

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 83

Representative Humphrey

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

A BILL

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code. 47

(iii) "Health care facility" has the same meaning as in 48
section 2919.16 of the Revised Code. 49

(iv) "Minor drug possession offense" means a violation of 50
this section that is a misdemeanor or a felony of the fifth 51
degree. 52

(v) "Post-release control sanction" has the same meaning 53
as in section 2967.28 of the Revised Code. 54

(vi) "Peace officer" has the same meaning as in section 55
2935.01 of the Revised Code. 56

(vii) "Public agency" has the same meaning as in section 57
2930.01 of the Revised Code. 58

(viii) "Qualified individual" means a person who is acting 59
in good faith who seeks or obtains medical assistance for 60
another person who is experiencing a drug overdose, a person who 61
experiences a drug overdose and who seeks medical assistance for 62
that overdose, or a person who is the subject of another person 63
seeking or obtaining medical assistance for that overdose as 64
described in division (B) (2) (b) of this section. 65

(ix) "Seek or obtain medical assistance" includes, but is 66
not limited to making a 9-1-1 call, contacting in person or by 67
telephone call an on-duty peace officer, or transporting or 68
presenting a person to a health care facility. 69

(b) Subject to division (B) (2) (e) of this section, a 70
qualified individual shall not be arrested, charged, prosecuted, 71
convicted, or penalized pursuant to this chapter for a minor 72
drug possession offense ~~or a violation of section 2925.12,~~ 73
~~division (C) (1) of section 2925.14, or section 2925.141 of the~~ 74

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

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

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

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

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

~~2925.12, division (C) (1) of section 2925.14, or section 2925.141~~ 105
~~of the Revised Code.~~ 106

(d) Nothing in division (B) (2) (b) of this section shall be 107
construed to do any of the following: 108

(i) Limit the admissibility of any evidence in connection 109
with the investigation or prosecution of a crime with regards to 110
a defendant who does not qualify for the protections of division 111
(B) (2) (b) of this section or with regards to any crime other 112
than a minor drug possession offense ~~or a violation of section~~ 113
~~2925.12, division (C) (1) of section 2925.14, or section 2925.141~~ 114
~~of the Revised Code~~ committed by a person who qualifies for 115
protection pursuant to division (B) (2) (b) of this section; 116

(ii) Limit any seizure of evidence or contraband otherwise 117
permitted by law; 118

(iii) Limit or abridge the authority of a peace officer to 119
detain or take into custody a person in the course of an 120
investigation or to effectuate an arrest for any offense except 121
as provided in that division; 122

(iv) Limit, modify, or remove any immunity from liability 123
available pursuant to law in effect prior to September 13, 2016, 124
to any public agency or to an employee of any public agency. 125

(e) Division (B) (2) (b) of this section does not apply to 126
any person who twice previously has been granted an immunity 127
under division (B) (2) (b) of this section. No person shall be 128
granted an immunity under division (B) (2) (b) of this section 129
more than two times. 130

(f) Nothing in this section shall compel any qualified 131
individual to disclose protected health information in a way 132
that conflicts with the requirements of the "Health Insurance 133

Portability and Accountability Act of 1996," 104 Pub. L. No. 134
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 135
regulations promulgated by the United States department of 136
health and human services to implement the act or the 137
requirements of 42 C.F.R. Part 2. 138

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

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

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

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

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

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

fifty times the bulk amount but is less than one hundred times 163
the bulk amount, aggravated possession of drugs is a felony of 164
the first degree, and the court shall impose as a mandatory 165
prison term a first degree felony mandatory prison term. 166

(e) If the amount of the drug involved equals or exceeds 167
one hundred times the bulk amount, aggravated possession of 168
drugs is a felony of the first degree, the offender is a major 169
drug offender, and the court shall impose as a mandatory prison 170
term a maximum first degree felony mandatory prison term. 171

(2) If the drug involved in the violation is a compound, 172
mixture, preparation, or substance included in schedule III, IV, 173
or V, whoever violates division (A) of this section is guilty of 174
possession of drugs. The penalty for the offense shall be 175
determined as follows: 176

(a) Except as otherwise provided in division (C) (2) (b), 177
(c), or (d) of this section, possession of drugs is a 178
misdemeanor of the first degree or, if the offender previously 179
has been convicted of a drug abuse offense, a felony of the 180
fifth degree. 181

(b) If the amount of the drug involved equals or exceeds 182
the bulk amount but is less than five times the bulk amount, 183
possession of drugs is a felony of the fourth degree, and 184
division (C) of section 2929.13 of the Revised Code applies in 185
determining whether to impose a prison term on the offender. 186

(c) If the amount of the drug involved equals or exceeds 187
five times the bulk amount but is less than fifty times the bulk 188
amount, possession of drugs is a felony of the third degree, and 189
there is a presumption for a prison term for the offense. 190

(d) If the amount of the drug involved equals or exceeds 191

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

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

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

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

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

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

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

the offense. 221

(f) If the amount of the drug involved equals or exceeds 222
twenty thousand grams but is less than forty thousand grams, 223
possession of marihuana is a felony of the second degree, and 224
the court shall impose as a mandatory prison term a second 225
degree felony mandatory prison term of five, six, seven, or 226
eight years. 227

(g) If the amount of the drug involved equals or exceeds 228
forty thousand grams, possession of marihuana is a felony of the 229
second degree, and the court shall impose as a mandatory prison 230
term a maximum second degree felony mandatory prison term. 231

(4) If the drug involved in the violation is cocaine or a 232
compound, mixture, preparation, or substance containing cocaine, 233
whoever violates division (A) of this section is guilty of 234
possession of cocaine. The penalty for the offense shall be 235
determined as follows: 236

(a) Except as otherwise provided in division (C) (4) (b), 237
(c), (d), (e), or (f) of this section, possession of cocaine is 238
a felony of the fifth degree, and division (B) of section 239
2929.13 of the Revised Code applies in determining whether to 240
impose a prison term on the offender. 241

(b) If the amount of the drug involved equals or exceeds 242
five grams but is less than ten grams of cocaine, possession of 243
cocaine is a felony of the fourth degree, and division (B) of 244
section 2929.13 of the Revised Code applies in determining 245
whether to impose a prison term on the offender. 246

(c) If the amount of the drug involved equals or exceeds 247
ten grams but is less than twenty grams of cocaine, possession 248
of cocaine is a felony of the third degree, and, except as 249

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A controlled substance; 614

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

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

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

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

the suspension.

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

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

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

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

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

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~~offender for a violation of this section, the court may suspend~~ 663
~~for not more than five years the offender's driver's or~~ 664
~~commercial driver's license or permit. However, if the offender~~ 665
~~pleaded guilty to or was convicted of a violation of section~~ 666
~~4511.19 of the Revised Code or a substantially similar municipal~~ 667
~~ordinance or the law of another state or the United States~~ 668
~~arising out of the same set of circumstances as the violation,~~ 669
~~the court shall suspend the offender's driver's or commercial~~ 670
~~driver's license or permit for not more than five years. If the~~ 671
~~offender is a professionally licensed person, in addition to any~~ 672
~~other sanction imposed for a violation of this section, the~~ 673
~~court immediately shall comply with section 2925.38 of the~~ 674
~~Revised Code.~~ 675

~~(2)~~ Any offender who received a mandatory suspension of 676
the offender's driver's or commercial driver's license or permit 677
under this section prior to September 13, 2016, may file a 678
motion with the sentencing court requesting the termination of 679
the suspension. However, an offender who pleaded guilty to or 680
was convicted of a violation of section 4511.19 of the Revised 681
Code or a substantially similar municipal ordinance or law of 682
another state or the United States that arose out of the same 683
set of circumstances as the violation for which the offender's 684
license or permit was suspended under this section shall not 685
file such a motion. 686

Upon the filing of a motion under this division ~~(D) (2) of~~ 687
~~this section~~, the sentencing court, in its discretion, may 688
terminate the suspension. 689

Sec. 2925.14. (A) As used in this section, "drug 690
paraphernalia" means any equipment, product, or material of any 691
kind that is used by the offender, intended by the offender for 692

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

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

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

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

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

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

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

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

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

product, or material, or of the act relating to the equipment, 749
product, or material, to a violation of any provision of this 750
chapter; 751

(3) The proximity of the equipment, product, or material 752
to any controlled substance; 753

(4) The existence of any residue of a controlled substance 754
on the equipment, product, or material; 755

(5) Direct or circumstantial evidence of the intent of the 756
owner, or of anyone in control, of the equipment, product, or 757
material, to deliver it to any person whom the owner or person 758
in control of the equipment, product, or material knows intends 759
to use the object to facilitate a violation of any provision of 760
this chapter. A finding that the owner, or anyone in control, of 761
the equipment, product, or material, is not guilty of a 762
violation of any other provision of this chapter does not 763
prevent a finding that the equipment, product, or material was 764
intended or designed by the offender for use as drug 765
paraphernalia. 766

(6) Any oral or written instruction provided with the 767
equipment, product, or material concerning its use; 768

(7) Any descriptive material accompanying the equipment, 769
product, or material and explaining or depicting its use; 770

(8) National or local advertising concerning the use of 771
the equipment, product, or material; 772

(9) The manner and circumstances in which the equipment, 773
product, or material is displayed for sale; 774

(10) Direct or circumstantial evidence of the ratio of the 775
sales of the equipment, product, or material to the total sales 776

of the business enterprise; 777

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section based on the violation. 925

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

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

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

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

abuse. 987

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

applies: 1262

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

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

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

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

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

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

(2) The duration of all community control sanctions 1293
imposed upon an offender and in effect for an offender at any 1294
time shall not exceed five years. 1295

(3) At sentencing, if a court directly imposes a community 1296
control sanction or combination of community control sanctions 1297
pursuant to division (A)(1)(a) or (B) of this section, the court 1298
shall state the duration of the community control sanctions 1299
imposed and shall notify the offender that if any of the 1300
conditions of the community control sanctions are violated the 1301
court may do any of the following: 1302

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

(b) Impose a more restrictive community control sanction 1307
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1308
but the court is not required to impose any particular sanction 1309
or sanctions; 1310

(c) Impose a definite jail term from the range of jail 1311
terms authorized for the offense under section 2929.24 of the 1312
Revised Code. 1313

(B) If a court sentences an offender to any community 1314
control sanction or combination of community control sanctions 1315
pursuant to division (A)(1)(a) of this section, the sentencing 1316
court retains jurisdiction over the offender and the period of 1317
community control for the duration of the period of community 1318
control. Upon the motion of either party or on the court's own 1319

motion, the court, in the court's sole discretion and as the 1320
circumstances warrant, may modify the community control 1321
sanctions or conditions of release previously imposed, 1322
substitute a community control sanction or condition of release 1323
for another community control sanction or condition of release 1324
previously imposed, or impose an additional community control 1325
sanction or condition of release. 1326

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

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

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

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

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

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

(b) A more restrictive community control sanction; 1374

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

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

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

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

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

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

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

(1) Repeat offenders or dangerous offenders; 1420

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

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

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

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

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

substantial time before commission of the alleged offense; 1439

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) As used in this section: 1506

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) For a felony sex offense, five years; 1603

(2) For a felony of the first degree that is not a felony 1604
sex offense, up to five years, but not less than two years; 1605

(3) For a felony of the second degree that is not a felony 1606
sex offense, up to three years, but not less than eighteen 1607
months; 1608

(4) For a felony of the third degree that is an offense of 1609
violence and is not a felony sex offense, up to three years, but 1610
not less than one year. 1611

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

supervision for all the periods and the related sentences. 1952

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

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

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

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

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

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

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

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

is the responsibility of the board of health. 1980

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

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

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

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

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

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

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

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

(D) A bloodborne infectious disease prevention program may 2008
collect demographic information about each program participant, 2009
including the zip code applicable to the participant's address, 2010
and the participant's comorbidity diagnosis, if any. The program 2011
may report the information to the department of mental health 2012
and addiction services. 2013

(E) (1) Before establishing a bloodborne infectious disease 2014
prevention program, the board of health shall consult with all 2015
of the following: 2016

(a) Interested parties from the health district 2017
represented by the board, including all of the following: 2018

(i) Law enforcement representatives; 2019

(ii) Prosecutors, as defined in section 2935.01 of the 2020
Revised Code; 2021

(iii) Representatives of community addiction services 2022
providers whose alcohol and drug addiction services are 2023
certified under section 5119.36 of the Revised Code; 2024

(iv) Persons recovering from substance abuse; 2025

(v) Relevant private, nonprofit organizations, including 2026
hepatitis C and HIV advocacy organizations; 2027

(vi) Residents of the health district; 2028

(vii) The board of alcohol, drug addiction, and mental 2029
health services that serves the area in which the health 2030
district is located. 2031

(b) Representatives selected by the governing authority of 2032
the city, village, or township in which the program is proposed 2033
to be established. 2034

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

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

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code;

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

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

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

(a) Section 2923.24 of the Revised Code;

(b) Section 2925.12 of the Revised Code† 2063

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

that is substantially similar to either of those divisions; 2276

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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