:

(1) "Controlled substance," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.

(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.

(B) (1) The board of nursing shall adopt rules establishing

standards and procedures to be followed by advanced practice 8657
registered nurses in the use of all drugs approved by the United 8658
States food and drug administration for use in medication- 8659
assisted treatment, including controlled substances in schedule 8660
III, IV, or V. The rules shall ~~address~~ do all of the following: 8661

(a) Address detoxification, relapse prevention, patient 8662
assessment, individual treatment planning, counseling and 8663
recovery supports, diversion control, and other topics selected 8664
by the board after considering best practices in medication- 8665
assisted treatment; 8666

(b) (i) Encourage advanced practice registered nurses to 8667
use nonaddicting medication-assisted treatment when possible; 8668

(ii) Encourage the tapering of addicting medication- 8669
assisted treatment; 8670

(iii) Discourage the use of lifelong treatment except as a 8671
last resort when the advanced practice registered nurse 8672
believes, in the nurse's professional clinical judgment, that 8673
the risk of addiction and abuse of the medication-assisted 8674
treatment is outweighed by the risk that the patient will abuse 8675
illicit drugs and suffer greater harm; 8676

(iv) Encourage the use of formulations of medication- 8677
assisted treatment with abuse-deterrence labeling claims 8678
indicating that the formulation is expected to deter or reduce 8679
its abuse. 8680

(2) The board may apply the rules described in division 8681
(B) (1) (a) of this section to all circumstances in which an 8682
advanced practice registered nurse prescribes drugs for use in 8683
medication-assisted treatment or limit the application of the 8684
rules to prescriptions for medication-assisted treatment issued 8685

for patients being treated in office-based practices or other 8686
practice types or locations specified by the board. 8687

(3) The board shall disseminate a copy of the rules 8688
described in division (B)(1)(b) of this section to each advanced 8689
practice registered nurse. 8690

(C) All rules adopted under this section shall be adopted 8691
in accordance with Chapter 119. of the Revised Code. The rules 8692
shall be consistent with rules adopted under sections 4730.55 8693
and 4731.056 of the Revised Code. 8694

Sec. 4729.75. (A) The state board of pharmacy may 8695
establish and maintain a drug database. The board shall use the 8696
drug database ~~to~~ for all of the following purposes: 8697

(1) To monitor the misuse and diversion of ~~the following:~~ 8698
controlled substances, as defined in section 3719.01 of the 8699
Revised Code~~;~~ medical marijuana, as authorized under Chapter 8700
3796. of the Revised Code~~;~~ and other dangerous drugs the board 8701
includes in the database pursuant to rules adopted under section 8702
4729.84 of the Revised Code~~;~~ 8703

~~The board also shall use the drug database to~~ (2) To 8704
monitor naltrexone; 8705

(3) To identify and report licensed health professionals 8706
authorized to prescribe drugs who may have violated the law. 8707

(B) In establishing and maintaining the database, the 8708
board shall electronically collect information pursuant to 8709
sections 4729.77, 4729.771, 4729.772, 4729.78, and 4729.79 of 8710
the Revised Code and shall disseminate information as authorized 8711
or required by sections 4729.80 and 4729.81 of the Revised Code. 8712
The board's collection and dissemination of information shall be 8713
conducted in accordance with rules adopted under section 4729.84 8714

of the Revised Code. 8715

Sec. 4729.79. (A) If the state board of pharmacy 8716
establishes and maintains a drug database pursuant to section 8717
4729.75 of the Revised Code, each licensed health professional 8718
authorized to prescribe drugs, except as provided in division 8719
(C) of this section, who personally furnishes to a patient or 8720
administers a controlled substance, naltrexone, or other 8721
dangerous drug the board includes in the database pursuant to 8722
rules adopted under section 4729.84 of the Revised Code shall 8723
submit to the board the following information: 8724

(1) Prescriber identification; 8725

(2) Patient identification; 8726

(3) Date the drug was furnished or administered by the 8727
prescriber; 8728

(4) Indication of whether the drug furnished is new or a 8729
refill; 8730

(5) Name, strength, and national drug code of the drug 8731
furnished or administered; 8732

(6) Quantity of the drug furnished or administered; 8733

(7) Number of days' supply of the drug furnished; 8734

(8) Source of payment for the drug furnished or 8735
administered; 8736

(9) Identification of the owner of the drug furnished or 8737
administered. 8738

(B) (1) The information shall be transmitted as specified 8739
by the board in rules adopted under section 4729.84 of the 8740
Revised Code. 8741

(2) The information shall be submitted electronically in 8742
the format specified by the board, except that the board may 8743
grant a waiver allowing the prescriber to submit the information 8744
in another format. 8745

(3) The information shall be submitted in accordance with 8746
any time limits specified by the board, except that the board 8747
may grant an extension if either of the following occurs: 8748

(a) The prescriber's transmission system suffers a 8749
mechanical or electronic failure, or the prescriber cannot meet 8750
the deadline for other reasons beyond the prescriber's control. 8751

(b) The board is unable to receive electronic submissions. 8752

(C) (1) The information required to be submitted under 8753
division (A) of this section may be submitted on behalf of the 8754
prescriber by the owner of the drug being personally furnished 8755
or administered or by a delegate approved by that owner. 8756

(2) The requirements of this section to submit information 8757
to the board do not apply to a prescriber who is a veterinarian. 8758

(D) If the board becomes aware of a prescriber's failure 8759
to comply with this section, the board shall notify the 8760
government entity responsible for licensing the prescriber. 8761

Sec. 4729.811. As used in this section, "health-related 8762
licensing board" has the same meaning as in section 3719.062 of 8763
the Revised Code. 8764

Not later than six months after the effective date of this 8765
section, the state medical board, in collaboration with other 8766
health-related licensing boards, shall develop and implement a 8767
system to be used by the state medical board and other health- 8768
related licensing boards in identifying suspicious prescribing 8769

activity. The system shall specify procedures for actively 8770
monitoring the drug database established and maintained by the 8771
state board of pharmacy pursuant to section 4729.75 of the 8772
Revised Code. If suspicious prescribing activity is identified 8773
through the system, the state medical board or other health- 8774
related licensing board shall investigate the activity. 8775

Sec. 4730.55. (A) As used in this section: 8776

(1) "Controlled substance," "schedule III," "schedule IV," 8777
and "schedule V" have the same meanings as in section 3719.01 of 8778
the Revised Code. 8779

(2) "Medication-assisted treatment" has the same meaning 8780
as in section 340.01 of the Revised Code. 8781

(B) (1) The state medical board shall adopt rules that 8782
establish standards and procedures to be followed by physician 8783
assistants in the use of all drugs approved by the United States 8784
food and drug administration for use in medication-assisted 8785
treatment, including controlled substances in schedule III, IV, 8786
or V. The rules shall ~~address~~ do all of the following: 8787

(a) Address detoxification, relapse prevention, patient 8788
assessment, individual treatment planning, counseling and 8789
recovery supports, diversion control, and other topics selected 8790
by the board after considering best practices in medication- 8791
assisted treatment; 8792

(b) (i) Encourage physician assistants to use nonaddicting 8793
medication-assisted treatment when possible; 8794

(ii) Encourage the tapering of addicting medication- 8795
assisted treatment; 8796

(iii) Discourage the use of lifelong treatment except as a 8797

last resort when the physician assistant believes, in the 8798
physician assistant's professional clinical judgment, that the 8799
risk of addiction and abuse of the medication-assisted treatment 8800
is outweighed by the risk that the patient will abuse illicit 8801
drugs and suffer greater harm; 8802

(iv) Encourage the use of formulations of medication- 8803
assisted treatment with abuse-deterrence labeling claims 8804
indicating that the formulation is expected to deter or reduce 8805
its abuse. 8806

(2) The board may apply the rules described in division 8807
(B) (1) (a) of this section to all circumstances in which a 8808
physician assistant prescribes drugs for use in medication- 8809
assisted treatment or limit the application of the rules to 8810
prescriptions for medication-assisted treatment issued for 8811
patients being treated in office-based practices or other 8812
practice types or locations specified by the board. 8813

(3) The board shall disseminate a copy of the rules 8814
described in division (B) (1) (b) of this section to each 8815
physician assistant. 8816

(C) All rules adopted under this section shall be adopted 8817
in accordance with Chapter 119. of the Revised Code. The rules 8818
shall be consistent with rules adopted under sections 4723.51 8819
and 4731.056 of the Revised Code. 8820

Sec. 4731.056. (A) As used in this section: 8821

(1) "Controlled substance," "schedule III," "schedule IV," 8822
and "schedule V" have the same meanings as in section 3719.01 of 8823
the Revised Code. 8824

(2) "Medication-assisted treatment" has the same meaning 8825
as in section 340.01 of the Revised Code. 8826

(3) "Physician" means an individual authorized by this 8827
chapter to practice medicine and surgery or osteopathic medicine 8828
and surgery. 8829

(B) (1) The state medical board shall adopt rules that 8830
establish standards and procedures to be followed by physicians 8831
in the use of all drugs approved by the United States food and 8832
drug administration for use in medication-assisted treatment, 8833
including controlled substances in schedule III, IV, or V. The 8834
rules shall ~~address~~ do all of the following: 8835

(a) Address detoxification, relapse prevention, patient 8836
assessment, individual treatment planning, counseling and 8837
recovery supports, diversion control, and other topics selected 8838
by the board after considering best practices in medication- 8839
assisted treatment; 8840

(b) (i) Encourage physicians to use nonaddicting 8841
medication-assisted treatment when possible; 8842

(ii) Encourage the tapering of addicting medication- 8843
assisted treatment; 8844

(iii) Discourage the use of lifelong treatment except as a 8845
last resort when the physician believes, in the physician's 8846
professional clinical judgment, that the risk of addiction and 8847
abuse of the medication-assisted treatment is outweighed by the 8848
risk that the patient will abuse illicit drugs and suffer 8849
greater harm; 8850

(iv) Encourage the use of formulations of medication- 8851
assisted treatment with abuse-deterrence labeling claims 8852
indicating that the formulation is expected to deter or reduce 8853
its abuse. 8854

(2) The board may apply the rules described in division 8855

(B) (1) (a) of this section to all circumstances in which a 8856
physician prescribes drugs for use in medication-assisted 8857
treatment or limit the application of the rules to prescriptions 8858
for medication-assisted treatment for patients being treated in 8859
office-based practices or other practice types or locations 8860
specified by the board. 8861

(3) The board shall disseminate a copy of the rules 8862
described in division (B) (1) (b) of this section to each 8863
physician. 8864

(C) All rules adopted under this section shall be adopted 8865
in accordance with Chapter 119. of the Revised Code. The rules 8866
shall be consistent with rules adopted under sections 4723.51 8867
and 4730.55 of the Revised Code. 8868

Sec. 5120.67. There is in the state treasury the 8869
restitution work program fund. The fund shall consist of moneys 8870
paid into the fund pursuant to division (D) (2) (b) of section 8871
341.232 of the Revised Code and any money appropriated to the 8872
fund by the general assembly or donated to the fund. Any 8873
interest on the fund shall be credited to the fund. The director 8874
of rehabilitation and correction shall use the money in the fund 8875
for the purpose of assisting sheriffs in operating restitution 8876
work programs in this state. 8877

Sec. 5120.85. (A) There is hereby created in the state 8878
treasury the reentry Ohio program fund. The fund shall consist 8879
of any money appropriated to the fund by the general assembly or 8880
any money donated to the fund. Any interest on the fund shall be 8881
credited to the fund. The director of rehabilitation and 8882
correction shall use the money in the fund in accordance with 8883
this section to provide grants under the reentry Ohio program to 8884
employers in the state to reimburse those employers for one-half 8885

the cost of employing persons under supervision of an addiction 8886
treatment facility, pursuant to section 2967.56 of the Revised 8887
Code, in positions that are suitable, affordable, and likely to 8888
aid in transition and successful avoidance of future crime and 8889
to provide housing for those persons participating in the 8890
program under this section. 8891

(B) To apply for a grant from the reentry Ohio program, an 8892
employer must demonstrate all of the following in an application 8893
form approved by the department of rehabilitation and 8894
correction: 8895

(1) That the employer will employ persons under 8896
supervision of an addiction treatment facility as program 8897
participants for at least three years, unless the employer 8898
terminates the employment of those persons for just cause; 8899

(2) That the employer will employ a sufficient number of 8900
persons under supervision as program participants to ensure that 8901
fifty per cent of employees in the employer's workforce are 8902
persons under addiction treatment facility supervision; 8903

(3) That the employer will employ a sufficient number of 8904
persons under supervision as program participants to ensure that 8905
at least five of the employer's employees are persons under 8906
addiction treatment facility supervision; 8907

(4) That employment opportunities made available by the 8908
employer under the program will be suitable and will offer 8909
participants transferable skills capable of preparing them to 8910
compete for high-paying jobs after they have completed three 8911
years of employment under the program; 8912

(5) That employment opportunities with the employer are 8913
likely to aid program participants in transition and successful 8914

avoidance of further crime; 8915

(6) That any goods to be manufactured by program 8916
participants or substantially similar goods are not being 8917
manufactured in the United States or that the goods or 8918
substantially similar goods are being manufactured in the United 8919
States and one of the following is true: 8920

(a) Not more than one-half of one per cent of the world's 8921
total production of the goods or substantially similar goods was 8922
manufactured in the United States during the past three years, 8923
excluding any such goods or substantially similar goods 8924
manufactured in the United States by criminal offenders 8925
participating in federal, state, or local work programs. 8926

(b) One or more manufacturers are manufacturing the goods 8927
or substantially similar goods in the United States with the 8928
intention of preventing an employer from participating in the 8929
program, based on the restrictions set forth in division (B)(6) 8930
(a) of this section. If proposing to manufacture goods under the 8931
circumstances described in this division or division (B)(6)(a) 8932
of this section, the application shall include all of the 8933
following information concerning the manufacturers that are 8934
manufacturing the goods or substantially similar goods in the 8935
United States: 8936

(i) The manufacturers' ownership, parents, affiliates, and 8937
subsidiaries; 8938

(ii) The manufacturers' source of capital; 8939

(iii) The manufacturers' actual and projected net profits; 8940

(iv) The date manufacturing began; 8941

(v) The manufacturers' relationship to the world's large 8942

<u>foreign manufacturers;</u>	8943
<u>(vi) The independence of the manufacturer;</u>	8944
<u>(vii) Any other relevant information.</u>	8945
<u>(7) That the employer will have a program for hiring and promoting high-performing program participants on a regular basis after they have completed three years of employment through the program;</u>	8946 8947 8948 8949
<u>(8) That the employer will make space available after hours for reentry programming provided to persons under supervision pursuant to rules adopted under division (C) (3) of this section.</u>	8950 8951 8952 8953
<u>(C) The department shall adopt rules pursuant to Chapter 119. of the Revised Code for all of the following:</u>	8954 8955
<u>(1) Processing applications for grants under this section and for making periodic payments to reimburse successful grant applicants for fifty per cent of the costs of employing ex-offenders participating in a program under this section;</u>	8956 8957 8958 8959
<u>(2) Identifying affordable housing within walking distance of participating employment opportunities that may be purchased or leased and made available to persons under supervision participating in a program under this section;</u>	8960 8961 8962 8963
<u>(3) Providing reentry programming to persons under supervision participating in the reentry Ohio program.</u>	8964 8965
<u>(D) Each ex-offender participating in the reentry Ohio program must sign a participation agreement in which the participant agrees to do each of the following, in addition to the participant's work requirements:</u>	8966 8967 8968 8969

(1) To participate in programming provided by the 8970
department of rehabilitation and correction after hours or on 8971
weekends; 8972

(2) To mentor participants in an addiction treatment 8973
facility for the first eighteen months that the participant 8974
participates in the reentry Ohio program; 8975

(3) To mentor new participants in the reentry Ohio program 8976
after the participant has participated in the program for 8977
eighteen months. 8978

Sec. 5139.60. As used in sections 5139.60 to 5139.63 of 8979
the Revised Code: 8980

(A) A "program participant" is a person conveyed to a 8981
juvenile addiction treatment facility under section 2152.021 of 8982
the Revised Code. 8983

(B) "Hard drug" means carfentanil, cocaine, fentanyl, 8984
heroin, L.S.D., methamphetamine, or a hard drug analog. 8985

(C) "Hard drug analog" has the same meaning as in section 8986
2925.01 of the Revised Code. 8987

(D) "Juvenile addiction treatment facility" means a 8988
facility established by the department of youth services under 8989
section 5139.61 of the Revised Code and operated under section 8990
5139.62 of the Revised Code for the housing, treatment, and job 8991
training of children who are severely addicted to a hard drug 8992
and against whom a complaint alleging delinquency is being held 8993
in abeyance. 8994

(E) "Severe substance use disorder" means a condition in 8995
which a person is found to have experienced within a twelve- 8996
month period six or more symptoms of a substance use disorder, 8997

as determined in accordance with the criteria established in the 8998
fifth edition of the diagnostic and statistical manual of mental 8999
disorders published by the American psychiatric association. 9000

Sec. 5139.61. (A) The director of youth services shall 9001
establish and operate as many juvenile addiction treatment 9002
facilities as are necessary to meet the demand for those 9003
facilities in this state, to the extent that it is financially 9004
feasible to do so in accordance with this section. When the 9005
director of youth services determines that insufficient capacity 9006
exists in juvenile addiction treatment facilities located in a 9007
geographic region of the state to satisfy demand for 9008
accommodations in those facilities, the director, in 9009
consultation with the director of mental health and addiction 9010
services, shall advertise a request for proposals from 9011
manufacturers to establish a juvenile addiction treatment 9012
facility in that region. The request for proposals shall specify 9013
the estimated number of participants who would reside in the 9014
proposed juvenile addiction treatment facility and an estimate 9015
of the number of hours per week the program participants 9016
collectively would be available to work in the manufacturing 9017
facility associated with the juvenile addiction treatment 9018
facility. 9019

(B) A manufacturer proposal submitted in response to a 9020
request for proposals issued under this section shall meet all 9021
of the following requirements: 9022

(1) The proposal shall specify a plan to contract with the 9023
department of youth services for a period of not less than five 9024
years to purchase goods manufactured or altered by the 9025
participants at the juvenile addiction treatment facility and 9026
may provide for any of the following: 9027

(a) The manufacturer to provide a monetary contribution toward the cost of establishing or operating the juvenile addiction treatment facility; 9028
9029
9030

(b) The manufacturer to provide equipment, materials, or training for purposes of the manufacturing work; 9031
9032

(c) Supervision or direction of the manufacturing work to be performed by employees of the manufacturer, by participants at the juvenile addiction treatment facility, by state employees or contractors, or by a combination of those persons. 9033
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(2) The proposal shall demonstrate either that the goods to be manufactured or altered under the proposal or substantially similar goods are not being manufactured or altered in that manner in the United States or that the goods or substantially similar goods are being manufactured or altered in that manner in the United States and both of the following are true: 9037
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(a) Not more than one-half of one per cent of the world's total production of the goods or substantially similar goods was manufactured or altered in that manner in the United States during the past three years, excluding any such goods or substantially similar goods manufactured or altered in that manner in the United States by criminal offenders participating in federal, state, or local work programs. 9044
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(b) One or more manufacturers are manufacturing the goods or substantially similar goods or altering the goods or substantially similar goods in that manner in the United States with the intention of preventing a juvenile addiction treatment facility from manufacturing or altering the goods, based on the restrictions set forth in division (B) (2) of this section. The 9051
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proposal shall include all of the following information 9057
concerning the manufacturers that are manufacturing the goods or 9058
substantially similar goods or altering the goods or 9059
substantially similar goods in that manner in the United States: 9060

(i) The manufacturers' ownership, parents, affiliates, and 9061
subsidiaries; 9062

(ii) The manufacturers' source of capital; 9063

(iii) The manufacturers' actual and projected net profits; 9064

(iv) The date manufacturing began; 9065

(v) The manufacturers' relationship to the world's large 9066
foreign manufacturers; 9067

(vi) The independence of the manufacturers; 9068

(vii) Any other relevant information. 9069

(C) (1) After receiving proposals from manufacturers under 9070
this section, the director of youth services, in consultation 9071
with the office of budget and management, shall evaluate the 9072
proposals and select one or more qualified proposals that would 9073
make the establishment and operation of a juvenile addiction 9074
treatment facility financially feasible, based on the estimated 9075
costs of operating the facility and the estimated funding 9076
provided by the manufacturer. If no suitable proposal has been 9077
submitted, the director shall continue to advertise the request 9078
for proposals until the director has selected a proposal. 9079

(2) After selecting one or more proposals under this 9080
section, if sufficient funds are not available in the addiction 9081
treatment facility fund, the director of youth services shall 9082
request the general assembly to appropriate the funds necessary 9083
to establish and operate the juvenile addiction treatment 9084

facility. If sufficient funds are available in the addiction 9085
treatment facility fund, or after the general assembly has 9086
appropriated the necessary funds, the director shall execute a 9087
written contract with the manufacturer or manufacturers and 9088
begin work to establish the juvenile addiction treatment 9089
facility. 9090

Sec. 5139.62. (A) Each juvenile addiction treatment 9091
facility shall be operated by the department of youth services 9092
in collaboration with the department of mental health and 9093
addiction services. The director of youth services shall hire 9094
staff for the facility to ensure security and the director of 9095
mental health and addiction services shall hire staff to ensure 9096
that program participants receive services necessary for their 9097
rehabilitation and shall ensure that all of the following are 9098
available to program participants: 9099

(1) Counseling; 9100

(2) Mentorship programs; 9101

(3) Mental health treatment; 9102

(4) Structure and regimen; 9103

(5) Vocational work programs; 9104

(6) Any other program or service that is determined by the 9105
department of mental health and addiction services to be a 9106
component of appropriate treatment. 9107

(B) (1) Subject to applicable provisions of federal labor 9108
law, program participants may be required to work up to forty 9109
hours each week manufacturing or altering items produced by the 9110
juvenile addiction treatment facility as determined as part of 9111
the program participant's treatment plan by medical staff at the 9112

facility. 9113

(2) (a) The department of youth services shall pay a 9114
program participant for the participant's work in the juvenile 9115
addiction treatment facility at the same rate paid to 9116
participants in work programs established under section 5145.16 9117
of the Revised Code. The department shall designate a financial 9118
manager for each juvenile addiction treatment facility. 9119

(b) If the moneys the department receives from the 9120
manufacturer under the contract for the operation of the 9121
juvenile addiction treatment facility exceed ninety-five per 9122
cent of the cost of operating the juvenile addiction treatment 9123
facility, the department shall use the excess funds to increase 9124
the hourly compensation of each offender who works at the 9125
juvenile addiction treatment facility by an equal amount. 9126

(3) The net earnings of a participant at a juvenile 9127
addiction treatment facility shall be allocated in the same 9128
manner as the earnings of participants in work programs under 9129
section 5145.16 of the Revised Code. Twenty-five per cent of the 9130
earnings allocated to the account of the program participant 9131
shall be held by a financial manager in accordance with 9132
divisions (B) (4) and (5) of this section. 9133

(4) The financial manager shall hold the earnings 9134
surrendered by a participant on behalf of the participant, place 9135
the earnings surrendered by each participant in a separate 9136
account, and provide a monthly account statement to the 9137
participant. The financial manager shall place a participant's 9138
earnings in an interest-bearing savings account at a savings 9139
bank or in a bond account invested in bonds issued by the United 9140
States treasury, this state, or a political subdivision of this 9141
state that is chosen by the participant. 9142

(5) The financial manager shall pay out the total funds 9143
held on behalf of a participant upon the participant's release 9144
from the juvenile addiction treatment facility. The financial 9145
manager shall maintain complete and accurate records with 9146
respect to all money received from and paid out to participants. 9147

(C) (1) The department of mental health and addiction 9148
services shall employ medical professionals to provide services 9149
to program participants, to design and modify treatment of 9150
program participants based on the exact needs of the participant 9151
and their rehabilitation, and to screen program participants for 9152
conditional release under section 5139.63 of the Revised Code. 9153

(2) Medical professionals employed by the director of 9154
mental health and addiction services shall determine the number 9155
of hours a week a program participant shall work based on the 9156
treatment progress of the participant. 9157

(3) The department of mental health and addiction services 9158
may utilize volunteers to provide medical services to program 9159
participants and those volunteers may claim the deduction under 9160
division (A) (34) of section 5747.01 of the Revised Code. 9161

(D) The director of mental health and addiction services 9162
shall allow medical professionals employed by the department 9163
under division (C) of this section to work for a short term of 9164
three to six months in a juvenile addiction treatment facility 9165
if short terms are required to prevent burnout. 9166

(E) The director of mental health and addiction services 9167
shall ensure that each juvenile addiction treatment facility has 9168
all components of necessary treatment available and may 9169
structure treatment in phases. Treatment phases may include any 9170
of the services listed in division (A) of this section. 9171

Sec. 5139.63. (A) If a medical professional employed by 9172
the department of mental health and addiction services at a 9173
juvenile addiction treatment facility determines that a program 9174
participant has a strong likelihood of abstaining from using 9175
hard drugs upon release, the department of youth services may 9176
conditionally release that program participant under division 9177
(B) of this section. 9178

(B) A program participant that is conditionally released 9179
under this section shall not be confined to a juvenile addiction 9180
treatment facility for the remainder of the participant's three- 9181
year term but shall be required to do all of the following as 9182
conditions of release: 9183

(1) Submit to monitoring by means of a global positioning 9184
device that cannot be removed; 9185

(2) Submit to regular naltrexone shots beginning two weeks 9186
before conditional release and continuing for the remainder of 9187
the program participant's three-year term to the juvenile 9188
addiction treatment facility; 9189

(3) Submit to randomized drug screenings for hard drugs; 9190

(4) Report for counseling and other therapeutic activity, 9191
as prescribed by the health professionals employed by the 9192
facility. 9193

(C) If a program participant violates any condition of 9194
release listed in division (B) of this section, the program 9195
participant shall be returned to the juvenile addiction 9196
treatment facility for the duration of the participant's three- 9197
year term. 9198

Sec. 5164.7516. The medicaid director, in consultation 9199
with the superintendent of insurance, shall adopt rules under 9200

section 5164.02 of the Revised Code establishing a flat fee that 9201
a pharmacist may charge for providing the discussion required by 9202
division (A) of section 3719.066 of the Revised Code. 9203

Sec. 5747.01. Except as otherwise expressly provided or 9204
clearly appearing from the context, any term used in this 9205
chapter that is not otherwise defined in this section has the 9206
same meaning as when used in a comparable context in the laws of 9207
the United States relating to federal income taxes or if not 9208
used in a comparable context in those laws, has the same meaning 9209
as in section 5733.40 of the Revised Code. Any reference in this 9210
chapter to the Internal Revenue Code includes other laws of the 9211
United States relating to federal income taxes. 9212

As used in this chapter: 9213

(A) "Adjusted gross income" or "Ohio adjusted gross 9214
income" means federal adjusted gross income, as defined and used 9215
in the Internal Revenue Code, adjusted as provided in this 9216
section: 9217

(1) Add interest or dividends on obligations or securities 9218
of any state or of any political subdivision or authority of any 9219
state, other than this state and its subdivisions and 9220
authorities. 9221

(2) Add interest or dividends on obligations of any 9222
authority, commission, instrumentality, territory, or possession 9223
of the United States to the extent that the interest or 9224
dividends are exempt from federal income taxes but not from 9225
state income taxes. 9226

(3) Deduct interest or dividends on obligations of the 9227
United States and its territories and possessions or of any 9228
authority, commission, or instrumentality of the United States 9229

to the extent that the interest or dividends are included in 9230
federal adjusted gross income but exempt from state income taxes 9231
under the laws of the United States. 9232

(4) Deduct disability and survivor's benefits to the 9233
extent included in federal adjusted gross income. 9234

(5) Deduct benefits under Title II of the Social Security 9235
Act and tier 1 railroad retirement benefits to the extent 9236
included in federal adjusted gross income under section 86 of 9237
the Internal Revenue Code. 9238

(6) Deduct the amount of wages and salaries, if any, not 9239
otherwise allowable as a deduction but that would have been 9240
allowable as a deduction in computing federal adjusted gross 9241
income for the taxable year, had the targeted jobs credit 9242
allowed and determined under sections 38, 51, and 52 of the 9243
Internal Revenue Code not been in effect. 9244

(7) Deduct any interest or interest equivalent on public 9245
obligations and purchase obligations to the extent that the 9246
interest or interest equivalent is included in federal adjusted 9247
gross income. 9248

(8) Add any loss or deduct any gain resulting from the 9249
sale, exchange, or other disposition of public obligations to 9250
the extent that the loss has been deducted or the gain has been 9251
included in computing federal adjusted gross income. 9252

(9) Deduct or add amounts, as provided under section 9253
5747.70 of the Revised Code, related to contributions to 9254
variable college savings program accounts made or tuition units 9255
purchased pursuant to Chapter 3334. of the Revised Code. 9256

(10) (a) Deduct, to the extent not otherwise allowable as a 9257
deduction or exclusion in computing federal or Ohio adjusted 9258

gross income for the taxable year, the amount the taxpayer paid 9259
during the taxable year for medical care insurance and qualified 9260
long-term care insurance for the taxpayer, the taxpayer's 9261
spouse, and dependents. No deduction for medical care insurance 9262
under division (A) (10) (a) of this section shall be allowed 9263
either to any taxpayer who is eligible to participate in any 9264
subsidized health plan maintained by any employer of the 9265
taxpayer or of the taxpayer's spouse, or to any taxpayer who is 9266
entitled to, or on application would be entitled to, benefits 9267
under part A of Title XVIII of the "Social Security Act," 49 9268
Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of 9269
division (A) (10) (a) of this section, "subsidized health plan" 9270
means a health plan for which the employer pays any portion of 9271
the plan's cost. The deduction allowed under division (A) (10) (a) 9272
of this section shall be the net of any related premium refunds, 9273
related premium reimbursements, or related insurance premium 9274
dividends received during the taxable year. 9275

(b) Deduct, to the extent not otherwise deducted or 9276
excluded in computing federal or Ohio adjusted gross income 9277
during the taxable year, the amount the taxpayer paid during the 9278
taxable year, not compensated for by any insurance or otherwise, 9279
for medical care of the taxpayer, the taxpayer's spouse, and 9280
dependents, to the extent the expenses exceed seven and one-half 9281
per cent of the taxpayer's federal adjusted gross income. 9282

(c) For purposes of division (A) (10) of this section, 9283
"medical care" has the meaning given in section 213 of the 9284
Internal Revenue Code, subject to the special rules, 9285
limitations, and exclusions set forth therein, and "qualified 9286
long-term care" has the same meaning given in section 7702B(c) 9287
of the Internal Revenue Code. Solely for purposes of division 9288
(A) (10) (a) of this section, "dependent" includes a person who 9289

otherwise would be a "qualifying relative" and thus a 9290
"dependent" under section 152 of the Internal Revenue Code but 9291
for the fact that the person fails to meet the income and 9292
support limitations under section 152(d)(1)(B) and (C) of the 9293
Internal Revenue Code. 9294

(11) (a) Deduct any amount included in federal adjusted 9295
gross income solely because the amount represents a 9296
reimbursement or refund of expenses that in any year the 9297
taxpayer had deducted as an itemized deduction pursuant to 9298
section 63 of the Internal Revenue Code and applicable United 9299
States department of the treasury regulations. The deduction 9300
otherwise allowed under division (A)(11)(a) of this section 9301
shall be reduced to the extent the reimbursement is attributable 9302
to an amount the taxpayer deducted under this section in any 9303
taxable year. 9304

(b) Add any amount not otherwise included in Ohio adjusted 9305
gross income for any taxable year to the extent that the amount 9306
is attributable to the recovery during the taxable year of any 9307
amount deducted or excluded in computing federal or Ohio 9308
adjusted gross income in any taxable year. 9309

(12) Deduct any portion of the deduction described in 9310
section 1341(a)(2) of the Internal Revenue Code, for repaying 9311
previously reported income received under a claim of right, that 9312
meets both of the following requirements: 9313

(a) It is allowable for repayment of an item that was 9314
included in the taxpayer's adjusted gross income for a prior 9315
taxable year and did not qualify for a credit under division (A) 9316
or (B) of section 5747.05 of the Revised Code for that year; 9317

(b) It does not otherwise reduce the taxpayer's adjusted 9318

gross income for the current or any other taxable year. 9319

(13) Deduct an amount equal to the deposits made to, and 9320
net investment earnings of, a medical savings account during the 9321
taxable year, in accordance with section 3924.66 of the Revised 9322
Code. The deduction allowed by division (A) (13) of this section 9323
does not apply to medical savings account deposits and earnings 9324
otherwise deducted or excluded for the current or any other 9325
taxable year from the taxpayer's federal adjusted gross income. 9326

(14) (a) Add an amount equal to the funds withdrawn from a 9327
medical savings account during the taxable year, and the net 9328
investment earnings on those funds, when the funds withdrawn 9329
were used for any purpose other than to reimburse an account 9330
holder for, or to pay, eligible medical expenses, in accordance 9331
with section 3924.66 of the Revised Code; 9332

(b) Add the amounts distributed from a medical savings 9333
account under division (A) (2) of section 3924.68 of the Revised 9334
Code during the taxable year. 9335

(15) Add any amount claimed as a credit under section 9336
5747.059 of the Revised Code to the extent that such amount 9337
satisfies either of the following: 9338

(a) The amount was deducted or excluded from the 9339
computation of the taxpayer's federal adjusted gross income as 9340
required to be reported for the taxpayer's taxable year under 9341
the Internal Revenue Code; 9342

(b) The amount resulted in a reduction of the taxpayer's 9343
federal adjusted gross income as required to be reported for any 9344
of the taxpayer's taxable years under the Internal Revenue Code. 9345

(16) Deduct the amount contributed by the taxpayer to an 9346
individual development account program established by a county 9347

department of job and family services pursuant to sections 9348
329.11 to 329.14 of the Revised Code for the purpose of matching 9349
funds deposited by program participants. On request of the tax 9350
commissioner, the taxpayer shall provide any information that, 9351
in the tax commissioner's opinion, is necessary to establish the 9352
amount deducted under division (A)(16) of this section. 9353

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 9354
(v) of this section, add five-sixths of the amount of 9355
depreciation expense allowed by subsection (k) of section 168 of 9356
the Internal Revenue Code, including the taxpayer's 9357
proportionate or distributive share of the amount of 9358
depreciation expense allowed by that subsection to a pass- 9359
through entity in which the taxpayer has a direct or indirect 9360
ownership interest. 9361

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) 9362
of this section, add five-sixths of the amount of qualifying 9363
section 179 depreciation expense, including the taxpayer's 9364
proportionate or distributive share of the amount of qualifying 9365
section 179 depreciation expense allowed to any pass-through 9366
entity in which the taxpayer has a direct or indirect ownership 9367
interest. 9368

(iii) Subject to division (A)(17)(a)(v) of this section, 9369
for taxable years beginning in 2012 or thereafter, if the 9370
increase in income taxes withheld by the taxpayer is equal to or 9371
greater than ten per cent of income taxes withheld by the 9372
taxpayer during the taxpayer's immediately preceding taxable 9373
year, "two-thirds" shall be substituted for "five-sixths" for 9374
the purpose of divisions (A)(17)(a)(i) and (ii) of this section. 9375

(iv) Subject to division (A)(17)(a)(v) of this section, 9376
for taxable years beginning in 2012 or thereafter, a taxpayer is 9377

not required to add an amount under division (A) (17) of this 9378
section if the increase in income taxes withheld by the taxpayer 9379
and by any pass-through entity in which the taxpayer has a 9380
direct or indirect ownership interest is equal to or greater 9381
than the sum of (I) the amount of qualifying section 179 9382
depreciation expense and (II) the amount of depreciation expense 9383
allowed to the taxpayer by subsection (k) of section 168 of the 9384
Internal Revenue Code, and including the taxpayer's 9385
proportionate or distributive shares of such amounts allowed to 9386
any such pass-through entities. 9387

(v) If a taxpayer directly or indirectly incurs a net 9388
operating loss for the taxable year for federal income tax 9389
purposes, to the extent such loss resulted from depreciation 9390
expense allowed by subsection (k) of section 168 of the Internal 9391
Revenue Code and by qualifying section 179 depreciation expense, 9392
"the entire" shall be substituted for "five-sixths of the" for 9393
the purpose of divisions (A) (17) (a) (i) and (ii) of this section. 9394

The tax commissioner, under procedures established by the 9395
commissioner, may waive the add-backs related to a pass-through 9396
entity if the taxpayer owns, directly or indirectly, less than 9397
five per cent of the pass-through entity. 9398

(b) Nothing in division (A) (17) of this section shall be 9399
construed to adjust or modify the adjusted basis of any asset. 9400

(c) To the extent the add-back required under division (A) 9401
(17) (a) of this section is attributable to property generating 9402
nonbusiness income or loss allocated under section 5747.20 of 9403
the Revised Code, the add-back shall be situated to the same 9404
location as the nonbusiness income or loss generated by the 9405
property for the purpose of determining the credit under 9406
division (A) of section 5747.05 of the Revised Code. Otherwise, 9407

the add-back shall be apportioned, subject to one or more of the 9408
four alternative methods of apportionment enumerated in section 9409
5747.21 of the Revised Code. 9410

(d) For the purposes of division (A) (17) (a) (v) of this 9411
section, net operating loss carryback and carryforward shall not 9412
include the allowance of any net operating loss deduction 9413
carryback or carryforward to the taxable year to the extent such 9414
loss resulted from depreciation allowed by section 168(k) of the 9415
Internal Revenue Code and by the qualifying section 179 9416
depreciation expense amount. 9417

(e) For the purposes of divisions (A) (17) and (18) of this 9418
section: 9419

(i) "Income taxes withheld" means the total amount 9420
withheld and remitted under sections 5747.06 and 5747.07 of the 9421
Revised Code by an employer during the employer's taxable year. 9422

(ii) "Increase in income taxes withheld" means the amount 9423
by which the amount of income taxes withheld by an employer 9424
during the employer's current taxable year exceeds the amount of 9425
income taxes withheld by that employer during the employer's 9426
immediately preceding taxable year. 9427

(iii) "Qualifying section 179 depreciation expense" means 9428
the difference between (I) the amount of depreciation expense 9429
directly or indirectly allowed to a taxpayer under section 179 9430
of the Internal Revised Code, and (II) the amount of 9431
depreciation expense directly or indirectly allowed to the 9432
taxpayer under section 179 of the Internal Revenue Code as that 9433
section existed on December 31, 2002. 9434

(18) (a) If the taxpayer was required to add an amount 9435
under division (A) (17) (a) of this section for a taxable year, 9436

deduct one of the following: 9437

(i) One-fifth of the amount so added for each of the five 9438
succeeding taxable years if the amount so added was five-sixths 9439
of qualifying section 179 depreciation expense or depreciation 9440
expense allowed by subsection (k) of section 168 of the Internal 9441
Revenue Code; 9442

(ii) One-half of the amount so added for each of the two 9443
succeeding taxable years if the amount so added was two-thirds 9444
of such depreciation expense; 9445

(iii) One-sixth of the amount so added for each of the six 9446
succeeding taxable years if the entire amount of such 9447
depreciation expense was so added. 9448

(b) If the amount deducted under division (A) (18) (a) of 9449
this section is attributable to an add-back allocated under 9450
division (A) (17) (c) of this section, the amount deducted shall 9451
be situated to the same location. Otherwise, the add-back shall 9452
be apportioned using the apportionment factors for the taxable 9453
year in which the deduction is taken, subject to one or more of 9454
the four alternative methods of apportionment enumerated in 9455
section 5747.21 of the Revised Code. 9456

(c) No deduction is available under division (A) (18) (a) of 9457
this section with regard to any depreciation allowed by section 9458
168(k) of the Internal Revenue Code and by the qualifying 9459
section 179 depreciation expense amount to the extent that such 9460
depreciation results in or increases a federal net operating 9461
loss carryback or carryforward. If no such deduction is 9462
available for a taxable year, the taxpayer may carry forward the 9463
amount not deducted in such taxable year to the next taxable 9464
year and add that amount to any deduction otherwise available 9465

under division (A) (18) (a) of this section for that next taxable 9466
year. The carryforward of amounts not so deducted shall continue 9467
until the entire addition required by division (A) (17) (a) of 9468
this section has been deducted. 9469

(19) Deduct, to the extent not otherwise deducted or 9470
excluded in computing federal or Ohio adjusted gross income for 9471
the taxable year, the amount the taxpayer received during the 9472
taxable year as reimbursement for life insurance premiums under 9473
section 5919.31 of the Revised Code. 9474

(20) Deduct, to the extent not otherwise deducted or 9475
excluded in computing federal or Ohio adjusted gross income for 9476
the taxable year, the amount the taxpayer received during the 9477
taxable year as a death benefit paid by the adjutant general 9478
under section 5919.33 of the Revised Code. 9479

(21) Deduct, to the extent included in federal adjusted 9480
gross income and not otherwise allowable as a deduction or 9481
exclusion in computing federal or Ohio adjusted gross income for 9482
the taxable year, military pay and allowances received by the 9483
taxpayer during the taxable year for active duty service in the 9484
United States army, air force, navy, marine corps, or coast 9485
guard or reserve components thereof or the national guard. The 9486
deduction may not be claimed for military pay and allowances 9487
received by the taxpayer while the taxpayer is stationed in this 9488
state. 9489

(22) Deduct, to the extent not otherwise allowable as a 9490
deduction or exclusion in computing federal or Ohio adjusted 9491
gross income for the taxable year and not otherwise compensated 9492
for by any other source, the amount of qualified organ donation 9493
expenses incurred by the taxpayer during the taxable year, not 9494
to exceed ten thousand dollars. A taxpayer may deduct qualified 9495

organ donation expenses only once for all taxable years 9496
beginning with taxable years beginning in 2007. 9497

For the purposes of division (A) (22) of this section: 9498

(a) "Human organ" means all or any portion of a human 9499
liver, pancreas, kidney, intestine, or lung, and any portion of 9500
human bone marrow. 9501

(b) "Qualified organ donation expenses" means travel 9502
expenses, lodging expenses, and wages and salary forgone by a 9503
taxpayer in connection with the taxpayer's donation, while 9504
living, of one or more of the taxpayer's human organs to another 9505
human being. 9506

(23) Deduct, to the extent not otherwise deducted or 9507
excluded in computing federal or Ohio adjusted gross income for 9508
the taxable year, amounts received by the taxpayer as retired 9509
personnel pay for service in the uniformed services or reserve 9510
components thereof, or the national guard, or received by the 9511
surviving spouse or former spouse of such a taxpayer under the 9512
survivor benefit plan on account of such a taxpayer's death. If 9513
the taxpayer receives income on account of retirement paid under 9514
the federal civil service retirement system or federal employees 9515
retirement system, or under any successor retirement program 9516
enacted by the congress of the United States that is established 9517
and maintained for retired employees of the United States 9518
government, and such retirement income is based, in whole or in 9519
part, on credit for the taxpayer's uniformed service, the 9520
deduction allowed under this division shall include only that 9521
portion of such retirement income that is attributable to the 9522
taxpayer's uniformed service, to the extent that portion of such 9523
retirement income is otherwise included in federal adjusted 9524
gross income and is not otherwise deducted under this section. 9525

Any amount deducted under division (A) (23) of this section is 9526
not included in a taxpayer's adjusted gross income for the 9527
purposes of section 5747.055 of the Revised Code. No amount may 9528
be deducted under division (A) (23) of this section on the basis 9529
of which a credit was claimed under section 5747.055 of the 9530
Revised Code. 9531

(24) Deduct, to the extent not otherwise deducted or 9532
excluded in computing federal or Ohio adjusted gross income for 9533
the taxable year, the amount the taxpayer received during the 9534
taxable year from the military injury relief fund created in 9535
section 5902.05 of the Revised Code. 9536

(25) Deduct, to the extent not otherwise deducted or 9537
excluded in computing federal or Ohio adjusted gross income for 9538
the taxable year, the amount the taxpayer received as a veterans 9539
bonus during the taxable year from the Ohio department of 9540
veterans services as authorized by Section 2r of Article VIII, 9541
Ohio Constitution. 9542

(26) Deduct, to the extent not otherwise deducted or 9543
excluded in computing federal or Ohio adjusted gross income for 9544
the taxable year, any income derived from a transfer agreement 9545
or from the enterprise transferred under that agreement under 9546
section 4313.02 of the Revised Code. 9547

(27) Deduct, to the extent not otherwise deducted or 9548
excluded in computing federal or Ohio adjusted gross income for 9549
the taxable year, Ohio college opportunity or federal Pell grant 9550
amounts received by the taxpayer or the taxpayer's spouse or 9551
dependent pursuant to section 3333.122 of the Revised Code or 20 9552
U.S.C. 1070a, et seq., and used to pay room or board furnished 9553
by the educational institution for which the grant was awarded 9554
at the institution's facilities, including meal plans 9555

administered by the institution. For the purposes of this 9556
division, receipt of a grant includes the distribution of a 9557
grant directly to an educational institution and the crediting 9558
of the grant to the enrollee's account with the institution. 9559

(28) Deduct from the portion of an individual's federal 9560
adjusted gross income that is business income, to the extent not 9561
otherwise deducted or excluded in computing federal adjusted 9562
gross income for the taxable year, one hundred twenty-five 9563
thousand dollars for each spouse if spouses file separate 9564
returns under section 5747.08 of the Revised Code or two hundred 9565
fifty thousand dollars for all other individuals. 9566

(29) Deduct, as provided under section 5747.78 of the 9567
Revised Code, contributions to ABLE savings accounts made in 9568
accordance with sections 113.50 to 113.56 of the Revised Code. 9569

(30) (a) Deduct, to the extent not otherwise deducted or 9570
excluded in computing federal or Ohio adjusted gross income 9571
during the taxable year, all of the following: 9572

(i) Compensation paid to a qualifying employee described 9573
in division (A) (14) (a) of section 5703.94 of the Revised Code to 9574
the extent such compensation is for disaster work conducted in 9575
this state during a disaster response period pursuant to a 9576
qualifying solicitation received by the employee's employer; 9577

(ii) Compensation paid to a qualifying employee described 9578
in division (A) (14) (b) of section 5703.94 of the Revised Code to 9579
the extent such compensation is for disaster work conducted in 9580
this state by the employee during the disaster response period 9581
on critical infrastructure owned or used by the employee's 9582
employer; 9583

(iii) Income received by an out-of-state disaster business 9584

for disaster work conducted in this state during a disaster 9585
response period, or, if the out-of-state disaster business is a 9586
pass-through entity, a taxpayer's distributive share of the 9587
pass-through entity's income from the business conducting 9588
disaster work in this state during a disaster response period, 9589
if, in either case, the disaster work is conducted pursuant to a 9590
qualifying solicitation received by the business. 9591

(b) All terms used in division (A) (30) of this section 9592
have the same meanings as in section 5703.94 of the Revised 9593
Code. 9594

(31) For a taxpayer who is a qualifying Ohio educator, 9595
deduct, to the extent not otherwise deducted or excluded in 9596
computing federal or Ohio adjusted gross income for the taxable 9597
year, the lesser of two hundred fifty dollars or the amount of 9598
expenses described in subsections (a) (2) (D) (i) and (ii) of 9599
section 62 of the Internal Revenue Code paid or incurred by the 9600
taxpayer during the taxpayer's taxable year in excess of the 9601
amount the taxpayer is authorized to deduct for that taxable 9602
year under subsection (a) (2) (D) of that section. 9603

~~(34)~~ (32) Deduct, to the extent not otherwise deducted or 9604
excluded in computing federal or Ohio adjusted gross income for 9605
the taxable year, amounts received by the taxpayer as a 9606
disability severance payment, computed under 10 U.S.C. 1212, 9607
following discharge or release under honorable conditions from 9608
the armed forces, as defined by 10 U.S.C. 101. 9609

(33) (a) For a taxpayer who, on the last day of the 9610
taxpayer's taxable year, is an equity investor in a pass-through 9611
entity that has established and operates a qualifying addiction 9612
treatment facility, deduct, to the extent not otherwise deducted 9613
or excluded in computing federal or Ohio adjusted gross income 9614

for the taxable year, the taxpayer's distributive or 9615
proportionate share of the amount of annual net loss specified 9616
in the certification described in division (A) (33) (c) of this 9617
section. 9618

(b) If the pass-through entity excludes receipts under 9619
division (F) (2) (nn) of section 5751.01 of the Revised Code for a 9620
tax period, a taxpayer may not deduct any amount under division 9621
(A) (33) of this section for a taxable year that includes any 9622
part of that tax period. 9623

(c) As used in division (A) (33) of this section, 9624
"qualifying addiction treatment facility" means an addiction 9625
treatment facility established pursuant to a proposal selected 9626
under section 2967.51 of the Revised Code or a juvenile 9627
addiction treatment facility established pursuant to a proposal 9628
selected under section 5139.61 of the Revised Code, which 9629
proposal included a certification that the establishment and 9630
operation of the facility would result in annual net losses of 9631
not less than a specified amount being incurred by the person 9632
whose proposal was selected. 9633

(34) For an individual who volunteered to provide medical 9634
services to program participants at an addiction treatment 9635
facility as described under division (C) (3) of section 2967.54 9636
of the Revised Code or to program participants at a juvenile 9637
addiction treatment facility as described under division (C) (3) 9638
of section 5139.62 of the Revised Code for at least three months 9639
in the taxable year: 9640

(a) If the individual volunteered such services for at 9641
least four hundred eighty hours in the taxable year, deduct any 9642
amount included in federal adjusted gross income that is not 9643
otherwise deducted under divisions (A) (1) to (33) of this 9644

section; 9645

(b) If the individual volunteered such services for less 9646
than four hundred eighty hours in the taxable year, deduct an 9647
amount equal to the amount deductible under division (A) (34) (a) 9648
of this section multiplied by the ratio that the number of hours 9649
the individual volunteered such services in the taxable year 9650
bears to four hundred eighty hours. 9651

(B) "Business income" means income, including gain or 9652
loss, arising from transactions, activities, and sources in the 9653
regular course of a trade or business and includes income, gain, 9654
or loss from real property, tangible property, and intangible 9655
property if the acquisition, rental, management, and disposition 9656
of the property constitute integral parts of the regular course 9657
of a trade or business operation. "Business income" includes 9658
income, including gain or loss, from a partial or complete 9659
liquidation of a business, including, but not limited to, gain 9660
or loss from the sale or other disposition of goodwill. 9661

(C) "Nonbusiness income" means all income other than 9662
business income and may include, but is not limited to, 9663
compensation, rents and royalties from real or tangible personal 9664
property, capital gains, interest, dividends and distributions, 9665
patent or copyright royalties, or lottery winnings, prizes, and 9666
awards. 9667

(D) "Compensation" means any form of remuneration paid to 9668
an employee for personal services. 9669

(E) "Fiduciary" means a guardian, trustee, executor, 9670
administrator, receiver, conservator, or any other person acting 9671
in any fiduciary capacity for any individual, trust, or estate. 9672

(F) "Fiscal year" means an accounting period of twelve 9673

months ending on the last day of any month other than December.	9674
(G) "Individual" means any natural person.	9675
(H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.	9676 9677
(I) "Resident" means any of the following:	9678
(1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;	9679 9680
(2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I) (2) of this section.	9681 9682 9683 9684
(3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.	9685 9686 9687
For the purposes of division (I) (3) of this section:	9688
(a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I) (3) (d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following:	9689 9690 9691 9692 9693 9694
(i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I) (3) (e) (i) or (ii) of this section;	9695 9696 9697 9698
(ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly	9699 9700

transferred assets to an irrevocable trust, but only if at least 9701
one of the trust's qualifying beneficiaries is domiciled in this 9702
state for the purposes of this chapter during all or some 9703
portion of the trust's current taxable year; 9704

(iii) A person who was domiciled in this state for the 9705
purposes of this chapter when the trust document or instrument 9706
or part of the trust document or instrument became irrevocable, 9707
but only if at least one of the trust's qualifying beneficiaries 9708
is a resident domiciled in this state for the purposes of this 9709
chapter during all or some portion of the trust's current 9710
taxable year. If a trust document or instrument became 9711
irrevocable upon the death of a person who at the time of death 9712
was domiciled in this state for purposes of this chapter, that 9713
person is a person described in division (I) (3) (a) (iii) of this 9714
section. 9715

(b) A trust is irrevocable to the extent that the 9716
transferor is not considered to be the owner of the net assets 9717
of the trust under sections 671 to 678 of the Internal Revenue 9718
Code. 9719

(c) With respect to a trust other than a charitable lead 9720
trust, "qualifying beneficiary" has the same meaning as 9721
"potential current beneficiary" as defined in section 1361(e) (2) 9722
of the Internal Revenue Code, and with respect to a charitable 9723
lead trust "qualifying beneficiary" is any current, future, or 9724
contingent beneficiary, but with respect to any trust 9725
"qualifying beneficiary" excludes a person or a governmental 9726
entity or instrumentality to any of which a contribution would 9727
qualify for the charitable deduction under section 170 of the 9728
Internal Revenue Code. 9729

(d) For the purposes of division (I) (3) (a) of this 9730

section, the extent to which a trust consists directly or 9731
indirectly, in whole or in part, of assets, net of any related 9732
liabilities, that were transferred directly or indirectly, in 9733
whole or part, to the trust by any of the sources enumerated in 9734
that division shall be ascertained by multiplying the fair 9735
market value of the trust's assets, net of related liabilities, 9736
by the qualifying ratio, which shall be computed as follows: 9737

(i) The first time the trust receives assets, the 9738
numerator of the qualifying ratio is the fair market value of 9739
those assets at that time, net of any related liabilities, from 9740
sources enumerated in division (I) (3) (a) of this section. The 9741
denominator of the qualifying ratio is the fair market value of 9742
all the trust's assets at that time, net of any related 9743
liabilities. 9744

(ii) Each subsequent time the trust receives assets, a 9745
revised qualifying ratio shall be computed. The numerator of the 9746
revised qualifying ratio is the sum of (1) the fair market value 9747
of the trust's assets immediately prior to the subsequent 9748
transfer, net of any related liabilities, multiplied by the 9749
qualifying ratio last computed without regard to the subsequent 9750
transfer, and (2) the fair market value of the subsequently 9751
transferred assets at the time transferred, net of any related 9752
liabilities, from sources enumerated in division (I) (3) (a) of 9753
this section. The denominator of the revised qualifying ratio is 9754
the fair market value of all the trust's assets immediately 9755
after the subsequent transfer, net of any related liabilities. 9756

(iii) Whether a transfer to the trust is by or from any of 9757
the sources enumerated in division (I) (3) (a) of this section 9758
shall be ascertained without regard to the domicile of the 9759
trust's beneficiaries. 9760

(e) For the purposes of division (I) (3) (a) (i) of this section: 9761
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(i) A trust is described in division (I) (3) (e) (i) of this section if the trust is a testamentary trust and the testator of that testamentary trust was domiciled in this state at the time of the testator's death for purposes of the taxes levied under Chapter 5731. of the Revised Code. 9763
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(ii) A trust is described in division (I) (3) (e) (ii) of this section if the transfer is a qualifying transfer described in any of divisions (I) (3) (f) (i) to (vi) of this section, the trust is an irrevocable inter vivos trust, and at least one of the trust's qualifying beneficiaries is domiciled in this state for purposes of this chapter during all or some portion of the trust's current taxable year. 9768
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(f) For the purposes of division (I) (3) (e) (ii) of this section, a "qualifying transfer" is a transfer of assets, net of any related liabilities, directly or indirectly to a trust, if the transfer is described in any of the following: 9775
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(i) The transfer is made to a trust, created by the decedent before the decedent's death and while the decedent was domiciled in this state for the purposes of this chapter, and, prior to the death of the decedent, the trust became irrevocable while the decedent was domiciled in this state for the purposes of this chapter. 9779
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(ii) The transfer is made to a trust to which the decedent, prior to the decedent's death, had directly or indirectly transferred assets, net of any related liabilities, while the decedent was domiciled in this state for the purposes of this chapter, and prior to the death of the decedent the 9785
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trust became irrevocable while the decedent was domiciled in 9790
this state for the purposes of this chapter. 9791

(iii) The transfer is made on account of a contractual 9792
relationship existing directly or indirectly between the 9793
transferor and either the decedent or the estate of the decedent 9794
at any time prior to the date of the decedent's death, and the 9795
decedent was domiciled in this state at the time of death for 9796
purposes of the taxes levied under Chapter 5731. of the Revised 9797
Code. 9798

(iv) The transfer is made to a trust on account of a 9799
contractual relationship existing directly or indirectly between 9800
the transferor and another person who at the time of the 9801
decedent's death was domiciled in this state for purposes of 9802
this chapter. 9803

(v) The transfer is made to a trust on account of the will 9804
of a testator who was domiciled in this state at the time of the 9805
testator's death for purposes of the taxes levied under Chapter 9806
5731. of the Revised Code. 9807

(vi) The transfer is made to a trust created by or caused 9808
to be created by a court, and the trust was directly or 9809
indirectly created in connection with or as a result of the 9810
death of an individual who, for purposes of the taxes levied 9811
under Chapter 5731. of the Revised Code, was domiciled in this 9812
state at the time of the individual's death. 9813

(g) The tax commissioner may adopt rules to ascertain the 9814
part of a trust residing in this state. 9815

(J) "Nonresident" means an individual or estate that is 9816
not a resident. An individual who is a resident for only part of 9817
a taxable year is a nonresident for the remainder of that 9818

taxable year.	9819
(K) "Pass-through entity" has the same meaning as in	9820
section 5733.04 of the Revised Code.	9821
(L) "Return" means the notifications and reports required	9822
to be filed pursuant to this chapter for the purpose of	9823
reporting the tax due and includes declarations of estimated tax	9824
when so required.	9825
(M) "Taxable year" means the calendar year or the	9826
taxpayer's fiscal year ending during the calendar year, or	9827
fractional part thereof, upon which the adjusted gross income is	9828
calculated pursuant to this chapter.	9829
(N) "Taxpayer" means any person subject to the tax imposed	9830
by section 5747.02 of the Revised Code or any pass-through	9831
entity that makes the election under division (D) of section	9832
5747.08 of the Revised Code.	9833
(O) "Dependents" means one of the following:	9834
(1) For taxable years beginning on or after January 1,	9835
2018, and before January 1, 2026, dependents as defined in the	9836
Internal Revenue Code;	9837
(2) For all other taxable years, dependents as defined in	9838
the Internal Revenue Code and as claimed in the taxpayer's	9839
federal income tax return for the taxable year or which the	9840
taxpayer would have been permitted to claim had the taxpayer	9841
filed a federal income tax return.	9842
(P) "Principal county of employment" means, in the case of	9843
a nonresident, the county within the state in which a taxpayer	9844
performs services for an employer or, if those services are	9845
performed in more than one county, the county in which the major	9846

portion of the services are performed. 9847

(Q) As used in sections 5747.50 to 5747.55 of the Revised 9848
Code: 9849

(1) "Subdivision" means any county, municipal corporation, 9850
park district, or township. 9851

(2) "Essential local government purposes" includes all 9852
functions that any subdivision is required by general law to 9853
exercise, including like functions that are exercised under a 9854
charter adopted pursuant to the Ohio Constitution. 9855

(R) "Overpayment" means any amount already paid that 9856
exceeds the figure determined to be the correct amount of the 9857
tax. 9858

(S) "Taxable income" or "Ohio taxable income" applies only 9859
to estates and trusts, and means federal taxable income, as 9860
defined and used in the Internal Revenue Code, adjusted as 9861
follows: 9862

(1) Add interest or dividends, net of ordinary, necessary, 9863
and reasonable expenses not deducted in computing federal 9864
taxable income, on obligations or securities of any state or of 9865
any political subdivision or authority of any state, other than 9866
this state and its subdivisions and authorities, but only to the 9867
extent that such net amount is not otherwise includible in Ohio 9868
taxable income and is described in either division (S)(1)(a) or 9869
(b) of this section: 9870

(a) The net amount is not attributable to the S portion of 9871
an electing small business trust and has not been distributed to 9872
beneficiaries for the taxable year; 9873

(b) The net amount is attributable to the S portion of an 9874

electing small business trust for the taxable year. 9875

(2) Add interest or dividends, net of ordinary, necessary, 9876
and reasonable expenses not deducted in computing federal 9877
taxable income, on obligations of any authority, commission, 9878
instrumentality, territory, or possession of the United States 9879
to the extent that the interest or dividends are exempt from 9880
federal income taxes but not from state income taxes, but only 9881
to the extent that such net amount is not otherwise includible 9882
in Ohio taxable income and is described in either division (S) 9883
(1) (a) or (b) of this section; 9884

(3) Add the amount of personal exemption allowed to the 9885
estate pursuant to section 642(b) of the Internal Revenue Code; 9886

(4) Deduct interest or dividends, net of related expenses 9887
deducted in computing federal taxable income, on obligations of 9888
the United States and its territories and possessions or of any 9889
authority, commission, or instrumentality of the United States 9890
to the extent that the interest or dividends are exempt from 9891
state taxes under the laws of the United States, but only to the 9892
extent that such amount is included in federal taxable income 9893
and is described in either division (S) (1) (a) or (b) of this 9894
section; 9895

(5) Deduct the amount of wages and salaries, if any, not 9896
otherwise allowable as a deduction but that would have been 9897
allowable as a deduction in computing federal taxable income for 9898
the taxable year, had the targeted jobs credit allowed under 9899
sections 38, 51, and 52 of the Internal Revenue Code not been in 9900
effect, but only to the extent such amount relates either to 9901
income included in federal taxable income for the taxable year 9902
or to income of the S portion of an electing small business 9903
trust for the taxable year; 9904

(6) Deduct any interest or interest equivalent, net of 9905
related expenses deducted in computing federal taxable income, 9906
on public obligations and purchase obligations, but only to the 9907
extent that such net amount relates either to income included in 9908
federal taxable income for the taxable year or to income of the 9909
S portion of an electing small business trust for the taxable 9910
year; 9911

(7) Add any loss or deduct any gain resulting from sale, 9912
exchange, or other disposition of public obligations to the 9913
extent that such loss has been deducted or such gain has been 9914
included in computing either federal taxable income or income of 9915
the S portion of an electing small business trust for the 9916
taxable year; 9917

(8) Except in the case of the final return of an estate, 9918
add any amount deducted by the taxpayer on both its Ohio estate 9919
tax return pursuant to section 5731.14 of the Revised Code, and 9920
on its federal income tax return in determining federal taxable 9921
income; 9922

(9) (a) Deduct any amount included in federal taxable 9923
income solely because the amount represents a reimbursement or 9924
refund of expenses that in a previous year the decedent had 9925
deducted as an itemized deduction pursuant to section 63 of the 9926
Internal Revenue Code and applicable treasury regulations. The 9927
deduction otherwise allowed under division (S) (9) (a) of this 9928
section shall be reduced to the extent the reimbursement is 9929
attributable to an amount the taxpayer or decedent deducted 9930
under this section in any taxable year. 9931

(b) Add any amount not otherwise included in Ohio taxable 9932
income for any taxable year to the extent that the amount is 9933
attributable to the recovery during the taxable year of any 9934

amount deducted or excluded in computing federal or Ohio taxable 9935
income in any taxable year, but only to the extent such amount 9936
has not been distributed to beneficiaries for the taxable year. 9937

(10) Deduct any portion of the deduction described in 9938
section 1341(a)(2) of the Internal Revenue Code, for repaying 9939
previously reported income received under a claim of right, that 9940
meets both of the following requirements: 9941

(a) It is allowable for repayment of an item that was 9942
included in the taxpayer's taxable income or the decedent's 9943
adjusted gross income for a prior taxable year and did not 9944
qualify for a credit under division (A) or (B) of section 9945
5747.05 of the Revised Code for that year. 9946

(b) It does not otherwise reduce the taxpayer's taxable 9947
income or the decedent's adjusted gross income for the current 9948
or any other taxable year. 9949

(11) Add any amount claimed as a credit under section 9950
5747.059 of the Revised Code to the extent that the amount 9951
satisfies either of the following: 9952

(a) The amount was deducted or excluded from the 9953
computation of the taxpayer's federal taxable income as required 9954
to be reported for the taxpayer's taxable year under the 9955
Internal Revenue Code; 9956

(b) The amount resulted in a reduction in the taxpayer's 9957
federal taxable income as required to be reported for any of the 9958
taxpayer's taxable years under the Internal Revenue Code. 9959

(12) Deduct any amount, net of related expenses deducted 9960
in computing federal taxable income, that a trust is required to 9961
report as farm income on its federal income tax return, but only 9962
if the assets of the trust include at least ten acres of land 9963

satisfying the definition of "land devoted exclusively to agricultural use" under section 5713.30 of the Revised Code, regardless of whether the land is valued for tax purposes as such land under sections 5713.30 to 5713.38 of the Revised Code. If the trust is a pass-through entity investor, section 5747.231 of the Revised Code applies in ascertaining if the trust is eligible to claim the deduction provided by division (S)(12) of this section in connection with the pass-through entity's farm income.

Except for farm income attributable to the S portion of an electing small business trust, the deduction provided by division (S)(12) of this section is allowed only to the extent that the trust has not distributed such farm income.

(13) Add the net amount of income described in section 641(c) of the Internal Revenue Code to the extent that amount is not included in federal taxable income.

(14) Add or deduct the amount the taxpayer would be required to add or deduct under division (A)(17) or (18) of this section if the taxpayer's Ohio taxable income were computed in the same manner as an individual's Ohio adjusted gross income is computed under this section.

(T) "School district income" and "school district income tax" have the same meanings as in section 5748.01 of the Revised Code.

(U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7) of this section, "public obligations," "purchase obligations," and "interest or interest equivalent" have the same meanings as in section 5709.76 of the Revised Code.

(V) "Limited liability company" means any limited

liability company formed under Chapter 1705. or 1706. of the Revised Code or under the laws of any other state.	9993 9994
(W) "Pass-through entity investor" means any person who, during any portion of a taxable year of a pass-through entity, is a partner, member, shareholder, or equity investor in that pass-through entity.	9995 9996 9997 9998
(X) "Banking day" has the same meaning as in section 1304.01 of the Revised Code.	9999 10000
(Y) "Month" means a calendar month.	10001
(Z) "Quarter" means the first three months, the second three months, the third three months, or the last three months of the taxpayer's taxable year.	10002 10003 10004
(AA) (1) "Modified business income" means the business income included in a trust's Ohio taxable income after such taxable income is first reduced by the qualifying trust amount, if any.	10005 10006 10007 10008
(2) "Qualifying trust amount" of a trust means capital gains and losses from the sale, exchange, or other disposition of equity or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:	10009 10010 10011 10012 10013 10014
(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.	10015 10016 10017 10018 10019
(b) The requirements of section 5747.011 of the Revised	10020

Code are satisfied for the trust's taxable year in which the 10021
trust recognizes the gain or loss. 10022

Any gain or loss that is not a qualifying trust amount is 10023
modified business income, qualifying investment income, or 10024
modified nonbusiness income, as the case may be. 10025

(3) "Modified nonbusiness income" means a trust's Ohio 10026
taxable income other than modified business income, other than 10027
the qualifying trust amount, and other than qualifying 10028
investment income, as defined in section 5747.012 of the Revised 10029
Code, to the extent such qualifying investment income is not 10030
otherwise part of modified business income. 10031

(4) "Modified Ohio taxable income" applies only to trusts, 10032
and means the sum of the amounts described in divisions (AA) (4) 10033
(a) to (c) of this section: 10034

(a) The fraction, calculated under section 5747.013, and 10035
applying section 5747.231 of the Revised Code, multiplied by the 10036
sum of the following amounts: 10037

(i) The trust's modified business income; 10038

(ii) The trust's qualifying investment income, as defined 10039
in section 5747.012 of the Revised Code, but only to the extent 10040
the qualifying investment income does not otherwise constitute 10041
modified business income and does not otherwise constitute a 10042
qualifying trust amount. 10043

(b) The qualifying trust amount multiplied by a fraction, 10044
the numerator of which is the sum of the book value of the 10045
qualifying investee's physical assets in this state on the last 10046
day of the qualifying investee's fiscal or calendar year ending 10047
immediately prior to the day on which the trust recognizes the 10048
qualifying trust amount, and the denominator of which is the sum 10049

of the book value of the qualifying investee's total physical 10050
assets everywhere on the last day of the qualifying investee's 10051
fiscal or calendar year ending immediately prior to the day on 10052
which the trust recognizes the qualifying trust amount. If, for 10053
a taxable year, the trust recognizes a qualifying trust amount 10054
with respect to more than one qualifying investee, the amount 10055
described in division (AA) (4) (b) of this section shall equal the 10056
sum of the products so computed for each such qualifying 10057
investee. 10058

(c) (i) With respect to a trust or portion of a trust that 10059
is a resident as ascertained in accordance with division (I) (3) 10060
(d) of this section, its modified nonbusiness income. 10061

(ii) With respect to a trust or portion of a trust that is 10062
not a resident as ascertained in accordance with division (I) (3) 10063
(d) of this section, the amount of its modified nonbusiness 10064
income satisfying the descriptions in divisions (B) (2) to (5) of 10065
section 5747.20 of the Revised Code, except as otherwise 10066
provided in division (AA) (4) (c) (ii) of this section. With 10067
respect to a trust or portion of a trust that is not a resident 10068
as ascertained in accordance with division (I) (3) (d) of this 10069
section, the trust's portion of modified nonbusiness income 10070
recognized from the sale, exchange, or other disposition of a 10071
debt interest in or equity interest in a section 5747.212 10072
entity, as defined in section 5747.212 of the Revised Code, 10073
without regard to division (A) of that section, shall not be 10074
allocated to this state in accordance with section 5747.20 of 10075
the Revised Code but shall be apportioned to this state in 10076
accordance with division (B) of section 5747.212 of the Revised 10077
Code without regard to division (A) of that section. 10078

If the allocation and apportionment of a trust's income 10079

under divisions (AA) (4) (a) and (c) of this section do not fairly 10080
represent the modified Ohio taxable income of the trust in this 10081
state, the alternative methods described in division (C) of 10082
section 5747.21 of the Revised Code may be applied in the manner 10083
and to the same extent provided in that section. 10084

(5) (a) Except as set forth in division (AA) (5) (b) of this 10085
section, "qualifying investee" means a person in which a trust 10086
has an equity or ownership interest, or a person or unit of 10087
government the debt obligations of either of which are owned by 10088
a trust. For the purposes of division (AA) (2) (a) of this section 10089
and for the purpose of computing the fraction described in 10090
division (AA) (4) (b) of this section, all of the following apply: 10091

(i) If the qualifying investee is a member of a qualifying 10092
controlled group on the last day of the qualifying investee's 10093
fiscal or calendar year ending immediately prior to the date on 10094
which the trust recognizes the gain or loss, then "qualifying 10095
investee" includes all persons in the qualifying controlled 10096
group on such last day. 10097

(ii) If the qualifying investee, or if the qualifying 10098
investee and any members of the qualifying controlled group of 10099
which the qualifying investee is a member on the last day of the 10100
qualifying investee's fiscal or calendar year ending immediately 10101
prior to the date on which the trust recognizes the gain or 10102
loss, separately or cumulatively own, directly or indirectly, on 10103
the last day of the qualifying investee's fiscal or calendar 10104
year ending immediately prior to the date on which the trust 10105
recognizes the qualifying trust amount, more than fifty per cent 10106
of the equity of a pass-through entity, then the qualifying 10107
investee and the other members are deemed to own the 10108
proportionate share of the pass-through entity's physical assets 10109

which the pass-through entity directly or indirectly owns on the 10110
last day of the pass-through entity's calendar or fiscal year 10111
ending within or with the last day of the qualifying investee's 10112
fiscal or calendar year ending immediately prior to the date on 10113
which the trust recognizes the qualifying trust amount. 10114

(iii) For the purposes of division (AA) (5) (a) (iii) of this 10115
section, "upper level pass-through entity" means a pass-through 10116
entity directly or indirectly owning any equity of another pass- 10117
through entity, and "lower level pass-through entity" means that 10118
other pass-through entity. 10119

An upper level pass-through entity, whether or not it is 10120
also a qualifying investee, is deemed to own, on the last day of 10121
the upper level pass-through entity's calendar or fiscal year, 10122
the proportionate share of the lower level pass-through entity's 10123
physical assets that the lower level pass-through entity 10124
directly or indirectly owns on the last day of the lower level 10125
pass-through entity's calendar or fiscal year ending within or 10126
with the last day of the upper level pass-through entity's 10127
fiscal or calendar year. If the upper level pass-through entity 10128
directly and indirectly owns less than fifty per cent of the 10129
equity of the lower level pass-through entity on each day of the 10130
upper level pass-through entity's calendar or fiscal year in 10131
which or with which ends the calendar or fiscal year of the 10132
lower level pass-through entity and if, based upon clear and 10133
convincing evidence, complete information about the location and 10134
cost of the physical assets of the lower pass-through entity is 10135
not available to the upper level pass-through entity, then 10136
solely for purposes of ascertaining if a gain or loss 10137
constitutes a qualifying trust amount, the upper level pass- 10138
through entity shall be deemed as owning no equity of the lower 10139
level pass-through entity for each day during the upper level 10140

pass-through entity's calendar or fiscal year in which or with 10141
which ends the lower level pass-through entity's calendar or 10142
fiscal year. Nothing in division (AA) (5) (a) (iii) of this section 10143
shall be construed to provide for any deduction or exclusion in 10144
computing any trust's Ohio taxable income. 10145

(b) With respect to a trust that is not a resident for the 10146
taxable year and with respect to a part of a trust that is not a 10147
resident for the taxable year, "qualifying investee" for that 10148
taxable year does not include a C corporation if both of the 10149
following apply: 10150

(i) During the taxable year the trust or part of the trust 10151
recognizes a gain or loss from the sale, exchange, or other 10152
disposition of equity or ownership interests in, or debt 10153
obligations of, the C corporation. 10154

(ii) Such gain or loss constitutes nonbusiness income. 10155

(6) "Available" means information is such that a person is 10156
able to learn of the information by the due date plus 10157
extensions, if any, for filing the return for the taxable year 10158
in which the trust recognizes the gain or loss. 10159

(BB) "Qualifying controlled group" has the same meaning as 10160
in section 5733.04 of the Revised Code. 10161

(CC) "Related member" has the same meaning as in section 10162
5733.042 of the Revised Code. 10163

(DD) (1) For the purposes of division (DD) of this section: 10164

(a) "Qualifying person" means any person other than a 10165
qualifying corporation. 10166

(b) "Qualifying corporation" means any person classified 10167
for federal income tax purposes as an association taxable as a 10168

corporation, except either of the following: 10169

(i) A corporation that has made an election under 10170
subchapter S, chapter one, subtitle A, of the Internal Revenue 10171
Code for its taxable year ending within, or on the last day of, 10172
the investor's taxable year; 10173

(ii) A subsidiary that is wholly owned by any corporation 10174
that has made an election under subchapter S, chapter one, 10175
subtitle A of the Internal Revenue Code for its taxable year 10176
ending within, or on the last day of, the investor's taxable 10177
year. 10178

(2) For the purposes of this chapter, unless expressly 10179
stated otherwise, no qualifying person indirectly owns any asset 10180
directly or indirectly owned by any qualifying corporation. 10181

(EE) For purposes of this chapter and Chapter 5751. of the 10182
Revised Code: 10183

(1) "Trust" does not include a qualified pre-income tax 10184
trust. 10185

(2) A "qualified pre-income tax trust" is any pre-income 10186
tax trust that makes a qualifying pre-income tax trust election 10187
as described in division (EE)(3) of this section. 10188

(3) A "qualifying pre-income tax trust election" is an 10189
election by a pre-income tax trust to subject to the tax imposed 10190
by section 5751.02 of the Revised Code the pre-income tax trust 10191
and all pass-through entities of which the trust owns or 10192
controls, directly, indirectly, or constructively through 10193
related interests, five per cent or more of the ownership or 10194
equity interests. The trustee shall notify the tax commissioner 10195
in writing of the election on or before April 15, 2006. The 10196
election, if timely made, shall be effective on and after 10197

January 1, 2006, and shall apply for all tax periods and tax 10198
years until revoked by the trustee of the trust. 10199

(4) A "pre-income tax trust" is a trust that satisfies all 10200
of the following requirements: 10201

(a) The document or instrument creating the trust was 10202
executed by the grantor before January 1, 1972; 10203

(b) The trust became irrevocable upon the creation of the 10204
trust; and 10205

(c) The grantor was domiciled in this state at the time 10206
the trust was created. 10207

(FF) "Uniformed services" has the same meaning as in 10
U.S.C. 101. 10208
10209

(GG) "Taxable business income" means the amount by which 10210
an individual's business income that is included in federal 10211
adjusted gross income exceeds the amount of business income the 10212
individual is authorized to deduct under division (A) (31) of 10213
this section for the taxable year. 10214

(HH) "Employer" does not include a franchisor with respect 10215
to the franchisor's relationship with a franchisee or an 10216
employee of a franchisee, unless the franchisor agrees to assume 10217
that role in writing or a court of competent jurisdiction 10218
determines that the franchisor exercises a type or degree of 10219
control over the franchisee or the franchisee's employees that 10220
is not customarily exercised by a franchisor for the purpose of 10221
protecting the franchisor's trademark, brand, or both. For 10222
purposes of this division, "franchisor" and "franchisee" have 10223
the same meanings as in 16 C.F.R. 436.1. 10224

(II) "Modified adjusted gross income" means Ohio adjusted 10225

gross income plus any amount deducted under division (A) (28) of 10226
this section for the taxable year. 10227

(JJ) "Qualifying Ohio educator" means an individual who, 10228
for a taxable year, qualifies as an eligible educator, as that 10229
term is defined in section 62 of the Internal Revenue Code, and 10230
who holds a certificate, license, or permit described in Chapter 10231
3319. or section 3301.071 of the Revised Code. 10232

Sec. 5751.01. As used in this chapter: 10233

(A) "Person" means, but is not limited to, individuals, 10234
combinations of individuals of any form, receivers, assignees, 10235
trustees in bankruptcy, firms, companies, joint-stock companies, 10236
business trusts, estates, partnerships, limited liability 10237
partnerships, limited liability companies, associations, joint 10238
ventures, clubs, societies, for-profit corporations, S 10239
corporations, qualified subchapter S subsidiaries, qualified 10240
subchapter S trusts, trusts, entities that are disregarded for 10241
federal income tax purposes, and any other entities. 10242

(B) "Consolidated elected taxpayer" means a group of two 10243
or more persons treated as a single taxpayer for purposes of 10244
this chapter as the result of an election made under section 10245
5751.011 of the Revised Code. 10246

(C) "Combined taxpayer" means a group of two or more 10247
persons treated as a single taxpayer for purposes of this 10248
chapter under section 5751.012 of the Revised Code. 10249

(D) "Taxpayer" means any person, or any group of persons 10250
in the case of a consolidated elected taxpayer or combined 10251
taxpayer treated as one taxpayer, required to register or pay 10252
tax under this chapter. "Taxpayer" does not include excluded 10253
persons. 10254

(E) "Excluded person" means any of the following:	10255
(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer;	10256 10257 10258 10259
(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:	10260 10261 10262 10263 10264 10265
(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;	10266 10267 10268 10269
(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;	10270 10271 10272 10273 10274 10275
(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.	10276 10277 10278 10279 10280 10281 10282 10283

As used in division (E) (2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E) (4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1705.01 or 1706.01 of the Revised Code as applicable, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or

distributions of fifty per cent or more of the combined 10313
beneficial interests of all persons having such an interest in 10314
the organization. 10315

(5) A domestic insurance company or foreign insurance 10316
company, as defined in section 5725.01 of the Revised Code, that 10317
paid the insurance company premiums tax imposed by section 10318
5725.18 or Chapter 5729. of the Revised Code, or an unauthorized 10319
insurance company whose gross premiums are subject to tax under 10320
section 3905.36 of the Revised Code based on one or more 10321
measurement periods that include the entire tax period under 10322
this chapter; 10323

(6) A person that solely facilitates or services one or 10324
more securitizations of phase-in-recovery property pursuant to a 10325
final financing order as those terms are defined in section 10326
4928.23 of the Revised Code. For purposes of this division, 10327
"securitization" means transferring one or more assets to one or 10328
more persons and then issuing securities backed by the right to 10329
receive payment from the asset or assets so transferred. 10330

(7) Except as otherwise provided in this division, a pre- 10331
income tax trust as defined in section 5747.01 of the Revised 10332
Code and any pass-through entity of which such pre-income tax 10333
trust owns or controls, directly, indirectly, or constructively 10334
through related interests, more than five per cent of the 10335
ownership or equity interests. If the pre-income tax trust has 10336
made a qualifying pre-income tax trust election under division 10337
(EE) of section 5747.01 of the Revised Code, then the trust and 10338
the pass-through entities of which it owns or controls, 10339
directly, indirectly, or constructively through related 10340
interests, more than five per cent of the ownership or equity 10341
interests, shall not be excluded persons for purposes of the tax 10342

imposed under section 5751.02 of the Revised Code. 10343

(8) Nonprofit organizations or the state and its agencies, 10344
instrumentalities, or political subdivisions. 10345

(F) Except as otherwise provided in divisions (F) (2), (3), 10346
and (4) of this section, "gross receipts" means the total amount 10347
realized by a person, without deduction for the cost of goods 10348
sold or other expenses incurred, that contributes to the 10349
production of gross income of the person, including the fair 10350
market value of any property and any services received, and any 10351
debt transferred or forgiven as consideration. 10352

(1) The following are examples of gross receipts: 10353

(a) Amounts realized from the sale, exchange, or other 10354
disposition of the taxpayer's property to or with another; 10355

(b) Amounts realized from the taxpayer's performance of 10356
services for another; 10357

(c) Amounts realized from another's use or possession of 10358
the taxpayer's property or capital; 10359

(d) Any combination of the foregoing amounts. 10360

(2) "Gross receipts" excludes the following amounts: 10361

(a) Interest income except interest on credit sales; 10362

(b) Dividends and distributions from corporations, and 10363
distributive or proportionate shares of receipts and income from 10364
a pass-through entity as defined under section 5733.04 of the 10365
Revised Code; 10366

(c) Receipts from the sale, exchange, or other disposition 10367
of an asset described in section 1221 or 1231 of the Internal 10368
Revenue Code, without regard to the length of time the person 10369

held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. For the purposes of division (F)(2)(c) of this section, the actual transfer of title of real or tangible personal property to another entity is not a hedging transaction.

(d) Proceeds received attributable to the repayment, maturity, or redemption of the principal of a loan, bond, mutual fund, certificate of deposit, or marketable instrument;

(e) The principal amount received under a repurchase agreement or on account of any transaction properly characterized as a loan to the person;

(f) Contributions received by a trust, plan, or other arrangement, any of which is described in section 501(a) of the Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 1, Subchapter (D) of the Internal Revenue Code applies;

(g) Compensation, whether current or deferred, and whether in cash or in kind, received or to be received by an employee, former employee, or the employee's legal successor for services rendered to or for an employer, including reimbursements

received by or for an individual for medical or education 10400
expenses, health insurance premiums, or employee expenses, or on 10401
account of a dependent care spending account, legal services 10402
plan, any cafeteria plan described in section 125 of the 10403
Internal Revenue Code, or any similar employee reimbursement; 10404

(h) Proceeds received from the issuance of the taxpayer's 10405
own stock, options, warrants, puts, or calls, or from the sale 10406
of the taxpayer's treasury stock; 10407

(i) Proceeds received on the account of payments from 10408
insurance policies, except those proceeds received for the loss 10409
of business revenue; 10410

(j) Gifts or charitable contributions received; membership 10411
dues received by trade, professional, homeowners', or 10412
condominium associations; and payments received for educational 10413
courses, meetings, meals, or similar payments to a trade, 10414
professional, or other similar association; and fundraising 10415
receipts received by any person when any excess receipts are 10416
donated or used exclusively for charitable purposes; 10417

(k) Damages received as the result of litigation in excess 10418
of amounts that, if received without litigation, would be gross 10419
receipts; 10420

(l) Property, money, and other amounts received or 10421
acquired by an agent on behalf of another in excess of the 10422
agent's commission, fee, or other remuneration; 10423

(m) Tax refunds, other tax benefit recoveries, and 10424
reimbursements for the tax imposed under this chapter made by 10425
entities that are part of the same combined taxpayer or 10426
consolidated elected taxpayer group, and reimbursements made by 10427
entities that are not members of a combined taxpayer or 10428

consolidated elected taxpayer group that are required to be made 10429
for economic parity among multiple owners of an entity whose tax 10430
obligation under this chapter is required to be reported and 10431
paid entirely by one owner, pursuant to the requirements of 10432
sections 5751.011 and 5751.012 of the Revised Code; 10433

(n) Pension reversions; 10434

(o) Contributions to capital; 10435

(p) Sales or use taxes collected as a vendor or an out-of- 10436
state seller on behalf of the taxing jurisdiction from a 10437
consumer or other taxes the taxpayer is required by law to 10438
collect directly from a purchaser and remit to a local, state, 10439
or federal tax authority; 10440

(q) In the case of receipts from the sale of cigarettes, 10441
tobacco products, or vapor products by a wholesale dealer, 10442
retail dealer, distributor, manufacturer, vapor distributor, or 10443
seller, all as defined in section 5743.01 of the Revised Code, 10444
an amount equal to the federal and state excise taxes paid by 10445
any person on or for such cigarettes, tobacco products, or vapor 10446
products under subtitle E of the Internal Revenue Code or 10447
Chapter 5743. of the Revised Code; 10448

(r) In the case of receipts from the sale, transfer, 10449
exchange, or other disposition of motor fuel as "motor fuel" is 10450
defined in section 5736.01 of the Revised Code, an amount equal 10451
to the value of the motor fuel, including federal and state 10452
motor fuel excise taxes and receipts from billing or invoicing 10453
the tax imposed under section 5736.02 of the Revised Code to 10454
another person; 10455

(s) In the case of receipts from the sale of beer or 10456
intoxicating liquor, as defined in section 4301.01 of the 10457

Revised Code, by a person holding a permit issued under Chapter 10458
4301. or 4303. of the Revised Code, an amount equal to federal 10459
and state excise taxes paid by any person on or for such beer or 10460
intoxicating liquor under subtitle E of the Internal Revenue 10461
Code or Chapter 4301. or 4305. of the Revised Code; 10462

(t) Receipts realized by a new motor vehicle dealer or 10463
used motor vehicle dealer, as defined in section 4517.01 of the 10464
Revised Code, from the sale or other transfer of a motor 10465
vehicle, as defined in that section, to another motor vehicle 10466
dealer for the purpose of resale by the transferee motor vehicle 10467
dealer, but only if the sale or other transfer was based upon 10468
the transferee's need to meet a specific customer's preference 10469
for a motor vehicle; 10470

(u) Receipts from a financial institution described in 10471
division (E)(3) of this section for services provided to the 10472
financial institution in connection with the issuance, 10473
processing, servicing, and management of loans or credit 10474
accounts, if such financial institution and the recipient of 10475
such receipts have at least fifty per cent of their ownership 10476
interests owned or controlled, directly or constructively 10477
through related interests, by common owners; 10478

(v) Receipts realized from administering anti-neoplastic 10479
drugs and other cancer chemotherapy, biologicals, therapeutic 10480
agents, and supportive drugs in a physician's office to patients 10481
with cancer; 10482

(w) Funds received or used by a mortgage broker that is 10483
not a dealer in intangibles, other than fees or other 10484
consideration, pursuant to a table-funding mortgage loan or 10485
warehouse-lending mortgage loan. Terms used in division (F)(2) 10486
(w) of this section have the same meanings as in section 1322.01 10487

of the Revised Code, except "mortgage broker" means a person 10488
assisting a buyer in obtaining a mortgage loan for a fee or 10489
other consideration paid by the buyer or a lender, or a person 10490
engaged in table-funding or warehouse-lending mortgage loans 10491
that are first lien mortgage loans. 10492

(x) Property, money, and other amounts received by a 10493
professional employer organization, as defined in section 10494
4125.01 of the Revised Code, or an alternate employer 10495
organization, as defined in section 4133.01 of the Revised Code, 10496
from a client employer, as defined in either of those sections 10497
as applicable, in excess of the administrative fee charged by 10498
the professional employer organization or the alternate employer 10499
organization to the client employer; 10500

(y) In the case of amounts retained as commissions by a 10501
permit holder under Chapter 3769. of the Revised Code, an amount 10502
equal to the amounts specified under that chapter that must be 10503
paid to or collected by the tax commissioner as a tax and the 10504
amounts specified under that chapter to be used as purse money; 10505

(z) Qualifying distribution center receipts as determined 10506
under section 5751.40 of the Revised Code. 10507

(aa) Receipts of an employer from payroll deductions 10508
relating to the reimbursement of the employer for advancing 10509
moneys to an unrelated third party on an employee's behalf; 10510

(bb) Cash discounts allowed and taken; 10511

(cc) Returns and allowances; 10512

(dd) Bad debts from receipts on the basis of which the tax 10513
imposed by this chapter was paid in a prior quarterly tax 10514
payment period. For the purpose of this division, "bad debts" 10515
means any debts that have become worthless or uncollectible 10516

between the preceding and current quarterly tax payment periods, 10517
have been uncollected for at least six months, and that may be 10518
claimed as a deduction under section 166 of the Internal Revenue 10519
Code and the regulations adopted under that section, or that 10520
could be claimed as such if the taxpayer kept its accounts on 10521
the accrual basis. "Bad debts" does not include repossessed 10522
property, uncollectible amounts on property that remains in the 10523
possession of the taxpayer until the full purchase price is 10524
paid, or expenses in attempting to collect any account 10525
receivable or for any portion of the debt recovered; 10526

(ee) Any amount realized from the sale of an account 10527
receivable to the extent the receipts from the underlying 10528
transaction giving rise to the account receivable were included 10529
in the gross receipts of the taxpayer; 10530

(ff) Any receipts directly attributed to a transfer 10531
agreement or to the enterprise transferred under that agreement 10532
under section 4313.02 of the Revised Code. 10533

(gg) Qualified uranium receipts as determined under 10534
section 5751.41 of the Revised Code. 10535

(hh) In the case of amounts collected by a licensed casino 10536
operator from casino gaming, amounts in excess of the casino 10537
operator's gross casino revenue. In this division, "casino 10538
operator" and "casino gaming" have the meanings defined in 10539
section 3772.01 of the Revised Code, and "gross casino revenue" 10540
has the meaning defined in section 5753.01 of the Revised Code. 10541

(ii) Receipts realized from the sale of agricultural 10542
commodities by an agricultural commodity handler, both as 10543
defined in section 926.01 of the Revised Code, that is licensed 10544
by the director of agriculture to handle agricultural 10545

commodities in this state. 10546

(jj) Qualifying integrated supply chain receipts as 10547
determined under section 5751.42 of the Revised Code. 10548

(kk) In the case of a railroad company described in 10549
division (D) (9) of section 5727.01 of the Revised Code that 10550
purchases dyed diesel fuel directly from a supplier as defined 10551
by section 5736.01 of the Revised Code, an amount equal to the 10552
product of the number of gallons of dyed diesel fuel purchased 10553
directly from such a supplier multiplied by the average 10554
wholesale price for a gallon of diesel fuel as determined under 10555
section 5736.02 of the Revised Code for the period during which 10556
the fuel was purchased multiplied by a fraction, the numerator 10557
of which equals the rate of tax levied by section 5736.02 of the 10558
Revised Code less the rate of tax computed in section 5751.03 of 10559
the Revised Code, and the denominator of which equals the rate 10560
of tax computed in section 5751.03 of the Revised Code. 10561

(ll) Receipts realized by an out-of-state disaster 10562
business from disaster work conducted in this state during a 10563
disaster response period pursuant to a qualifying solicitation 10564
received by the business. Terms used in division (F) (2) (ll) of 10565
this section have the same meanings as in section 5703.94 of the 10566
Revised Code. 10567

(mm) In the case of receipts from the sale or transfer of 10568
a mortgage-backed security or a mortgage loan by a mortgage 10569
lender holding a valid certificate of registration issued under 10570
Chapter 1322. of the Revised Code or by a person that is a 10571
member of the mortgage lender's consolidated elected taxpayer 10572
group, an amount equal to the principal balance of the mortgage 10573
loan. 10574

(nn) Receipts from operations as an addiction treatment facility established pursuant to a proposal selected under section 2967.51 of the Revised Code or as a juvenile addiction treatment facility established pursuant to a proposal selected under section 5139.61 of the Revised Code, which proposal included a certification that the establishment and operation of the facility would result in annual net losses of not less than a specified amount being incurred by the person whose proposal was selected. The amount excluded under division (F) (2) (nn) of this section in a calendar year shall not exceed the amount so specified. If the taxpayer is a calendar quarter taxpayer, the amount of receipts excluded for the tax period may not exceed one-fourth of the amount so specified. 10575
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(oo) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state. 10588
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(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code. 10591
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(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes 10600
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changes, its method of accounting for gross receipts under this chapter shall be changed accordingly. 10605
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(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code. 10607
10608

(H) A person has "substantial nexus with this state" if any of the following applies. The person: 10609
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(1) Owns or uses a part or all of its capital in this state; 10611
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(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state; 10613
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(3) Has bright-line presence in this state; 10615

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States. 10616
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(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person: 10619
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(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge. 10622
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(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following: 10627
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(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code; 10630
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(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work done in this state; and

(c) Any amount the person pays for services performed in this state on its behalf by another.

(3) Has during the calendar year taxable gross receipts of at least five hundred thousand dollars.

(4) Has at any time during the calendar year within this state at least twenty-five per cent of the person's total property, total payroll, or total gross receipts.

(5) Is domiciled in this state as an individual or for corporate, commercial, or other business purposes.

(J) "Tangible personal property" has the same meaning as in section 5739.01 of the Revised Code.

(K) "Internal Revenue Code" means the Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in this chapter that is not otherwise defined has the same meaning as when used in a comparable context in the laws of the United States relating to federal income taxes unless a different meaning is clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.	10660 10661
(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.	10662 10663
(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:	10664 10665 10666
(1) A person receiving a fee to sell financial instruments;	10667 10668
(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;	10669 10670 10671
(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;	10672 10673
(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;	10674 10675
(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.	10676 10677
(Q) "Received" includes amounts accrued under the accrual method of accounting.	10678 10679
(R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group.	10680 10681 10682 10683 10684 10685 10686

Section 2. That existing sections 127.19, 2152.021, 10687
2743.60, 2901.01, 2921.01, 2923.01, 2925.01, 2925.03, 2925.11, 10688
2929.01, 2929.13, 2929.14, 2941.1410, 2951.02, 2951.08, 10689
2967.131, 2967.28, 3719.062, 3719.21, 4141.01, 4723.51, 4729.75, 10690
4729.79, 4730.55, 4731.056, 5747.01, and 5751.01 of the Revised 10691
Code are hereby repealed. 10692

Section 3. (A) Within six months after the effective date 10693
of this section, the Department of Rehabilitation and Correction 10694
shall create recommendations for both of the following: 10695

(1) A program that allows persons formerly convicted of 10696
section 2925.03 of the Revised Code to stay out of the drug 10697
trade and to engage in legitimate business; 10698

(2) A program, in coordination with local governments, to 10699
acquire vacant housing and ensure entire neighborhoods qualify 10700
as sober housing in which persons released from addiction 10701
treatment facilities may live. 10702

(B) Within one year after the effective date of this 10703
section, the Department of Rehabilitation and Correction shall 10704
study the feasibility of creating a drug trafficker registry, 10705
similar to the sex offender registry operated under Chapter 10706
2950. of the Revised Code. The Department of Rehabilitation and 10707
Correction shall compile findings of this study in a report. 10708

(C) The Department of Rehabilitation and Correction shall 10709
submit the recommendations required under division (A) of this 10710
section and the report required under division (B) of this 10711
section to the Speaker and Minority Leader of the House of 10712
Representatives and the President and Minority Leader of the 10713
Senate. 10714

(D) The Department of Rehabilitation and Correction shall 10715

request federal grants and accept all donations for the creation 10716
of addiction treatment facilities and detoxification facilities 10717
prescribed by this act. 10718

(E) The Department of Rehabilitation and Correction shall 10719
recognize every organization that successfully bids to construct 10720
an addiction treatment facility as being a major contributor to 10721
end Ohio's heroin epidemic in the manner determined suitable by 10722
the Director of the Department. 10723

(F) The Medicaid program shall not limit the number of 10724
hours per day for which a Medicaid recipient may obtain peer 10725
recovery support from a state detoxification provider. 10726

Section 4. All items in this section are hereby 10727
appropriated as designated out of any moneys in the state 10728
treasury to the credit of the designated fund. For all 10729
appropriations made in this act, those in the first column are 10730
for fiscal year 2022 and those in the second column are for 10731
fiscal year 2023. The appropriations made in this act are in 10732
addition to any other appropriations made for the FY 2022-FY 10733
2023 biennium. 10734

Section 5. 10735

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A DRC DEPARTMENT OF REHABILITATION AND CORRECTION

B Dedicated Purpose Fund Group

C	5VE0	501410	Addiction Treatment Facility Operations	\$25,922,014	\$25,922,014
D	TOTAL Dedicated Purpose Fund Group			\$25,922,014	\$25,922,014
E	TOTAL ALL BUDGET FUND GROUPS			\$25,922,014	\$25,922,014

ADDICTION TREATMENT FACILITY OPERATIONS 10738

On July 1, 2021, or as soon as possible thereafter, the 10739
Director of Budget and Management shall transfer \$25,922,014 10740
cash from the General Revenue Fund to the Addiction Treatment 10741
Facility Fund (Fund 5VE0) created in section 2967.50 of the 10742
Revised Code. The Director shall reduce the fiscal year 2022 10743
appropriation for appropriation item 501407, Community 10744
Nonresidential Programs, by the same amount as the amount of the 10745
cash transfer. 10746

On July 1, 2022, or as soon as possible thereafter, the 10747
Director of Budget and Management shall transfer \$25,922,014 10748
cash from the General Revenue Fund to Fund 5VE0. The Director 10749
shall reduce the fiscal year 2023 appropriation for 10750
appropriation item 501407, Community Nonresidential Programs, by 10751
the same amount as the amount of the cash transfer. 10752

The foregoing appropriation item 501410, Addiction 10753
Treatment Facility Operations, shall be used by the Director of 10754
Rehabilitation and Correction for the purpose of constructing 10755
and operating addiction treatment facilities in accordance with 10756
sections 2967.49 through 2967.57 of the Revised Code, and by the 10757
Director of Youth Services for the purpose of constructing and 10758
operating juvenile addiction treatment facilities in accordance 10759
with sections 5139.60 through 5139.63 of the Revised Code. 10760

Section 6. Within the limits set forth in this act, the 10761
Director of Budget and Management shall establish accounts 10762
indicating the source and amount of funds for each appropriation 10763
made in this act, and shall determine the form and manner in 10764
which appropriation accounts shall be maintained. Expenditures 10765
from appropriations contained in this act shall be accounted for 10766
as though made in H.B. 110 of the 134th General Assembly. 10767

The appropriations made in this act are subject to all 10768
provisions of H.B. 110 of the 134th General Assembly that are 10769
generally applicable to such appropriations. 10770

Section 7. Not later than one year after the effective 10771
date of this section, the Department of Mental Health and 10772
Addiction Services shall develop a proposal for consideration by 10773
the General Assembly regarding the establishment of addiction 10774
treatment facilities outside of the Department of Rehabilitation 10775
and Correction whereby an individual may voluntarily and 10776
irrevocably commit to treatment. To the extent possible, the 10777
Department of Mental Health and Addiction Services shall model 10778
the proposal's voluntary addiction treatment facility provisions 10779
on the provision of addiction treatment under sections 2967.51, 10780
2967.54, and 2967.55 of the Revised Code. 10781

Section 8. The General Assembly, applying the principle 10782
stated in division (B) of section 1.52 of the Revised Code that 10783
amendments are to be harmonized if reasonably capable of 10784
simultaneous operation, finds that the following sections, 10785
presented in this act as composites of the sections as amended 10786
by the acts indicated, are the resulting versions of the 10787
sections in effect prior to the effective date of the sections 10788
as presented in this act: 10789

Section 2925.01 of the Revised Code as amended by H.B. 341 10790

and H.B. 442 both of the 133rd General Assembly.	10791
Section 2925.03 of the Revised Code as amended by H.B. 111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	10792 10793 10794
Section 2925.11 of the Revised Code as amended by S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	10795 10796
Section 2929.01 of the Revised Code as amended by H.B. 63, H.B. 411, S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General Assembly.	10797 10798 10799
Section 2929.14 of the Revised Code as amended by both H.B. 136 and S.B. 256 of the 133rd General Assembly.	10800 10801
Section 2967.28 of the Revised Code as amended by both S.B. 66 and S.B. 201 of the 132nd General Assembly.	10802 10803
Section 5747.01 of the Revised Code as amended by H.B. 18, H.B. 197, S.B. 26, and S.B. 276, all of the 133rd General Assembly.	10804 10805 10806
Section 5751.01 of the Revised Code as amended by H.B. 150, H.B. 197, S.B. 201, and S.B. 276, all of the 133rd General Assembly.	10807 10808 10809
Section 9. Not later than one year after the effective date of this section, the Department of Mental Health and Addiction Services shall provide recommendations to the General Assembly regarding an opioid abuse education program for senior citizens.	10810 10811 10812 10813 10814