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Sub. H. B. No. 37

Representatives Johnson, Miller, K.

Cosponsors: Representatives Merrin, Plummer, Hall, Stewart, Dean, Gross, Abrams, Bird, Brennan, Brewer, Brown, Carruthers, Claggett, Click, Creech, Cross, Daniels, Dell'Aquila, Demetriou, Denson, Dobos, Ghanbari, Holmes, Hoops, John, Jones, Kick, King, Klopfenstein, Lampton, LaRe, Lear, Lorenz, Manning, McClain, Miller, J., Miller, M., Mohamed, Oelslager, Patton, Pavliga, Peterson, Ray, Richardson, Robb Blasdel, Robinson, Roemer, Santucci, Schmidt, Somani, Stein, Swearingen, Thomas, C., Upchurch, Weinstein, White, Willis, Young, T., Speaker Stephens

A BILL

To amend sections 2903.06, 2929.14, 2929.142, 1
4510.13, 4510.17, 4510.31, 4510.54, and 4511.19 2
of the Revised Code to modify the law related to 3
OVI-related offenses. 4

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

Section 1. That sections 2903.06, 2929.14, 2929.142, 5
4510.13, 4510.17, 4510.31, 4510.54, and 4511.19 of the Revised 6
Code be amended to read as follows: 7

Sec. 2903.06. (A) No person, while operating or 8
participating in the operation of a motor vehicle, motorcycle, 9
snowmobile, locomotive, watercraft, or aircraft, shall cause the 10
death of another or the unlawful termination of another's 11
pregnancy in any of the following ways: 12

(1) (a) As the proximate result of committing a ~~violation~~ 13

~~of division (A) of section 4511.19 of the Revised Code or of a~~ 14
~~substantially equivalent municipal ordinance~~low tier OVI 15
offense; 16

(b) As the proximate result of committing a ~~violation of~~ 17
~~division (A) of section 1547.11 of the Revised Code or of a~~ 18
~~substantially equivalent municipal ordinance;~~ 19

~~(c) As the proximate result of committing a violation of~~ 20
~~division (A) (3) of section 4561.15 of the Revised Code or of a~~ 21
~~substantially equivalent municipal ordinance~~high tier OVI 22
offense. 23

(2) In one of the following ways: 24

(a) Recklessly; 25

(b) As the proximate result of committing, while operating 26
or participating in the operation of a motor vehicle or 27
motorcycle in a construction zone, a reckless operation offense, 28
provided that this division applies only if the person whose 29
death is caused or whose pregnancy is unlawfully terminated is 30
in the construction zone at the time of the offender's 31
commission of the reckless operation offense in the construction 32
zone and does not apply as described in division (F) of this 33
section. 34

(3) In one of the following ways: 35

(a) Negligently; 36

(b) As the proximate result of committing, while operating 37
or participating in the operation of a motor vehicle or 38
motorcycle in a construction zone, a speeding offense, provided 39
that this division applies only if the person whose death is 40
caused or whose pregnancy is unlawfully terminated is in the 41

construction zone at the time of the offender's commission of 42
the speeding offense in the construction zone and does not apply 43
as described in division (F) of this section. 44

(4) As the proximate result of committing a violation of 45
any provision of any section contained in Title XLV of the 46
Revised Code that is a minor misdemeanor or of a municipal 47
ordinance that, regardless of the penalty set by ordinance for 48
the violation, is substantially equivalent to any provision of 49
any section contained in Title XLV of the Revised Code that is a 50
minor misdemeanor. 51

(B) (1) Whoever violates division (A) (1) or (2) of this 52
section is guilty of aggravated vehicular homicide and shall be 53
punished as provided in divisions (B) (2) and (3) of this 54
section. 55

(2) (a) Except as otherwise provided in division ~~(B) (2) (b)~~ 56
~~or (e) (B) (2) (c), (d), (e), or (f)~~ of this section, aggravated 57
vehicular homicide committed in violation of division ~~(A) (1) (A)~~ 58
(1) (a) of this section is a felony of the second degree and the 59
court shall impose a mandatory prison term on the offender as 60
described in division (E) of this section. 61

(b) Except as otherwise provided in division (B) (2) (c), 62
(d), (e), or (f) of this section, aggravated vehicular homicide 63
committed in violation of division ~~(A) (1) (A) (1) (b)~~ of this 64
section is a felony of the first degree, and the court shall 65
impose a mandatory prison term on the offender as described in 66
division (E) of this section. 67

(c) Except as otherwise provided in division (B) (2) (d), 68
(e), or (f) of this section, aggravated vehicular homicide 69
committed in violation of division (A) (1) of this section is a 70

felony of the first degree, and the court shall impose a 71
mandatory prison term on the offender as described in division 72
(E) of this section, if any of the following apply: 73

(i) At the time of the offense, the offender was driving 74
under a suspension or cancellation imposed under Chapter 4510. 75
or any other provision of the Revised Code or was operating a 76
motor vehicle or motorcycle, did not have a valid driver's 77
license, commercial driver's license, temporary instruction 78
permit, probationary license, or nonresident operating 79
privilege, and was not eligible for renewal of the offender's 80
driver's license or commercial driver's license without 81
examination under section 4507.10 of the Revised Code. 82

(ii) The offender previously has been convicted of or 83
pleaded guilty to ~~a one prior violation of this section~~ a low 84
tier OVI offense or a reckless operation offense that involved 85
alcohol, a drug of abuse, or a combination of them within the 86
previous twenty years. 87

(iii) The offender previously has been convicted of or 88
pleaded guilty to ~~any one prior~~ traffic-related homicide, 89
manslaughter, or assault offense within the previous twenty 90
years. 91

~~(e) Aggravated~~ (d) Except as otherwise provided in 92
division (B) (2) (e) or (f) this section, aggravated vehicular 93
homicide committed in violation of division (A) (1) of this 94
section is a felony of the first degree, and the court shall 95
sentence the offender to a mandatory prison term as provided in 96
section 2929.142 of the Revised Code and described in division 97
(E) of this section if any of the following apply: 98

(i) The offender previously has been convicted of or 99

pleaded guilty to ~~three or more~~ one prior violations of division- 100
~~(A) of section 4511.19 of the Revised Code or of a substantially~~ 101
~~equivalent municipal ordinance~~ violation of a high tier OVI 102
offense within the previous ~~ten~~ twenty years. 103

(ii) The offender previously has been convicted of or 104
pleaded guilty to ~~three or more~~ two prior violations of ~~division-~~ 105
~~(A) of section 1547.11 of the Revised Code or of a substantially~~ 106
~~equivalent municipal ordinance~~ low tier OVI offenses within the 107
previous ~~ten~~ twenty years. 108

(iii) The offender previously has been convicted of or 109
pleaded guilty to ~~three or more~~ two prior violations of ~~division-~~ 110
~~(A) (3) of section 4561.15 of the Revised Code or of a~~ 111
~~substantially equivalent municipal ordinance~~ traffic-related 112
homicide, manslaughter, or assault offenses within the previous 113
~~ten~~ twenty years. 114

(iv) The offender previously has been convicted of or 115
pleaded guilty to ~~three or more~~ two prior violations of ~~division-~~ 116
~~(A) (1) of this section~~ any combination of the offenses listed in 117
division (B) (2) (d) (ii) and (iii) of this section within the 118
previous ~~ten~~ twenty years. 119

~~(v) The offender previously has been convicted of or~~ 120
~~pleaded guilty to three or more prior violations of division (A)~~ 121
~~(1) of section 2903.08 of the Revised Code within the previous~~ 122
~~ten years.~~ 123

~~(vi) The offender previously has been convicted of or~~ 124
~~pleaded guilty to three or more prior violations of section~~ 125
~~2903.04 of the Revised Code within the previous ten years in~~ 126
~~circumstances in which division (D) of that section applied~~ 127
~~regarding the violations.~~ 128

~~(vii) The offender previously has been convicted of or
pleaded guilty to three or more violations of any combination of
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),
(v), or (vi) of this section within the previous ten years.~~

~~(viii) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.~~

(d) (e) Except as otherwise provided in division (B) (2) (f)
of this section, aggravated vehicular homicide committed in
violation of division (A) (1) of this section is a felony of the
first degree, and the court shall sentence the offender to a
mandatory prison term as provided in section 2929.142 of the
Revised Code and described in division (E) of this section if
any of the following apply:

(i) The offender previously has been convicted of or
pleaded guilty to one prior violation of a low tier OVI offense
and one prior violation of a high tier OVI offense within the
previous twenty years.

(ii) The offender previously has been convicted of or
pleaded guilty to three prior violations of low tier OVI
offenses within the previous twenty years.

(iii) The offender previously has been convicted of or
pleaded guilty to three prior traffic-related homicide,
manslaughter, or assault offenses within the previous twenty
years.

(iv) The offender previously has been convicted of or
pleaded guilty to three prior violations of any combination of
the offenses listed in divisions (B) (2) (e) (ii) and (iii) of this
section within the previous twenty years.

(f) Aggravated vehicular homicide committed in violation 158
of division (A) (1) of this section is a felony of the first 159
degree, and the court shall sentence the offender to a mandatory 160
prison term as provided in section 2929.142 of the Revised Code 161
and described in division (E) of this section if any of the 162
following apply: 163

(i) The offender previously has been convicted of or 164
pleaded guilty to two prior violations of high tier OVI offenses 165
within the previous twenty years. 166

(ii) The offender previously has been convicted of or 167
pleaded guilty to two prior violations of low tier OVI offenses 168
and one prior violation of a high tier OVI offense within the 169
previous twenty years. 170

(g) In addition to any other sanctions imposed pursuant to 171
division (B) (2) (a), (b), ~~or~~ (c), (d), (e), or (f) of this 172
section for aggravated vehicular homicide committed in violation 173
of division (A) (1) of this section, the court shall impose upon 174
the offender a class one suspension of the offender's driver's 175
license, commercial driver's license, temporary instruction 176
permit, probationary license, or nonresident operating privilege 177
as specified in division (A) (1) of section 4510.02 of the 178
Revised Code. 179

Divisions (A) (1) to (3) of section 4510.54 of the Revised 180
Code apply to a suspension imposed under division ~~(B) (2) (d)~~ (B) 181
(2) (g) of this section. 182

(h) Notwithstanding section 2929.18 of the Revised Code, 183
and in addition to any other sanctions imposed pursuant to 184
division (B) (2) of this section for aggravated vehicular 185
homicide committed in violation of division (A) (1) of this 186

section, the court shall impose upon the offender a fine of not 187
more than twenty-five thousand dollars. 188

(3) Except as otherwise provided in this division, 189
aggravated vehicular homicide committed in violation of division 190
(A) (2) of this section is a felony of the third degree. 191
Aggravated vehicular homicide committed in violation of division 192
(A) (2) of this section is a felony of the second degree if, at 193
the time of the offense, the offender was driving under a 194
suspension or cancellation imposed under Chapter 4510. or any 195
other provision of the Revised Code or was operating a motor 196
vehicle or motorcycle, did not have a valid driver's license, 197
commercial driver's license, temporary instruction permit, 198
probationary license, or nonresident operating privilege, and 199
was not eligible for renewal of the offender's driver's license 200
or commercial driver's license without examination under section 201
4507.10 of the Revised Code or if the offender previously has 202
been convicted of or pleaded guilty to a violation of this 203
section or any traffic-related homicide, manslaughter, or 204
assault offense. The court shall impose a mandatory prison term 205
on the offender when required by division (E) of this section. 206

In addition to any other sanctions imposed pursuant to 207
this division for a violation of division (A) (2) of this 208
section, the court shall impose upon the offender a class two 209
suspension of the offender's driver's license, commercial 210
driver's license, temporary instruction permit, probationary 211
license, or nonresident operating privilege from the range 212
specified in division (A) (2) of section 4510.02 of the Revised 213
Code or, if the offender previously has been convicted of or 214
pleaded guilty to a traffic-related murder, felonious assault, 215
or attempted murder offense, a class one suspension of the 216
offender's driver's license, commercial driver's license, 217

temporary instruction permit, probationary license, or 218
nonresident operating privilege as specified in division (A)(1) 219
of that section. 220

(C) Whoever violates division (A)(3) of this section is 221
guilty of vehicular homicide. Except as otherwise provided in 222
this division, vehicular homicide is a misdemeanor of the first 223
degree. Vehicular homicide committed in violation of division 224
(A)(3) of this section is a felony of the fourth degree if, at 225
the time of the offense, the offender was driving under a 226
suspension or cancellation imposed under Chapter 4510. or any 227
other provision of the Revised Code or was operating a motor 228
vehicle or motorcycle, did not have a valid driver's license, 229
commercial driver's license, temporary instruction permit, 230
probationary license, or nonresident operating privilege, and 231
was not eligible for renewal of the offender's driver's license 232
or commercial driver's license without examination under section 233
4507.10 of the Revised Code or if the offender previously has 234
been convicted of or pleaded guilty to a violation of this 235
section or any traffic-related homicide, manslaughter, or 236
assault offense. The court shall impose a mandatory jail term or 237
a mandatory prison term on the offender when required by 238
division (E) of this section. 239

In addition to any other sanctions imposed pursuant to 240
this division, the court shall impose upon the offender a class 241
four suspension of the offender's driver's license, commercial 242
driver's license, temporary instruction permit, probationary 243
license, or nonresident operating privilege from the range 244
specified in division (A)(4) of section 4510.02 of the Revised 245
Code, or, if the offender previously has been convicted of or 246
pleaded guilty to a violation of this section or any traffic- 247
related homicide, manslaughter, or assault offense, a class 248

three suspension of the offender's driver's license, commercial 249
driver's license, temporary instruction permit, probationary 250
license, or nonresident operating privilege from the range 251
specified in division (A) (3) of that section, or, if the 252
offender previously has been convicted of or pleaded guilty to a 253
traffic-related murder, felonious assault, or attempted murder 254
offense, a class two suspension of the offender's driver's 255
license, commercial driver's license, temporary instruction 256
permit, probationary license, or nonresident operating privilege 257
as specified in division (A) (2) of that section. 258

(D) Whoever violates division (A) (4) of this section is 259
guilty of vehicular manslaughter. Except as otherwise provided 260
in this division, vehicular manslaughter is a misdemeanor of the 261
second degree. Vehicular manslaughter is a misdemeanor of the 262
first degree if, at the time of the offense, the offender was 263
driving under a suspension or cancellation imposed under Chapter 264
4510. or any other provision of the Revised Code or was 265
operating a motor vehicle or motorcycle, did not have a valid 266
driver's license, commercial driver's license, temporary 267
instruction permit, probationary license, or nonresident 268
operating privilege, and was not eligible for renewal of the 269
offender's driver's license or commercial driver's license 270
without examination under section 4507.10 of the Revised Code or 271
if the offender previously has been convicted of or pleaded 272
guilty to a violation of this section or any traffic-related 273
homicide, manslaughter, or assault offense. 274

In addition to any other sanctions imposed pursuant to 275
this division, the court shall impose upon the offender a class 276
six suspension of the offender's driver's license, commercial 277
driver's license, temporary instruction permit, probationary 278
license, or nonresident operating privilege from the range 279

specified in division (A) (6) of section 4510.02 of the Revised Code or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or a traffic-related murder, felonious assault, or attempted murder offense, a class four suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (4) of that section.

(E) (1) The court shall impose a mandatory prison term on an offender who is convicted of or pleads guilty to a violation of division (A) (1) of this section. Except as otherwise provided in this division, the mandatory prison term shall be a definite term from the range of prison terms provided in division (A) (1) (b) of section 2929.14 of the Revised Code for a felony of the first degree or from division (A) (2) (b) of that section for a felony of the second degree, whichever is applicable, except that if the violation is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the first degree in division (A) (1) (a) of section 2929.14 of the Revised Code or one of the terms prescribed for a felony of the second degree in division (A) (2) (a) of that section, whichever is applicable. If division ~~(B) (2) (e) (i), (ii), (iii), (iv), (v), (vi), (vii), or (viii)~~ (B) (2) (d), (e), or (f) of this section applies to an offender who is convicted of or pleads guilty to the violation of division (A) (1) of this section, the court shall impose the mandatory prison term pursuant to division (A), (B), or (C) of section 2929.142 of the Revised Code, whichever is applicable. The court shall impose a mandatory jail term of at least fifteen days on an

offender who is convicted of or pleads guilty to a misdemeanor 311
violation of division (A) (3) (b) of this section and may impose 312
upon the offender a longer jail term as authorized pursuant to 313
section 2929.24 of the Revised Code. 314

(2) The court shall impose a mandatory prison term on an 315
offender who is convicted of or pleads guilty to a violation of 316
division (A) (2) or (3) (a) of this section or a felony violation 317
of division (A) (3) (b) of this section if either division (E) (2) 318
(a) or (b) of this section applies. The mandatory prison term 319
shall be a definite term from the range of prison terms provided 320
in division (A) (3) (a) of section 2929.14 of the Revised Code for 321
a felony of the third degree or from division (A) (4) of that 322
section for a felony of the fourth degree, whichever is 323
applicable. The court shall impose a mandatory prison term on an 324
offender in a category described in this division if either of 325
the following applies: 326

(a) The offender previously has been convicted of or 327
pleaded guilty to a violation of this section or section 2903.08 328
of the Revised Code. 329

(b) At the time of the offense, the offender was driving 330
under suspension or cancellation under Chapter 4510. or any 331
other provision of the Revised Code or was operating a motor 332
vehicle or motorcycle, did not have a valid driver's license, 333
commercial driver's license, temporary instruction permit, 334
probationary license, or nonresident operating privilege, and 335
was not eligible for renewal of the offender's driver's license 336
or commercial driver's license without examination under section 337
4507.10 of the Revised Code. 338

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 339
apply in a particular construction zone unless signs of the type 340

described in section 2903.081 of the Revised Code are erected in 341
that construction zone in accordance with the guidelines and 342
design specifications established by the director of 343
transportation under section 5501.27 of the Revised Code. The 344
failure to erect signs of the type described in section 2903.081 345
of the Revised Code in a particular construction zone in 346
accordance with those guidelines and design specifications does 347
not limit or affect the application of division (A) (1), (A) (2) 348
(a), (A) (3) (a), or (A) (4) of this section in that construction 349
zone or the prosecution of any person who violates any of those 350
divisions in that construction zone. 351

(G) (1) As used in this section: 352

(a) "Mandatory prison term" and "mandatory jail term" have 353
the same meanings as in section 2929.01 of the Revised Code. 354

(b) "Traffic-related homicide, manslaughter, or assault 355
offense" means a violation of section 2903.04 of the Revised 356
Code in circumstances in which division (D) of that section 357
applies, a violation of section 2903.06 or 2903.08 of the 358
Revised Code, or a violation of section 2903.06, 2903.07, or 359
2903.08 of the Revised Code as they existed prior to March 23, 360
2000. 361

(c) "Construction zone" has the same meaning as in section 362
5501.27 of the Revised Code. 363

(d) "Reckless operation offense" means a violation of 364
section 4511.20 of the Revised Code or a municipal ordinance 365
substantially equivalent to section 4511.20 of the Revised Code. 366

(e) "Speeding offense" means a violation of section 367
4511.21 of the Revised Code or a municipal ordinance pertaining 368
to speed. 369

(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 or 2903.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to commit the violation, a violation of division (A) (2) of section 2903.11 of the Revised Code in circumstances in which the deadly weapon used in the commission of the violation is a motor vehicle, or an attempt to commit aggravated murder or murder in violation of section 2923.02 of the Revised Code in circumstances in which the offender used a motor vehicle as the means to attempt to commit the aggravated murder or murder.

(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code.

(h) "Low tier OVI offense" means a violation of division (A) (1) (a), (b), (c), (d), (e), or (j) of section 4511.19 of the Revised Code, a violation of division (A) of section 1547.11 of the Revised Code, a violation of division (A) (3) of section 4561.15 of the Revised Code, or a substantially equivalent municipal ordinance.

(i) "High tier OVI offense" means a violation of division (A) (1) (f), (g), (h), or (i) of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance.

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.

Sec. 2929.14. (A) Except as provided in division (B) (1), 399
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 400
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 401
in division (D) (6) of section 2919.25 of the Revised Code and 402
except in relation to an offense for which a sentence of death 403
or life imprisonment is to be imposed, if the court imposing a 404
sentence upon an offender for a felony elects or is required to 405
impose a prison term on the offender pursuant to this chapter, 406
the court shall impose a prison term that shall be one of the 407
following: 408

(1) (a) For a felony of the first degree committed on or 409
after March 22, 2019, the prison term shall be an indefinite 410
prison term with a stated minimum term selected by the court of 411
three, four, five, six, seven, eight, nine, ten, or eleven years 412
and a maximum term that is determined pursuant to section 413
2929.144 of the Revised Code, except that if the section that 414
criminalizes the conduct constituting the felony specifies a 415
different minimum term or penalty for the offense, the specific 416
language of that section shall control in determining the 417
minimum term or otherwise sentencing the offender but the 418
minimum term or sentence imposed under that specific language 419
shall be considered for purposes of the Revised Code as if it 420
had been imposed under this division. 421

(b) For a felony of the first degree committed prior to 422
March 22, 2019, the prison term shall be a definite prison term 423
of three, four, five, six, seven, eight, nine, ten, or eleven 424
years. 425

(2) (a) For a felony of the second degree committed on or 426
after March 22, 2019, the prison term shall be an indefinite 427
prison term with a stated minimum term selected by the court of 428

two, three, four, five, six, seven, or eight years and a maximum 429
term that is determined pursuant to section 2929.144 of the 430
Revised Code, except that if the section that criminalizes the 431
conduct constituting the felony specifies a different minimum 432
term or penalty for the offense, the specific language of that 433
section shall control in determining the minimum term or 434
otherwise sentencing the offender but the minimum term or 435
sentence imposed under that specific language shall be 436
considered for purposes of the Revised Code as if it had been 437
imposed under this division. 438

(b) For a felony of the second degree committed prior to 439
March 22, 2019, the prison term shall be a definite term of two, 440
three, four, five, six, seven, or eight years. 441

(3) (a) For a felony of the third degree that is a 442
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 443
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 444
Code, that is a violation of division (A) of section 4511.19 of 445
the Revised Code if the offender previously has been convicted 446
of or pleaded guilty to a violation of division (A) of that 447
section that was a felony, or that is a violation of section 448
2911.02 or 2911.12 of the Revised Code if the offender 449
previously has been convicted of or pleaded guilty in two or 450
more separate proceedings to two or more violations of section 451
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 452
prison term shall be a definite term of twelve, eighteen, 453
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 454
four, or sixty months. 455

(b) For a felony of the third degree that is not an 456
offense for which division (A) (3) (a) of this section applies, 457
the prison term shall be a definite term of nine, twelve, 458

eighteen, twenty-four, thirty, or thirty-six months. 459

(4) For a felony of the fourth degree, the prison term 460
shall be a definite term of six, seven, eight, nine, ten, 461
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 462
or eighteen months. 463

(5) For a felony of the fifth degree, the prison term 464
shall be a definite term of six, seven, eight, nine, ten, 465
eleven, or twelve months. 466

(B) (1) (a) Except as provided in division (B) (1) (e) of this 467
section, if an offender who is convicted of or pleads guilty to 468
a felony also is convicted of or pleads guilty to a 469
specification of the type described in section 2941.141, 470
2941.144, or 2941.145 of the Revised Code, the court shall 471
impose on the offender one of the following prison terms: 472

(i) A prison term of six years if the specification is of 473
the type described in division (A) of section 2941.144 of the 474
Revised Code that charges the offender with having a firearm 475
that is an automatic firearm or that was equipped with a firearm 476
muffler or suppressor on or about the offender's person or under 477
the offender's control while committing the offense; 478

(ii) A prison term of three years if the specification is 479
of the type described in division (A) of section 2941.145 of the 480
Revised Code that charges the offender with having a firearm on 481
or about the offender's person or under the offender's control 482
while committing the offense and displaying the firearm, 483
brandishing the firearm, indicating that the offender possessed 484
the firearm, or using it to facilitate the offense; 485

(iii) A prison term of one year if the specification is of 486
the type described in division (A) of section 2941.141 of the 487

Revised Code that charges the offender with having a firearm on 488
or about the offender's person or under the offender's control 489
while committing the offense; 490

(iv) A prison term of nine years if the specification is 491
of the type described in division (D) of section 2941.144 of the 492
Revised Code that charges the offender with having a firearm 493
that is an automatic firearm or that was equipped with a firearm 494
muffler or suppressor on or about the offender's person or under 495
the offender's control while committing the offense and 496
specifies that the offender previously has been convicted of or 497
pleaded guilty to a specification of the type described in 498
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 499
the Revised Code; 500

(v) A prison term of fifty-four months if the 501
specification is of the type described in division (D) of 502
section 2941.145 of the Revised Code that charges the offender 503
with having a firearm on or about the offender's person or under 504
the offender's control while committing the offense and 505
displaying the firearm, brandishing the firearm, indicating that 506
the offender possessed the firearm, or using the firearm to 507
facilitate the offense and that the offender previously has been 508
convicted of or pleaded guilty to a specification of the type 509
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 510
2941.1412 of the Revised Code; 511

(vi) A prison term of eighteen months if the specification 512
is of the type described in division (D) of section 2941.141 of 513
the Revised Code that charges the offender with having a firearm 514
on or about the offender's person or under the offender's 515
control while committing the offense and that the offender 516
previously has been convicted of or pleaded guilty to a 517

specification of the type described in section 2941.141, 518
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 519

(b) If a court imposes a prison term on an offender under 520
division (B)(1)(a) of this section, the prison term shall not be 521
reduced pursuant to section 2929.20, division (A)(2) or (3) of 522
section 2967.193 or 2967.194, or any other provision of Chapter 523
2967. or Chapter 5120. of the Revised Code. Except as provided 524
in division (B)(1)(g) of this section, a court shall not impose 525
more than one prison term on an offender under division (B)(1) 526
(a) of this section for felonies committed as part of the same 527
act or transaction. 528

(c)(i) Except as provided in division (B)(1)(e) of this 529
section, if an offender who is convicted of or pleads guilty to 530
a violation of section 2923.161 of the Revised Code or to a 531
felony that includes, as an essential element, purposely or 532
knowingly causing or attempting to cause the death of or 533
physical harm to another, also is convicted of or pleads guilty 534
to a specification of the type described in division (A) of 535
section 2941.146 of the Revised Code that charges the offender 536
with committing the offense by discharging a firearm from a 537
motor vehicle other than a manufactured home, the court, after 538
imposing a prison term on the offender for the violation of 539
section 2923.161 of the Revised Code or for the other felony 540
offense under division (A), (B)(2), or (B)(3) of this section, 541
shall impose an additional prison term of five years upon the 542
offender that shall not be reduced pursuant to section 2929.20, 543
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 544
other provision of Chapter 2967. or Chapter 5120. of the Revised 545
Code. 546

(ii) Except as provided in division (B)(1)(e) of this 547

section, if an offender who is convicted of or pleads guilty to 548
a violation of section 2923.161 of the Revised Code or to a 549
felony that includes, as an essential element, purposely or 550
knowingly causing or attempting to cause the death of or 551
physical harm to another, also is convicted of or pleads guilty 552
to a specification of the type described in division (C) of 553
section 2941.146 of the Revised Code that charges the offender 554
with committing the offense by discharging a firearm from a 555
motor vehicle other than a manufactured home and that the 556
offender previously has been convicted of or pleaded guilty to a 557
specification of the type described in section 2941.141, 558
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 559
the court, after imposing a prison term on the offender for the 560
violation of section 2923.161 of the Revised Code or for the 561
other felony offense under division (A), (B) (2), or (3) of this 562
section, shall impose an additional prison term of ninety months 563
upon the offender that shall not be reduced pursuant to section 564
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 565
or any other provision of Chapter 2967. or Chapter 5120. of the 566
Revised Code. 567

(iii) A court shall not impose more than one additional 568
prison term on an offender under division (B) (1) (c) of this 569
section for felonies committed as part of the same act or 570
transaction. If a court imposes an additional prison term on an 571
offender under division (B) (1) (c) of this section relative to an 572
offense, the court also shall impose a prison term under 573
division (B) (1) (a) of this section relative to the same offense, 574
provided the criteria specified in that division for imposing an 575
additional prison term are satisfied relative to the offender 576
and the offense. 577

(d) If an offender who is convicted of or pleads guilty to 578

an offense of violence that is a felony also is convicted of or 579
pleads guilty to a specification of the type described in 580
section 2941.1411 of the Revised Code that charges the offender 581
with wearing or carrying body armor while committing the felony 582
offense of violence, the court shall impose on the offender an 583
additional prison term of two years. The prison term so imposed 584
shall not be reduced pursuant to section 2929.20, division (A) 585
(2) or (3) of section 2967.193 or 2967.194, or any other 586
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 587
A court shall not impose more than one prison term on an 588
offender under division (B) (1) (d) of this section for felonies 589
committed as part of the same act or transaction. If a court 590
imposes an additional prison term under division (B) (1) (a) or 591
(c) of this section, the court is not precluded from imposing an 592
additional prison term under division (B) (1) (d) of this section. 593

(e) The court shall not impose any of the prison terms 594
described in division (B) (1) (a) of this section or any of the 595
additional prison terms described in division (B) (1) (c) of this 596
section upon an offender for a violation of section 2923.12 or 597
2923.123 of the Revised Code. The court shall not impose any of 598
the prison terms described in division (B) (1) (a) or (b) of this 599
section upon an offender for a violation of section 2923.122 600
that involves a deadly weapon that is a firearm other than a 601
dangerous ordnance, section 2923.16, or section 2923.121 of the 602
Revised Code. The court shall not impose any of the prison terms 603
described in division (B) (1) (a) of this section or any of the 604
additional prison terms described in division (B) (1) (c) of this 605
section upon an offender for a violation of section 2923.13 of 606
the Revised Code unless all of the following apply: 607

(i) The offender previously has been convicted of 608
aggravated murder, murder, or any felony of the first or second 609

degree. 610

(ii) Less than five years have passed since the offender 611
was released from prison or post-release control, whichever is 612
later, for the prior offense. 613

(f) (i) If an offender is convicted of or pleads guilty to 614
a felony that includes, as an essential element, causing or 615
attempting to cause the death of or physical harm to another and 616
also is convicted of or pleads guilty to a specification of the 617
type described in division (A) of section 2941.1412 of the 618
Revised Code that charges the offender with committing the 619
offense by discharging a firearm at a peace officer as defined 620
in section 2935.01 of the Revised Code or a corrections officer, 621
as defined in section 2941.1412 of the Revised Code, the court, 622
after imposing a prison term on the offender for the felony 623
offense under division (A), (B) (2), or (B) (3) of this section, 624
shall impose an additional prison term of seven years upon the 625
offender that shall not be reduced pursuant to section 2929.20, 626
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 627
other provision of Chapter 2967. or Chapter 5120. of the Revised 628
Code. 629

(ii) If an offender is convicted of or pleads guilty to a 630
felony that includes, as an essential element, causing or 631
attempting to cause the death of or physical harm to another and 632
also is convicted of or pleads guilty to a specification of the 633
type described in division (B) of section 2941.1412 of the 634
Revised Code that charges the offender with committing the 635
offense by discharging a firearm at a peace officer, as defined 636
in section 2935.01 of the Revised Code, or a corrections 637
officer, as defined in section 2941.1412 of the Revised Code, 638
and that the offender previously has been convicted of or 639

pleaded guilty to a specification of the type described in 640
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 641
the Revised Code, the court, after imposing a prison term on the 642
offender for the felony offense under division (A), (B) (2), or 643
(3) of this section, shall impose an additional prison term of 644
one hundred twenty-six months upon the offender that shall not 645
be reduced pursuant to section 2929.20, division (A) (2) or (3) 646
of section 2967.193 or 2967.194, or any other provision of 647
Chapter 2967. or 5120. of the Revised Code. 648

(iii) If an offender is convicted of or pleads guilty to 649
two or more felonies that include, as an essential element, 650
causing or attempting to cause the death or physical harm to 651
another and also is convicted of or pleads guilty to a 652
specification of the type described under division (B) (1) (f) of 653
this section in connection with two or more of the felonies of 654
which the offender is convicted or to which the offender pleads 655
guilty, the sentencing court shall impose on the offender the 656
prison term specified under division (B) (1) (f) of this section 657
for each of two of the specifications of which the offender is 658
convicted or to which the offender pleads guilty and, in its 659
discretion, also may impose on the offender the prison term 660
specified under that division for any or all of the remaining 661
specifications. If a court imposes an additional prison term on 662
an offender under division (B) (1) (f) of this section relative to 663
an offense, the court shall not impose a prison term under 664
division (B) (1) (a) or (c) of this section relative to the same 665
offense. 666

(g) If an offender is convicted of or pleads guilty to two 667
or more felonies, if one or more of those felonies are 668
aggravated murder, murder, attempted aggravated murder, 669
attempted murder, aggravated robbery, felonious assault, or 670

rape, and if the offender is convicted of or pleads guilty to a 671
specification of the type described under division (B)(1)(a) of 672
this section in connection with two or more of the felonies, the 673
sentencing court shall impose on the offender the prison term 674
specified under division (B)(1)(a) of this section for each of 675
the two most serious specifications of which the offender is 676
convicted or to which the offender pleads guilty and, in its 677
discretion, also may impose on the offender the prison term 678
specified under that division for any or all of the remaining 679
specifications. 680

(2)(a) If division (B)(2)(b) of this section does not 681
apply, the court may impose on an offender, in addition to the 682
longest prison term authorized or required for the offense or, 683
for offenses for which division (A)(1)(a) or (2)(a) of this 684
section applies, in addition to the longest minimum prison term 685
authorized or required for the offense, an additional definite 686
prison term of one, two, three, four, five, six, seven, eight, 687
nine, or ten years if all of the following criteria are met: 688

(i) The offender is convicted of or pleads guilty to a 689
specification of the type described in section 2941.149 of the 690
Revised Code that the offender is a repeat violent offender. 691

(ii) The offense of which the offender currently is 692
convicted or to which the offender currently pleads guilty is 693
aggravated murder and the court does not impose a sentence of 694
death or life imprisonment without parole, murder, terrorism and 695
the court does not impose a sentence of life imprisonment 696
without parole, any felony of the first degree that is an 697
offense of violence and the court does not impose a sentence of 698
life imprisonment without parole, or any felony of the second 699
degree that is an offense of violence and the trier of fact 700

finds that the offense involved an attempt to cause or a threat 701
to cause serious physical harm to a person or resulted in 702
serious physical harm to a person. 703

(iii) The court imposes the longest prison term for the 704
offense or the longest minimum prison term for the offense, 705
whichever is applicable, that is not life imprisonment without 706
parole. 707

(iv) The court finds that the prison terms imposed 708
pursuant to division (B) (2) (a) (iii) of this section and, if 709
applicable, division (B) (1) or (3) of this section are 710
inadequate to punish the offender and protect the public from 711
future crime, because the applicable factors under section 712
2929.12 of the Revised Code indicating a greater likelihood of 713
recidivism outweigh the applicable factors under that section 714
indicating a lesser likelihood of recidivism. 715

(v) The court finds that the prison terms imposed pursuant 716
to division (B) (2) (a) (iii) of this section and, if applicable, 717
division (B) (1) or (3) of this section are demeaning to the 718
seriousness of the offense, because one or more of the factors 719
under section 2929.12 of the Revised Code indicating that the 720
offender's conduct is more serious than conduct normally 721
constituting the offense are present, and they outweigh the 722
applicable factors under that section indicating that the 723
offender's conduct is less serious than conduct normally 724
constituting the offense. 725

(b) The court shall impose on an offender the longest 726
prison term authorized or required for the offense or, for 727
offenses for which division (A) (1) (a) or (2) (a) of this section 728
applies, the longest minimum prison term authorized or required 729
for the offense, and shall impose on the offender an additional 730

definite prison term of one, two, three, four, five, six, seven, 731
eight, nine, or ten years if all of the following criteria are 732
met: 733

(i) The offender is convicted of or pleads guilty to a 734
specification of the type described in section 2941.149 of the 735
Revised Code that the offender is a repeat violent offender. 736

(ii) The offender within the preceding twenty years has 737
been convicted of or pleaded guilty to three or more offenses 738
described in division (CC)(1) of section 2929.01 of the Revised 739
Code, including all offenses described in that division of which 740
the offender is convicted or to which the offender pleads guilty 741
in the current prosecution and all offenses described in that 742
division of which the offender previously has been convicted or 743
to which the offender previously pleaded guilty, whether 744
prosecuted together or separately. 745

(iii) The offense or offenses of which the offender 746
currently is convicted or to which the offender currently pleads 747
guilty is aggravated murder and the court does not impose a 748
sentence of death or life imprisonment without parole, murder, 749
terrorism and the court does not impose a sentence of life 750
imprisonment without parole, any felony of the first degree that 751
is an offense of violence and the court does not impose a 752
sentence of life imprisonment without parole, or any felony of 753
the second degree that is an offense of violence and the trier 754
of fact finds that the offense involved an attempt to cause or a 755
threat to cause serious physical harm to a person or resulted in 756
serious physical harm to a person. 757

(c) For purposes of division (B)(2)(b) of this section, 758
two or more offenses committed at the same time or as part of 759
the same act or event shall be considered one offense, and that 760

one offense shall be the offense with the greatest penalty. 761

(d) A sentence imposed under division (B)(2)(a) or (b) of 762
this section shall not be reduced pursuant to section 2929.20, 763
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 764
other provision of Chapter 2967. or Chapter 5120. of the Revised 765
Code. The offender shall serve an additional prison term imposed 766
under division (B)(2)(a) or (b) of this section consecutively to 767
and prior to the prison term imposed for the underlying offense. 768

(e) When imposing a sentence pursuant to division (B)(2) 769
(a) or (b) of this section, the court shall state its findings 770
explaining the imposed sentence. 771

(3) Except when an offender commits a violation of section 772
2903.01 or 2907.02 of the Revised Code and the penalty imposed 773
for the violation is life imprisonment or commits a violation of 774
section 2903.02 of the Revised Code, if the offender commits a 775
violation of section 2925.03 or 2925.11 of the Revised Code and 776
that section classifies the offender as a major drug offender, 777
if the offender commits a violation of section 2925.05 of the 778
Revised Code and division (E)(1) of that section classifies the 779
offender as a major drug offender, if the offender commits a 780
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 781
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 782
division (C) or (D) of section 3719.172, division (E) of section 783
4729.51, or division (J) of section 4729.54 of the Revised Code 784
that includes the sale, offer to sell, or possession of a 785
schedule I or II controlled substance, with the exception of 786
marihuana, and the court imposing sentence upon the offender 787
finds that the offender is guilty of a specification of the type 788
described in division (A) of section 2941.1410 of the Revised 789
Code charging that the offender is a major drug offender, if the 790

court imposing sentence upon an offender for a felony finds that 791
the offender is guilty of corrupt activity with the most serious 792
offense in the pattern of corrupt activity being a felony of the 793
first degree, or if the offender is guilty of an attempted 794
violation of section 2907.02 of the Revised Code and, had the 795
offender completed the violation of section 2907.02 of the 796
Revised Code that was attempted, the offender would have been 797
subject to a sentence of life imprisonment or life imprisonment 798
without parole for the violation of section 2907.02 of the 799
Revised Code, the court shall impose upon the offender for the 800
felony violation a mandatory prison term determined as described 801
in this division that cannot be reduced pursuant to section 802
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 803
or any other provision of Chapter 2967. or 5120. of the Revised 804
Code. The mandatory prison term shall be the maximum definite 805
prison term prescribed in division (A) (1) (b) of this section for 806
a felony of the first degree, except that for offenses for which 807
division (A) (1) (a) of this section applies, the mandatory prison 808
term shall be the longest minimum prison term prescribed in that 809
division for the offense. 810

(4) If the offender is being sentenced for a third or 811
fourth degree felony OVI offense under division (G) (2) of 812
section 2929.13 of the Revised Code, the sentencing court shall 813
impose upon the offender a mandatory prison term in accordance 814
with that division. In addition to the mandatory prison term, if 815
the offender is being sentenced for a fourth degree felony OVI 816
offense, the court, notwithstanding division (A) (4) of this 817
section, may sentence the offender to a definite prison term of 818
not less than six months and not more than thirty months, and if 819
the offender is being sentenced for a third degree felony OVI 820
offense, the sentencing court may sentence the offender to an 821

additional prison term of any duration specified in division (A) 822
(3) of this section. In either case, the additional prison term 823
imposed shall be reduced by the sixty or one hundred twenty days 824
imposed upon the offender as the mandatory prison term. The 825
total of the additional prison term imposed under division (B) 826
(4) of this section plus the sixty or one hundred twenty days 827
imposed as the mandatory prison term shall equal a definite term 828
in the range of six months to thirty months for a fourth degree 829
felony OVI offense and shall equal one of the authorized prison 830
terms specified in division (A) (3) of this section for a third 831
degree felony OVI offense. If the court imposes an additional 832
prison term under division (B) (4) of this section, the offender 833
shall serve the additional prison term after the offender has 834
served the mandatory prison term required for the offense. In 835
addition to the mandatory prison term or mandatory and 836
additional prison term imposed as described in division (B) (4) 837
of this section, the court also may sentence the offender to a 838
community control sanction under section 2929.16 or 2929.17 of 839
the Revised Code, but the offender shall serve all of the prison 840
terms so imposed prior to serving the community control 841
sanction. 842

If the offender is being sentenced for a fourth degree 843
felony OVI offense under division (G) (1) of section 2929.13 of 844
the Revised Code and the court imposes a mandatory term of local 845
incarceration, the court may impose a prison term as described 846
in division (A) (1) of that section. 847

(5) If an offender is convicted of or pleads guilty to a 848
violation of division (A) (1) or (2) of section 2903.06 of the 849
Revised Code and also is convicted of or pleads guilty to a 850
specification of the type described in section 2941.1414 of the 851
Revised Code that charges that the victim of the offense is a 852

peace officer, as defined in section 2935.01 of the Revised 853
Code, an investigator of the bureau of criminal identification 854
and investigation, as defined in section 2903.11 of the Revised 855
Code, or a firefighter or emergency medical worker, both as 856
defined in section 4123.026 of the Revised Code, the court shall 857
impose on the offender a prison term of five years. If a court 858
imposes a prison term on an offender under division (B) (5) of 859
this section, the prison term shall not be reduced pursuant to 860
section 2929.20, division (A) (2) or (3) of section 2967.193 or 861
2967.194, or any other provision of Chapter 2967. or Chapter 862
5120. of the Revised Code. A court shall not impose more than 863
one prison term on an offender under division (B) (5) of this 864
section for felonies committed as part of the same act. 865

(6) If an offender is convicted of or pleads guilty to a 866
violation of division (A) (1) or (2) of section 2903.06 of the 867
Revised Code and also is convicted of or pleads guilty to a 868
specification of the type described in section 2941.1415 of the 869
Revised Code that charges that the offender previously has been 870
convicted of or pleaded guilty to three or more violations of 871
division (A) of section 4511.19 of the Revised Code or an 872
equivalent offense, as defined in section 2941.1415 of the 873
Revised Code, or three or more violations of any combination of 874
those offenses, the court shall impose on the offender a prison 875
term of three years. If a court imposes a prison term on an 876
offender under division (B) (6) of this section, the prison term 877
shall not be reduced pursuant to section 2929.20, division (A) 878
(2) or (3) of section 2967.193 or 2967.194, or any other 879
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 880
A court shall not impose more than one prison term on an 881
offender under division (B) (6) of this section for felonies 882
committed as part of the same act. 883

(7) (a) If an offender is convicted of or pleads guilty to 884
a felony violation of section 2905.01, 2905.02, 2907.21, 885
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 886
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 887
section 2919.22 of the Revised Code and also is convicted of or 888
pleads guilty to a specification of the type described in 889
section 2941.1422 of the Revised Code that charges that the 890
offender knowingly committed the offense in furtherance of human 891
trafficking, the court shall impose on the offender a mandatory 892
prison term that is one of the following: 893

(i) If the offense is a felony of the first degree, a 894
definite prison term of not less than five years and not greater 895
than eleven years, except that if the offense is a felony of the 896
first degree committed on or after March 22, 2019, the court 897
shall impose as the minimum prison term a mandatory term of not 898
less than five years and not greater than eleven years; 899

(ii) If the offense is a felony of the second or third 900
degree, a definite prison term of not less than three years and 901
not greater than the maximum prison term allowed for the offense 902
by division (A) (2) (b) or (3) of this section, except that if the 903
offense is a felony of the second degree committed on or after 904
March 22, 2019, the court shall impose as the minimum prison 905
term a mandatory term of not less than three years and not 906
greater than eight years; 907

(iii) If the offense is a felony of the fourth or fifth 908
degree, a definite prison term that is the maximum prison term 909
allowed for the offense by division (A) of section 2929.14 of 910
the Revised Code. 911

(b) The prison term imposed under division (B) (7) (a) of 912
this section shall not be reduced pursuant to section 2929.20, 913

division (A) (2) or (3) of section 2967.193 or 2967.194, or any 914
other provision of Chapter 2967. of the Revised Code. A court 915
shall not impose more than one prison term on an offender under 916
division (B) (7) (a) of this section for felonies committed as 917
part of the same act, scheme, or plan. 918

(8) If an offender is convicted of or pleads guilty to a 919
felony violation of section 2903.11, 2903.12, or 2903.13 of the 920
Revised Code and also is convicted of or pleads guilty to a 921
specification of the type described in section 2941.1423 of the 922
Revised Code that charges that the victim of the violation was a 923
woman whom the offender knew was pregnant at the time of the 924
violation, notwithstanding the range prescribed in division (A) 925
of this section as the definite prison term or minimum prison 926
term for felonies of the same degree as the violation, the court 927
shall impose on the offender a mandatory prison term that is 928
either a definite prison term of six months or one of the prison 929
terms prescribed in division (A) of this section for felonies of 930
the same degree as the violation, except that if the violation 931
is a felony of the first or second degree committed on or after 932
March 22, 2019, the court shall impose as the minimum prison term 933
under division (A) (1) (a) or (2) (a) of this section a mandatory 934
term that is one of the terms prescribed in that division, 935
whichever is applicable, for the offense. 936

(9) (a) If an offender is convicted of or pleads guilty to 937
a violation of division (A) (1) or (2) of section 2903.11 of the 938
Revised Code and also is convicted of or pleads guilty to a 939
specification of the type described in section 2941.1425 of the 940
Revised Code, the court shall impose on the offender a mandatory 941
prison term of six years if either of the following applies: 942

(i) The violation is a violation of division (A) (1) of 943

section 2903.11 of the Revised Code and the specification 944
charges that the offender used an accelerant in committing the 945
violation and the serious physical harm to another or to 946
another's unborn caused by the violation resulted in a 947
permanent, serious disfigurement or permanent, substantial 948
incapacity; 949

(ii) The violation is a violation of division (A) (2) of 950
section 2903.11 of the Revised Code and the specification 951
charges that the offender used an accelerant in committing the 952
violation, that the violation caused physical harm to another or 953
to another's unborn, and that the physical harm resulted in a 954
permanent, serious disfigurement or permanent, substantial 955
incapacity. 956

(b) If a court imposes a prison term on an offender under 957
division (B) (9) (a) of this section, the prison term shall not be 958
reduced pursuant to section 2929.20, division (A) (2) or (3) of 959
section 2967.193 or 2967.194, or any other provision of Chapter 960
2967. or Chapter 5120. of the Revised Code. A court shall not 961
impose more than one prison term on an offender under division 962
(B) (9) of this section for felonies committed as part of the 963
same act. 964

(c) The provisions of divisions (B) (9) and (C) (6) of this 965
section and of division (D) (2) of section 2903.11, division (F) 966
(20) of section 2929.13, and section 2941.1425 of the Revised 967
Code shall be known as "Judy's Law." 968

(10) If an offender is convicted of or pleads guilty to a 969
violation of division (A) of section 2903.11 of the Revised Code 970
and also is convicted of or pleads guilty to a specification of 971
the type described in section 2941.1426 of the Revised Code that 972
charges that the victim of the offense suffered permanent 973

disabling harm as a result of the offense and that the victim 974
was under ten years of age at the time of the offense, 975
regardless of whether the offender knew the age of the victim, 976
the court shall impose upon the offender an additional definite 977
prison term of six years. A prison term imposed on an offender 978
under division (B) (10) of this section shall not be reduced 979
pursuant to section 2929.20, division (A) (2) or (3) of section 980
2967.193 or 2967.194, or any other provision of Chapter 2967. or 981
Chapter 5120. of the Revised Code. If a court imposes an 982
additional prison term on an offender under this division 983
relative to a violation of division (A) of section 2903.11 of 984
the Revised Code, the court shall not impose any other 985
additional prison term on the offender relative to the same 986
offense. 987

(11) If an offender is convicted of or pleads guilty to a 988
felony violation of section 2925.03 or 2925.05 of the Revised 989
Code or a felony violation of section 2925.11 of the Revised 990
Code for which division (C) (11) of that section applies in 991
determining the sentence for the violation, if the drug involved 992
in the violation is a fentanyl-related compound or a compound, 993
mixture, preparation, or substance containing a fentanyl-related 994
compound, and if the offender also is convicted of or pleads 995
guilty to a specification of the type described in division (B) 996
of section 2941.1410 of the Revised Code that charges that the 997
offender is a major drug offender, in addition to any other 998
penalty imposed for the violation, the court shall impose on the 999
offender a mandatory prison term of three, four, five, six, 1000
seven, or eight years. If a court imposes a prison term on an 1001
offender under division (B) (11) of this section, the prison term 1002
shall not be reduced pursuant to section 2929.20, division (A) 1003
(2) or (3) of section 2967.193 or 2967.194, or any other 1004

provision of Chapter 2967. or 5120. of the Revised Code. A court 1005
shall not impose more than one prison term on an offender under 1006
division (B) (11) of this section for felonies committed as part 1007
of the same act. 1008

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1009
if a mandatory prison term is imposed upon an offender pursuant 1010
to division (B) (1) (a) of this section for having a firearm on or 1011
about the offender's person or under the offender's control 1012
while committing a felony, if a mandatory prison term is imposed 1013
upon an offender pursuant to division (B) (1) (c) of this section 1014
for committing a felony specified in that division by 1015
discharging a firearm from a motor vehicle, or if both types of 1016
mandatory prison terms are imposed, the offender shall serve any 1017
mandatory prison term imposed under either division 1018
consecutively to any other mandatory prison term imposed under 1019
either division or under division (B) (1) (d) of this section, 1020
consecutively to and prior to any prison term imposed for the 1021
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1022
this section or any other section of the Revised Code, and 1023
consecutively to any other prison term or mandatory prison term 1024
previously or subsequently imposed upon the offender. 1025

(b) If a mandatory prison term is imposed upon an offender 1026
pursuant to division (B) (1) (d) of this section for wearing or 1027
carrying body armor while committing an offense of violence that 1028
is a felony, the offender shall serve the mandatory term so 1029
imposed consecutively to any other mandatory prison term imposed 1030
under that division or under division (B) (1) (a) or (c) of this 1031
section, consecutively to and prior to any prison term imposed 1032
for the underlying felony under division (A), (B) (2), or (B) (3) 1033
of this section or any other section of the Revised Code, and 1034
consecutively to any other prison term or mandatory prison term 1035

previously or subsequently imposed upon the offender. 1036

(c) If a mandatory prison term is imposed upon an offender 1037
pursuant to division (B)(1)(f) of this section, the offender 1038
shall serve the mandatory prison term so imposed consecutively 1039
to and prior to any prison term imposed for the underlying 1040
felony under division (A), (B)(2), or (B)(3) of this section or 1041
any other section of the Revised Code, and consecutively to any 1042
other prison term or mandatory prison term previously or 1043
subsequently imposed upon the offender. 1044

(d) If a mandatory prison term is imposed upon an offender 1045
pursuant to division (B)(7) or (8) of this section, the offender 1046
shall serve the mandatory prison term so imposed consecutively 1047
to any other mandatory prison term imposed under that division 1048
or under any other provision of law and consecutively to any 1049
other prison term or mandatory prison term previously or 1050
subsequently imposed upon the offender. 1051

(e) If a mandatory prison term is imposed upon an offender 1052
pursuant to division (B)(11) of this section, the offender shall 1053
serve the mandatory prison term consecutively to any other 1054
mandatory prison term imposed under that division, consecutively 1055
to and prior to any prison term imposed for the underlying 1056
felony, and consecutively to any other prison term or mandatory 1057
prison term previously or subsequently imposed upon the 1058
offender. 1059

(2) If an offender who is an inmate in a jail, prison, or 1060
other residential detention facility violates section 2917.02, 1061
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 1062
(2) of section 2921.34 of the Revised Code, if an offender who 1063
is under detention at a detention facility commits a felony 1064
violation of section 2923.131 of the Revised Code, or if an 1065

offender who is an inmate in a jail, prison, or other 1066
residential detention facility or is under detention at a 1067
detention facility commits another felony while the offender is 1068
an escapee in violation of division (A) (1) or (2) of section 1069
2921.34 of the Revised Code, any prison term imposed upon the 1070
offender for one of those violations shall be served by the 1071
offender consecutively to the prison term or term of 1072
imprisonment the offender was serving when the offender 1073
committed that offense and to any other prison term previously 1074
or subsequently imposed upon the offender. 1075

(3) If a prison term is imposed for a violation of 1076
division (B) of section 2911.01 of the Revised Code, a violation 1077
of division (A) of section 2913.02 of the Revised Code in which 1078
the stolen property is a firearm or dangerous ordnance, or a 1079
felony violation of division (B) of section 2921.331 of the 1080
Revised Code, the offender shall serve that prison term 1081
consecutively to any other prison term or mandatory prison term 1082
previously or subsequently imposed upon the offender. 1083

(4) If multiple prison terms are imposed on an offender 1084
for convictions of multiple offenses, the court may require the 1085
offender to serve the prison terms consecutively if the court 1086
finds that the consecutive service is necessary to protect the 1087
public from future crime or to punish the offender and that 1088
consecutive sentences are not disproportionate to the 1089
seriousness of the offender's conduct and to the danger the 1090
offender poses to the public, and if the court also finds any of 1091
the following: 1092

(a) The offender committed one or more of the multiple 1093
offenses while the offender was awaiting trial or sentencing, 1094
was under a sanction imposed pursuant to section 2929.16, 1095

2929.17, or 2929.18 of the Revised Code, or was under post- 1096
release control for a prior offense. 1097

(b) At least two of the multiple offenses were committed 1098
as part of one or more courses of conduct, and the harm caused 1099
by two or more of the multiple offenses so committed was so 1100
great or unusual that no single prison term for any of the 1101
offenses committed as part of any of the courses of conduct 1102
adequately reflects the seriousness of the offender's conduct. 1103

(c) The offender's history of criminal conduct 1104
demonstrates that consecutive sentences are necessary to protect 1105
the public from future crime by the offender. 1106

(5) If a mandatory prison term is imposed upon an offender 1107
pursuant to division (B) (5) or (6) of this section, the offender 1108
shall serve the mandatory prison term consecutively to and prior 1109
to any prison term imposed for the underlying violation of 1110
division (A) (1) or (2) of section 2903.06 of the Revised Code 1111
pursuant to division (A) of this section or section 2929.142 of 1112
the Revised Code. If a mandatory prison term is imposed upon an 1113
offender pursuant to division (B) (5) of this section, and if a 1114
mandatory prison term also is imposed upon the offender pursuant 1115
to division (B) (6) of this section in relation to the same 1116
violation, the offender shall serve the mandatory prison term 1117
imposed pursuant to division (B) (5) of this section 1118
consecutively to and prior to the mandatory prison term imposed 1119
pursuant to division (B) (6) of this section and consecutively to 1120
and prior to any prison term imposed for the underlying 1121
violation of division (A) (1) or (2) of section 2903.06 of the 1122
Revised Code pursuant to division (A) of this section or section 1123
2929.142 of the Revised Code. 1124

(6) If a mandatory prison term is imposed on an offender 1125

pursuant to division (B)(9) of this section, the offender shall 1126
serve the mandatory prison term consecutively to and prior to 1127
any prison term imposed for the underlying violation of division 1128
(A)(1) or (2) of section 2903.11 of the Revised Code and 1129
consecutively to and prior to any other prison term or mandatory 1130
prison term previously or subsequently imposed on the offender. 1131

(7) If a mandatory prison term is imposed on an offender 1132
pursuant to division (B)(10) of this section, the offender shall 1133
serve that mandatory prison term consecutively to and prior to 1134
any prison term imposed for the underlying felonious assault. 1135
Except as otherwise provided in division (C) of this section, 1136
any other prison term or mandatory prison term previously or 1137
subsequently imposed upon the offender may be served 1138
concurrently with, or consecutively to, the prison term imposed 1139
pursuant to division (B)(10) of this section. 1140

(8) Any prison term imposed for a violation of section 1141
2903.04 of the Revised Code that is based on a violation of 1142
section 2925.03 or 2925.11 of the Revised Code or on a violation 1143
of section 2925.05 of the Revised Code that is not funding of 1144
marihuana trafficking shall run consecutively to any prison term 1145
imposed for the violation of section 2925.03 or 2925.11 of the 1146
Revised Code or for the violation of section 2925.05 of the 1147
Revised Code that is not funding of marihuana trafficking. 1148

(9) When consecutive prison terms are imposed pursuant to 1149
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1150
division (H)(1) or (2) of this section, subject to division (C) 1151
(10) of this section, the term to be served is the aggregate of 1152
all of the terms so imposed. 1153

(10) When a court sentences an offender to a non-life 1154
felony indefinite prison term, any definite prison term or 1155

mandatory definite prison term previously or subsequently 1156
imposed on the offender in addition to that indefinite sentence 1157
that is required to be served consecutively to that indefinite 1158
sentence shall be served prior to the indefinite sentence. 1159

(11) If a court is sentencing an offender for a felony of 1160
the first or second degree, if division (A) (1) (a) or (2) (a) of 1161
this section applies with respect to the sentencing for the 1162
offense, and if the court is required under the Revised Code 1163
section that sets forth the offense or any other Revised Code 1164
provision to impose a mandatory prison term for the offense, the 1165
court shall impose the required mandatory prison term as the 1166
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1167
section, whichever is applicable. 1168

(D) (1) If a court imposes a prison term, other than a term 1169
of life imprisonment, for a felony of the first degree, for a 1170
felony of the second degree, for a felony sex offense, or for a 1171
felony of the third degree that is an offense of violence and 1172
that is not a felony sex offense, it shall include in the 1173
sentence a requirement that the offender be subject to a period 1174
of post-release control after the offender's release from 1175
imprisonment, in accordance with section 2967.28 of the Revised 1176
Code. If a court imposes a sentence including a prison term of a 1177
type described in this division on or after July 11, 2006, the 1178
failure of a court to include a post-release control requirement 1179
in the sentence pursuant to this division does not negate, 1180
limit, or otherwise affect the mandatory period of post-release 1181
control that is required for the offender under division (B) of 1182
section 2967.28 of the Revised Code. Section 2929.191 of the 1183
Revised Code applies if, prior to July 11, 2006, a court imposed 1184
a sentence including a prison term of a type described in this 1185
division and failed to include in the sentence pursuant to this 1186

division a statement regarding post-release control. 1187

(2) If a court imposes a prison term for a felony of the 1188
third, fourth, or fifth degree that is not subject to division 1189
(D)(1) of this section, it shall include in the sentence a 1190
requirement that the offender be subject to a period of post- 1191
release control after the offender's release from imprisonment, 1192
in accordance with that division, if the parole board determines 1193
that a period of post-release control is necessary. Section 1194
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1195
a court imposed a sentence including a prison term of a type 1196
described in this division and failed to include in the sentence 1197
pursuant to this division a statement regarding post-release 1198
control. 1199

(E) The court shall impose sentence upon the offender in 1200
accordance with section 2971.03 of the Revised Code, and Chapter 1201
2971. of the Revised Code applies regarding the prison term or 1202
term of life imprisonment without parole imposed upon the 1203
offender and the service of that term of imprisonment if any of 1204
the following apply: 1205

(1) A person is convicted of or pleads guilty to a violent 1206
sex offense or a designated homicide, assault, or kidnapping 1207
offense, and, in relation to that offense, the offender is 1208
adjudicated a sexually violent predator. 1209

(2) A person is convicted of or pleads guilty to a 1210
violation of division (A)(1)(b) of section 2907.02 of the 1211
Revised Code committed on or after January 2, 2007, and either 1212
the court does not impose a sentence of life without parole when 1213
authorized pursuant to division (B) of section 2907.02 of the 1214
Revised Code, or division (B) of section 2907.02 of the Revised 1215
Code provides that the court shall not sentence the offender 1216

pursuant to section 2971.03 of the Revised Code. 1217

(3) A person is convicted of or pleads guilty to attempted 1218
rape committed on or after January 2, 2007, and a specification 1219
of the type described in section 2941.1418, 2941.1419, or 1220
2941.1420 of the Revised Code. 1221

(4) A person is convicted of or pleads guilty to a 1222
violation of section 2905.01 of the Revised Code committed on or 1223
after January 1, 2008, and that section requires the court to 1224
sentence the offender pursuant to section 2971.03 of the Revised 1225
Code. 1226

(5) A person is convicted of or pleads guilty to 1227
aggravated murder committed on or after January 1, 2008, and 1228
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1229
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1230
(a) (iv) of section 2929.03, or division (A) or (B) of section 1231
2929.06 of the Revised Code requires the court to sentence the 1232
offender pursuant to division (B) (3) of section 2971.03 of the 1233
Revised Code. 1234

(6) A person is convicted of or pleads guilty to murder 1235
committed on or after January 1, 2008, and division (B) (2) of 1236
section 2929.02 of the Revised Code requires the court to 1237
sentence the offender pursuant to section 2971.03 of the Revised 1238
Code. 1239

(F) If a person who has been convicted of or pleaded 1240
guilty to a felony is sentenced to a prison term or term of 1241
imprisonment under this section, sections 2929.02 to 2929.06 of 1242
the Revised Code, section 2929.142 of the Revised Code, section 1243
2971.03 of the Revised Code, or any other provision of law, 1244
section 5120.163 of the Revised Code applies regarding the 1245

person while the person is confined in a state correctional 1246
institution. 1247

(G) If an offender who is convicted of or pleads guilty to 1248
a felony that is an offense of violence also is convicted of or 1249
pleads guilty to a specification of the type described in 1250
section 2941.142 of the Revised Code that charges the offender 1251
with having committed the felony while participating in a 1252
criminal gang, the court shall impose upon the offender an 1253
additional prison term of one, two, or three years. 1254

(H) (1) If an offender who is convicted of or pleads guilty 1255
to aggravated murder, murder, or a felony of the first, second, 1256
or third degree that is an offense of violence also is convicted 1257
of or pleads guilty to a specification of the type described in 1258
section 2941.143 of the Revised Code that charges the offender 1259
with having committed the offense in a school safety zone or 1260
towards a person in a school safety zone, the court shall impose 1261
upon the offender an additional prison term of two years. The 1262
offender shall serve the additional two years consecutively to 1263
and prior to the prison term imposed for the underlying offense. 1264

(2) (a) If an offender is convicted of or pleads guilty to 1265
a felony violation of section 2907.22, 2907.24, 2907.241, or 1266
2907.25 of the Revised Code and to a specification of the type 1267
described in section 2941.1421 of the Revised Code and if the 1268
court imposes a prison term on the offender for the felony 1269
violation, the court may impose upon the offender an additional 1270
prison term as follows: 1271

(i) Subject to division (H) (2) (a) (ii) of this section, an 1272
additional prison term of one, two, three, four, five, or six 1273
months; 1274

(ii) If the offender previously has been convicted of or 1275
pleaded guilty to one or more felony or misdemeanor violations 1276
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1277
the Revised Code and also was convicted of or pleaded guilty to 1278
a specification of the type described in section 2941.1421 of 1279
the Revised Code regarding one or more of those violations, an 1280
additional prison term of one, two, three, four, five, six, 1281
seven, eight, nine, ten, eleven, or twelve months. 1282

(b) In lieu of imposing an additional prison term under 1283
division (H) (2) (a) of this section, the court may directly 1284
impose on the offender a sanction that requires the offender to 1285
wear a real-time processing, continual tracking electronic 1286
monitoring device during the period of time specified by the 1287
court. The period of time specified by the court shall equal the 1288
duration of an additional prison term that the court could have 1289
imposed upon the offender under division (H) (2) (a) of this 1290
section. A sanction imposed under this division shall commence 1291
on the date specified by the court, provided that the sanction 1292
shall not commence until after the offender has served the 1293
prison term imposed for the felony violation of section 2907.22, 1294
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1295
residential sanction imposed for the violation under section 1296
2929.16 of the Revised Code. A sanction imposed under this 1297
division shall be considered to be a community control sanction 1298
for purposes of section 2929.15 of the Revised Code, and all 1299
provisions of the Revised Code that pertain to community control 1300
sanctions shall apply to a sanction imposed under this division, 1301
except to the extent that they would by their nature be clearly 1302
inapplicable. The offender shall pay all costs associated with a 1303
sanction imposed under this division, including the cost of the 1304
use of the monitoring device. 1305

(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department

determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division ~~(B) (2) (e)~~ (B) (2) (d), (e), or (f) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the

prison term imposed for the underlying offense. The prison term 1367
shall not be reduced pursuant to section 2929.20, division (A) 1368
(2) or (3) of section 2967.193 or 2967.194, or any other 1369
provision of Chapter 2967. or 5120. of the Revised Code. A court 1370
may not impose more than one sentence under division (B) (2) (a) 1371
of this section and this division for acts committed as part of 1372
the same act or transaction. 1373

(2) As used in division (K) (1) of this section, "violent 1374
career criminal" and "violent felony offense" have the same 1375
meanings as in section 2923.132 of the Revised Code. 1376

(L) If an offender receives or received a sentence of life 1377
imprisonment without parole, a sentence of life imprisonment, a 1378
definite sentence, or a sentence to an indefinite prison term 1379
under this chapter for a felony offense that was committed when 1380
the offender was under eighteen years of age, the offender's 1381
parole eligibility shall be determined under section 2967.132 of 1382
the Revised Code. 1383

Sec. 2929.142. ~~(A)~~ Notwithstanding the definite prison 1384
terms and minimum prison terms specified in divisions (A) (1) (a) 1385
and (b) of section 2929.14 of the Revised Code for a felony of 1386
the first degree, if all of the following apply: 1387

(A) If an offender is convicted of or pleads guilty to 1388
aggravated vehicular homicide in violation of division (A) (1) of 1389
section 2903.06 of the Revised Code and division (B) (2) (d) of 1390
that section applies, the court shall impose upon the offender 1391
as the minimum prison term for the offense under division (A) (1) 1392
(a) of section 2929.14 of the Revised Code a mandatory prison 1393
term of five, six, seven, eight, nine, ten, eleven, twelve, 1394
thirteen, fourteen, or fifteen years, ~~determined as specified in~~ 1395
~~division (B) of this section, if any of the following apply:~~ 1396

~~(1) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
of section 4511.19 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 1397
1398
1399
1400

~~(2) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
of section 1547.11 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 1401
1402
1403
1404

~~(3) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(3) of section 4561.15 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 1405
1406
1407
1408

~~(4) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.06 of the Revised Code.~~ 1409
1410
1411

~~(5) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.08 of the Revised Code.~~ 1412
1413
1414

~~(6) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of section
2903.04 of the Revised Code in circumstances in which division
(D) of that section applied regarding the violations.~~ 1415
1416
1417
1418

~~(7) The offender previously has been convicted of or
pleaded guilty to three or more violations of any combination of
the offenses listed in division (A) (1), (2), (3), (4), (5), or
(6) of this section.~~ 1419
1420
1421
1422

~~(8) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.~~ 1423
1424
1425

(B) ~~The mandatory prison term required under division (A) of this section shall be a definite term of ten, eleven, twelve, thirteen, fourteen, or fifteen years, except that if the aggravated vehicular homicide is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is ten, eleven, twelve, thirteen, fourteen, or fifteen years.~~ If an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (e) of that section applies, the court shall impose upon the offender as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years.

(C) If an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (f) of that section applies, the court shall impose upon the offender as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years.

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this section apply to a judge or mayor regarding the suspension of, or the grant of limited driving privileges during a suspension of, an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code, under division (B) or (C) of section 4511.191 of the Revised Code, or

under section 4510.07 of the Revised Code for a conviction of a 1457
violation of a municipal OVI ordinance. 1458

(2) No judge or mayor shall suspend the following portions 1459
of the suspension of an offender's driver's or commercial 1460
driver's license or permit or nonresident operating privilege 1461
imposed under division (G) or (H) of section 4511.19 of the 1462
Revised Code or under section 4510.07 of the Revised Code for a 1463
conviction of a violation of a municipal OVI ordinance, provided 1464
that division (A) (2) of this section does not limit a court or 1465
mayor in crediting any period of suspension imposed pursuant to 1466
division (B) or (C) of section 4511.191 of the Revised Code 1467
against any time of judicial suspension imposed pursuant to 1468
section 4511.19 or 4510.07 of the Revised Code, as described in 1469
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1470
Code: 1471

(a) The first six months of a suspension imposed under 1472
division (G) (1) (a) of section 4511.19 of the Revised Code or of 1473
a comparable length suspension imposed under section 4510.07 of 1474
the Revised Code; 1475

(b) The first year of a suspension imposed under division 1476
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 1477
comparable length suspension imposed under section 4510.07 of 1478
the Revised Code; 1479

(c) The first three years of a suspension imposed under 1480
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1481
or of a comparable length suspension imposed under section 1482
4510.07 of the Revised Code; 1483

(d) The first sixty days of a suspension imposed under 1484
division (H) of section 4511.19 of the Revised Code or of a 1485

comparable length suspension imposed under section 4510.07 of 1486
the Revised Code. 1487

(3) ~~No~~ Except as provided under division (A) (5) of this 1488
section, no judge or mayor shall grant limited driving 1489
privileges to an offender whose driver's or commercial driver's 1490
license or permit or nonresident operating privilege has been 1491
suspended under division (G) or (H) of section 4511.19 of the 1492
Revised Code, under division (C) of section 4511.191 of the 1493
Revised Code, or under section 4510.07 of the Revised Code for a 1494
municipal OVI conviction if the offender, within the preceding 1495
ten years, has been convicted of or pleaded guilty to three or 1496
more violations of ~~one or more of the Revised Code sections,~~ 1497
~~municipal ordinances, statutes of the United States or another~~ 1498
~~state, or municipal ordinances of a municipal corporation of~~ 1499
~~another state that are identified in divisions (G) (2) (b) to (h)~~ 1500
~~of an equivalent offense, as defined in section 2919.22-4511.181~~ 1501
of the Revised Code. 1502

Additionally, except as provided under division (A) (6) of 1503
this section, no judge or mayor shall grant limited driving 1504
privileges to an offender whose driver's or commercial driver's 1505
license or permit or nonresident operating privilege has been 1506
suspended under division (B) of section 4511.191 of the Revised 1507
Code if the offender, within the preceding ten years, has 1508
refused three previous requests to consent to a chemical test of 1509
the person's whole blood, blood serum or plasma, breath, or 1510
urine to determine its alcohol content. 1511

(4) No judge or mayor shall grant limited driving 1512
privileges for employment as a driver of commercial motor 1513
vehicles to an offender whose driver's or commercial driver's 1514
license or permit or nonresident operating privilege has been 1515

suspended under division (G) or (H) of section 4511.19 of the 1516
Revised Code, under division (B) or (C) of section 4511.191 of 1517
the Revised Code, or under section 4510.07 of the Revised Code 1518
for a municipal OVI conviction if the offender is disqualified 1519
from operating a commercial motor vehicle, or whose license or 1520
permit has been suspended, under section 3123.58 or 4506.16 of 1521
the Revised Code. 1522

(5) No judge or mayor shall grant limited driving 1523
privileges to an offender whose driver's or commercial driver's 1524
license or permit or nonresident operating privilege has been 1525
suspended under division (G) or (H) of section 4511.19 of the 1526
Revised Code, under division (C) of section 4511.191 of the 1527
Revised Code, or under section 4510.07 of the Revised Code for a 1528
conviction of a violation of a municipal OVI ordinance during 1529
any of the following periods of time: 1530

(a) The first fifteen days of a suspension imposed under 1531
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1532
comparable length suspension imposed under section 4510.07 of 1533
the Revised Code, or of a suspension imposed under division (C) 1534
(1)(a) of section 4511.191 of the Revised Code. On or after the 1535
sixteenth day of the suspension, the court may grant limited 1536
driving privileges, ~~but the~~ and either of the following applies: 1537

(i) If the offender has, within ten years of the current 1538
offense, been convicted of or pleaded guilty to a reckless 1539
operation offense that involved alcohol, a drug of abuse, or a 1540
combination of them, the court shall issue an order that, except 1541
as provided in division (C) of section 4510.43 of the Revised 1542
Code, for the remainder of the period of suspension the offender 1543
shall not exercise the privileges unless the vehicles the 1544
offender operates are equipped with a certified ignition 1545

interlock device. 1546

(ii) If the offender has not, within ten years of the 1547
current offense, been convicted of or pleaded guilty to a 1548
reckless operation offense that involved alcohol, a drug of 1549
abuse, or a combination of them, for the remainder of the period 1550
of suspension, the court in its discretion may require that the 1551
offender shall not exercise the privileges unless the vehicles 1552
the offender operates are equipped with immobilizing or 1553
disabling devices that monitor the offender's alcohol 1554
consumption or any other type of immobilizing or disabling 1555
devicesissue an order that, except as provided in division (C) 1556
of section 4510.43 of the Revised Code, for the remainder of the 1557
period of suspension the offender shall not exercise the limited 1558
driving privileges unless the vehicles the offender operates are 1559
equipped with a certified ignition interlock device. 1560

(b) The first forty-five days of a suspension imposed 1561
under division (C) (1) (b) of section 4511.191 of the Revised 1562
Code. On or after the forty-sixth day of suspension, the court 1563
may grant limited driving privileges, ~~but~~ and either of the 1564
following applies: 1565

(i) If the underlying arrest is alcohol-related, the court 1566
may require that shall issue an order that, except as provided 1567
in division (C) of section 4510.43 of the Revised Code, for the 1568
remainder of the period of suspension the offender shall not 1569
exercise the privileges unless the vehicles the offender 1570
operates are equipped with immobilizing or disabling devices 1571
that monitor the offender's alcohol consumption or any other 1572
type of immobilizing or disabling devicesa certified ignition 1573
interlock device. 1574

(ii) If the underlying arrest is drug related, the court 1575

in its discretion may issue an order that, except as provided in 1576
division (C) of section 4510.43 of the Revised Code, for the 1577
remainder of the period of suspension the offender shall not 1578
exercise the privileges unless the vehicles the offender 1579
operates are equipped with a certified ignition interlock 1580
device. 1581

(c) The first sixty days of a suspension imposed under 1582
division (H) of section 4511.19 of the Revised Code or a 1583
comparable length suspension imposed under section 4510.07 of 1584
the Revised Code. 1585

(d) The first one hundred eighty days of a suspension 1586
imposed under division (C) (1) (c) of section 4511.191 of the 1587
Revised Code. On or after the one hundred eighty-first day of 1588
suspension, the court may grant limited driving privileges, and 1589
either of the following applies: 1590

(i) If the underlying arrest is alcohol-related, the court 1591
shall issue an order that, except as provided in division (C) of 1592
section 4510.43 of the Revised Code, for the remainder of the 1593
period of suspension the offender shall not exercise the 1594
privileges unless the vehicles the offender operates are 1595
equipped with a certified ignition interlock device. 1596

(ii) If the underlying arrest is drug-related, the court 1597
in its discretion may issue an order that, except as provided in 1598
division (C) of section 4510.43 of the Revised Code, for the 1599
remainder of the period of suspension the offender shall not 1600
exercise the privileges unless the vehicles the offender 1601
operates are equipped with a certified ignition interlock 1602
device. 1603

(e) The first forty-five days of a suspension imposed 1604

under division (G) (1) (b) of section 4511.19 of the Revised Code 1605
or a comparable length suspension imposed under section 4510.07 1606
of the Revised Code. On or after the forty-sixth day of the 1607
suspension, the court may grant limited driving privileges, and 1608
either of the following applies: 1609

(i) If the underlying conviction is alcohol-related, the 1610
court shall issue an order that, except as provided in division 1611
(C) of section 4510.43 of the Revised Code, for the remainder of 1612
the period of suspension the offender shall not exercise the 1613
privileges unless the vehicles the offender operates are 1614
equipped with a certified ignition interlock device. 1615

(ii) If the underlying conviction is drug-related, the 1616
court in its discretion may issue an order that, except as 1617
provided in division (C) of section 4510.43 of the Revised Code, 1618
for the remainder of the period of suspension the offender shall 1619
not exercise the privileges unless the vehicles the offender 1620
operates are equipped with a certified ignition interlock 1621
device. 1622

If a court grants limited driving privileges under 1623
division (A) (5) (e) of this section, the court may issue an order 1624
terminating an immobilization order issued pursuant to division 1625
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 1626
effect concurrently with the granting of limited driving 1627
privileges. The court shall send notice of the termination of 1628
the immobilization order to the registrar of motor vehicles. 1629

Upon receiving information that an offender violated any 1630
condition imposed by the court at the time an immobilization 1631
order was terminated under this section, the court may hold a 1632
hearing and, in its discretion, issue an order reinstating the 1633
immobilization order for the balance of the immobilization 1634

period that remained when the court originally ordered the 1635
termination of the immobilization order. The court may issue the 1636
order only upon a showing of good cause that the offender 1637
violated any condition imposed by the court. The court shall 1638
send notice of the reinstatement of the immobilization order to 1639
the registrar. 1640

(f) The first one hundred eighty days of a suspension 1641
imposed under division (G) (1) (c) of section 4511.19 of the 1642
Revised Code or a comparable length suspension imposed under 1643
section 4510.07 of the Revised Code. On or after the one hundred 1644
eighty-first day of the suspension, the court may grant limited 1645
driving privileges, and either of the following applies: 1646

(i) If the underlying conviction is alcohol-related, the 1647
court shall issue an order that, except as provided in division 1648
(C) of section 4510.43 of the Revised Code, for the remainder of 1649
the period of suspension the offender shall not exercise the 1650
privileges unless the vehicles the offender operates are 1651
equipped with a certified ignition interlock device. 1652

(ii) If the underlying conviction is drug-related, the 1653
court in its discretion may issue an order that, except as 1654
provided in division (C) of section 4510.43 of the Revised Code, 1655
for the remainder of the period of suspension the offender shall 1656
not exercise the privileges unless the vehicles the offender 1657
operates are equipped with a certified ignition interlock 1658
device. 1659

(g) The first three years of a suspension imposed under 1660
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1661
or a comparable length suspension imposed under section 4510.07 1662
of the Revised Code, or of a suspension imposed under division 1663
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1664

the first three years of suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(6) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (B) of section 4511.191 of the Revised Code during any of the following periods of time:

(a) The first thirty days of suspension imposed under division (B) (1) (a) of section 4511.191 of the Revised Code. On or after the thirty-first day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the offender has, within ten years of the current offense, been convicted of or pleaded guilty to a reckless operation offense that involved alcohol, a drug of abuse, or a combination of them, the court shall issue an order that, except

as provided in division (C) of section 4510.43 of the Revised 1694
Code, for the remainder of the period of suspension the offender 1695
shall not exercise the privileges unless the vehicles the 1696
offender operates are equipped with a certified ignition 1697
interlock device. 1698

(ii) If the offender has not, within ten years of the 1699
current offense, been convicted of or pleaded guilty to a 1700
reckless operation offense that involved alcohol, a drug of 1701
abuse, or a combination of them, the court in its discretion may 1702
issue an order that, except as provided in division (C) of 1703
section 4510.43 of the Revised Code, for the remainder of the 1704
period of suspension the offender shall not exercise the 1705
privileges unless the vehicles the offender operates are 1706
equipped with a certified ignition interlock device. 1707

(b) The first ~~ninety~~ one hundred eighty days of suspension 1708
imposed under division (B) (1) (b) of section 4511.191 of the 1709
Revised Code~~r~~. On or after the one hundred eighty-first day of 1710
suspension, the court may grant limited driving privileges, and 1711
either of the following applies: 1712

(i) If the underlying arrest is alcohol-related, the court 1713
shall issue an order that, except as provided in division (C) of 1714
section 4510.43 of the Revised Code, for the remainder of the 1715
period of suspension the offender shall not exercise the 1716
privileges unless the vehicles the offender operates are 1717
equipped with a certified ignition interlock device. 1718

(ii) If the underlying arrest is drug-related, the court 1719
in its discretion may issue an order that, except as provided in 1720
division (C) of section 4510.43 of the Revised Code, for the 1721
remainder of the period of suspension the offender shall not 1722
exercise the privileges unless the vehicles the offender 1723

operates are equipped with a certified ignition interlock 1724
device. 1725

(c) The first year of suspension imposed under division 1726
(B) (1) (c) of section 4511.191 of the Revised Code⁺. After the 1727
first year of suspension, the court may grant limited driving 1728
privileges, and either of the following applies: 1729

(i) If the underlying arrest is alcohol-related, the court 1730
shall issue an order that, except as provided in division (C) of 1731
section 4510.43 of the Revised Code, for the remainder of the 1732
period of suspension the offender shall not exercise the 1733
privileges unless the vehicles the offender operates are 1734
equipped with a certified ignition interlock device. 1735

(ii) If the underlying arrest is drug-related, the court 1736
in its discretion may issue an order that, except as provided in 1737
division (C) of section 4510.43 of the Revised Code, for the 1738
remainder of the period of suspension the offender shall not 1739
exercise the privileges unless the vehicles the offender 1740
operates are equipped with a certified ignition interlock 1741
device. 1742

(d) The first three years of suspension imposed under 1743
division (B) (1) (d) of section 4511.191 of the Revised Code. 1744
After the first three years of suspension, the court may grant 1745
limited driving privileges, and either of the following applies: 1746

(i) If the underlying arrest is alcohol-related, the court 1747
shall issue an order that, except as provided in division (C) of 1748
section 4510.43 of the Revised Code, for the remainder of the 1749
period of suspension the offender shall not exercise the 1750
privileges unless the vehicles the offender operates are 1751
equipped with a certified ignition interlock device. 1752

(ii) If the underlying arrest is drug-related, the court 1753
in its discretion may issue an order that, except as provided in 1754
division (C) of section 4510.43 of the Revised Code, for the 1755
remainder of the period of suspension the offender shall not 1756
exercise the privileges unless the vehicles the offender 1757
operates are equipped with a certified ignition interlock 1758
device. 1759

(7) In any case in which a judge or mayor grants limited 1760
driving privileges to an offender whose driver's or commercial 1761
driver's license or permit or nonresident operating privilege 1762
has been suspended under division (G) (1) (c), (d), or (e) of 1763
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1764
(b) of section 4511.19 of the Revised Code for a violation of 1765
division (A) (1) (f), (g), (h), or (i) of that section, or under 1766
section 4510.07 of the Revised Code for a municipal OVI 1767
conviction for which sentence would have been imposed under 1768
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or 1769
(e) of section 4511.19 of the Revised Code had the offender been 1770
charged with and convicted of a violation of section 4511.19 of 1771
the Revised Code instead of a violation of the municipal OVI 1772
ordinance, the judge or mayor shall impose as a condition of the 1773
privileges that the offender must display on the vehicle that is 1774
driven subject to the privileges restricted license plates that 1775
are issued under section 4503.231 of the Revised Code, except as 1776
provided in division (B) of that section. 1777

(8) In any case in which an offender is required by a 1778
court under this section to operate a motor vehicle that is 1779
equipped with a certified ignition interlock device and either 1780
the offender commits an ignition interlock device violation as 1781
defined under section 4510.46 of the Revised Code or the 1782
offender operates a motor vehicle that is not equipped with a 1783

certified ignition interlock device, the following applies: 1784

(a) If the offender was sentenced under division (G) (1) (a) 1785
or (b) or division (H) of section 4511.19 of the Revised Code, 1786
on a first instance the court may require the offender to wear a 1787
monitor that provides continuous alcohol monitoring that is 1788
remote. On a second instance, the court shall require the 1789
offender to wear a monitor that provides continuous alcohol 1790
monitoring that is remote for a minimum of forty days. On a 1791
third instance or more, the court shall require the offender to 1792
wear a monitor that provides continuous alcohol monitoring that 1793
is remote for a minimum of sixty days. 1794

(b) If the offender was sentenced under division (G) (1) 1795
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1796
first instance the court shall require the offender to wear a 1797
monitor that provides continuous alcohol monitoring that is 1798
remote for a minimum of forty days. On a second instance or 1799
more, the court shall require the offender to wear a monitor 1800
that provides continuous alcohol monitoring that is remote for a 1801
minimum of sixty days. 1802

(c) The court may increase the period of suspension of the 1803
offender's driver's or commercial driver's license or permit or 1804
nonresident operating privilege from that originally imposed by 1805
the court by a factor of two and may increase the period of time 1806
during which the offender will be prohibited from exercising any 1807
limited driving privileges granted to the offender unless the 1808
vehicles the offender operates are equipped with a certified 1809
ignition interlock device by a factor of two. The limitation 1810
under division (E) of section 4510.46 of the Revised Code 1811
applies to an increase under division (A) (8) (c) of this section. 1812

(d) If the violation occurred within sixty days of the end 1813

of the suspension of the offender's driver's or commercial 1814
driver's license or permit or nonresident operating privilege 1815
and the court does not impose an increase in the period of the 1816
suspension under division (A) (8) (c) of this section, the court 1817
shall proceed as follows: 1818

(i) Issue an order extending the period of suspension and 1819
the grant of limited driving privileges with a required 1820
certified ignition interlock device so that the suspension 1821
terminates sixty days from the date the offender committed that 1822
violation. 1823

(ii) For each violation subsequent to a violation for 1824
which an extension was ordered under division (A) (8) (d) (i) of 1825
this section, issue an order extending the period of suspension 1826
and the grant of limited driving privileges with a required 1827
certified ignition interlock device so that the suspension 1828
terminates sixty days from the date the offender committed that 1829
violation. 1830

The registrar of motor vehicles is prohibited from 1831
reinstating an offender's license unless the applicable period 1832
of suspension has been served and no ignition interlock device 1833
violations have been committed within the sixty days prior to 1834
the application for reinstatement. 1835

(9) At the time the court issues an order under this 1836
section requiring an offender to use an ignition interlock 1837
device, the court shall provide notice to the offender of each 1838
action the court is authorized or required to take under 1839
division (A) (8) of this section if the offender circumvents or 1840
tamper with the device or in any case in which the court 1841
receives notice pursuant to section 4510.46 of the Revised Code 1842
that a device prevented an offender from starting a motor 1843

vehicle. 1844

(10) In any case in which the court issues an order under 1845
this section prohibiting an offender from exercising limited 1846
driving privileges unless the vehicles the offender operates are 1847
equipped with an immobilizing or disabling device, including a 1848
certified ignition interlock device, or requires an offender to 1849
wear a monitor that provides continuous alcohol monitoring that 1850
is remote, the court shall impose an additional court cost of 1851
two dollars and fifty cents upon the offender. The court shall 1852
not waive the payment of the two dollars and fifty cents unless 1853
the court determines that the offender is indigent and waives 1854
the payment of all court costs imposed upon the indigent 1855
offender. The clerk of court shall transmit one hundred per cent 1856
of this mandatory court cost collected during a month on or 1857
before the twenty-third day of the following month to the state 1858
treasury to be credited to the public safety - highway purposes 1859
fund created under section 4501.06 of the Revised Code, to be 1860
used by the department of public safety to cover costs 1861
associated with maintaining the habitual OVI/OMWI offender 1862
registry created under section 5502.10 of the Revised Code. In 1863
its discretion the court may impose an additional court cost of 1864
two dollars and fifty cents upon the offender. The clerk of 1865
court shall retain this discretionary two dollar and fifty cent 1866
court cost, if imposed, and shall deposit it in the court's 1867
special projects fund that is established under division (E)(1) 1868
of section 2303.201, division (B)(1) of section 1901.26, or 1869
division (B)(1) of section 1907.24 of the Revised Code. 1870

(B) Any person whose driver's or commercial driver's 1871
license or permit or nonresident operating privilege has been 1872
suspended pursuant to section 4511.19 or 4511.191 of the Revised 1873
Code or under section 4510.07 of the Revised Code for a 1874

violation of a municipal OVI ordinance may file a petition for 1875
limited driving privileges during the suspension. The person 1876
shall file the petition in the court that has jurisdiction over 1877
the place of arrest. Subject to division (A) of this section, 1878
the court may grant the person limited driving privileges during 1879
the period during which the suspension otherwise would be 1880
imposed. However, the court shall not grant the privileges for 1881
employment as a driver of a commercial motor vehicle to any 1882
person who is disqualified from operating a commercial motor 1883
vehicle under section 4506.16 of the Revised Code or during any 1884
of the periods prescribed by division (A) of this section. 1885

(C) (1) After a driver's or commercial driver's license or 1886
permit or nonresident operating privilege has been suspended 1887
pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 1888
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 1889
5743.99 of the Revised Code, any provision of Chapter 2925. of 1890
the Revised Code, or section 4510.07 of the Revised Code for a 1891
violation of a municipal OVI ordinance, the judge of the court 1892
or mayor of the mayor's court that suspended the license, 1893
permit, or privilege shall cause the offender to deliver to the 1894
court the license or permit. The judge, mayor, or clerk of the 1895
court or mayor's court shall forward to the registrar the 1896
license or permit together with notice of the action of the 1897
court. 1898

(2) A suspension of a commercial driver's license under 1899
any section or chapter identified in division (C) (1) of this 1900
section shall be concurrent with any period of suspension or 1901
disqualification under section 3123.58 or 4506.16 of the Revised 1902
Code. No person who is disqualified for life from holding a 1903
commercial driver's license under section 4506.16 of the Revised 1904
Code shall be issued a driver's license under this chapter 1905

during the period for which the commercial driver's license was 1906
suspended under this section, and no person whose commercial 1907
driver's license is suspended under any section or chapter 1908
identified in division (C) (1) of this section shall be issued a 1909
driver's license under Chapter 4507. of the Revised Code during 1910
the period of the suspension. 1911

(3) No judge or mayor shall suspend any class one 1912
suspension, or any portion of any class one suspension, imposed 1913
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 1914
Revised Code. No judge or mayor shall suspend the first thirty 1915
days of any class two, class three, class four, class five, or 1916
class six suspension imposed under section 2903.06, 2903.08, 1917
2903.11, 2923.02, or 2929.02 of the Revised Code. 1918

(D) The judge of the court or mayor of the mayor's court 1919
shall credit any time during which an offender was subject to an 1920
administrative suspension of the offender's driver's or 1921
commercial driver's license or permit or nonresident operating 1922
privilege imposed pursuant to section 4511.191 or 4511.192 of 1923
the Revised Code or a suspension imposed by a judge, referee, or 1924
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 1925
the Revised Code against the time to be served under a related 1926
suspension imposed pursuant to any section or chapter identified 1927
in division (C) (1) of this section. 1928

(E) The judge or mayor shall notify the bureau of motor 1929
vehicles of any determinations made pursuant to this section and 1930
of any suspension imposed pursuant to any section or chapter 1931
identified in division (C) (1) of this section. 1932

(F) (1) If a court issues an order under this section 1933
granting limited driving privileges and requiring an offender to 1934
use an immobilizing or disabling device, the order shall 1935

authorize the offender during the specified period to operate a 1936
motor vehicle only if it is equipped with such a device, except 1937
as provided in division (C) of section 4510.43 of the Revised 1938
Code. The court shall provide the offender with a copy of the 1939
order for purposes of obtaining a restricted license and shall 1940
submit a copy of the order to the registrar of motor vehicles. 1941

(2) An offender shall present to the registrar or to a 1942
deputy registrar the copy of an immobilizing or disabling device 1943
order issued under this section and a certificate affirming the 1944
installation of an immobilizing or disabling device that is in a 1945
form established by the director of public safety and that is 1946
signed by the person who installed the device. Upon presentation 1947
of the order and certificate to the registrar or a deputy 1948
registrar, the registrar or deputy registrar shall issue the 1949
offender a restricted license, unless the offender's driver's or 1950
commercial driver's license or permit is suspended under any 1951
other provision of law and limited driving privileges have not 1952
been granted with regard to that suspension. A restricted 1953
license issued under this division shall be identical to an Ohio 1954
driver's license, except that it shall have printed on its face 1955
a statement that the offender is prohibited from operating any 1956
motor vehicle that is not equipped with an immobilizing or 1957
disabling device in violation of the order. 1958

(3) (a) No person who has been granted limited driving 1959
privileges subject to an immobilizing or disabling device order 1960
under this section shall operate a motor vehicle prior to 1961
obtaining a restricted license. Any person who violates this 1962
prohibition is subject to the penalties prescribed in section 1963
4510.14 of the Revised Code. 1964

(b) The offense established under division (F) (3) (a) of 1965

this section is a strict liability offense and section 2901.20 1966
of the Revised Code does not apply. 1967

Sec. 4510.17. (A) The registrar of motor vehicles shall 1968
impose a class D suspension of the person's driver's license, 1969
commercial driver's license, temporary instruction permit, 1970
probationary license, or nonresident operating privilege for the 1971
period of time specified in division (B) (4) of section 4510.02 1972
of the Revised Code on any person who is a resident of this 1973
state and is convicted of or pleads guilty to a violation of a 1974
statute of any other state or any federal statute that is 1975
substantially similar to section 2925.02, 2925.03, 2925.04, 1976
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1977
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 1978
2925.37 of the Revised Code. Upon receipt of a report from a 1979
court, court clerk, or other official of any other state or from 1980
any federal authority that a resident of this state was 1981
convicted of or pleaded guilty to an offense described in this 1982
division, the registrar shall send a notice by regular first 1983
class mail to the person, at the person's last known address as 1984
shown in the records of the bureau of motor vehicles, informing 1985
the person of the suspension, that the suspension will take 1986
effect twenty-one days from the date of the notice, and that, if 1987
the person wishes to appeal the suspension or denial, the person 1988
must file a notice of appeal within twenty-one days of the date 1989
of the notice requesting a hearing on the matter. If the person 1990
requests a hearing, the registrar shall hold the hearing not 1991
more than forty days after receipt by the registrar of the 1992
notice of appeal. The filing of a notice of appeal does not stay 1993
the operation of the suspension that must be imposed pursuant to 1994
this division. The scope of the hearing shall be limited to 1995
whether the person actually was convicted of or pleaded guilty 1996

to the offense for which the suspension is to be imposed. 1997

The suspension the registrar is required to impose under 1998
this division shall end either on the last day of the class D 1999
suspension period or of the suspension of the person's 2000
nonresident operating privilege imposed by the state or federal 2001
court, whichever is earlier. 2002

The registrar shall subscribe to or otherwise participate 2003
in any information system or register, or enter into reciprocal 2004
and mutual agreements with other states and federal authorities, 2005
in order to facilitate the exchange of information with other 2006
states and the United States government regarding persons who 2007
plead guilty to or are convicted of offenses described in this 2008
division and therefore are subject to the suspension or denial 2009
described in this division. 2010

(B) The registrar shall impose a class D suspension of the 2011
person's driver's license, commercial driver's license, 2012
temporary instruction permit, probationary license, or 2013
nonresident operating privilege for the period of time specified 2014
in division (B)(4) of section 4510.02 of the Revised Code on any 2015
person who is a resident of this state and is convicted of or 2016
pleads guilty to a violation of a statute of any other state or 2017
a municipal ordinance of a municipal corporation located in any 2018
other state that is substantially similar to section 4511.19 of 2019
the Revised Code. Upon receipt of a report from another state 2020
made pursuant to section 4510.61 of the Revised Code indicating 2021
that a resident of this state was convicted of or pleaded guilty 2022
to an offense described in this division, the registrar shall 2023
send a notice by regular first class mail to the person, at the 2024
person's last known address as shown in the records of the 2025
bureau of motor vehicles, informing the person of the 2026

suspension, that the suspension or denial will take effect 2027
twenty-one days from the date of the notice, and that, if the 2028
person wishes to appeal the suspension, the person must file a 2029
notice of appeal within twenty-one days of the date of the 2030
notice requesting a hearing on the matter. If the person 2031
requests a hearing, the registrar shall hold the hearing not 2032
more than forty days after receipt by the registrar of the 2033
notice of appeal. The filing of a notice of appeal does not stay 2034
the operation of the suspension that must be imposed pursuant to 2035
this division. The scope of the hearing shall be limited to 2036
whether the person actually was convicted of or pleaded guilty 2037
to the offense for which the suspension is to be imposed. 2038

The suspension the registrar is required to impose under 2039
this division shall end either on the last day of the class D 2040
suspension period or of the suspension of the person's 2041
nonresident operating privilege imposed by the state or federal 2042
court, whichever is earlier. 2043

(C) The registrar shall impose a class D suspension of the 2044
child's driver's license, commercial driver's license, temporary 2045
instruction permit, or nonresident operating privilege for the 2046
period of time specified in division (B) (4) of section 4510.02 2047
of the Revised Code on any child who is a resident of this state 2048
and is convicted of or pleads guilty to a violation of a statute 2049
of any other state or any federal statute that is substantially 2050
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2051
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2052
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2053
Code. Upon receipt of a report from a court, court clerk, or 2054
other official of any other state or from any federal authority 2055
that a child who is a resident of this state was convicted of or 2056
pleaded guilty to an offense described in this division, the 2057

registrar shall send a notice by regular first class mail to the 2058
child, at the child's last known address as shown in the records 2059
of the bureau of motor vehicles, informing the child of the 2060
suspension, that the suspension or denial will take effect 2061
twenty-one days from the date of the notice, and that, if the 2062
child wishes to appeal the suspension, the child must file a 2063
notice of appeal within twenty-one days of the date of the 2064
notice requesting a hearing on the matter. If the child requests 2065
a hearing, the registrar shall hold the hearing not more than 2066
forty days after receipt by the registrar of the notice of 2067
appeal. The filing of a notice of appeal does not stay the 2068
operation of the suspension that must be imposed pursuant to 2069
this division. The scope of the hearing shall be limited to 2070
whether the child actually was convicted of or pleaded guilty to 2071
the offense for which the suspension is to be imposed. 2072

The suspension the registrar is required to impose under 2073
this division shall end either on the last day of the class D 2074
suspension period or of the suspension of the child's 2075
nonresident operating privilege imposed by the state or federal 2076
court, whichever is earlier. If the child is a resident of this 2077
state who is sixteen years of age or older and does not have a 2078
current, valid Ohio driver's or commercial driver's license or 2079
permit, the notice shall inform the child that the child will be 2080
denied issuance of a driver's or commercial driver's license or 2081
permit for six months beginning on the date of the notice. If 2082
the child has not attained the age of sixteen years on the date 2083
of the notice, the notice shall inform the child that the period 2084
of denial of six months shall commence on the date the child 2085
attains the age of sixteen years. 2086

The registrar shall subscribe to or otherwise participate 2087
in any information system or register, or enter into reciprocal 2088

and mutual agreements with other states and federal authorities, 2089
in order to facilitate the exchange of information with other 2090
states and the United States government regarding children who 2091
are residents of this state and plead guilty to or are convicted 2092
of offenses described in this division and therefore are subject 2093
to the suspension or denial described in this division. 2094

(D) The registrar shall impose a class D suspension of the 2095
child's driver's license, commercial driver's license, temporary 2096
instruction permit, probationary license, or nonresident 2097
operating privilege for the period of time specified in division 2098
(B) (4) of section 4510.02 of the Revised Code on any child who 2099
is a resident of this state and is convicted of or pleads guilty 2100
to a violation of a statute of any other state or a municipal 2101
ordinance of a municipal corporation located in any other state 2102
that is substantially similar to section 4511.19 of the Revised 2103
Code. Upon receipt of a report from another state made pursuant 2104
to section 4510.61 of the Revised Code indicating that a child 2105
who is a resident of this state was convicted of or pleaded 2106
guilty to an offense described in this division, the registrar 2107
shall send a notice by regular first class mail to the child, at 2108
the child's last known address as shown in the records of the 2109
bureau of motor vehicles, informing the child of the suspension, 2110
that the suspension will take effect twenty-one days from the 2111
date of the notice, and that, if the child wishes to appeal the 2112
suspension, the child must file a notice of appeal within 2113
twenty-one days of the date of the notice requesting a hearing 2114
on the matter. If the child requests a hearing, the registrar 2115
shall hold the hearing not more than forty days after receipt by 2116
the registrar of the notice of appeal. The filing of a notice of 2117
appeal does not stay the operation of the suspension that must 2118
be imposed pursuant to this division. The scope of the hearing 2119

shall be limited to whether the child actually was convicted of 2120
or pleaded guilty to the offense for which the suspension is to 2121
be imposed. 2122

The suspension the registrar is required to impose under 2123
this division shall end either on the last day of the class D 2124
suspension period or of the suspension of the child's 2125
nonresident operating privilege imposed by the state or federal 2126
court, whichever is earlier. If the child is a resident of this 2127
state who is sixteen years of age or older and does not have a 2128
current, valid Ohio driver's or commercial driver's license or 2129
permit, the notice shall inform the child that the child will be 2130
denied issuance of a driver's or commercial driver's license or 2131
permit for six months beginning on the date of the notice. If 2132
the child has not attained the age of sixteen years on the date 2133
of the notice, the notice shall inform the child that the period 2134
of denial of six months shall commence on the date the child 2135
attains the age of sixteen years. 2136

(E) (1) Any person whose license or permit has been 2137
suspended pursuant to this section may file a petition in the 2138
municipal or county court, or in case the person is under 2139
eighteen years of age, the juvenile court, in whose jurisdiction 2140
the person resides, requesting limited driving privileges and 2141
agreeing to pay the cost of the proceedings. Except as provided 2142
in division (E) (2) or (3) of this section, the judge may grant 2143
the person limited driving privileges during the period during 2144
which the suspension otherwise would be imposed for any of the 2145
purposes set forth in division (A) of section 4510.021 of the 2146
Revised Code. 2147

(2) No judge shall grant limited driving privileges for 2148
employment as a driver of a commercial motor vehicle to any 2149

person who would be disqualified from operating a commercial 2150
motor vehicle under section 4506.16 of the Revised Code if the 2151
violation had occurred in this state. Further, no judge shall 2152
grant limited driving privileges during any of the following 2153
periods of time: 2154

(a) The first fifteen days of a suspension under division 2155
(B) or (D) of this section, if the person has not been convicted 2156
within ten years of the date of the offense giving rise to the 2157
suspension under this section of a violation of any of the 2158
following: 2159

(i) Division (A) of section 4511.19 of the Revised Code, 2160
or a municipal ordinance relating to operating a vehicle while 2161
under the influence of alcohol, a drug of abuse, or alcohol and 2162
a drug of abuse; 2163

(ii) A municipal ordinance relating to operating a motor 2164
vehicle with a prohibited concentration of alcohol, a controlled 2165
substance, or a metabolite of a controlled substance in the 2166
whole blood, blood serum or plasma, breath, or urine; 2167

(iii) Section 2903.04 of the Revised Code in a case in 2168
which the person was subject to the sanctions described in 2169
division (D) of that section; 2170

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 2171
of section 2903.08 of the Revised Code or a municipal ordinance 2172
that is substantially similar to either of those divisions; 2173

(v) Division (A)(2), (3), or (4) of section 2903.06, 2174
division (A)(2) of section 2903.08, or as it existed prior to 2175
March 23, 2000, section 2903.07 of the Revised Code, or a 2176
municipal ordinance that is substantially similar to any of 2177
those divisions or that former section, in a case in which the 2178

jury or judge found that the person was under the influence of 2179
alcohol, a drug of abuse, or alcohol and a drug of abuse. 2180

(b) The first ~~thirty~~forty-five days of a suspension under 2181
division (B) or (D) of this section, if the person has been 2182
convicted one time within ten years of the date of the offense 2183
giving rise to the suspension under this section of any 2184
violation identified in division ~~(E) (1) (a)~~(E) (2) (a) of this 2185
section. 2186

(c) The first one hundred eighty days of a suspension 2187
under division (B) or (D) of this section, if the person has 2188
been convicted two times within ten years of the date of the 2189
offense giving rise to the suspension under this section of any 2190
violation identified in division ~~(E) (1) (a)~~(E) (2) (a) of this 2191
section. 2192

(3) ~~No limited driving privileges may be granted~~The first 2193
three years of a suspension under division (B) or (D) of this 2194
section, if the person has been convicted three or more times 2195
within ~~five~~ten years of the date of the offense giving rise to 2196
a suspension under division (B) or (D) of this section of any 2197
violation identified in division ~~(E) (1) (a)~~(E) (2) (a) of this 2198
section. 2199

(4) In accordance with section 4510.022 of the Revised 2200
Code, a person may petition for, and a judge may grant, 2201
unlimited driving privileges with a certified ignition interlock 2202
device during the period of suspension imposed under division 2203
(B) or (D) of this section to a person described in division (E) 2204
(2) (a) of this section. 2205

(5) If a person petitions for limited driving privileges 2206
under division (E) (1) of this section or unlimited driving 2207

privileges with a certified ignition interlock device as 2208
provided in division (E)(4) of this section, the registrar shall 2209
be represented by the county prosecutor of the county in which 2210
the person resides if the petition is filed in a juvenile court 2211
or county court, except that if the person resides within a city 2212
or village that is located within the jurisdiction of the county 2213
in which the petition is filed, the city director of law or 2214
village solicitor of that city or village shall represent the 2215
registrar. If the petition is filed in a municipal court, the 2216
registrar shall be represented as provided in section 1901.34 of 2217
the Revised Code. 2218

(6)(a) In issuing an order granting limited driving 2219
privileges under division (E)(1) of this section, the court may 2220
impose any condition it considers reasonable and necessary to 2221
limit the use of a vehicle by the person. The court shall 2222
deliver to the person a copy of the order setting forth the 2223
time, place, and other conditions limiting the person's use of a 2224
motor vehicle. Unless division (E)(6)(b) of this section 2225
applies, the grant of limited driving privileges shall be 2226
conditioned upon the person's having the order in the person's 2227
possession at all times during which the person is operating a 2228
vehicle. 2229

(b) If, under the order, the court requires the use of an 2230
immobilizing or disabling device as a condition of the grant of 2231
limited or unlimited driving privileges, the person shall 2232
present to the registrar or to a deputy registrar the copy of 2233
the order granting limited driving privileges and a certificate 2234
affirming the installation of an immobilizing or disabling 2235
device that is in a form established by the director of public 2236
safety and is signed by the person who installed the device. 2237
Upon presentation of the order and the certificate to the 2238

registrar or a deputy registrar, the registrar or deputy 2239
registrar shall issue to the offender a restricted license, 2240
unless the offender's driver's or commercial driver's license or 2241
permit is suspended under any other provision of law and limited 2242
driving privileges have not been granted with regard to that 2243
suspension. A restricted license issued under this division 2244
shall be identical to an Ohio driver's license, except that it 2245
shall have printed on its face a statement that the offender is 2246
prohibited from operating any motor vehicle that is not equipped 2247
with an immobilizing or disabling device in violation of the 2248
order. 2249

(7) (a) Unless division (E) (7) (b) applies, a person granted 2250
limited driving privileges who operates a vehicle for other than 2251
limited purposes, in violation of any condition imposed by the 2252
court or without having the order in the person's possession, is 2253
guilty of a violation of section 4510.11 of the Revised Code. 2254

(b) No person who has been granted limited or unlimited 2255
driving privileges under division (E) of this section subject to 2256
an immobilizing or disabling device order shall operate a motor 2257
vehicle prior to obtaining a restricted license. Any person who 2258
violates this prohibition is subject to the penalties prescribed 2259
in section 4510.14 of the Revised Code. 2260

(c) The offenses established under division (E) (7) of this 2261
section are strict liability offenses and section 2901.20 of the 2262
Revised Code does not apply. 2263

(F) The provisions of division (A) (8) of section 4510.13 2264
of the Revised Code apply to a person who has been granted 2265
limited or unlimited driving privileges with a certified 2266
ignition interlock device under this section and who either 2267
commits an ignition interlock device violation as defined under 2268

section 4510.46 of the Revised Code or operates a motor vehicle 2269
that is not equipped with a certified ignition interlock device. 2270

(G) Any person whose license or permit has been suspended 2271
under division (A) or (C) of this section may file a petition in 2272
the municipal or county court, or in case the person is under 2273
eighteen years of age, the juvenile court, in whose jurisdiction 2274
the person resides, requesting the termination of the suspension 2275
and agreeing to pay the cost of the proceedings. If the court, 2276
in its discretion, determines that a termination of the 2277
suspension is appropriate, the court shall issue an order to the 2278
registrar to terminate the suspension. Upon receiving such an 2279
order, the registrar shall reinstate the license. 2280

(H) As used in divisions (C) and (D) of this section: 2281

(1) "Child" means a person who is under the age of 2282
eighteen years, except that any person who violates a statute or 2283
ordinance described in division (C) or (D) of this section prior 2284
to attaining eighteen years of age shall be deemed a "child" 2285
irrespective of the person's age at the time the complaint or 2286
other equivalent document is filed in the other state or a 2287
hearing, trial, or other proceeding is held in the other state 2288
on the complaint or other equivalent document, and irrespective 2289
of the person's age when the period of license suspension or 2290
denial prescribed in division (C) or (D) of this section is 2291
imposed. 2292

(2) "Is convicted of or pleads guilty to" means, as it 2293
relates to a child who is a resident of this state, that in a 2294
proceeding conducted in a state or federal court located in 2295
another state for a violation of a statute or ordinance 2296
described in division (C) or (D) of this section, the result of 2297
the proceeding is any of the following: 2298

(a) Under the laws that govern the proceedings of the 2299
court, the child is adjudicated to be or admits to being a 2300
delinquent child or a juvenile traffic offender for a violation 2301
described in division (C) or (D) of this section that would be a 2302
crime if committed by an adult; 2303

(b) Under the laws that govern the proceedings of the 2304
court, the child is convicted of or pleads guilty to a violation 2305
described in division (C) or (D) of this section; 2306

(c) Under the laws that govern the proceedings of the 2307
court, irrespective of the terminology utilized in those laws, 2308
the result of the court's proceedings is the functional 2309
equivalent of division (H) (2) (a) or (b) of this section. 2310

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) 2311
or (2) of this section, the registrar of motor vehicles shall 2312
suspend the probationary driver's license, restricted license, 2313
or temporary instruction permit issued to any person when the 2314
person has been convicted of, pleaded guilty to, or been 2315
adjudicated in juvenile court of having committed, prior to the 2316
person's eighteenth birthday, any of the following: 2317

(a) Three separate violations of section 2903.06, 2903.08, 2318
2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 2319
4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 2320
to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the 2321
Revised Code, section 4510.14 of the Revised Code involving a 2322
suspension imposed under section 4511.191 or 4511.196 of the 2323
Revised Code, section 2903.04 of the Revised Code in a case in 2324
which the person would have been subject to the sanctions 2325
described in division (D) of that section had the person been 2326
convicted of the violation of that section, former section 2327
2903.07 of the Revised Code, or any municipal ordinances 2328

similarly relating to the offenses referred to in those 2329
sections; 2330

(b) One violation of section 4511.19 of the Revised Code 2331
or a substantially similar municipal ordinance; 2332

(c) Two separate violations of any of the Revised Code 2333
sections referred to in division (A) (1) (a) of this section, or 2334
any municipal ordinance that is substantially similar to any of 2335
those sections. 2336

(2) Any person whose license or permit is suspended under 2337
division (A) (1) (a), (b), or (c) of this section shall mail or 2338
deliver the person's probationary driver's license, restricted 2339
license, or temporary instruction permit to the registrar within 2340
fourteen days of notification of the suspension. The registrar 2341
shall retain the license or permit during the period of the 2342
suspension. A suspension pursuant to division (A) (1) (a) of this 2343
section shall be a class C suspension, a suspension pursuant to 2344
division (A) (1) (b) of this section shall be a class D 2345
suspension, and a suspension pursuant to division (A) (1) (c) of 2346
this section shall be a class E suspension, all for the periods 2347
of time specified in division (B) of section 4510.02 of the 2348
Revised Code. If the person's probationary driver's license, 2349
restricted license, or temporary instruction permit is under 2350
suspension on the date the court imposes sentence upon the 2351
person for a violation described in division (A) (1) (b) of this 2352
section, the suspension shall take effect on the next day 2353
immediately following the end of that period of suspension. If 2354
the person is sixteen years of age or older and pleads guilty to 2355
or is convicted of a violation described in division (A) (1) (b) 2356
of this section and the person does not have a current, valid 2357
probationary driver's license, restricted license, or temporary 2358

instruction permit, the registrar shall deny the issuance to the 2359
person of a probationary driver's license, restricted license, 2360
driver's license, commercial driver's license, or temporary 2361
instruction permit, as the case may be, for six months beginning 2362
on the date the court imposes sentence upon the person for the 2363
violation. If the person has not attained the age of sixteen 2364
years on the date the court imposes sentence upon the person for 2365
the violation, the period of denial shall commence on the date 2366
the person attains the age of sixteen years. 2367

(3) The registrar shall suspend the person's license or 2368
permit under division (A) of this section regardless of whether 2369
the disposition of the case in juvenile court occurred after the 2370
person's eighteenth birthday. 2371

(B) The registrar also shall impose a class D suspension 2372
for the period of time specified in division (B)(4) of section 2373
4510.02 of the Revised Code of the temporary instruction permit 2374
or probationary driver's license of any person under the age of 2375
eighteen who has been adjudicated an unruly child, delinquent 2376
child, or juvenile traffic offender for having committed any act 2377
that if committed by an adult would be a drug abuse offense or a 2378
violation of division (B) of section 2917.11 of the Revised 2379
Code. The registrar, in the registrar's discretion, may 2380
terminate the suspension if the child, at the discretion of the 2381
court, attends and satisfactorily completes a drug abuse or 2382
alcohol abuse education, intervention, or treatment program 2383
specified by the court. Any person whose temporary instruction 2384
permit or probationary driver's license is suspended under this 2385
division shall mail or deliver the person's permit or license to 2386
the registrar within fourteen days of notification of the 2387
suspension. The registrar shall retain the permit or license 2388
during the period of the suspension. 2389

(C) (1) (a) Except as provided in division (C) (1) (c) of this section, for any person who is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed a second or third violation of section 4511.12, 4511.13, 4511.20 to 4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4511.75 of the Revised Code or any similar municipal ordinances and whose license or permit is suspended under division (A) (1) (a) or (c) of this section, the court in which the second or third conviction, finding, plea, or adjudication resulting in the suspension was made, upon petition of the person, may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed under division (A) (1) (a) or (c) of this section for any of the purposes set forth in division (A) of section 4510.021 of the Revised Code. In granting the limited driving privileges, the court shall specify the purposes, times, and places of the privileges and may impose any other conditions upon the person's driving a motor vehicle that the court considers reasonable and necessary.

A court that grants limited driving privileges to a person under this division shall retain the person's probationary driver's license, restricted license, or temporary instruction permit during the period the license or permit is suspended and also during the period for which limited driving privileges are granted, and shall deliver to the person a permit card, in a form to be prescribed by the court, setting forth the date on which the limited driving privileges will become effective, the purposes for which the person may drive, the times and places at which the person may drive, and any other conditions imposed upon the person's use of a motor vehicle.

The court immediately shall notify the registrar, in writing, of a grant of limited driving privileges under this

division. The notification shall specify the date on which the 2421
limited driving privileges will become effective, the purposes 2422
for which the person may drive, the times and places at which 2423
the person may drive, and any other conditions imposed upon the 2424
person's use of a motor vehicle. The registrar shall not suspend 2425
the probationary driver's license, restricted license, or 2426
temporary instruction permit of any person pursuant to division 2427
(A) of this section during any period for which the person has 2428
been granted limited driving privileges as provided in this 2429
division, if the registrar has received the notification 2430
described in this division from the court. 2431

(b) Except as provided in division (C) (1) (c) of this 2432
section, in any case in which the temporary instruction permit 2433
or probationary driver's license of a person under eighteen 2434
years of age has been suspended under division (A) or (B) of 2435
this section or any other provision of law, the court may grant 2436
the person limited driving privileges for the purpose of the 2437
person's practicing of driving with the person's parent, 2438
guardian, or other custodian during the period of the 2439
suspension. Any grant of limited driving privileges under this 2440
division shall comply with division (D) of section 4510.021 of 2441
the Revised Code. 2442

(c) A court shall not grant limited driving privileges to 2443
a person identified in division (C) (1) (a) or (b) of this section 2444
if the person, ~~within the preceding six years~~ prior to the 2445
person's eighteenth birthday, has been convicted of, pleaded 2446
guilty to, or adjudicated in juvenile court of having committed 2447
three or more violations of ~~one or more of the divisions or~~ 2448
~~sections set forth in divisions (G) (2) (b) to (g) of an~~ 2449
equivalent offense, as defined in section 2919.22-4511.181 of 2450
the Revised Code. 2451

(2) (a) In a case in which a person is convicted of, pleads 2452
guilty to, or is adjudicated in juvenile court of having 2453
committed, prior to the person's eighteenth birthday, a second 2454
or third violation of section 4511.12, 4511.13, 4511.20 to 2455
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 2456
4511.75 of the Revised Code or any similar municipal ordinances 2457
and division (A) (1) (a) or (c) of this section requires the 2458
registrar of motor vehicles to suspend the person's license or 2459
permit, the court in which the person is convicted of, pleads 2460
guilty to, or is adjudicated of having committed the second or 2461
third violation may elect to order the registrar of motor 2462
vehicles to waive the suspension if all of the following apply: 2463

(i) Prior to the date on which the court imposes sentence 2464
upon, or makes an order of disposition for, the person for the 2465
second or third violation, the person submits to the court a 2466
petition requesting the court to order the registrar to waive 2467
the prescribed suspension and describing the reasons why the 2468
person believes the suspension, if imposed, would seriously 2469
affect the person's ability to continue in employment, 2470
educational training, vocational training, or treatment. 2471

(ii) Prior to the date specified in division (C) (2) (a) (i) 2472
of this section, the person submits to the court satisfactory 2473
proof showing that the person successfully completed an advanced 2474
juvenile driver improvement program approved by the director of 2475
public safety under division (B) of section 4510.311 of the 2476
Revised Code after the date the person committed that second or 2477
third violation. 2478

(iii) Prior to imposing sentence upon, or making an order 2479
of disposition for, the person for the second or third 2480
violation, the court finds reasonable cause to believe that the 2481

suspension, if imposed, would seriously affect the person's 2482
ability to continue in employment, educational training, 2483
vocational training, or treatment. 2484

(iv) If the court is imposing sentence upon, or making an 2485
order of disposition for, the person for a third violation, the 2486
person did not submit to the court that imposed sentence upon, 2487
or made an order of disposition for, the person for the second 2488
violation a petition of the type described in division (C) (2) (a) 2489
(i) of this section, and the court that imposed sentence upon, 2490
or made an order of disposition for, the person for that second 2491
violation did not order the registrar of motor vehicles to waive 2492
the suspension of the person's license or permit required under 2493
division (A) (1) (c) of this section for the conviction of, plea 2494
of guilty to, or adjudication in juvenile court of having 2495
committed that second violation. 2496

(b) If a court elects pursuant to division (C) (2) (a) of 2497
this section to order the registrar of motor vehicles to waive a 2498
suspension that otherwise is required under division (A) (1) (a) 2499
or (c) of this section, the court immediately shall send a 2500
written copy of the order to the registrar. Upon receipt of the 2501
written copy of the order, the registrar shall not suspend 2502
pursuant to division (A) (1) (a) or (c) of this section the 2503
probationary driver's license, restricted license, or temporary 2504
instruction permit of the person who is the subject of the order 2505
for the second or third violation for which the suspension 2506
otherwise would be imposed under that division. 2507

(D) If a person who has been granted limited driving 2508
privileges under division (C) (1) of this section is convicted 2509
of, pleads guilty to, or is adjudicated in juvenile court of 2510
having committed, a violation of Chapter 4510. of the Revised 2511

Code, or a subsequent violation of any of the sections of the 2512
Revised Code listed in division (A) (1) (a) of this section or any 2513
similar municipal ordinance during the period for which the 2514
person was granted limited driving privileges, the court that 2515
granted the limited driving privileges shall suspend the 2516
person's permit card. The court or the clerk of the court 2517
immediately shall forward the person's probationary driver's 2518
license, restricted license, or temporary instruction permit 2519
together with written notification of the court's action to the 2520
registrar. Upon receipt of the license or permit and 2521
notification, the registrar shall impose a class C suspension of 2522
the person's probationary driver's license, restricted license, 2523
or temporary instruction permit for the period of time specified 2524
in division (B) (3) of section 4510.02 of the Revised Code. The 2525
registrar shall retain the license or permit during the period 2526
of suspension, and no further limited driving privileges shall 2527
be granted during that period. 2528

(E) No application for a driver's or commercial driver's 2529
license shall be received from any person whose probationary 2530
driver's license, restricted license, or temporary instruction 2531
permit has been suspended under this section until each of the 2532
following has occurred: 2533

(1) The suspension period has expired; 2534

(2) A temporary instruction permit or commercial driver's 2535
license temporary instruction permit has been issued; 2536

(3) The person successfully completes a juvenile driver 2537
improvement program approved by the director of public safety 2538
under division (A) of section 4510.311 of the Revised Code; 2539

(4) The applicant has submitted to the examination for a 2540

driver's license as provided for in section 4507.11 or a 2541
commercial driver's license as provided in Chapter 4506. of the 2542
Revised Code. 2543

Sec. 4510.54. (A) Except as provided in division (F) of 2544
this section, a person whose driver's or commercial driver's 2545
license has been suspended for life under a class one suspension 2546
or as otherwise provided by law or has been suspended for a 2547
period in excess of fifteen years under a class two suspension 2548
may file a motion with the sentencing court for modification or 2549
termination of the suspension. The person filing the motion 2550
shall demonstrate all of the following: 2551

(1) (a) If the person's license was suspended as a result 2552
of the person pleading guilty to or being convicted of a felony, 2553
at least fifteen years have elapsed since the suspension began 2554
or, if the person's license was suspended under division ~~(B)(2)~~ 2555
~~(d)~~ (B)(2)(g) of section 2903.06 of the Revised Code, at least 2556
fifteen years have elapsed since the person was released from 2557
prison, and, for the past fifteen years, the person has not been 2558
found guilty of any of the following: 2559

(i) A felony; 2560

(ii) An offense involving a moving violation under federal 2561
law, the law of this state, or the law of any of its political 2562
subdivisions; 2563

(iii) A violation of a suspension under this chapter or a 2564
substantially equivalent municipal ordinance. 2565

(b) If the person's license was suspended as a result of 2566
the person pleading guilty to or being convicted of a 2567
misdemeanor, at least five years have elapsed since the 2568
suspension began, and, for the past five years, the person has 2569

not been found guilty of any of the following:	2570
(i) An offense involving a moving violation under the law of this state, the law of any of its political subdivisions, or federal law;	2571 2572 2573
(ii) A violation of section 2903.06 or 2903.08 of the Revised Code;	2574 2575
(iii) A violation of a suspension under this chapter or a substantially equivalent municipal ordinance.	2576 2577
(2) The person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standard set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar of motor vehicles, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in that section.	2578 2579 2580 2581 2582 2583
(3) If the suspension was imposed because the person was under the influence of alcohol, a drug of abuse, or combination of them at the time of the offense or because at the time of the offense the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, all of the following apply to the person:	2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594
(a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program.	2595 2596
(b) The person has not abused alcohol or other drugs for a period satisfactory to the court.	2597 2598

(c) For the past fifteen years, the person has not been 2599
found guilty of any alcohol-related or drug-related offense. 2600

(B) Upon receipt of a motion for modification or 2601
termination of the suspension under this section, the court may 2602
schedule a hearing on the motion. The court may deny the motion 2603
without a hearing but shall not grant the motion without a 2604
hearing. If the court denies a motion without a hearing, the 2605
court may consider a subsequent motion filed under this section 2606
by that person. If a court denies the motion after a hearing, 2607
the court shall not consider a subsequent motion for that 2608
person. The court shall hear only one motion filed by a person 2609
under this section. If scheduled, the hearing shall be conducted 2610
in open court within ninety days after the date on which the 2611
motion is filed. 2612

(C) The court shall notify the person whose license was 2613
suspended and the prosecuting attorney of the date, time, and 2614
location of the hearing. Upon receipt of the notice from the 2615
court, the prosecuting attorney shall notify the victim or the 2616
victim's representative of the date, time, and location of the 2617
hearing. 2618

(D) At any hearing under this section, the person who 2619
seeks modification or termination of the suspension has the 2620
burden to demonstrate, under oath, that the person meets the 2621
requirements of division (A) of this section. At the hearing, 2622
the court shall afford the offender or the offender's counsel an 2623
opportunity to present oral or written information relevant to 2624
the motion. The court shall afford a similar opportunity to 2625
provide relevant information to the prosecuting attorney and the 2626
victim or victim's representative. 2627

Before ruling on the motion, the court shall take into 2628

account the person's driving record, the nature of the offense 2629
that led to the suspension, and the impact of the offense on any 2630
victim. In addition, if the offender is eligible for 2631
modification or termination of the suspension under division (A) 2632
(1)(a) of this section, the court shall consider whether the 2633
person committed any other offense while under suspension and 2634
determine whether the offense is relevant to a determination 2635
under this section. The court may modify or terminate the 2636
suspension subject to any considerations it considers proper if 2637
it finds that allowing the person to drive is not likely to 2638
present a danger to the public. After the court makes a ruling 2639
on a motion filed under this section, the prosecuting attorney 2640
shall notify the victim or the victim's representative of the 2641
court's ruling. 2642

(E) If a court modifies a person's license suspension 2643
under this section and the person subsequently is found guilty 2644
of any moving violation or of any substantially equivalent 2645
municipal ordinance that carries as a possible penalty the 2646
suspension of a person's driver's or commercial driver's 2647
license, the court may reimpose the class one or other lifetime 2648
suspension, or the class two suspension, whichever is 2649
applicable. 2650

(F) This section does not apply to any person whose 2651
driver's or commercial driver's license or permit or nonresident 2652
operating privilege has been suspended for life under a class 2653
one suspension imposed under division (B)(3) of section 2903.06 2654
or section 2903.08 of the Revised Code or a class two suspension 2655
imposed under division (C) of section 2903.06 or section 2656
2903.11, 2923.02, or 2929.02 of the Revised Code. 2657

(G) As used in this section, "released from prison" means 2658

a person's physical release from a jail or prison as defined in 2659
section 2929.01 of the Revised Code. 2660

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 2661
streetcar, or trackless trolley within this state, if, at the 2662
time of the operation, any of the following apply: 2663

(a) The person is under the influence of alcohol, a drug 2664
of abuse, or a combination of them. 2665

(b) The person has a concentration of eight-hundredths of 2666
one per cent or more but less than seventeen-hundredths of one 2667
per cent by weight per unit volume of alcohol in the person's 2668
whole blood. 2669

(c) The person has a concentration of ninety-six- 2670
thousandths of one per cent or more but less than two hundred 2671
four-thousandths of one per cent by weight per unit volume of 2672
alcohol in the person's blood serum or plasma. 2673

(d) The person has a concentration of eight-hundredths of 2674
one gram or more but less than seventeen-hundredths of one gram 2675
by weight of alcohol per two hundred ten liters of the person's 2676
breath. 2677

(e) The person has a concentration of eleven-hundredths of 2678
one gram or more but less than two hundred thirty-eight- 2679
thousandths of one gram by weight of alcohol per one hundred 2680
milliliters of the person's urine. 2681

(f) The person has a concentration of seventeen-hundredths 2682
of one per cent or more by weight per unit volume of alcohol in 2683
the person's whole blood. 2684

(g) The person has a concentration of two hundred four- 2685
thousandths of one per cent or more by weight per unit volume of 2686

alcohol in the person's blood serum or plasma. 2687

(h) The person has a concentration of seventeen-hundredths 2688
of one gram or more by weight of alcohol per two hundred ten 2689
liters of the person's breath. 2690

(i) The person has a concentration of two hundred thirty- 2691
eight-thousandths of one gram or more by weight of alcohol per 2692
one hundred milliliters of the person's urine. 2693

(j) Except as provided in division (K) of this section, 2694
the person has a concentration of any of the following 2695
controlled substances or metabolites of a controlled substance 2696
in the person's whole blood, blood serum or plasma, or urine 2697
that equals or exceeds any of the following: 2698

(i) The person has a concentration of amphetamine in the 2699
person's urine of at least five hundred nanograms of amphetamine 2700
per milliliter of the person's urine or has a concentration of 2701
amphetamine in the person's whole blood or blood serum or plasma 2702
of at least one hundred nanograms of amphetamine per milliliter 2703
of the person's whole blood or blood serum or plasma. 2704

(ii) The person has a concentration of cocaine in the 2705
person's urine of at least one hundred fifty nanograms of 2706
cocaine per milliliter of the person's urine or has a 2707
concentration of cocaine in the person's whole blood or blood 2708
serum or plasma of at least fifty nanograms of cocaine per 2709
milliliter of the person's whole blood or blood serum or plasma. 2710

(iii) The person has a concentration of cocaine metabolite 2711
in the person's urine of at least one hundred fifty nanograms of 2712
cocaine metabolite per milliliter of the person's urine or has a 2713
concentration of cocaine metabolite in the person's whole blood 2714
or blood serum or plasma of at least fifty nanograms of cocaine 2715

metabolite per milliliter of the person's whole blood or blood serum or plasma. 2716
2717

(iv) The person has a concentration of heroin in the person's urine of at least two thousand nanograms of heroin per milliliter of the person's urine or has a concentration of heroin in the person's whole blood or blood serum or plasma of at least fifty nanograms of heroin per milliliter of the person's whole blood or blood serum or plasma. 2718
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(v) The person has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's urine of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's urine or has a concentration of heroin metabolite (6-monoacetyl morphine) in the person's whole blood or blood serum or plasma of at least ten nanograms of heroin metabolite (6-monoacetyl morphine) per milliliter of the person's whole blood or blood serum or plasma. 2724
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(vi) The person has a concentration of L.S.D. in the person's urine of at least twenty-five nanograms of L.S.D. per milliliter of the person's urine or a concentration of L.S.D. in the person's whole blood or blood serum or plasma of at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma. 2732
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(vii) The person has a concentration of marihuana in the person's urine of at least ten nanograms of marihuana per milliliter of the person's urine or has a concentration of marihuana in the person's whole blood or blood serum or plasma of at least two nanograms of marihuana per milliliter of the person's whole blood or blood serum or plasma. 2738
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(viii) Either of the following applies: 2744

(I) The person is under the influence of alcohol, a drug 2745
of abuse, or a combination of them, and the person has a 2746
concentration of marihuana metabolite in the person's urine of 2747
at least fifteen nanograms of marihuana metabolite per 2748
milliliter of the person's urine or has a concentration of 2749
marihuana metabolite in the person's whole blood or blood serum 2750
or plasma of at least five nanograms of marihuana metabolite per 2751
milliliter of the person's whole blood or blood serum or plasma. 2752

(II) The person has a concentration of marihuana 2753
metabolite in the person's urine of at least thirty-five 2754
nanograms of marihuana metabolite per milliliter of the person's 2755
urine or has a concentration of marihuana metabolite in the 2756
person's whole blood or blood serum or plasma of at least fifty 2757
nanograms of marihuana metabolite per milliliter of the person's 2758
whole blood or blood serum or plasma. 2759

(ix) The person has a concentration of methamphetamine in 2760
the person's urine of at least five hundred nanograms of 2761
methamphetamine per milliliter of the person's urine or has a 2762
concentration of methamphetamine in the person's whole blood or 2763
blood serum or plasma of at least one hundred nanograms of 2764
methamphetamine per milliliter of the person's whole blood or 2765
blood serum or plasma. 2766

(x) The person has a concentration of phencyclidine in the 2767
person's urine of at least twenty-five nanograms of 2768
phencyclidine per milliliter of the person's urine or has a 2769
concentration of phencyclidine in the person's whole blood or 2770
blood serum or plasma of at least ten nanograms of phencyclidine 2771
per milliliter of the person's whole blood or blood serum or 2772
plasma. 2773

(xi) The state board of pharmacy has adopted a rule 2774

pursuant to section 4729.041 of the Revised Code that specifies 2775
the amount of salvia divinorum and the amount of salvinorin A 2776
that constitute concentrations of salvia divinorum and 2777
salvinorin A in a person's urine, in a person's whole blood, or 2778
in a person's blood serum or plasma at or above which the person 2779
is impaired for purposes of operating any vehicle, streetcar, or 2780
trackless trolley within this state, the rule is in effect, and 2781
the person has a concentration of salvia divinorum or salvinorin 2782
A of at least that amount so specified by rule in the person's 2783
urine, in the person's whole blood, or in the person's blood 2784
serum or plasma. 2785

(2) No person who, within twenty years of the conduct 2786
described in division (A)(2)(a) of this section, previously has 2787
been convicted of or pleaded guilty to a violation of this 2788
division, a violation of division (A)(1) of this section, or any 2789
other equivalent offense shall do both of the following: 2790

(a) Operate any vehicle, streetcar, or trackless trolley 2791
within this state while under the influence of alcohol, a drug 2792
of abuse, or a combination of them; 2793

(b) Subsequent to being arrested for operating the 2794
vehicle, streetcar, or trackless trolley as described in 2795
division (A)(2)(a) of this section, being asked by a law 2796
enforcement officer to submit to a chemical test or tests under 2797
section 4511.191 of the Revised Code, and being advised by the 2798
officer in accordance with section 4511.192 of the Revised Code 2799
of the consequences of the person's refusal or submission to the 2800
test or tests, refuse to submit to the test or tests. 2801

(B) No person under twenty-one years of age shall operate 2802
any vehicle, streetcar, or trackless trolley within this state, 2803
if, at the time of the operation, any of the following apply: 2804

(1) The person has a concentration of at least two- 2805
hundredths of one per cent but less than eight-hundredths of one 2806
per cent by weight per unit volume of alcohol in the person's 2807
whole blood. 2808

(2) The person has a concentration of at least three- 2809
hundredths of one per cent but less than ninety-six-thousandths 2810
of one per cent by weight per unit volume of alcohol in the 2811
person's blood serum or plasma. 2812

(3) The person has a concentration of at least two- 2813
hundredths of one gram but less than eight-hundredths of one 2814
gram by weight of alcohol per two hundred ten liters of the 2815
person's breath. 2816

(4) The person has a concentration of at least twenty- 2817
eight one-thousandths of one gram but less than eleven- 2818
hundredths of one gram by weight of alcohol per one hundred 2819
milliliters of the person's urine. 2820

(C) In any proceeding arising out of one incident, a 2821
person may be charged with a violation of division (A) (1) (a) or 2822
(A) (2) and a violation of division (B) (1), (2), or (3) of this 2823
section, but the person may not be convicted of more than one 2824
violation of these divisions. 2825

(D) (1) (a) In any criminal prosecution or juvenile court 2826
proceeding for a violation of division (A) (1) (a) of this section 2827
or for an equivalent offense that is vehicle-related, the result 2828
of any test of any blood or urine withdrawn and analyzed at any 2829
health care provider, as defined in section 2317.02 of the 2830
Revised Code, may be admitted with expert testimony to be 2831
considered with any other relevant and competent evidence in 2832
determining the guilt or innocence of the defendant. 2833

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the

withdrawing of blood. 2866

The bodily substance withdrawn under division (D) (1) (b) of 2867
this section shall be analyzed in accordance with methods 2868
approved by the director of health by an individual possessing a 2869
valid permit issued by the director pursuant to section 3701.143 2870
of the Revised Code. 2871

(c) As used in division (D) (1) (b) of this section, 2872
"emergency medical technician-intermediate" and "emergency 2873
medical technician-paramedic" have the same meanings as in 2874
section 4765.01 of the Revised Code. 2875

(2) In a criminal prosecution or juvenile court proceeding 2876
for a violation of division (A) of this section or for an 2877
equivalent offense that is vehicle-related, if there was at the 2878
time the bodily substance was withdrawn a concentration of less 2879
than the applicable concentration of alcohol specified in 2880
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2881
than the applicable concentration of a listed controlled 2882
substance or a listed metabolite of a controlled substance 2883
specified for a violation of division (A) (1) (j) of this section, 2884
that fact may be considered with other competent evidence in 2885
determining the guilt or innocence of the defendant. This 2886
division does not limit or affect a criminal prosecution or 2887
juvenile court proceeding for a violation of division (B) of 2888
this section or for an equivalent offense that is substantially 2889
equivalent to that division. 2890

(3) Upon the request of the person who was tested, the 2891
results of the chemical test shall be made available to the 2892
person or the person's attorney, immediately upon the completion 2893
of the chemical test analysis. 2894

If the chemical test was obtained pursuant to division (D) 2895
(1) (b) of this section, the person tested may have a physician, 2896
a registered nurse, or a qualified technician, chemist, or 2897
phlebotomist of the person's own choosing administer a chemical 2898
test or tests, at the person's expense, in addition to any 2899
administered at the request of a law enforcement officer. If the 2900
person was under arrest as described in division (A) (5) of 2901
section 4511.191 of the Revised Code, the arresting officer 2902
shall advise the person at the time of the arrest that the 2903
person may have an independent chemical test taken at the 2904
person's own expense. If the person was under arrest other than 2905
described in division (A) (5) of section 4511.191 of the Revised 2906
Code, the form to be read to the person to be tested, as 2907
required under section 4511.192 of the Revised Code, shall state 2908
that the person may have an independent test performed at the 2909
person's expense. The failure or inability to obtain an 2910
additional chemical test by a person shall not preclude the 2911
admission of evidence relating to the chemical test or tests 2912
taken at the request of a law enforcement officer. 2913

(4) (a) As used in divisions (D) (4) (b) and (c) of this 2914
section, "national highway traffic safety administration" means 2915
the national highway traffic safety administration established 2916
as an administration of the United States department of 2917
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2918

(b) In any criminal prosecution or juvenile court 2919
proceeding for a violation of division (A) or (B) of this 2920
section, of a municipal ordinance relating to operating a 2921
vehicle while under the influence of alcohol, a drug of abuse, 2922
or alcohol and a drug of abuse, or of a municipal ordinance 2923
relating to operating a vehicle with a prohibited concentration 2924
of alcohol, a controlled substance, or a metabolite of a 2925

controlled substance in the whole blood, blood serum or plasma, 2926
breath, or urine, if a law enforcement officer has administered 2927
a field sobriety test to the operator of the vehicle involved in 2928
the violation and if it is shown by clear and convincing 2929
evidence that the officer administered the test in substantial 2930
compliance with the testing standards for any reliable, 2931
credible, and generally accepted field sobriety tests that were 2932
in effect at the time the tests were administered, including, 2933
but not limited to, any testing standards then in effect that 2934
were set by the national highway traffic safety administration, 2935
all of the following apply: 2936

(i) The officer may testify concerning the results of the 2937
field sobriety test so administered. 2938

(ii) The prosecution may introduce the results of the 2939
field sobriety test so administered as evidence in any 2940
proceedings in the criminal prosecution or juvenile court 2941
proceeding. 2942

(iii) If testimony is presented or evidence is introduced 2943
under division (D) (4) (b) (i) or (ii) of this section and if the 2944
testimony or evidence is admissible under the Rules of Evidence, 2945
the court shall admit the testimony or evidence and the trier of 2946
fact shall give it whatever weight the trier of fact considers 2947
to be appropriate. 2948

(c) Division (D) (4) (b) of this section does not limit or 2949
preclude a court, in its determination of whether the arrest of 2950
a person was supported by probable cause or its determination of 2951
any other matter in a criminal prosecution or juvenile court 2952
proceeding of a type described in that division, from 2953
considering evidence or testimony that is not otherwise 2954
disallowed by division (D) (4) (b) of this section. 2955

(E) (1) Subject to division (E) (3) of this section, in any 2956
criminal prosecution or juvenile court proceeding for a 2957
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 2958
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 2959
an equivalent offense that is substantially equivalent to any of 2960
those divisions, a laboratory report from any laboratory 2961
personnel issued a permit by the department of health 2962
authorizing an analysis as described in this division that 2963
contains an analysis of the whole blood, blood serum or plasma, 2964
breath, urine, or other bodily substance tested and that 2965
contains all of the information specified in this division shall 2966
be admitted as prima-facie evidence of the information and 2967
statements that the report contains. The laboratory report shall 2968
contain all of the following: 2969

(a) The signature, under oath, of any person who performed 2970
the analysis; 2971

(b) Any findings as to the identity and quantity of 2972
alcohol, a drug of abuse, a controlled substance, a metabolite 2973
of a controlled substance, or a combination of them that was 2974
found; 2975

(c) A copy of a notarized statement by the laboratory 2976
director or a designee of the director that contains the name of 2977
each certified analyst or test performer involved with the 2978
report, the analyst's or test performer's employment 2979
relationship with the laboratory that issued the report, and a 2980
notation that performing an analysis of the type involved is 2981
part of the analyst's or test performer's regular duties; 2982

(d) An outline of the analyst's or test performer's 2983
education, training, and experience in performing the type of 2984
analysis involved and a certification that the laboratory 2985

satisfies appropriate quality control standards in general and, 2986
in this particular analysis, under rules of the department of 2987
health. 2988

(2) Notwithstanding any other provision of law regarding 2989
the admission of evidence, a report of the type described in 2990
division (E)(1) of this section is not admissible against the 2991
defendant to whom it pertains in any proceeding, other than a 2992
preliminary hearing or a grand jury proceeding, unless the 2993
prosecutor has served a copy of the report on the defendant's 2994
attorney or, if the defendant has no attorney, on the defendant. 2995

(3) A report of the type described in division (E)(1) of 2996
this section shall not be prima-facie evidence of the contents, 2997
identity, or amount of any substance if, within seven days after 2998
the defendant to whom the report pertains or the defendant's 2999
attorney receives a copy of the report, the defendant or the 3000
defendant's attorney demands the testimony of the person who 3001
signed the report. The judge in the case may extend the seven- 3002
day time limit in the interest of justice. 3003

(F) Except as otherwise provided in this division, any 3004
physician, registered nurse, emergency medical technician- 3005
intermediate, emergency medical technician-paramedic, or 3006
qualified technician, chemist, or phlebotomist who withdraws 3007
blood from a person pursuant to this section or section 4511.191 3008
or 4511.192 of the Revised Code, and any hospital, first-aid 3009
station, or clinic at which blood is withdrawn from a person 3010
pursuant to this section or section 4511.191 or 4511.192 of the 3011
Revised Code, is immune from criminal liability and civil 3012
liability based upon a claim of assault and battery or any other 3013
claim that is not a claim of malpractice, for any act performed 3014
in withdrawing blood from the person. The immunity provided in 3015

this division also extends to an emergency medical service 3016
organization that employs an emergency medical technician- 3017
intermediate or emergency medical technician-paramedic who 3018
withdraws blood under this section. The immunity provided in 3019
this division is not available to a person who withdraws blood 3020
if the person engages in willful or wanton misconduct. 3021

As used in this division, "emergency medical technician- 3022
intermediate" and "emergency medical technician-paramedic" have 3023
the same meanings as in section 4765.01 of the Revised Code. 3024

(G) (1) Whoever violates any provision of divisions (A) (1) 3025
(a) to (i) or (A) (2) of this section is guilty of operating a 3026
vehicle under the influence of alcohol, a drug of abuse, or a 3027
combination of them. Whoever violates division (A) (1) (j) of this 3028
section is guilty of operating a vehicle while under the 3029
influence of a listed controlled substance or a listed 3030
metabolite of a controlled substance. The court shall sentence 3031
the offender for either offense under Chapter 2929. of the 3032
Revised Code, except as otherwise authorized or required by 3033
divisions (G) (1) (a) to (e) of this section: 3034

(a) Except as otherwise provided in division (G) (1) (b), 3035
(c), (d), or (e) of this section, the offender is guilty of a 3036
misdemeanor of the first degree, and the court shall sentence 3037
the offender to all of the following: 3038

(i) If the sentence is being imposed for a violation of 3039
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3040
a mandatory jail term of three consecutive days. As used in this 3041
division, three consecutive days means seventy-two consecutive 3042
hours. The court may sentence an offender to both an 3043
intervention program and a jail term. The court may impose a 3044
jail term in addition to the three-day mandatory jail term or 3045

intervention program. However, in no case shall the cumulative 3046
jail term imposed for the offense exceed six months. 3047

The court may suspend the execution of the three-day jail 3048
term under this division if the court, in lieu of that suspended 3049
term, places the offender under a community control sanction 3050
pursuant to section 2929.25 of the Revised Code and requires the 3051
offender to attend, for three consecutive days, a drivers' 3052
intervention program certified under section 5119.38 of the 3053
Revised Code. The court also may suspend the execution of any 3054
part of the three-day jail term under this division if it places 3055
the offender under a community control sanction pursuant to 3056
section 2929.25 of the Revised Code for part of the three days, 3057
requires the offender to attend for the suspended part of the 3058
term a drivers' intervention program so certified, and sentences 3059
the offender to a jail term equal to the remainder of the three 3060
consecutive days that the offender does not spend attending the 3061
program. The court may require the offender, as a condition of 3062
community control and in addition to the required attendance at 3063
a drivers' intervention program, to attend and satisfactorily 3064
complete any treatment or education programs that comply with 3065
the minimum standards adopted pursuant to Chapter 5119. of the 3066
Revised Code by the director of mental health and addiction 3067
services that the operators of the drivers' intervention program 3068
determine that the offender should attend and to report 3069
periodically to the court on the offender's progress in the 3070
programs. The court also may impose on the offender any other 3071
conditions of community control that it considers necessary. 3072

If the court grants unlimited driving privileges to a 3073
first-time offender under section 4510.022 of the Revised Code, 3074
all penalties imposed upon the offender by the court under 3075
division (G) (1) (a) (i) of this section for the offense apply, 3076

except that the court shall suspend any mandatory or additional 3077
jail term imposed by the court under division (G) (1) (a) (i) of 3078
this section upon granting unlimited driving privileges in 3079
accordance with section 4510.022 of the Revised Code. 3080

(ii) If the sentence is being imposed for a violation of 3081
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3082
section, except as otherwise provided in this division, a 3083
mandatory jail term of at least three consecutive days and a 3084
requirement that the offender attend, for three consecutive 3085
days, a drivers' intervention program that is certified pursuant 3086
to section 5119.38 of the Revised Code. As used in this 3087
division, three consecutive days means seventy-two consecutive 3088
hours. If the court determines that the offender is not 3089
conducive to treatment in a drivers' intervention program, if 3090
the offender refuses to attend a drivers' intervention program, 3091
or if the jail at which the offender is to serve the jail term 3092
imposed can provide a driver's intervention program, the court 3093
shall sentence the offender to a mandatory jail term of at least 3094
six consecutive days. 3095

If the court grants unlimited driving privileges to a 3096
first-time offender under section 4510.022 of the Revised Code, 3097
all penalties imposed upon the offender by the court under 3098
division (G) (1) (a) (ii) of this section for the offense apply, 3099
except that the court shall suspend any mandatory or additional 3100
jail term imposed by the court under division (G) (1) (a) (ii) of 3101
this section upon granting unlimited driving privileges in 3102
accordance with section 4510.022 of the Revised Code. 3103

The court may require the offender, under a community 3104
control sanction imposed under section 2929.25 of the Revised 3105
Code, to attend and satisfactorily complete any treatment or 3106

education programs that comply with the minimum standards 3107
adopted pursuant to Chapter 5119. of the Revised Code by the 3108
director of mental health and addiction services, in addition to 3109
the required attendance at drivers' intervention program, that 3110
the operators of the drivers' intervention program determine 3111
that the offender should attend and to report periodically to 3112
the court on the offender's progress in the programs. The court 3113
also may impose any other conditions of community control on the 3114
offender that it considers necessary. 3115

(iii) In all cases, a fine of not less than ~~three~~ seven 3116
hundred ~~seventy-five~~ fifty and not more than one thousand 3117
seventy-five dollars; 3118

(iv) In all cases, a suspension of the offender's driver's 3119
or commercial driver's license or permit or nonresident 3120
operating privilege for a definite period of one to three years. 3121
The court may grant limited driving privileges relative to the 3122
suspension under sections 4510.021 and 4510.13 of the Revised 3123
Code. The court may grant unlimited driving privileges with an 3124
ignition interlock device relative to the suspension and may 3125
reduce the period of suspension as authorized under section 3126
4510.022 of the Revised Code. 3127

(b) Except as otherwise provided in division (G) (1) (e) of 3128
this section, an offender who, within ten years of the offense, 3129
previously has been convicted of or pleaded guilty to one 3130
violation of division (A) of this section or one other 3131
equivalent offense is guilty of a misdemeanor of the first 3132
degree. The court shall sentence the offender to all of the 3133
following: 3134

(i) If the sentence is being imposed for a violation of 3135
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3136

a mandatory jail term of ten consecutive days. The court shall 3137
impose the ten-day mandatory jail term under this division 3138
unless, subject to division (G)(3) of this section, it instead 3139
imposes a sentence under that division consisting of both a jail 3140
term and a term of house arrest with electronic monitoring, with 3141
continuous alcohol monitoring, or with both electronic 3142
monitoring and continuous alcohol monitoring. The court may 3143
impose a jail term in addition to the ten-day mandatory jail 3144
term. The cumulative jail term imposed for the offense shall not 3145
exceed six months. 3146

In addition to the jail term or the term of house arrest 3147
with electronic monitoring or continuous alcohol monitoring or 3148
both types of monitoring and jail term, the court shall require 3149
the offender to be assessed by a community addiction services 3150
provider that is authorized by section 5119.21 of the Revised 3151
Code, subject to division (I) of this section, and shall order 3152
the offender to follow the treatment recommendations of the 3153
services provider. The purpose of the assessment is to determine 3154
the degree of the offender's alcohol usage and to determine 3155
whether or not treatment is warranted. Upon the request of the 3156
court, the services provider shall submit the results of the 3157
assessment to the court, including all treatment recommendations 3158
and clinical diagnoses related to alcohol use. 3159

(ii) If the sentence is being imposed for a violation of 3160
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3161
section, except as otherwise provided in this division, a 3162
mandatory jail term of twenty consecutive days. The court shall 3163
impose the twenty-day mandatory jail term under this division 3164
unless, subject to division (G)(3) of this section, it instead 3165
imposes a sentence under that division consisting of both a jail 3166
term and a term of house arrest with electronic monitoring, with 3167

continuous alcohol monitoring, or with both electronic 3168
monitoring and continuous alcohol monitoring. The court may 3169
impose a jail term in addition to the twenty-day mandatory jail 3170
term. The cumulative jail term imposed for the offense shall not 3171
exceed six months. 3172

In addition to the jail term or the term of house arrest 3173
with electronic monitoring or continuous alcohol monitoring or 3174
both types of monitoring and jail term, the court shall require 3175
the offender to be assessed by a community addiction service 3176
provider that is authorized by section 5119.21 of the Revised 3177
Code, subject to division (I) of this section, and shall order 3178
the offender to follow the treatment recommendations of the 3179
services provider. The purpose of the assessment is to determine 3180
the degree of the offender's alcohol usage and to determine 3181
whether or not treatment is warranted. Upon the request of the 3182
court, the services provider shall submit the results of the 3183
assessment to the court, including all treatment recommendations 3184
and clinical diagnoses related to alcohol use. 3185

(iii) In all cases, notwithstanding the fines set forth in 3186
Chapter 2929. of the Revised Code, a fine of not less than ~~five-~~ 3187
nine hundred ~~twenty-five~~ and not more than one thousand six 3188
hundred twenty-five dollars; 3189

(iv) In all cases, a suspension of the offender's driver's 3190
license, commercial driver's license, temporary instruction 3191
permit, probationary license, or nonresident operating privilege 3192
for a definite period of one to seven years. The court may grant 3193
limited driving privileges relative to the suspension under 3194
sections 4510.021 and 4510.13 of the Revised Code. 3195

(v) In all cases, if the vehicle is registered in the 3196
offender's name, immobilization of the vehicle involved in the 3197

offense for ninety days in accordance with section 4503.233 of 3198
the Revised Code and impoundment of the license plates of that 3199
vehicle for ninety days. 3200

(c) Except as otherwise provided in division (G)(1)(e) of 3201
this section, an offender who, within ten years of the offense, 3202
previously has been convicted of or pleaded guilty to two 3203
violations of division (A) of this section or other equivalent 3204
offenses is guilty of a misdemeanor. The court shall sentence 3205
the offender to all of the following: 3206

(i) If the sentence is being imposed for a violation of 3207
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3208
a mandatory jail term of thirty consecutive days. The court 3209
shall impose the thirty-day mandatory jail term under this 3210
division unless, subject to division (G)(3) of this section, it 3211
instead imposes a sentence under that division consisting of 3212
both a jail term and a term of house arrest with electronic 3213
monitoring, with continuous alcohol monitoring, or with both 3214
electronic monitoring and continuous alcohol monitoring. The 3215
court may impose a jail term in addition to the thirty-day 3216
mandatory jail term. Notwithstanding the jail terms set forth in 3217
sections 2929.21 to 2929.28 of the Revised Code, the additional 3218
jail term shall not exceed one year, and the cumulative jail 3219
term imposed for the offense shall not exceed one year. 3220

(ii) If the sentence is being imposed for a violation of 3221
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3222
section, a mandatory jail term of sixty consecutive days. The 3223
court shall impose the sixty-day mandatory jail term under this 3224
division unless, subject to division (G)(3) of this section, it 3225
instead imposes a sentence under that division consisting of 3226
both a jail term and a term of house arrest with electronic 3227

monitoring, with continuous alcohol monitoring, or with both 3228
electronic monitoring and continuous alcohol monitoring. The 3229
court may impose a jail term in addition to the sixty-day 3230
mandatory jail term. Notwithstanding the jail terms set forth in 3231
sections 2929.21 to 2929.28 of the Revised Code, the additional 3232
jail term shall not exceed one year, and the cumulative jail 3233
term imposed for the offense shall not exceed one year. 3234

(iii) In all cases, notwithstanding the fines set forth in 3235
Chapter 2929. of the Revised Code, a fine of not less than ~~eight-~~ 3236
~~hundred fifty-one thousand two hundred twenty-five~~ and not more 3237
than two thousand seven hundred fifty dollars; 3238

(iv) In all cases, a suspension of the offender's driver's 3239
license, commercial driver's license, temporary instruction 3240
permit, probationary license, or nonresident operating privilege 3241
for a definite period of two to twelve years. The court may 3242
grant limited driving privileges relative to the suspension 3243
under sections 4510.021 and 4510.13 of the Revised Code. 3244

(v) In all cases, if the vehicle is registered in the 3245
offender's name, criminal forfeiture of the vehicle involved in 3246
the offense in accordance with section 4503.234 of the Revised 3247
Code. Division (G) (6) of this section applies regarding any 3248
vehicle that is subject to an order of criminal forfeiture under 3249
this division. 3250

(vi) In all cases, the court shall order the offender to 3251
participate with a community addiction services provider 3252
authorized by section 5119.21 of the Revised Code, subject to 3253
division (I) of this section, and shall order the offender to 3254
follow the treatment recommendations of the services provider. 3255
The operator of the services provider shall determine and assess 3256
the degree of the offender's alcohol dependency and shall make 3257

recommendations for treatment. Upon the request of the court, 3258
the services provider shall submit the results of the assessment 3259
to the court, including all treatment recommendations and 3260
clinical diagnoses related to alcohol use. 3261

(d) Except as otherwise provided in division (G)(1)(e) of 3262
this section, an offender who, within ten years of the offense, 3263
previously has been convicted of or pleaded guilty to three or 3264
four violations of division (A) of this section or other 3265
equivalent offenses, an offender who, within twenty years of the 3266
offense, previously has been convicted of or pleaded guilty to 3267
five or more violations of that nature, or an offender who 3268
previously has been convicted of or pleaded guilty to a 3269
specification of the type described in section 2941.1413 of the 3270
Revised Code, is guilty of a felony of the fourth degree. The 3271
court shall sentence the offender to all of the following: 3272

(i) If the sentence is being imposed for a violation of 3273
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3274
a mandatory prison term of one, two, three, four, or five years 3275
as required by and in accordance with division (G)(2) of section 3276
2929.13 of the Revised Code if the offender also is convicted of 3277
or also pleads guilty to a specification of the type described 3278
in section 2941.1413 of the Revised Code or, in the discretion 3279
of the court, either a mandatory term of local incarceration of 3280
sixty consecutive days in accordance with division (G)(1) of 3281
section 2929.13 of the Revised Code or a mandatory prison term 3282
of sixty consecutive days in accordance with division (G)(2) of 3283
that section if the offender is not convicted of and does not 3284
plead guilty to a specification of that type. If the court 3285
imposes a mandatory term of local incarceration, it may impose a 3286
jail term in addition to the sixty-day mandatory term, the 3287
cumulative total of the mandatory term and the jail term for the 3288

offense shall not exceed one year, and, except as provided in 3289
division (A)(1) of section 2929.13 of the Revised Code, no 3290
prison term is authorized for the offense. If the court imposes 3291
a mandatory prison term, notwithstanding division (A)(4) of 3292
section 2929.14 of the Revised Code, it also may sentence the 3293
offender to a definite prison term that shall be not less than 3294
six months and not more than thirty months and the prison terms 3295
shall be imposed as described in division (G)(2) of section 3296
2929.13 of the Revised Code. If the court imposes a mandatory 3297
prison term or mandatory prison term and additional prison term, 3298
in addition to the term or terms so imposed, the court also may 3299
sentence the offender to a community control sanction for the 3300
offense, but the offender shall serve all of the prison terms so 3301
imposed prior to serving the community control sanction. 3302

(ii) If the sentence is being imposed for a violation of 3303
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3304
section, a mandatory prison term of one, two, three, four, or 3305
five years as required by and in accordance with division (G)(2) 3306
of section 2929.13 of the Revised Code if the offender also is 3307
convicted of or also pleads guilty to a specification of the 3308
type described in section 2941.1413 of the Revised Code or, in 3309
the discretion of the court, either a mandatory term of local 3310
incarceration of one hundred twenty consecutive days in 3311
accordance with division (G)(1) of section 2929.13 of the 3312
Revised Code or a mandatory prison term of one hundred twenty 3313
consecutive days in accordance with division (G)(2) of that 3314
section if the offender is not convicted of and does not plead 3315
guilty to a specification of that type. If the court imposes a 3316
mandatory term of local incarceration, it may impose a jail term 3317
in addition to the one hundred twenty-day mandatory term, the 3318
cumulative total of the mandatory term and the jail term for the 3319

offense shall not exceed one year, and, except as provided in 3320
division (A) (1) of section 2929.13 of the Revised Code, no 3321
prison term is authorized for the offense. If the court imposes 3322
a mandatory prison term, notwithstanding division (A) (4) of 3323
section 2929.14 of the Revised Code, it also may sentence the 3324
offender to a definite prison term that shall be not less than 3325
six months and not more than thirty months and the prison terms 3326
shall be imposed as described in division (G) (2) of section 3327
2929.13 of the Revised Code. If the court imposes a mandatory 3328
prison term or mandatory prison term and additional prison term, 3329
in addition to the term or terms so imposed, the court also may 3330
sentence the offender to a community control sanction for the 3331
offense, but the offender shall serve all of the prison terms so 3332
imposed prior to serving the community control sanction. 3333

(iii) In all cases, notwithstanding section 2929.18 of the 3334
Revised Code, a fine of not less than one thousand ~~three~~seven 3335
hundred ~~fifty~~twenty-five nor more than ten thousand five 3336
hundred dollars; 3337

(iv) In all cases, a class two license suspension of the 3338
offender's driver's license, commercial driver's license, 3339
temporary instruction permit, probationary license, or 3340
nonresident operating privilege from the range specified in 3341
division (A) (2) of section 4510.02 of the Revised Code. The 3342
court may grant limited driving privileges relative to the 3343
suspension under sections 4510.021 and 4510.13 of the Revised 3344
Code. 3345

(v) In all cases, if the vehicle is registered in the 3346
offender's name, criminal forfeiture of the vehicle involved in 3347
the offense in accordance with section 4503.234 of the Revised 3348
Code. Division (G) (6) of this section applies regarding any 3349

vehicle that is subject to an order of criminal forfeiture under 3350
this division. 3351

(vi) In all cases, the court shall order the offender to 3352
participate with a community addiction services provider 3353
authorized by section 5119.21 of the Revised Code, subject to 3354
division (I) of this section, and shall order the offender to 3355
follow the treatment recommendations of the services provider. 3356
The operator of the services provider shall determine and assess 3357
the degree of the offender's alcohol dependency and shall make 3358
recommendations for treatment. Upon the request of the court, 3359
the services provider shall submit the results of the assessment 3360
to the court, including all treatment recommendations and 3361
clinical diagnoses related to alcohol use. 3362

(vii) In all cases, if the court sentences the offender to 3363
a mandatory term of local incarceration, in addition to the 3364
mandatory term, the court, pursuant to section 2929.17 of the 3365
Revised Code, may impose a term of house arrest with electronic 3366
monitoring. The term shall not commence until after the offender 3367
has served the mandatory term of local incarceration. 3368

(e) An offender who previously has been convicted of or 3369
pleaded guilty to a violation of division (A) of this section 3370
that was a felony, regardless of when the violation and the 3371
conviction or guilty plea occurred, is guilty of a felony of the 3372
third degree. The court shall sentence the offender to all of 3373
the following: 3374

(i) If the offender is being sentenced for a violation of 3375
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3376
a mandatory prison term of one, two, three, four, or five years 3377
as required by and in accordance with division (G)(2) of section 3378
2929.13 of the Revised Code if the offender also is convicted of 3379

or also pleads guilty to a specification of the type described 3380
in section 2941.1413 of the Revised Code or a mandatory prison 3381
term of sixty consecutive days in accordance with division (G) 3382
(2) of section 2929.13 of the Revised Code if the offender is 3383
not convicted of and does not plead guilty to a specification of 3384
that type. The court may impose a prison term in addition to the 3385
mandatory prison term. The cumulative total of a sixty-day 3386
mandatory prison term and the additional prison term for the 3387
offense shall not exceed five years. In addition to the 3388
mandatory prison term or mandatory prison term and additional 3389
prison term the court imposes, the court also may sentence the 3390
offender to a community control sanction for the offense, but 3391
the offender shall serve all of the prison terms so imposed 3392
prior to serving the community control sanction. 3393

(ii) If the sentence is being imposed for a violation of 3394
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3395
section, a mandatory prison term of one, two, three, four, or 3396
five years as required by and in accordance with division (G)(2) 3397
of section 2929.13 of the Revised Code if the offender also is 3398
convicted of or also pleads guilty to a specification of the 3399
type described in section 2941.1413 of the Revised Code or a 3400
mandatory prison term of one hundred twenty consecutive days in 3401
accordance with division (G)(2) of section 2929.13 of the 3402
Revised Code if the offender is not convicted of and does not 3403
plead guilty to a specification of that type. The court may 3404
impose a prison term in addition to the mandatory prison term. 3405
The cumulative total of a one hundred twenty-day mandatory 3406
prison term and the additional prison term for the offense shall 3407
not exceed five years. In addition to the mandatory prison term 3408
or mandatory prison term and additional prison term the court 3409
imposes, the court also may sentence the offender to a community 3410

control sanction for the offense, but the offender shall serve 3411
all of the prison terms so imposed prior to serving the 3412
community control sanction. 3413

(iii) In all cases, notwithstanding section 2929.18 of the 3414
Revised Code, a fine of not less than one thousand ~~three~~seven 3415
hundred ~~fifty~~twenty-five nor more than ten thousand five 3416
hundred dollars; 3417

(iv) In all cases, a class two license suspension of the 3418
offender's driver's license, commercial driver's license, 3419
temporary instruction permit, probationary license, or 3420
nonresident operating privilege from the range specified in 3421
division (A) (2) of section 4510.02 of the Revised Code. The 3422
court may grant limited driving privileges relative to the 3423
suspension under sections 4510.021 and 4510.13 of the Revised 3424
Code. 3425

(v) In all cases, if the vehicle is registered in the 3426
offender's name, criminal forfeiture of the vehicle involved in 3427
the offense in accordance with section 4503.234 of the Revised 3428
Code. Division (G) (6) of this section applies regarding any 3429
vehicle that is subject to an order of criminal forfeiture under 3430
this division. 3431

(vi) In all cases, the court shall order the offender to 3432
participate with a community addiction services provider 3433
authorized by section 5119.21 of the Revised Code, subject to 3434
division (I) of this section, and shall order the offender to 3435
follow the treatment recommendations of the services provider. 3436
The operator of the services provider shall determine and assess 3437
the degree of the offender's alcohol dependency and shall make 3438
recommendations for treatment. Upon the request of the court, 3439
the services provider shall submit the results of the assessment 3440

to the court, including all treatment recommendations and 3441
clinical diagnoses related to alcohol use. 3442

(2) An offender who is convicted of or pleads guilty to a 3443
violation of division (A) of this section and who subsequently 3444
seeks reinstatement of the driver's or occupational driver's 3445
license or permit or nonresident operating privilege suspended 3446
under this section as a result of the conviction or guilty plea 3447
shall pay a reinstatement fee as provided in division (F) (2) of 3448
section 4511.191 of the Revised Code. 3449

(3) If an offender is sentenced to a jail term under 3450
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 3451
section and if, within sixty days of sentencing of the offender, 3452
the court issues a written finding on the record that, due to 3453
the unavailability of space at the jail where the offender is 3454
required to serve the term, the offender will not be able to 3455
begin serving that term within the sixty-day period following 3456
the date of sentencing, the court may impose an alternative 3457
sentence under this division that includes a term of house 3458
arrest with electronic monitoring, with continuous alcohol 3459
monitoring, or with both electronic monitoring and continuous 3460
alcohol monitoring. 3461

As an alternative to a mandatory jail term of ten 3462
consecutive days required by division (G) (1) (b) (i) of this 3463
section, the court, under this division, may sentence the 3464
offender to five consecutive days in jail and not less than 3465
eighteen consecutive days of house arrest with electronic 3466
monitoring, with continuous alcohol monitoring, or with both 3467
electronic monitoring and continuous alcohol monitoring. The 3468
cumulative total of the five consecutive days in jail and the 3469
period of house arrest with electronic monitoring, continuous 3470

alcohol monitoring, or both types of monitoring shall not exceed 3471
six months. The five consecutive days in jail do not have to be 3472
served prior to or consecutively to the period of house arrest. 3473

As an alternative to the mandatory jail term of twenty 3474
consecutive days required by division (G)(1)(b)(ii) of this 3475
section, the court, under this division, may sentence the 3476
offender to ten consecutive days in jail and not less than 3477
thirty-six consecutive days of house arrest with electronic 3478
monitoring, with continuous alcohol monitoring, or with both 3479
electronic monitoring and continuous alcohol monitoring. The 3480
cumulative total of the ten consecutive days in jail and the 3481
period of house arrest with electronic monitoring, continuous 3482
alcohol monitoring, or both types of monitoring shall not exceed 3483
six months. The ten consecutive days in jail do not have to be 3484
served prior to or consecutively to the period of house arrest. 3485

As an alternative to a mandatory jail term of thirty 3486
consecutive days required by division (G)(1)(c)(i) of this 3487
section, the court, under this division, may sentence the 3488
offender to fifteen consecutive days in jail and not less than 3489
fifty-five consecutive days of house arrest with electronic 3490
monitoring, with continuous alcohol monitoring, or with both 3491
electronic monitoring and continuous alcohol monitoring. The 3492
cumulative total of the fifteen consecutive days in jail and the 3493
period of house arrest with electronic monitoring, continuous 3494
alcohol monitoring, or both types of monitoring shall not exceed 3495
one year. The fifteen consecutive days in jail do not have to be 3496
served prior to or consecutively to the period of house arrest. 3497

As an alternative to the mandatory jail term of sixty 3498
consecutive days required by division (G)(1)(c)(ii) of this 3499
section, the court, under this division, may sentence the 3500

offender to thirty consecutive days in jail and not less than 3501
one hundred ten consecutive days of house arrest with electronic 3502
monitoring, with continuous alcohol monitoring, or with both 3503
electronic monitoring and continuous alcohol monitoring. The 3504
cumulative total of the thirty consecutive days in jail and the 3505
period of house arrest with electronic monitoring, continuous 3506
alcohol monitoring, or both types of monitoring shall not exceed 3507
one year. The thirty consecutive days in jail do not have to be 3508
served prior to or consecutively to the period of house arrest. 3509

(4) If an offender's driver's or occupational driver's 3510
license or permit or nonresident operating privilege is 3511
suspended under division (G) of this section and if section 3512
4510.13 of the Revised Code permits the court to grant limited 3513
driving privileges, the court may grant the limited driving 3514
privileges in accordance with that section. If division (A) (7) 3515
of that section requires that the court impose as a condition of 3516
the privileges that the offender must display on the vehicle 3517
that is driven subject to the privileges restricted license 3518
plates that are issued under section 4503.231 of the Revised 3519
Code, except as provided in division (B) of that section, the 3520
court shall impose that condition as one of the conditions of 3521
the limited driving privileges granted to the offender, except 3522
as provided in division (B) of section 4503.231 of the Revised 3523
Code. 3524

(5) Fines imposed under this section for a violation of 3525
division (A) of this section shall be distributed as follows: 3526

(a) Twenty-five dollars of the fine imposed under division 3527
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3528
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3529
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3530

dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3531
(iii) of this section shall be paid to an enforcement and 3532
education fund established by the legislative authority of the 3533
law enforcement agency in this state that primarily was 3534
responsible for the arrest of the offender, as determined by the 3535
court that imposes the fine. The agency shall use this share to 3536
pay only those costs it incurs in enforcing this section or a 3537
municipal OVI ordinance and in informing the public of the laws 3538
governing the operation of a vehicle while under the influence 3539
of alcohol, the dangers of the operation of a vehicle under the 3540
influence of alcohol, and other information relating to the 3541
operation of a vehicle under the influence of alcohol and the 3542
consumption of alcoholic beverages. 3543

(b) Fifty dollars of the fine imposed under division (G) 3544
(1) (a) (iii) of this section shall be paid to the political 3545
subdivision that pays the cost of housing the offender during 3546
the offender's term of incarceration. If the offender is being 3547
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 3548
(e), or (j) of this section and was confined as a result of the 3549
offense prior to being sentenced for the offense but is not 3550
sentenced to a term of incarceration, the fifty dollars shall be 3551
paid to the political subdivision that paid the cost of housing 3552
the offender during that period of confinement. The political 3553
subdivision shall use the share under this division to pay or 3554
reimburse incarceration or treatment costs it incurs in housing 3555
or providing drug and alcohol treatment to persons who violate 3556
this section or a municipal OVI ordinance, costs of any 3557
immobilizing or disabling device used on the offender's vehicle, 3558
and costs of electronic house arrest equipment needed for 3559
persons who violate this section. 3560

(c) Twenty-five dollars of the fine imposed under division 3561

(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3562
division (G) (1) (b) (iii) of this section shall be deposited into 3563
the county or municipal indigent drivers' alcohol treatment fund 3564
under the control of that court, as created by the county or 3565
municipal corporation under division (F) of section 4511.191 of 3566
the Revised Code. 3567

(d) One hundred fifteen dollars of the fine imposed under 3568
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3569
the fine imposed under division (G) (1) (c) (iii), and four hundred 3570
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3571
or (e) (iii) of this section shall be paid to the political 3572
subdivision that pays the cost of housing the offender during 3573
the offender's term of incarceration. The political subdivision 3574
shall use this share to pay or reimburse incarceration or 3575
treatment costs it incurs in housing or providing drug and 3576
alcohol treatment to persons who violate this section or a 3577
municipal OVI ordinance, costs for any immobilizing or disabling 3578
device used on the offender's vehicle, and costs of electronic 3579
house arrest equipment needed for persons who violate this 3580
section. 3581

(e) Fifty dollars of the fine imposed under divisions (G) 3582
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 3583
(G) (1) (e) (iii) of this section shall be deposited into the 3584
special projects fund of the court in which the offender was 3585
convicted and that is established under division (E) (1) of 3586
section 2303.201, division (B) (1) of section 1901.26, or 3587
division (B) (1) of section 1907.24 of the Revised Code, to be 3588
used exclusively to cover the cost of immobilizing or disabling 3589
devices, including certified ignition interlock devices, and 3590
remote alcohol monitoring devices for indigent offenders who are 3591
required by a judge to use either of these devices. If the court 3592

in which the offender was convicted does not have a special 3593
projects fund that is established under division (E) (1) of 3594
section 2303.201, division (B) (1) of section 1901.26, or 3595
division (B) (1) of section 1907.24 of the Revised Code, the 3596
fifty dollars shall be deposited into the indigent drivers 3597
interlock and alcohol monitoring fund under division (I) of 3598
section 4511.191 of the Revised Code. 3599

(f) Seventy-five dollars of the fine imposed under 3600
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 3601
fine imposed under division (G) (1) (b) (iii), two hundred fifty 3602
dollars of the fine imposed under division (G) (1) (c) (iii), and 3603
five hundred dollars of the fine imposed under division (G) (1) 3604
(d) (iii) or (e) (iii) of this section shall be transmitted to the 3605
treasurer of state for deposit into the indigent defense support 3606
fund established under section 120.08 of the Revised Code. 3607

(g) Three hundred seventy-five dollars of the fine imposed 3608
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 3609
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 3610
deposited into the indigent drivers interlock and alcohol 3611
monitoring fund established under division (I) of section 3612
4511.191 of the Revised Code. 3613

(h) The balance of the fine imposed under division (G) (1) 3614
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3615
section shall be disbursed as otherwise provided by law. 3616

(6) If title to a motor vehicle that is subject to an 3617
order of criminal forfeiture under division (G) (1) (c), (d), or 3618
(e) of this section is assigned or transferred and division (B) 3619
(2) or (3) of section 4503.234 of the Revised Code applies, in 3620
addition to or independent of any other penalty established by 3621
law, the court may fine the offender the value of the vehicle as 3622

determined by publications of the national automobile dealers 3623
association. The proceeds of any fine so imposed shall be 3624
distributed in accordance with division (C) (2) of that section. 3625

(7) In all cases in which an offender is sentenced under 3626
division (G) of this section, the offender shall provide the 3627
court with proof of financial responsibility as defined in 3628
section 4509.01 of the Revised Code. If the offender fails to 3629
provide that proof of financial responsibility, the court, in 3630
addition to any other penalties provided by law, may order 3631
restitution pursuant to section 2929.18 or 2929.28 of the 3632
Revised Code in an amount not exceeding five thousand dollars 3633
for any economic loss arising from an accident or collision that 3634
was the direct and proximate result of the offender's operation 3635
of the vehicle before, during, or after committing the offense 3636
for which the offender is sentenced under division (G) of this 3637
section. 3638

(8) A court may order an offender to reimburse a law 3639
enforcement agency for any costs incurred by the agency with 3640
respect to a chemical test or tests administered to the offender 3641
if all of the following apply: 3642

(a) The offender is convicted of or pleads guilty to a 3643
violation of division (A) of this section. 3644

(b) The test or tests were of the offender's whole blood, 3645
blood serum or plasma, or urine. 3646

(c) The test or tests indicated that the offender had a 3647
prohibited concentration of a controlled substance or a 3648
metabolite of a controlled substance in the offender's whole 3649
blood, blood serum or plasma, or urine at the time of the 3650
offense. 3651

(9) A court may warn any person who is convicted of or who pleads guilty to a violation of division (A) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under section 2903.06 of the Revised Code. The court may warn the person of the applicable penalties for that violation under sections 2903.06 and 2929.142 of the Revised Code.

(10) As used in division (G) of this section, "electronic monitoring," "mandatory prison term," and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.

(H) Whoever violates division (B) of this section is guilty of operating a vehicle after underage alcohol consumption and shall be punished as follows:

(1) Except as otherwise provided in division (H) (2) of this section, the offender is guilty of a misdemeanor of the fourth degree. In addition to any other sanction imposed for the offense, the court shall impose a class six suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (6) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section

4510.022 of the Revised Code. If the court grants unlimited 3682
driving privileges under section 4510.022 of the Revised Code, 3683
the court shall suspend any jail term imposed under division (H) 3684
(1) of this section as required under that section. 3685

(2) If, within one year of the offense, the offender 3686
previously has been convicted of or pleaded guilty to one or 3687
more violations of division (A) of this section or other 3688
equivalent offenses, the offender is guilty of a misdemeanor of 3689
the third degree. In addition to any other sanction imposed for 3690
the offense, the court shall impose a class four suspension of 3691
the offender's driver's license, commercial driver's license, 3692
temporary instruction permit, probationary license, or 3693
nonresident operating privilege from the range specified in 3694
division (A)(4) of section 4510.02 of the Revised Code. The 3695
court may grant limited driving privileges relative to the 3696
suspension under sections 4510.021 and 4510.13 of the Revised 3697
Code. 3698

(3) The offender shall provide the court with proof of 3699
financial responsibility as defined in section 4509.01 of the 3700
Revised Code. If the offender fails to provide that proof of 3701
financial responsibility, then, in addition to any other 3702
penalties provided by law, the court may order restitution 3703
pursuant to section 2929.28 of the Revised Code in an amount not 3704
exceeding five thousand dollars for any economic loss arising 3705
from an accident or collision that was the direct and proximate 3706
result of the offender's operation of the vehicle before, 3707
during, or after committing the violation of division (B) of 3708
this section. 3709

(I) (1) No court shall sentence an offender to an alcohol 3710
treatment program under this section unless the treatment 3711

program complies with the minimum standards for alcohol 3712
treatment programs adopted under Chapter 5119. of the Revised 3713
Code by the director of mental health and addiction services. 3714

(2) An offender who stays in a drivers' intervention 3715
program or in an alcohol treatment program under an order issued 3716
under this section shall pay the cost of the stay in the 3717
program. However, if the court determines that an offender who 3718
stays in an alcohol treatment program under an order issued 3719
under this section is unable to pay the cost of the stay in the 3720
program, the court may order that the cost be paid from the 3721
court's indigent drivers' alcohol treatment fund. 3722

(J) If a person whose driver's or commercial driver's 3723
license or permit or nonresident operating privilege is 3724
suspended under this section files an appeal regarding any 3725
aspect of the person's trial or sentence, the appeal itself does 3726
not stay the operation of the suspension. 3727

(K) Division (A) (1) (j) of this section does not apply to a 3728
person who operates a vehicle, streetcar, or trackless trolley 3729
while the person has a concentration of a listed controlled 3730
substance or a listed metabolite of a controlled substance in 3731
the person's whole blood, blood serum or plasma, or urine that 3732
equals or exceeds the amount specified in that division, if both 3733
of the following apply: 3734

(1) The person obtained the controlled substance pursuant 3735
to a prescription issued by a licensed health professional 3736
authorized to prescribe drugs. 3737

(2) The person injected, ingested, or inhaled the 3738
controlled substance in accordance with the health 3739
professional's directions. 3740

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N)(2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

(2) If, on or after January 1, 2004, the supreme court modifies the Ohio Traffic Rules to provide procedures to govern felony violations of this section, the modified rules shall apply to felony violations of this section.

Section 2. That existing sections 2903.06, 2929.14, 2929.142, 4510.13, 4510.17, 4510.31, 4510.54, and 4511.19 of the Revised Code are hereby repealed.