

CITY OF FRANKLIN, OHIO
ORDINANCE 2023-27

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF FRANKLIN, OHIO TO PROVIDE AMENDMENTS TO GENERAL OFFENSES FRANKLIN CITY CODE SECTIONS 501.01, 501.06, 501.99, 509.04, 513.01, 513.02, 513.03, 513.04, 513.12, 517.12, 525. 05, 533.01, 533.06, 533.07, 537.06, 537.07, 537.15, 537.18, 545.02, 549.02, 549.03, 549.07; TO PROVIDE FOR PENALTIES; TO PROVIDE FOR CODIFICATION; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, Part Five of the Codified Ordinances of the City of Franklin sets forth the City's local General Offenses Code; and

WHEREAS, the City of Franklin Council desires to amend certain sections of the General Offenses Code, as set forth herein, in order to make the local General Offenses Code consistent with parallel general offenses laws set forth in the Ohio Revised Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FRANKLIN, WARREN COUNTY, OHIO THAT:

Section 1. The Codified Ordinances of the City of Franklin, Ohio, Part five – General Offenses Code, is hereby amended as set forth in Exhibit A..

Section 2. The addition, amendment, or removal of Franklin City Code Sections when passed in such form as to indicate the intention of the governing authority of the City of Franklin, Ohio to make the same a part of the Municipal Code shall be deemed to be incorporated in the Municipal Code, so that reference to the Municipal Code includes the additions, amendments, and removals..

Section 3. The codifier (meaning the person, agency or organization authorized to prepare the supplement to the Code of Ordinances of the City of Franklin, Ohio) is authorized to exclude and omit any provisions of this ordinance that are inapplicable to the City's Municipal Code.

Section 4. Supplementation of Code.

- a. In preparing a supplement to City's Municipal Code, all portions of this ordinance which have been repealed shall be excluded from the City's Municipal Code by the omission thereof from reprinted pages.
- b. When preparing a supplement to the City's Municipal Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, non-substantive changes in this ordinance and parts of this ordinance included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Codified Ordinances printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Codified Ordinances and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the City's Municipal Code which embody the substantive sections or the ordinance incorporated into the Code)n; and

(5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the City's Municipal Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the City's Municipal Code.

c. In preparing a supplement to the City's Municipal Code, the pages of a supplement shall be so numbered that they will fit properly into the City's Municipal Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the City's Municipal Code will be current through the date of the adoption of the latest ordinance included in the supplement.

Section 5. Provisions of Exhibit A that duplicate or track State statutes which do not become effective until after the effective date of this ordinance, shall not take effect until such statutes take effect.

Section 6. The following sections and subsections of the Codified Ordinances, Part Three – Traffic Code, are new or have been amended with new matter in the Municipal Code, are hereby approved, adopted and enacted, the body of each to read as set forth in Exhibit A.

Section 7. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule, or regulation adopted or issued in pursuance thereof shall be punished by a fine or imprisonment, or both. The fine shall not exceed five hundred dollars (\$500.00) and imprisonment shall not exceed six months.

Section 8. If any section, subsection, sentence, clause, phrase or portion of the Ordinance or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances. The governing authority of the City of Franklin, Ohio hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

Section 9. All ordinances and parts of ordinances in conflict herewith are expressly repealed.

Section 10. The effective date of this ordinance shall be December 20, 2023.

INTRODUCED: November 6, 2023

ADOPTED: November 20, 2023

ATTEST: Khrishi Dunn
Khrishi Dunn, Clerk of Council

APPROVED: Brent W. Centers
Brent Centers, Mayor

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council do hereby certify that the foregoing is a true and correct copy of Ordinance 2023-27 passed by that body on November 20, 2023

Approved as to form:

Ben Yoder
Ben Yoder, Law Director

Khrishi Dunn
Khrishi Dunn, Clerk of Council

501.01 Definitions

As used in the Codified Ordinances:

- (a) “Force” means any violence, compulsion or constraint physically exerted by any means upon or against a person or thing.
- (b) “Deadly Force” means any force that carries a substantial risk that it will proximately result in the death of any person.
- (c) “Physical Harm to Persons” means any injury, illness or other physiological impairment, regardless of its gravity or duration.
- (d) “Physical Harm to Property” means any tangible or intangible damage to property that, in any degree, results in loss to its value or interferes with its use or enjoyment. “Physical harm to property” does not include wear and tear occasioned by normal use.
- (e) “Serious Physical Harm to Persons” means any of the following:
 - (1) Any mental illness or condition of such gravity as would normally require hospitalization or prolonged psychiatric treatment;
 - (2) Any physical harm that carries a substantial risk of death;
 - (3) Any physical harm that involves some permanent incapacity, whether partial or total, or that involves some temporary, substantial incapacity;
 - (4) Any physical harm that involves some permanent disfigurement, or that involves some temporary, serious disfigurement;
 - (5) Any physical harm that involves acute pain of such duration as to result in substantial suffering, or that involves any degree of prolonged or intractable pain.
- (f) “Serious Physical Harm to Property” means any physical harm to property which does either of the following:
 - (1) Results in substantial loss to the value of the property, or requires a substantial amount of time, effort or money to repair or replace;
 - (2) Temporarily prevents the use or enjoyment of the property, or substantially interferes with its use or enjoyment for an extended period of time.
- (g) “Risk” means a significant possibility, as contrasted with a remote possibility, that a certain result may occur or that certain circumstances may exist.
- (h) “Substantial Risk” means a strong possibility, as contrasted with a remote or significant possibility, that a certain result may occur or that certain circumstances may exist.
- (i) “Offense of Violence” means any of the following:
 - (1) A violation of Ohio R.C. 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, ~~2903.18~~, 2903.21, 2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or 2923.161, ~~or~~ of division (A)(1) of Ohio R.C. 2903.34, ~~of~~ division (A)(1), (2), or (3) of Ohio R.C. 2911.12, ~~or~~ of division (B)(1), (2), (3), or (4) of Ohio R.C. 2919.22 or felonious sexual penetration in violation of former Ohio R.C. 2907.12.

(2) A violation of an existing or former municipal ordinance or law of this or any other state or the United States, substantially equivalent to any section, division, or offense listed in "Offense of Violence" in subsection

(a) hereof;

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

(4) A conspiracy or attempt to commit, or complicity in committing any offense under subsection (a), (b) or (c) hereof.

(j) "Property" means:

(1) any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human-readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them.

(2) As used in this definition, "trade secret" has the same meaning as in Ohio R.C. 1333.61, and "telecommunications service" and "information service" have the same meanings as in Ohio R.C. 2913.01.

(3) As used in this definition and in the definition of "contraband" in this section, "cable television service," "computer," "computer network," "computer software," "computer system," "data," and "telecommunications device" have the same meanings as in Ohio R.C. 2913.01.

(k) "Law Enforcement Officer" means any of the following:

(1) A sheriff, deputy sheriff, constable, marshal, deputy marshal, municipal police officer, member of a police force employed by a metropolitan housing authority under Ohio R.C. 3735.31(D) or state highway patrolman.

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

(3) A mayor, in the mayor's capacity as chief conservator of the peace within the mayor's municipal corporation;

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

(5) A person lawfully called pursuant to Ohio R.C. 311.07 to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(6) A person appointed by a mayor pursuant to Ohio R.C. ~~737.04~~ 737.10 as a special patrolling officer during a riot or emergency, for the purposes and during the time when the person is appointed;

- (7) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;
- (8) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;
- (9) A veterans' home police officer appointed under Ohio R.C. 5907.02;
- (10) A member of a police force employed by a regional transit authority under Ohio R.C. 306.35(Y);
- (11) A special police officer employed by a port authority under Ohio R.C. 4582.04 or 4582.28.
- (12) The House of Representatives Sergeant at Arms if the House of Representatives Sergeant at Arms has arrest authority pursuant to Ohio R.C. 101.311(E)(1) and an Assistant House of Representatives Sergeant at Arms.
- (13) The Senate Sergeant at Arms and an Assistant Senate Sergeant at Arms;
- (14) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the Transportation Security Administration of the United States Department of Transportation as provided in 49 C.F.R. Parts 1542 and 1544, as amended.
 - (l) "Privilege" means an immunity, license or right conferred by law, bestowed by express or implied grant, arising out of status, position, office or relationship, or growing out of necessity.
 - (m) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:
 - (1) Any controlled substance, as defined in Ohio R.C. 3719.01, or any device or paraphernalia related thereto;
 - (2) Any unlawful gambling device or paraphernalia;
 - (3) Any dangerous ordnance or obscene material.
 - (n) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in Ohio R.C. 2901.05 that at the time of the commission of the offense, he did not know, as a result of a severe mental disease or defect, the wrongfulness of his acts.
 - (o) (1) "Person" Subject to subsection (ii) of this definition, as used in any section contained in Title XIII of this code that sets forth a criminal offense, "person" includes all of the following:
 - (A) An individual, corporation, business trust, estate, trust, partnership and association.
 - (B) An unborn human who is viable.
 - (i) As used in any section contained in Title XIII of this code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, partnership and association.
 - (ii) As used in subsection (o)(1)(B) of this definition, "unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth. "Viable" means the stage of development of a human fetus at which there is a realistic probability of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.

(2) Notwithstanding subsection (o)(1) of this definition, in no case shall the portion of the definition of the term “person” that is set forth in subsection (o)(1)(B) of this definition be applied or construed in any section contained in Title XIII of this code that sets forth a criminal offense in any of the following manners:

(A) Except as otherwise provided in subsection (2)(A). of this definition, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as any violation of Ohio R.C. 2903.01 through 2903.06, 2903.08, 2903.11 through 2903.14, 2903.21 or 2903.22, as applicable. An abortion that does not violate the conditions described in the second immediately preceding sentence but that does violate Ohio R.C. 2919.12, 2919.13(B), 2919.151, 2919.17 or 2919.18 may be punished as a violation of such section, as applicable. Consent is sufficient under this subsection if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with Ohio R.C. 2919.12.

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

(i) Her delivery of a stillborn baby.

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

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human.

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human.

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other psychological illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(p) “School,” “School Building,” and “School Premises” have the same meanings as in Ohio R.C. 2925.01.

(q) “School Activity” means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Ohio R.C. Chapter 3314; a governing board of an educational service center; or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under Ohio R.C. 3301.07.

(r) “School Bus” has the same meaning as in Ohio R.C. 4511.01.

(s) “School Safety Zone” consists of a school, school building, school premises, school activity, and school bus.

(ORC 2901.01)

(t) “Repeat Offender” means a person who has a history of persistent criminal activity and whose character and condition reveal a substantial risk that he or she will commit another offense. It is prima facie evidence that a person is a repeat offender if any of the following applies:

- (1) Having been convicted of one or more offenses of violence, as defined in Ohio R.C. 2901.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent offense of violence;
- (2) Having been convicted of one or more sexually oriented offenses, or child-victim oriented offenses, both as defined in Ohio R.C. 2950.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent sexually oriented offense or child-victim oriented offense;
- (3) Having been convicted of one or more theft offenses, as defined in Ohio R.C. 2913.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent theft offense;
- (4) Having been convicted of one or more felony drug abuse offenses, as defined in Ohio R.C. 2925.01, and having been imprisoned pursuant to sentence for one or more of those offenses, he or she commits a subsequent felony drug abuse offense;
- (5) Having been convicted of two or more felonies, and having been imprisoned pursuant to sentence for any such offense, he or she commits a subsequent offense;
- (6) 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, he or she commits a subsequent offense.

(ORC 2935.36)

501.06 Limitation Of Criminal Prosecution

- (a) (1) Except as provided in subsection (a)(2), (a)(3) ~~or (a)(4), or (a)(5)~~ hereof or as otherwise provided in this section, a prosecution shall be barred unless it is commenced within the following periods after an offense is committed:
 - (A) For a felony, six years;
 - (B) For a misdemeanor other than a minor misdemeanor, two years;
 - (C) For a minor misdemeanor, six months.
- (2) There is no period of limitation for the prosecution of a violation of Ohio R.C. 2903.01 or Ohio R.C. 2903.02~~; or for the prosecution of a conspiracy to commit, attempt to commit, or complicity in committing a violation of Ohio R.C. 2903.01 or 2903.02.~~
- (3) Except as otherwise provided in subsections (b) to (j) hereof, a prosecution of any of the following offenses shall be barred unless it is commenced within 20 years after the offense is committed:
 - (A) A violation of Ohio R.C. 2903.03, 2903.04, 2905.01, 2905.32, 2907.04, 2907.05, 2907.21, 2909.02, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, or 2917.02, a violation of Ohio R.C. 2903.11 or 2903.12 if the victim is a peace officer, a violation of Ohio R.C. 2903.13 that is a felony, or a violation of former Ohio R.C. 2907.12.
 - (B) A conspiracy to commit, attempt to commit, or complicity in committing a violation set forth in subsection (a)(3)A. hereof.
- (4) Except as otherwise provided in divisions (d) to (l) of this section, a prosecution of a violation of Ohio R.C. 2907.02 or 2907.03 or a conspiracy to commit, attempt to commit, or complicity in committing

a violation of either section shall be barred unless it is commenced within 25 years after the offense is committed.

(5)(A) Except as otherwise provided in divisions (a)(5)(B) and (e) to (i) of this section, a prosecution of a violation of Ohio R.C. 2907.13 shall be barred unless it is commenced within five years after the offense is committed.

(B) Prosecution that would otherwise be barred under division (a)(5)(A) of this section may be commenced within five years after the date of the discovery of the offense by either an aggrieved person or the aggrieved person's legal representative who is not a party to the offense.

(C) As used in division (b)(5)(B) of this section, "aggrieved person" includes any of the following individuals with regard to a violation of Ohio R.C. 2907.13:

(i) A patient who was the victim of the violation;

(ii) The spouse or surviving spouse of a patient who was the victim of the violation;

(iii) Any child born as a result of the violation.

(b) (1) Except as otherwise provided in division (b)(2) of this section, if the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution shall be commenced for an offense of which an element is fraud or breach of fiduciary duty within one year after discovery of the offense either by an aggrieved person or by the aggrieved person's legal representative who is not a party to the offense.

(2) If the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution for a violation of Ohio R.C. 2913.49 shall be commenced within five years after discovery of the offense either by an aggrieved person or the aggrieved person's legal representative who is not a party to the offense.

(c) (1) If the period of limitation provided in division (a)(1) or (a)(3) of this section has expired, prosecution shall be commenced for the following offenses during the following specified periods of time:

(A) For an offense involving misconduct in office by a public servant at any time while the accused remains a public servant, or within two years thereafter;

(B) For an offense by a person who is not a public servant but whose offense is directly related to the misconduct in office of a public servant, at any time while that public servant remains a public servant, or within two years thereafter.

(2) As used in this division:

(A) The phrase "offense is directly related to the misconduct in office of a public servant" includes, but is not limited to, a violation of Ohio R.C. 101.71, 101.91, 121.61 or 2921.13, 102.03(F) or (H), 2921.02(A), 2921.43(A) or (B), or 3517.13(F) or (G), that is directly related to an offense involving misconduct in office of a public servant, or a violation of any municipal ordinance substantially equivalent to those Ohio Revised Code sections listed in this division (c)(2)A.

(B) "Public servant" has the same meaning as in Ohio R.C. 2921.01.

(d) (1) If a DNA record made in connection with the criminal investigation of the commission of a violation of Ohio R.C. 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is later than 25 years after the offense is

committed, prosecution of that person for a violation of the section may be commenced within five years after the determination is complete.

(2) If a DNA record made in connection with the criminal investigation of the commission of a violation of Ohio R.C. 2907.02 or 2907.03 is determined to match another DNA record that is of an identifiable person and if the time of the determination is within 25 years after the offense is committed, prosecution of that person for a violation of the section may be commenced within the longer of 25 years after the offense is committed or five years after the determination is complete.

(3) As used in this division, "DNA record" has the same meaning as in Ohio R.C. 109.573.

(e) An offense is committed when every element of the offense occurs. In the case of an offense of which an element is a continuing course of conduct, the period of limitation does not begin to run until such course of conduct or the accused's accountability for it terminates, whichever occurs first.

(f) A prosecution is commenced on the date an indictment is returned or an information filed, or on the date a lawful arrest without a warrant is made, or on the date a warrant, summons, citation or other process is issued, whichever occurs first. A prosecution is not commenced by the return of an indictment or the filing of an information unless reasonable diligence is exercised to issue and execute process on the same. A prosecution is not commenced upon issuance of a warrant, summons, citation or other process, unless reasonable diligence is exercised to execute the same.

(g) The period of limitation shall not run during any time when the corpus delicti remains undiscovered.

(h) The period of limitation shall not run during any time when the accused purposely avoids prosecution. Proof that the accused departed this Municipality or concealed the accused's identity or whereabouts is prima-facie evidence of the accused's purpose to avoid prosecution.

(i) The period of limitation shall not run during any time a prosecution against the accused based on the same conduct is pending in this State, even though the indictment, information, or process that commenced the prosecution is quashed or the proceedings on the indictment, information, or process are set aside or reversed on appeal.

(j) The period of limitation for a violation of this Part 6 or Title XXIX of the Ohio Revised Code that involves a physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of a child under 18 years of age or of a child with a developmental disability or physical impairment under 21 years of age shall not begin to run until either of the following occurs:

(1) The victim of the offense reaches the age of majority.

(2) A public children services agency, or a municipal or county peace officer that is not the parent or guardian of the child, in the county in which the child resides or in which the abuse or neglect is occurring or has occurred has been notified that abuse or neglect is known, suspected, or believed to have occurred.

(k) As used in this section, "peace officer" has the same meaning as is Ohio R.C. 2935.01.

(1) (1) The amendments to divisions (a) and (d) of this section that took effect on July 16, 2015, apply to a violation of Ohio R.C. 2907.02 or 2907.03 committed on and after July 16, 2015 and apply to a violation of either of those sections committed prior to July 16, 2015 if prosecution for that violation was not barred under this section as it existed on July 15, 2015.

(2) The amendment to division (a)(2) of this section that takes effect on the effective date of this amendment applies to a conspiracy to commit, attempt to commit, or complicity in committing a violation of Ohio R.C. section 2903.01 or 2903.02 if the conspiracy, attempt, or complicity is committed on or after

the effective date of this amendment and applies to a conspiracy to commit, attempt to commit, or complicity in committing a violation of either of those sections if the conspiracy, attempt, or complicity was committed prior to that effective date and prosecution for that conspiracy, attempt, or complicity was not barred under this section as it existed on the day prior to that effective date.

(ORC 2901.13)

(m) This section shall not apply to prosecutions commenced within the period of limitations set forth in Ohio R.C. 718.12 for violations of the Municipal income tax ordinance.

501.99 Penalties For Misdemeanors; Suspension Of Driver's License

(a) Considerations in Misdemeanor Sentencing.

(1) A court that sentences an offender for a misdemeanor or minor misdemeanor violation of any provision of the Ohio Revised Code, or of any municipal ordinance that is substantially equivalent to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code, shall be guided by the overriding purposes of misdemeanor sentencing. The overriding purposes of misdemeanor sentencing are to protect the public from future crime by the offender and others and to punish the offender. To achieve those purposes, the sentencing court shall consider the impact of the offense upon the victim and the need for changing the offender's behavior, rehabilitating the offender, and making restitution to the victim of the offense, the public, or the victim and the public.

(2) A sentence imposed for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a municipal ordinance that is subject to division (b)(1) of this section shall be reasonably calculated to achieve the two overriding purposes of misdemeanor sentencing set forth in division (a)(1) of this section, commensurate with and not demeaning to the seriousness of the offender's conduct and its impact upon the victim, and consistent with sentences imposed for similar offenses committed by similar offenders.

(3) A court that imposes a sentence upon an offender for a misdemeanor or minor misdemeanor violation of an Ohio Revised Code provision or for a violation of a municipal ordinance that is subject to division (b)(1) of this section shall not base the sentence upon the race, ethnic background, gender, or religion of the offender.

(4) Divisions (b)(1) and (b)(2) of this section shall not apply to any offense that is disposed of by a traffic violations bureau of any court pursuant to Traffic Rule 13 and shall not apply to any violation of any provision of the Ohio Revised Code that is a minor misdemeanor and that is disposed of without a court appearance. Divisions (b)(1) to (b)(3) of this section do not affect any penalties established by the municipality for a violation of its ordinances that are not substantially equivalent to a misdemeanor or minor misdemeanor violation of a provision of the Ohio Revised Code.

(ORC 2929.21)

(b) Misdemeanor Jail Terms.

(1) Except as provided in Section 533.99 of this Code, Ohio R.C. 2929.22 or 2929.23, or division (b)(5) or (b)(6) of this section and unless another term is required or authorized pursuant to law, if the sentencing court imposing a sentence upon an offender for a misdemeanor elects or is required to impose a jail term on the offender pursuant to this chapter, the court shall impose a definite jail term that shall be one of the following:

(A) For a misdemeanor of the first degree, not more than 180 days;

(B) For a misdemeanor of the second degree, not more than 90 days;

- (C) For a misdemeanor of the third degree, not more than 60 days;
 - (D) For a misdemeanor of the fourth degree, not more than 30 days.
- (2) A court that sentences an offender to a jail term under division (b) of this section may permit the offender to serve the sentence in intermittent confinement or may authorize a limited release of the offender as provided in division (d)(2) of this section.
- (3) If a court sentences an offender to a jail term under division (b) of this section and the court assigns the offender to a County Jail that has established a County Jail Industry Program pursuant to Ohio R.C. 5147.30, the court shall specify, as part of the sentence, whether the offender may be considered for participation in the program. During the offender's term in the County Jail, the court retains jurisdiction to modify its specification regarding the offender's participation in the County Jail Industry Program.
- (4) If a person is sentenced to a jail term pursuant to division (b) of this section, the court may impose as part of the sentence pursuant to division (f)(1)C. of this section a reimbursement sanction, and, if the local detention facility in which the term is to be served is covered by a policy adopted pursuant to Ohio R.C. 307.93, 341.14, 341.19, 341.21, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 and Ohio R.C. 2929.37, both of the following apply:
- (A) The court shall specify both of the following as part of the sentence:
 - (i) If the person is presented with an itemized bill pursuant to Ohio R.C. 2929.37 for payment of the costs of confinement, the person is required to pay the bill in accordance with that section.
 - (ii) If the person does not dispute the bill described in division (b)(4)A.(i) of this section and does not pay the bill by the times specified in Ohio R.C. 2929.37, the Clerk of the Court may issue a certificate of judgment against the person as described in that section.
 - (B) The sentence automatically includes any certificate of judgment issued as described in division (b)(4)A.(ii) of this section.
- ~~(5) — If an offender who is convicted of or pleads guilty to a violation of section 333.01(b) or Ohio R.C. 4511.19(B), also is convicted of or also pleads guilty to a specification of the type described in Ohio R.C. 2941.1414 and if the court imposes a jail term on the offender for the underlying offense, the court shall impose upon the offender an additional definite jail term of not more than six months. The additional jail term shall not be reduced pursuant to any provision of this Code or the Ohio Revised Code. The offender shall serve the additional jail term consecutively to and prior to the jail term imposed for the underlying offense and consecutively to any other mandatory term imposed in relation to the offense.~~
- (A)(5)(A) If an offender is convicted of or pleads guilty to a misdemeanor violation of section 533.08, 533.09 or 533.10 of this Code, and to a specification of the type described in Ohio R.C. 2941.1421 and if the court imposes a jail term on the offender for the misdemeanor violation, the court may impose upon the offender an additional definite jail term as follows:
- (i) Subject to division (b)~~(6)~~(5)A.(ii) of this section, an additional definite jail term of not more than 60 days;
 - (ii) If the offender previously has been convicted of or pleaded guilty to one or more misdemeanor or felony violations of Ohio R.C. 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25, section 533.08, 533.09 or 533.10 of this Code or any substantially equivalent municipal ordinance, and also was convicted of or pleaded guilty to a specification of the type described in Ohio R.C. 2941.1421 regarding one or more of those violations, an additional definite jail term of not more than 120 days.

(B) In lieu of imposing an additional definite jail term under division (b)(6)(5)A. of this section, the court may directly impose on the offender a sanction that requires the offender to wear a real-time processing, continual tracking electronic monitoring device during the period of time specified by the court. The period of time specified by the court shall equal the duration of an additional jail term that the court could have imposed upon the offender under division (b)(6)A. of this section. A sanction imposed under this division shall commence on the date specified by the court, provided that the sanction shall not commence until after the offender has served the jail term imposed for the misdemeanor violation of Ohio R.C. 2907.23, 2907.24, 2907.241, or 2907.25, section 533.08, 533.09 or 533.10 of this Code or any substantially equivalent municipal ordinance, and any residential sanction imposed for the violation under division (d) of this section or Ohio R.C. 2929.26. A sanction imposed under this division shall be considered to be a community control sanction for purposes of division (c) of this section or Ohio R.C. 2929.25, and all provisions of this Code and the Ohio Revised Code that pertain to community control sanctions shall apply to a sanction imposed under this division, except to the extent that they would by their nature be clearly inapplicable. The offender shall pay all costs associated with a sanction imposed under this division, including the cost of the use of the monitoring device.

(6) If an offender is convicted of or pleads guilty to a misdemeanor violation of section 537.03 of this Code and also is convicted of or pleads guilty to a specification of the type described in Ohio R.C. 2941.1423 that charges that the victim of the violation was a woman whom the offender knew was pregnant at the time of the violation, the court shall impose on the offender a mandatory jail term that is a definite term of at least 30 days.

(7) If a court sentences an offender to a jail term under this section, the sentencing court retains jurisdiction over the offender and the jail term. Upon motion of either party or upon the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may substitute one or more community control sanctions under Ohio R.C. 2929.26 or 2929.27 for any jail days that are not mandatory jail days.

(ORC 2929.24)

(c) Misdemeanor Community Control Sanctions.

(1) (A) Except as provided in Section 533.99 of this Code or Ohio R.C. 2929.22 and 2929.23 or when a jail term is required by law, in sentencing an offender for a misdemeanor, other than a minor misdemeanor, the sentencing court may do either of the following:

(i) Directly impose a sentence that consists of one or more community control sanctions authorized by divisions (d), (e), or (f) of this section. The court may impose any other conditions of release under a community control sanction that the court considers. If the court imposes a jail term upon the offender, the court may impose any community control sanction or combination of community control sanctions in addition to the jail term.

(ii) Impose a jail term under division (b) of this section from the range of jail terms authorized under that division for the offense, suspend all or a portion of the jail term imposed, and place the offender under a community control sanction or combination of community control sanctions authorized under divisions (d), (e), or (f) of this section.

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

(C) At sentencing, if a court directly imposes a community control sanction or combination of community control sanctions pursuant to division (c)(1)A.(i) of this section, the court shall state the

duration of the community control sanctions imposed and shall notify the offender that if any of the conditions of the community control sanctions are violated the court may do any of the following:

- (i) Impose a longer time under the same community control sanction if the total time under all of the offender's community control sanctions does not exceed the five- year limit specified in division (c)(1)B. of this section;
- (ii) Impose a more restrictive community control sanction under division (d), (e), or (f) of this section, but the court is not required to impose any particular sanction or sanctions;
- (iii) Impose a definite jail term from the range of jail terms authorized for the offense under division (b) of this section.

(A) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under division (d), (e), or (f) of this section, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the Municipal Court or County Court in that jurisdiction, the sentencing court may request the Municipal Court or the County Court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(B) The sentencing court shall require as a condition of any community control sanction that the offender abide by the law and not leave the State without the permission of the court or the offender's probation officer. In the interests of doing justice, rehabilitating the offender, and ensuring the offender's good behavior, the court may impose additional requirements on the offender. The offender's compliance with the additional requirements also shall be a condition of the community control sanction imposed upon the offender.

(A) If the court imposing sentence upon an offender sentences the offender to any community control sanction or combination of community control sanctions authorized under division (d), (e), or (f) of this section, and the offender violates any of the conditions of the sanctions, the public or private person or entity that supervises or administers the program or activity that comprises the sanction shall report the violation directly to the sentencing court or to the department of probation or probation officer with general control and supervision over the offender. If the public or private person or entity reports the violation to the department of probation or probation officer, the department or officer shall report the violation to the sentencing court.

(B) If an offender violates any condition of a community control sanction, the sentencing court may impose upon the violator a longer time under the same community control sanction if the total time under all of the community control sanctions imposed on the violator does not exceed the five-year limit specified in division (c)(1)B. of this section or may impose on the violator a more restrictive community control sanction or combination of community control sanctions, including a jail term. If the court imposes a jail term upon a violator pursuant to this division, the total time spent in jail for the misdemeanor offense and the violation of a condition of the community control sanction shall not exceed the maximum jail term available for the offense for which the sanction that was violated was imposed. The court may reduce the longer period of time that the violator is required to spend under the longer sanction or the more restrictive sanction by all or part of the time the violator successfully spent under the sanction that was initially imposed.

(2) Except as otherwise provided in this division, if an offender, for a significant period of time, fulfills the conditions of a community control sanction imposed pursuant to division (d), (e), or (f) of this section in an exemplary manner, the court may reduce the period of time under the community control sanction or impose a less restrictive community control sanction. Fulfilling the conditions of a community control sanction does not relieve the offender of a duty to make restitution under division (f) of this section.

(ORC 2929.25)

(d) Community Residential Sanction.

(1) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any community residential sanction or combination of community residential sanctions under this division (d). Community residential sanctions include, but are not limited to, the following:

(A) A term of up to 180 days in a halfway house or community-based correctional facility or a term in a halfway house community-based correctional facility or not to exceed the longest jail term available for the offense, whichever is shorter, if the political subdivision that would have responsibility for paying the costs of confining the offender in a jail has entered into a contract with the halfway house or community-based correctional facility for use of the facility for misdemeanor offenders;

(B) If the offender is an eligible offender, as defined in Ohio R.C. 307.932, a term in a community alternative sentencing center or district community alternative sentencing center established and operated in accordance with that section, in the circumstances specified in that section, with one of the conditions of the sanction being that the offender successfully complete the portion of the sentence to be served in the center.

(2) A sentence to a community residential sanction under (d)(1)(B) of this section shall be in accordance with Ohio R.C. 307.932. In all other cases, the court that sentences an offender to a community residential sanction under this division (d) may do either or both of the following:

(A) Permit the offender to serve the offender's sentence in intermittent confinement, overnight, on weekends or at any other time or times that will allow the offender to continue at the offender's occupation or care for the offender's family;

(B) Authorize the offender to be released so that the offender may seek or maintain employment, receive education or training, receive treatment, perform community service, or otherwise fulfill an obligation imposed by law or by the court. A release pursuant to this division shall be only for the duration of time that is needed to fulfill the purpose of the release and for travel that reasonably is necessary to fulfill the purposes of release.

(3) The court may order that a reasonable portion of the income earned by the offender upon a release pursuant to division (d)(2) of this section be applied to any financial sanction imposed under division (f) of this section.

(4) No court shall sentence any person to a prison term for a misdemeanor or to a jail term for a minor misdemeanor.

(5) If a court sentences a person who has been convicted of or pleaded guilty to a misdemeanor to a community residential sanction as described in division (d)(1) of this section, at the time of reception and at other times the person in charge of the operation of the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction determines to be appropriate, the person in charge of the operation of

the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place may cause the convicted offender to be examined and tested for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, and other contagious diseases. The person in charge of the operation of the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place at which the offender will serve the residential sanction may cause a convicted offender in the halfway house, community alternative sentencing center, district community alternative sentencing center, or other place who refuses to be tested or treated for tuberculosis, HIV infection, hepatitis, including, but not limited to, hepatitis A, B, and C, or another contagious disease to be tested and treated involuntarily.

(6) The Municipality may enter into a contract with a halfway house for use of the halfway house to house misdemeanor offenders under a sanction imposed under division (d)(1)A. of this section.

(ORC 2929.26)

(e) Nonresidential Sanction Where Jail Term is not Mandatory.

(1) Except when a mandatory jail term is required by law, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, may impose upon the offender any nonresidential sanction or combination of nonresidential sanctions authorized under this division. Nonresidential sanctions include, but are not limited to, the following:

(A) A term of day reporting;

(B) A term of house arrest with electronic monitoring or continuous alcohol monitoring or both electronic monitoring and continuous alcohol monitoring, a term of electronic monitoring or continuous alcohol monitoring without house arrest, or a term of house arrest without electronic monitoring or continuous alcohol monitoring;

(C) A term of community service of up to 500 hours for misdemeanor of the first degree or 200 hours for a misdemeanor of the second, third, or fourth degree;

(D) A term in a drug treatment program with a level of security for the offender as determined necessary by the court;

(E) A term of intensive probation supervision;

(F) A term of basic probation supervision;

(G) A term of monitored time;

(H) A term of drug and alcohol use monitoring, including random drug testing;

(I) A curfew term;

(J) A requirement that the offender obtain employment;

(K) A requirement that the offender obtain education or training;

(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;

(M) If authorized by law, suspension of the offender's privilege to operate a motor vehicle, immobilization or forfeiture of the offender's motor vehicle, a requirement that the offender obtain a valid motor vehicle operator's license, or any other related sanction;

(N) A requirement that the offender obtain counseling if the offense is a violation of section 537.14 of this Code or a violation of section

537.03 of this Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children. This division does not limit the court in requiring that the offender obtain counseling for any offense or in any circumstance not specified in this division.

(2) If the court imposes a term of community service pursuant to (e)(1)(c) of this section, the offender may request that the court modify the sentence to authorize the offender to make a reasonable contribution, as determined by the court, to the general fund of the county, municipality, or other local entity that provides funding to the court. The court may grant the request if the offender demonstrates a change in circumstances from the date the court imposes the sentence or that the modification would otherwise be in the interests of justice. If the court grants the request, the offender shall make a reasonable contribution to the court, and the clerk of the court shall deposit that contribution into the general fund of the county, municipality, or other local entity that provides funding to the court. If more than one entity provides funding to the court, the clerk shall deposit a percentage of the reasonable contribution equal to the percentage of funding the entity provides to the court in that entity's general fund.

(3) In addition to the sanctions authorized under division (e)(1) of this section, the court imposing a sentence for a misdemeanor, other than a minor misdemeanor, upon an offender who is not required to serve a mandatory jail term may impose any other sanction that is intended to discourage the offender or other persons from committing a similar offense if the sanction is reasonably related to the overriding purposes and principles of misdemeanor sentencing.

(4) The court imposing a sentence for a minor misdemeanor may impose a term of community service in lieu of all or part of a fine. The term of community service imposed for a minor misdemeanor shall not exceed 30 hours. After imposing a term of community service, the court may modify the sentence to authorize a reasonable contribution, as determined by the court, to the appropriate general fund as provided in (e)(2) of this section.

(f) Financial Sanctions.

(1) In addition to imposing court costs pursuant to Ohio R.C. 2947.23, the court imposing a sentence upon an offender for a misdemeanor, including a minor misdemeanor, may sentence the offender to any financial sanction or combination of financial sanctions authorized under this division (f). If the court in its discretion imposes one or more financial sanctions, the financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(A) Restitution.

(i) Unless the misdemeanor offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13, restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based upon the victim's economic loss. The court may not impose restitution as a sanction pursuant to this division if the offense is a minor misdemeanor or could be disposed of by the Traffic Violations Bureau serving the court under Traffic Rule 13. If the court requires restitution, the court shall order that the restitution be made to the victim in open court or to the adult probation department that serves the jurisdiction or the Clerk of the Court on behalf of the victim.

(ii) If the court imposes restitution, the court shall determine the amount of restitution to be paid by the offender. The court may base the amount of restitution it orders on an amount recommended by the

victim, the offender, a presentence investigation report, estimates or receipts indicating the cost of repairing or replacing property, and other information, provided that the amount the court orders as restitution shall not exceed the amount of economic loss suffered by the victim as a direct and proximate result of the commission of the offense if the court imposes restitution for the cost of accounting or auditing done to determine the extent of economic loss, the court may order restitution for any amount of the victim's costs of accounting or auditing provided that the amount of restitution is reasonable and does not exceed the value of property or services stolen or damaged as a result of the offense. If the court decides to impose restitution, the court shall hold an evidentiary hearing on restitution if the offender, victim, or survivor disputes the amount of restitution. If the court holds an evidentiary hearing, at the hearing the victim or survivor has the burden to prove by a preponderance of the evidence the amount of restitution sought from the offender.

(iii) All restitution payments shall be credited against any recovery of economic loss in a civil action brought by the victim or any survivor of the victim against the offender. No person may introduce evidence of an award of restitution under this section in a civil action for purposes of imposing liability against an insurer under Ohio R.C. 3937.18.

(iv) If the court imposes restitution, the court may order that the offender pay a surcharge, of not more than five per cent of the amount of the restitution otherwise ordered, to the entity responsible for collecting and processing restitution payments.

(v) The victim or survivor of the victim may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(B) Fines. A fine of the type described in divisions (f)(1)B.(i) and (ii) of this section payable to the appropriate entity as required by law:

(i) A fine in the following amount:

- (1) For a misdemeanor of the first degree, not more than one thousand dollars (\$1,000.00);
- (2) For a misdemeanor of the second degree, not more than seven hundred fifty dollars (\$750.00);
- (3) For a misdemeanor of the third degree, not more than five hundred dollars (\$500.00);
- (4) For a misdemeanor of the fourth degree, not more than two hundred fifty dollars (\$250.00);
- (5) For a minor misdemeanor, not more than one hundred fifty dollars (\$150.00).

(ii) A State fine or cost as defined in Ohio R.C. 2949.111.

(C) Reimbursement.

(i) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including, but not limited to, the following:

(1) All or part of the costs of implementing any community control sanction, including a supervision fee under Ohio R.C. 2951.021;

(2) All or part of the costs of confinement in a jail or other residential facility, including, but not limited to, a per diem fee for room and board, the costs of medical and dental treatment, and the costs of repairing property damaged by the offender while confined;

(3) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under Ohio R.C. 4510.13.

(ii) The amount of reimbursement under division (f)(1)C.(i) of this section shall not exceed the total amount of reimbursement the offender is able to pay and shall not exceed the actual cost of the sanctions. The court may collect any amount of reimbursement the offender is required to pay under that division. If the court does not order reimbursement under that division, confinement costs may be assessed pursuant to a repayment policy adopted under Ohio R.C. 2929.37. In addition, the offender may be required to pay the fees specified in Ohio R.C. 2929.38 in accordance with that section.

(A) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this division (f) or court costs or is likely in the future to be able to pay the sanction or costs.

(B) If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (e)(1) of this section in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (e)(1) of this section in lieu of or in addition to imposing a financial sanction under this division (f) and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (e)(3) of this section in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(A) The offender shall pay reimbursements imposed upon the offender pursuant to division (f)(1)C. of this section to pay the costs incurred by a county pursuant to any sanction imposed under division (d), (e), or (f) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (d) of this section to the County Treasurer. The County Treasurer shall deposit the reimbursements in the County's General Fund. The County shall use the amounts deposited in the fund to pay the costs incurred by the County pursuant to any sanction imposed under division (d), (e), or (f) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (d) of this section.

(B) The offender shall pay reimbursements imposed upon the offender pursuant to division (f)(1)C. of this section to pay the costs incurred by a municipal corporation pursuant to any sanction imposed under division (d), (e), or (f) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (d) of this section to the Treasurer of the municipal corporation. The Treasurer shall deposit the reimbursements in the municipal corporation's General Fund. The municipal corporation shall use the amounts deposited in the fund to pay the costs incurred by the municipal corporation pursuant to any sanction imposed under division (d), (e), or (f) of this section or in operating a facility used to confine offenders pursuant to a sanction imposed under division (d) of this section.

(C) The offender shall pay reimbursements imposed pursuant to division (f)(1)C. of this section for the costs incurred by a private provider pursuant to a sanction imposed under division (d), (e), or (f) of this section to the provider.

(D) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for misdemeanor domestic violence or menacing by stalking may impose a fine of not less than seventy nor more than five hundred dollars, which shall be transmitted to the treasurer of state to be credited to the address confidentiality program fund created by Ohio R.C. 111.48.

(A) Except as otherwise provided in this division (f)(4), a financial sanction imposed under division (f)(1) of this section is a judgment in favor of the State or the political subdivision that operates the court that imposed the financial sanction, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed pursuant to division (f)(1)C.(i)a. of this section upon an offender is a judgment in favor of the entity administering the community control sanction. A financial sanction of reimbursement imposed pursuant to division (f)(1)C.(i)b. of this section upon an offender confined in a jail or other residential facility is a judgment in favor of the entity operating the jail or other residential facility. A financial sanction of restitution imposed pursuant to division (f)(1)A. of this section is an order in favor of the victim of the offender's criminal act that can be collected through execution as described in division (f)(4)B.(i) of this section or through an order as described in division (f)(4)B.(ii) of this section and the offender shall be considered for purposes of the collection as a judgment debtor.

(B) Once a financial sanction is imposed as a judgment or order under this division, the victim, private provider, State, or political subdivision may bring an action to do any of the following:

(i) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(ii) Obtain execution of the judgment or order through any available procedure, including any of the procedures identified in Ohio R.C. 2929.18(E)(1) and (2) or a substantially equivalent municipal ordinance.

(iii) Obtain an order for the assignment of wages of the judgment debtor under Ohio R.C. 1321.33 or a substantially equivalent municipal ordinance.

(2) The civil remedies authorized under division (f)(4) of this section for the collection of the financial sanction supplement, but do not preclude, enforcement of the criminal sentence.

(3) Each court imposing a financial sanction upon an offender under this division (f) may designate the Clerk of the Court or another person to collect the financial sanction. The Clerk, or another person authorized by law or the court to collect the financial sanction may do the following:

(A) Enter into contracts with one or more public agencies or private vendors for the collection of amounts due under the sanction. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this division (f), a court shall comply with Ohio R.C.307.86 to 307.92.

(B) Permit payment of all or any portion of the sanction in installments, by financial transaction device if the court is a County Court or a Municipal Court operated by a county, by credit or debit card or by another electronic transfer if the court is a municipal court not operated by a county, or by any other reasonable method, in any time, and on any terms that the court considers just, ~~except that the maximum time permitted for payment shall not exceed five years.~~ If the court is a County Court or a Municipal Court operated by a county, the acceptance of payments by any financial transaction device shall be governed by the policy adopted by the Board of County Commissioners of the county pursuant to Ohio R.C. 301.28. If the court is a Municipal Court not operated by a county, the Clerk may pay any fee associated with processing an electronic transfer out of public money or may charge the fee to the offender.

(C) To defray administrative costs, charge a reasonable fee to an offender who elects a payment plan rather than a lump sum payment of any financial sanction.

(4) No financial sanction imposed under this division (f) shall preclude a victim from bringing a civil action against the offender.

(ORC 2929.28)

(1) **Organizational Penalties.** Regardless of the other penalties provided in this section, an organization convicted of an offense pursuant to Section 501.11 shall be fined by the court as follows:

- (A) For a misdemeanor of the first degree, not more than five thousand dollars (\$5,000.00);
- (B) For a misdemeanor of the second degree, not more than four thousand dollars (\$4,000.00);
- (C) For a misdemeanor of the third degree, not more than three thousand dollars (\$3,000.00);
- (D) For a misdemeanor of the fourth degree, not more than two thousand dollars (\$2,000.00);
- (E) For a minor misdemeanor, not more than one thousand dollars (\$1,000.00);
- (F) For a misdemeanor not specifically classified, not more than two thousand dollars (\$2,000.00);
- (G) For a minor misdemeanor not specifically classified, not more than one thousand dollars (\$1,000.00).

(2) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this section.

(3) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this section, then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(4) This division (b) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 501.11, either in addition to or in lieu of a fine imposed pursuant to division (b).

(ORC 2929.31)

(g) **Suspension of Driver's License.** Except as otherwise provided in Ohio R.C. 4510.07 or in any other provision of the Revised Code, whenever an offender is convicted of or pleads guilty to a violation of any provision of this Code of Ordinances that is substantially equivalent to a provision of the Revised Code, and a court is permitted or required to suspend a person's driver's or commercial driver's license or permit for a violation of that provision, a court, in addition to any other penalties authorized by law, may suspend the offender's driver's or commercial driver's license or permit or nonresident operating privileges for the period of time the court determines appropriate, but the period of suspension imposed for the violation of the provision of this Code of Ordinances shall not exceed the period of suspension that is permitted or required to be imposed for the violation of the provision of the Revised Code to which the provision of this Code of Ordinances is substantially equivalent.

(ORC 4510.05)

Statutory reference:

Misdemeanor terms, see Ohio R.C. 2929.24

Misdemeanor community control sanctions, see Ohio R.C. 2929.25 Nonresidential sanctions where jail term not mandatory, see Ohio R.C. 2929.27 Financial sanctions, see Ohio R.C. 2929.28

509.04 Disturbing A Lawful Meeting

(a) No person, with purpose to prevent or disrupt a lawful meeting, procession or gathering, shall do either of the following:

(1) Do any act which obstructs or interferes with the due conduct of such meeting, procession or gathering;

(2) Make any utterance, gesture or display which outrages the sensibilities of the group.

(b) Whoever violates this section is guilty of disturbing a lawful meeting. Except as otherwise provided in this division, disturbing a lawful meeting is a misdemeanor of the fourth degree. Disturbing a lawful meeting is a misdemeanor of the first degree if either of the following applies:

(1) The violation is committed with the intent to disturb or disquiet any assemblage of people met for religious worship at a tax-exempt place of worship, regardless of whether the conduct is within the place at which the assemblage is held or is on the property on which that place is located and disturbs the order and solemnity of the assemblage.

(2) The violation is committed with the intent to prevent, disrupt, or interfere with a virtual meeting or gathering of people for religious worship, through use of a computer, computer system, telecommunications device, or other electronic device or system, or in any other manner.

(c) As used in this section:

(1) "Computer," "computer system," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code.

(2) "Virtual meeting or gathering" means a meeting or gathering by interactive video conference or teleconference, or by a combination thereof.

(ORC 2917.12)

513.01 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. Words, terms and phrases and their derivatives used in this chapter which are not defined in this section shall have the meanings given to them in the Ohio Revised Code.

(a) "Administer." The direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal.

(b) "Adulterate." To cause a drug to be adulterated as described in ORC 3715.63.

(c) "Benzodiazepine." A controlled substance that has United States Food and Drug Administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam.

(d) "Bulk Amount." Of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance included in Schedule I, Schedule II or Schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (b), (e), or (f) of this definition, whichever of the following is applicable:

(A) An amount equal to or exceeding ten (10) grams or twenty-five

(25) unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I opiate or opium derivative;

(B) An amount equal to or exceeding ten (10) grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;

(C) An amount equal to or exceeding thirty (30) grams or ten (10) unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule I hallucinogen other than tetrahydrocannabinol or lysergic acid amide, or a Schedule I stimulant or depressant;

(D) An amount equal to or exceeding twenty (20) grams or five (5) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II opiate or opium derivative;

(E) An amount equal to or exceeding five (5) grams or ten (10) unit doses of a compound, mixture, preparation, or substance that is or contains any amount of phencyclidine;

(F) An amount equal to or exceeding one hundred twenty (120) grams or thirty (30) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant that is in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938) (21 U.S.C. 301 et seq., as amended) and the Federal drug abuse control laws, as defined in Ohio R.C. 3719.01, that is or contains any amount of a Schedule II depressant substance or a Schedule II hallucinogenic substance;

(G) An amount equal to or exceeding three (3) grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule II stimulant, or any of its salts or isomers, that is not in a final dosage form manufactured by a person authorized by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq., as amended) and the Federal drug abuse control laws;

(2) An amount equal to or exceeding one hundred twenty (120) grams or thirty (30) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III or IV substance other than an anabolic steroid or a Schedule III opiate or opium derivative;

(3) An amount equal to or exceeding twenty (20) grams or five (5) times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty (250) milliliters or two hundred fifty (250) grams of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule V substance.

(5) An amount equal to or exceeding two hundred (200) solid dosage units, sixteen (16) grams, or sixteen (16) milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a Schedule III anabolic steroid.

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of Ohio R.C. 2925.11 and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in subsection (a), (b), (c), (d), or (e) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

- (e) “Certified Grievance Committee.” A duly constituted and organized committee of the Ohio State Bar Association or of one or more local bar associations of the State that complies with the criteria set forth in Rule V, Section 6 of the Rules for the Government of the Bar of Ohio.
- (f) “Cocaine.” Any of the following:
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine.
 - (2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine.
 - (3) A salt, compound, derivative, or preparation of a substance identified in division (a) or (b) of this definition that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.
- (g) “Committed in the Vicinity of a Juvenile.” An offense is “committed in the vicinity of a juvenile” if the offender commits the offense within one hundred (100) feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred (100) feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.
- (h) “Committed in the Vicinity of a School.” An offense is “committed in the vicinity of a school” if the offender commits the offense on school premises, in a school building, or within one thousand (1,000) feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand (1,000) feet of the boundaries of any school premises.
- (i) “Controlled Substance.” A drug, compound, mixture, preparation, or substance included in Schedule I, II, III, IV, or V, respectively, as established by rule adopted under ORC 3719.41 by the State Board of Pharmacy, as amended pursuant to ORC 3719.43 or 3719.44, or as established by emergency rule adopted under ORC 3719.45.
- (j) “Controlled Substance Analog.”
- (1) The phrase means, except as provided in division (2) of this definition, a substance to which both of the following apply:
 - (A) The chemical structure of the substance is substantially similar to the structure of a controlled substance in Schedule I or II.
 - (B) One of the following applies regarding the substance:
 - (i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.
 - (ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II.
 - (2) The phrase does not include any of the following:
 - (A) A controlled substance;

- (B) Any substance for which there is an approved new drug application;
 - (C) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;
 - (D) Any substance to the extent it is not intended for human consumption before the exemption described in division (b)(3). of this definition takes effect with respect to that substance.
- (3) Except as otherwise provided in ORC 2925.03 or ORC 2925.11, a “controlled substance analog”, to the extent intended for human consumption, shall be treated for purposes of any provision of this Code or the Ohio Revised Code as a controlled substance in Schedule I.
- (k) “Counterfeit Controlled Substance.” Any of the following:
 - (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to the trademark, trade name, or identifying mark.
 - (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it.
 - (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance.
 - (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.
 - (l) “Cultivate.” Includes planting, watering, fertilizing or tilling.
 - (m) “Dangerous Drug.” Any of the following:
 - (1) Any drug to which either of the following applies:
 - (A) Under the Federal Food, Drug, and Cosmetic Act, 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend “Caution: Federal law prohibits dispensing without a prescription” or “Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian” or any similar restrictive statement, or may be dispensed only upon a prescription.
 - (B) Under ORC Chapter 3715 or 3719, the drug may be dispensed only upon a prescription.
 - (2) Any drug that contains a Schedule V controlled substance and that is exempt from ORC Chapter 3719 or to which that chapter does not apply.
 - (3) Any drug intended for administration by injection into the human body other than through a natural orifice of the human body.
 - (4) Any drug that is a biological product, as defined in Ohio R.C. 3715.01.
 - (n) “Deception.” Has the same meaning as in ORC 2913.01.
 - (o) “Disciplinary Counsel.” The disciplinary counsel appointed by the Board of Commissioners on Grievances and Discipline of the Ohio Supreme Court under the Rules for the Government of the Bar of Ohio.
 - (p) “Dispense.” Means to sell, leave with, give away, dispose of, or deliver.

(q) “Distribute.” Means to deal in, ship, transport or deliver, but does not include administering or dispensing a drug.

(r) “Drug.” Any of the following:

(1) Any article recognized in the official United States pharmacopeia, national formulary, or any supplement to them intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals.

(2) Any other article intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals.

(3) Any article, other than food, intended to affect the structure or any function of the body of humans or other animals.

(4) Any article intended for use as a component of any article specified in division (a), (b), or (c) above; but does not include devices or their components, parts, or accessories.

"Drug" does not include "hemp" or a "hemp product" as those terms are defined in Ohio R.C. 928.01.

(s) “Drug Abuse Offense.” Any of the following:

(1) A violation of ORC 2913.02(A) that constitutes theft of drugs, or any violation of ORC 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37.

(2) A violation of an existing or former law of any municipality, State, or of the United States, that is substantially equivalent to any section listed in division (a) of this definition.

(3) An offense under an existing or former law of any municipality, State, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element.

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit, any offense under division (a), (b), or (c) of this definition.

(t) ~~“Drug Dependent Person.”~~ “Person with a drug dependency” Any person who, by reason of the use of any drug of abuse, is physically and/or psychologically dependent upon the use of such drug to the detriment of the person's health or welfare.

(u) “Drug of Abuse.” Any controlled substance as defined in Ohio R.C. 3719.01, any harmful intoxicant as defined in Ohio R.C. 2925.01, and any dangerous drug, as defined in Ohio R.C. 4729.01.

(v) “Emergency Facility.” A hospital emergency department or any other facility that provides emergency care.

(w) “Federal Drug Abuse Control Laws.” The “Comprehensive Drug Abuse Prevention and Control Act of 1970,” 84 Stat. 1242, 21 U.S.C. 801 et seq., as amended.

(x) “Felony Drug Abuse Offense.” Any drug abuse offense that would constitute a felony under the laws of this State, any other State, or the United States.

(y) “Harmful Intoxicant.” Does not include beer or intoxicating liquor, but means any of the following:

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

(A) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent.

(B) Any aerosol propellant.

(C) Any fluorocarbon refrigerant.

(D) Any anesthetic gas.

(2) Gamma Butyrolactone;

(3) 1,4 Butanediol.

"Hashish." A resin or a preparation of a resin to which both of the following apply:

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

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

(z) "Hashish." The resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(aa) Hypodermic." A hypodermic syringe or needle, or other instrument or device for the injection of medication.

(ab) "Juvenile." A person under eighteen (18) years of age.

(ac) "Laboratory." A laboratory licensed under Ohio R.C. Chapter 4729 as a terminal distributor of dangerous drugs and entrusted to have custody of any of the following drugs and to use the drugs for scientific and clinical purposes and for purposes of instruction: dangerous drugs that are not controlled substances, as defined in Ohio R.C. 3719.01; dangerous drugs that are controlled substances, as defined in that section; and controlled substances in schedule I, as defined in that section.

(ad) "Lawful Prescription." A prescription that is issued for a legitimate medical purpose by a licensed health professional authorized to prescribe drugs, that is not altered or forged, and that was not obtained by means of deception or by the commission of any theft offense.

(ae) "Licensed Health Professional Authorized to Prescribe Drugs" or "Prescriber." An individual who is authorized by law to prescribe drugs or dangerous drugs or drug therapy related devices in the course of the individual's professional practice, including only the following:

(1) A dentist licensed under ORC Chapter 4715.

(2) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner who holds current, valid license issued under ORC Chapter 4723 to practice nursing as an advanced practice registered nurse;

(3) A certified registered nurse anesthetist who holds a current, valid license issued under ORC Chapter 4723 to practice nursing as an advanced practice registered nurse, but only to the extent of the nurse's authority under ORC Chapter 4723.43 and 4723.434;

(4) An optometrist licensed under ORC Chapter 4725 to practice optometry under a therapeutic pharmaceutical agents certificate.

(5) A physician authorized under ORC Chapter 4731 to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery.

(6) A physician assistant who holds a license to practice as a physician assistant issued under ORC Chapter 4730, holds a valid prescriber number issued by the Ohio Medical Board, and has been granted physician-delegated prescriptive authority.

(7) A veterinarian licensed under ORC Chapter 4741.

(af) "L.S.D." Lysergic acid diethylamide.

(ag) "Major Drug Offender." Has the same meaning as in ORC 2929.01. (ah) "Mandatory Prison Term." Has the same meaning as in ORC 2929.01.

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

(aj) "Manufacturer." A person who manufactures a controlled substance, as "manufacture" is defined in ORC 3715.01, and includes a "manufacturer of dangerous drugs" as defined in ORC 4729.01.-

(ak) "Marihuana." All parts of a plant of the genus cannabis, whether growing or not, the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil, or cake, or the sterilized seed of the plant that is incapable of germination. "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in ORC 928.01.

(al) "Methamphetamine." Methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(am) "Minor Drug Possession Offense." Either of the following:

(1) A violation of ORC 2925.11 as it existed prior to July 1, 1996, or a substantially equivalent municipal ordinance.

(2) A violation of ORC 2925.11 as it exists on and after July 1, 1996, or a substantially equivalent municipal ordinance, that is a misdemeanor or a felony of the fifth degree.

(an) "Official Written Order." An order written on a form provided for that purpose by the Director of the United States Drug Enforcement Administration, under any laws of the United States making provision for the order, if the order forms are authorized and required by Federal law.

(ao) "Opioid Analgesic." A controlled substance that has analgesic pharmacologic activity at the opioid receptors of the central nervous system, including the following drugs and their varying salt forms or chemical congeners: buprenorphine, butorphanol, codeine (including acetaminophen and other combination products), dihydrocodeine, fentanyl, hydrocodone (including acetaminophen combination

products), hydromorphone, meperidine, methadone, morphine sulfate, oxycodone (including acetaminophen, aspirin, and other combination products), oxymorphone, tapentadol, and tramadol.

(ap) "Person." Means any individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership, association or other legal entity.

(aq) "Pharmacist." A person licensed under ORC Chapter 4729 to engage in the practice of pharmacy.

(ar) "Pharmacy." Except when used in a context that refers to the practice of pharmacy, means any area, room, rooms, place of business, department, or portion of any of the foregoing, where the practice of pharmacy is conducted.

(as) "Possess" or "Possession." Having control over a thing or substance but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.

(at) "Prescription." Means all of the following:

(1) A written, electronic or oral order for drugs or combination or mixtures of drugs to be used by a particular individual or for treating a particular animal, issued by a licensed health professional authorized to prescribe drugs.

(2) For purposes of ORC 2925.61, 4723.484, 4730.434, and 4731.94, a written, electronic, or oral order for naloxone issued to and in the name of a family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(3) For purposes of ORC 4729.44, a written, electronic, or oral order for naloxone issued to and in the name of either of the following:

(A) An individual who there is reason to believe is at risk of experiencing an opioid-related overdose;

(B) A family member, friend, or other individual in a position to assist an individual who there is reason to believe is at risk of experiencing an opioid-related overdose.

(4) For purposes of ORC 4723.4810, 4729.282, 4730.432, and 4731.93, a written, electronic, or oral order for a drug to treat chlamydia, gonorrhea, or trichomoniasis issued to and in the name of a patient who is not the intended user of the drug but is the sexual partner of the intended user.

~~(3)~~ For purposes of ORC 3313.7110, 3313.7111, 3314.143, 3326.28, 3328.29, 4723.483, 4729.88, 4730.433, 4731.96, and 5101.76, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a school, school district, or camp.

~~(4)~~ For purposes of ORC Chapter 3728 and ORC 4723.483, 4729.88, 4730.433, and 4731.96, a written, electronic, or oral order for an epinephrine autoinjector issued to and in the name of a qualified entity, as defined in ORC 3728.01.

~~(5)~~ For purposes of ORC 3313.7115, 3313.7116, 3314.147, 3326.60, 3328.38, 4723.4811, 4730.437, 4731.92, and 5101.78, a written, electronic, or oral order for injectable or nasally administered glucagon in the name of a school, school district, or camp.

(au) "Presumption for a Prison Term" or "Presumption that a Prison Term Shall be Imposed." A presumption as described in ORC 2929.13(D) that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under ORC 2929.11.

(av) "Professional License." Any license, permit, certificate, registration, qualification, admission, temporary license, temporary permit, temporary certificate, or temporary registration that is described in ORC 2925.01(W)(1) to (36) and that qualifies a person as a professionally licensed person.

(aw) "Professionally Licensed Person." Any of the following:

- (1) A person who has received a certificate or temporary certificate as a certified public accountant or who has registered as a public accountant under ORC Chapter 4701 and who holds an Ohio permit issued under that chapter;
- (2) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under ORC Chapter 4703;
- (3) A person who is registered as a landscape architect under ORC Chapter 4703 or who holds a permit as a landscape architect issued under that chapter;
- (4) A person licensed under ORC Chapter 4707;
- (5) A person who has been issued a certificate of registration as a registered barber under ORC Chapter 4709;
- (6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of ORC Chapter 4710;
- (7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under ORC Chapter 4713;
- (8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under ORC Chapter 4715;
- (9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under ORC Chapter 4717;
- (10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse- midwifery under ORC Chapter 4723;
- (11) A person who has been licensed to practice optometry or to engage in optical dispensing under ORC Chapter 4725;
- (12) A person licensed to act as a pawnbroker under ORC Chapter 4727;
- (13) A person licensed to act as a precious metals dealer under ORC Chapter 4728;
- (14) A person licensed as a pharmacist, or pharmacy intern, or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;
- (15) A person licensed under ORC Chapter 4729 as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;
- (16) A person who is authorized to practice as a physician assistant under ORC Chapter 4730;

- (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under ORC Chapter 4731 or has been issued a certificate to practice a limited branch of medicine under that chapter;
 - (18) A person licensed as a psychologist or school psychologist under ORC Chapter 4732;
 - (19) A person registered to practice the profession of engineering or surveying under ORC Chapter 4733;
 - (20) A person who has been issued a license to practice chiropractic under ORC Chapter 4734;
 - (21) A person licensed to act as a real estate broker or real estate salesperson under ORC Chapter 4735;
 - (22) A person registered as a registered environmental health specialist under ORC Chapter 4736;
 - (23) A person licensed to operate or maintain a junkyard under ORC Chapter 4737;
 - (24) A person who has been issued a motor vehicle salvage dealer's license under ORC Chapter 4738;
 - (25) A person who has been licensed to act as a steam engineer under ORC Chapter 4739;
 - (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under ORC Chapter 4741;
 - (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under ORC Chapter 4747;
 - (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under ORC Chapter 4749;
 - (29) A person licensed to practice as a nursing home administrator under ORC Chapter 4751;
 - (30) A person licensed to practice as a speech-language pathologist or audiologist under ORC Chapter 4753;
 - (31) A person issued a license as an occupational therapist or physical therapist under ORC Chapter 4755;
 - (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under ORC Chapter 4757;
 - (33) A person issued a license to practice dietetics under ORC Chapter 4759;
 - (34) A person who has been issued a license or limited permit to practice respiratory therapy under ORC Chapter 4761;
 - (35) A person who has been issued a real estate appraiser certificate under ORC Chapter 4763.
 - (36) A person who has been issued a home inspector license under ORC Chapter 4764;
 - (37) A person who has been admitted to the bar by order of the Ohio Supreme Court in compliance with its prescribed and published rules.
- (ax) "Public Premises." Any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(ay) "Sale." Includes delivery, barter, exchange, transfer, or gift, or offer thereof, and each transaction of those natures made by any person, whether as principal, proprietor, agent, servant or employee.

(az) "Sample Drug." A drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.

(ba) "Schedule I, II, III, IV or V." Controlled substance Schedules I, II, III, IV, and V, respectively, as established by rule adopted under ORC 3719.41, as amended pursuant to ORC 3719.43 or 3719.44, or as established by emergency rule adopted under ORC 3719.45.

(bb) "School." Any school operated by a board of education, any community school established under ORC Chapter 3314, or any nonpublic school for which the State Board of Education prescribes minimum standards under ORC 3301.07, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(bc) "School Building." Any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal offense is committed.

(bd) "School Premises." Either of the following:

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

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under ORC Chapter 3314, or the governing body of a nonpublic school for which the State Board of Education prescribes minimum standards under ORC 3301.07 and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(be) "Standard Pharmaceutical Reference Manual." The current edition, with cumulative changes if any, of references that are approved by the State Board of Pharmacy.

(bf) "Theft Offense." Has the same meaning as in ORC 2913.01.

(bg) "Unit Dose." An amount or unit or a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(bh) "Wholesaler." A person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced or prepared personally and includes "wholesale distributor of dangerous drugs," which means a person engaged in the sale of dangerous drugs at wholesale and includes any agent or employee of that person authorized by that person to engage in the sale of dangerous drugs at wholesale.

(ORC 2925.01, 2925.11, 3719.01, 3719.011, 3719.013, 3719.061, 4729.01, 4729.52)

513.02 Trafficking In Controlled Substances

(a) No person shall knowingly do any of the following:

(1) Sell or offer to sell a controlled substance or a controlled substance analog;

(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.

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

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration;

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

(c) Whoever violates subsection (a) of this section is guilty of the following:

(1) Except as otherwise provided in division (c)(2) of this section, trafficking in controlled substances is a felony to be prosecuted under appropriate state law.

(2) Except as otherwise provided in this division, if the offense involves a gift of 20 grams or less of marihuana, trafficking in marihuana is a minor misdemeanor upon a first offense and a misdemeanor of the third degree upon a subsequent offense. If the offense involves a gift of twenty (20) grams or less of marihuana and if the offense was committed in the vicinity of a school, ~~or~~ in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, aggravated trafficking in marihuana is a misdemeanor of the third degree.

(d) In addition to any prison term authorized or required by subsection (c) hereof, Ohio R.C. 2925.13 and 2925.14, and Ohio R.C. 2929.13 and 2929.14, and in addition to any other sanction imposed for the offense under this section or Ohio R.C. 2929.11 through 2929.18, the court that sentences an officer who is convicted of or pleads guilty to a violation of subsection (a) hereof may suspend the driver's or commercial driver's license or permit of the offender in accordance with ORC 2925.03(G). However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with ORC 2925.03(G). If the offender is a professionally licensed person, the court immediately shall comply with ORC 2925.38.

(e) (1) Notwithstanding any contrary provision of Ohio R.C. 3719.21 and except as provided in Ohio R.C. 2925.03(H), the Clerk of the Court shall pay any mandatory fine imposed pursuant to this section and any fine other than a mandatory fine that is imposed for a violation of this section pursuant to Ohio R.C. 2929.18(A) or (B)(5) to the county, township, municipal corporation, park district, as created pursuant to Ohio R.C. 511.18 or 1545.04, or state law enforcement agencies in this state that primarily were responsible for or involved in making the arrest of, and in prosecuting, the offender. However, the Clerk shall not pay a mandatory fine so imposed to a law enforcement agency unless the agency has adopted a written internal control policy under subsection (e)(2) hereof that addresses the use of the fine moneys that it receives. Each agency shall use the mandatory fines so paid to subsidize the agency's law

enforcement efforts that pertain to drug offenses, in accordance with the written internal control policy adopted by the recipient agency under subsection (e)(2) hereof.

(2) Prior to receiving any fine moneys under subsection (e)(1) hereof or Ohio R.C. 2925.42(B), a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general type of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under Ohio R.C. 149.43. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

(3) As used in subsections (e) hereof:

(A) "Law enforcement agencies" includes, but is not limited to, the State Board of Pharmacy and the office of a prosecutor.

(B) "Prosecutor" has the same meaning as in Ohio R.C. 2935.01.

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

(ORC 2925.03)

Statutory reference:

For violations of 513.02(a) classified as felonies, see Ohio R.C. 2925.03.

513.03 Drug Possession Offenses; Controlled Substance Possession Or Use

(a) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog.

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

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with ORC Chapters 3719, 4715, 4723, 4729, 4730, 4731 and 4741.

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States Food and Drug Administration.

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

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

As used in division (b)(1)(D) of this section, "deception" and "theft offense" have the same meanings as in ORC 2913.01.

- (A) As used in division (b)(2) of this section:
- (i) “Community addiction services provider.” Has the same meaning as in ORC 5119.01.
 - (ii) “Community control sanction.” Has the same meanings as in ORC 2929.01
 - (iii) “Drug treatment program.” Has the same meanings as in ORC 2929.01.
 - (iv) “Health care facility.” Has the same meaning as in ORC 2919.16.
 - (v) “Minor drug possession offense.” A violation of this section or ORC 2925.11 that is a misdemeanor or a felony of the fifth degree.
 - (vi) “Peace officer.” Has the same meaning as in ORC 2935.01.
 - (vii) “Post-release control sanction.” Has the same meaning as in ORC 2967.28.
 - (viii) “Public agency.” Has the same meaning as in ORC 2930.01.
 - (ix) “Qualified individual.” A person who is ~~not on community control or post-release control and is a person~~ acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (b)(2)B. of this section.
 - (x) “Seek or obtain medical assistance.” Includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.
- (B) Subject to division (b)(2)~~FE~~. of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense or a violation of section ORC 2925.12, ORC 2925.14 (C)(1), or ORC 2925.141 if all of the following apply:
- (i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog, drug abuse instruments, or drug paraphernalia that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.
 - (ii) Subject to division (b)(2)~~GF~~. of this section, within thirty (30) days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.
 - (iii) Subject to division (b)(2)~~GF~~. of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (b)(2)B.2. of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.
- ~~(C) — If a person is found to be in violation of any community control sanction and if the violation is a result of either of the following, the court shall first consider ordering the person’s participation or continued participation in a drug treatment program or mitigating the penalty specified in ORC 2929.13, 2929.15, or 2929.25, or any substantially equivalent municipal ordinance, whichever is applicable, after which the court has the discretion either to order the person’s participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in any of those applicable sections:~~

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

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

~~(D) — If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in ORC 2929.141 or 2967.28, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections:~~

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

~~(ii) — Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (b)(2)B. of this section. If a person who is serving a community control sanction or is under a sanction on post-release control acts pursuant to division (b)(2)(B) of this section, then ORC 2929.141(B), 2929.15(B)(2), 2929.25(D)(3), or 2967.28(F)(3) applies to the person with respect to any violation of the sanction or post-release control sanction based on a minor drug possession offense, as defined in ORC 2925.11, or a violation of ORC 2925.12, 2925.14(C)(1), or ORC 2925.141.~~

~~(E)(D)~~ Nothing in division (b)(2)B. of this section shall be construed to do any of the following:

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

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

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

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

~~(F)(E)~~ Division (b)(2)B. of this section does not apply to any person who twice previously has been granted an immunity under division (b)(2)B. of this section. No person shall be granted an immunity under division (b)(2)B. of this section more than two (2) times.

~~(G)(F)~~ Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. §§ 1320d et seq., as amended, and regulations promulgated by the United States Department of Health and Human Services to implement the act or the requirements of 42 C.F.R. Part 2.

(b) Whoever violates subsection (a) hereof is guilty of one of the following:

(1) Except as otherwise provided in divisions (c)(2), (c)(3), (c)(4), and (c)(5), if the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II , with the

exception of marihuana, or is cocaine, L.S.D., heroin, any fentanyl-related compound, hashish, a controlled substance analog, possession of drugs is a felony and shall be prosecuted under appropriate state law.

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

(A) Except as otherwise provided in the following division, possession of drugs is a misdemeanor of the first degree or, if the offender previously has been convicted of a drug abuse offense, it is a felony to be prosecuted under appropriate State law.

(B) If the amount of the drug involved equals or exceeds the bulk amount, possession of drugs is a felony to be prosecuted under state law.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation or substance containing marihuana other than hashish, whoever violates subsection (a) hereof is guilty of possession of marihuana. The penalty for the offense shall be determined as follows:

(A) Except as otherwise provided in the following divisions, possession of marihuana is a minor misdemeanor.

(B) If the amount of the drug involved equals or exceeds 100 grams but is less than 200 grams, possession of marihuana is a misdemeanor of the fourth degree.

(C) If the amount of the drug involved equals or exceeds 200 grams, possession of marihuana is a felony and shall be prosecuted under state law.

(4) If the drug involved in the violation is hashish or a compound, mixture, preparation or substance containing hashish, whoever violates subsection (a) hereof is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(A) Except as otherwise provided in the following divisions, possession of hashish is a minor misdemeanor.

(B) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(C) If the amount of the drug involved equals or exceeds ten grams of hashish in a solid form or equals or exceeds two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony to be prosecuted under state law.

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

(d) In addition to any prison term or jail term authorized or required by subsection (c) hereof and Ohio R.C. 2915.11, 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25, or any substantially equivalent municipal ordinance, and in addition to any other sanction that is imposed for the offense under this section or Ohio R.C. 2925.11 through 2929.18, or Ohio R.C. 2929.21 to 2929.28, or any substantially equivalent municipal ordinance, the court that sentences an offender who is convicted of or pleads guilty

to a violation of subsection (a) of this section may suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If applicable, the court also shall do the following:

(1) Notwithstanding any contrary provision of Ohio R.C. 3719.21, the Clerk of Court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to Ohio R.C. 2929.18(A) in accordance with and subject to the requirements of Ohio R.C. 2925.03(F). The agency that receives the fine shall use the fine as specified in Ohio R.C. 2925.03(F).

(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with Ohio R.C. 2925.38.

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

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

(ORC 2925.11)

Statutory reference:

Felony provisions, see generally Ohio R.C. 2925.11

513.04 Possessing Drug Abuse Instruments

(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.

(b)(1) 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 Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741.

(2) Ohio R.C. 2925.11(B)(2) 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.

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

(d) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license

or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with ORC 2925.38.

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

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

(ORC 2925.12)

513.12 Drug Paraphernalia

(a) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that issued by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

- (1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;
- (2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
- (3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine.
- (4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;
- (5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, except for those exempted in division (d)(4) of this section;
- (6) A scale or balance for weighing or measuring a controlled substance;
- (7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;
- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;

- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;
 - (11) A container or device for storing or concealing a controlled substance;
 - (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;
 - (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marijuana, 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; carburation tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning in material, such as a marijuana 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.
- (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:
- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;
 - (2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of Ohio R.C. Chapter 2925;
 - (3) The proximity of the equipment, product, or material to any controlled substance;
 - (4) The existence of any residue of a controlled substance on the equipment, product, or material;
 - (5) Direct or circumstantial evidence of the intent of the owner, or of anyone in control, of the equipment, product, or material, to deliver it to any person whom the owner or person in control of the equipment, product, or material knows intends to use the object to facilitate a violation of any provision of Ohio R.C. Chapter 2925. A finding that the owner, or anyone in control, of the equipment, product, or material, is not guilty of a violation of any other provision of Ohio R.C. Chapter 2925, does not prevent a finding that the equipment, product, or material was intended or designed by the offender for use as drug paraphernalia.
 - (6) Any oral or written instruction provided with the equipment, product, or material concerning its use;
 - (7) Any descriptive material accompanying the equipment, product, or material and explaining or depicting its use;
 - (8) National or local advertising concerning the use of the equipment, product, or material;
 - (9) The manner and circumstances in which the equipment, product, or material is displayed for sale;
 - (10) Direct or circumstantial evidence of the ratio of the sales of the equipment, product, or material to the total sales of the business enterprise;
 - (11) The existence and scope of legitimate uses of the equipment, product, or material in the community;
 - (12) Expert testimony concerning the use of the equipment, product, or material.
- (c) (1) Subject to division (d)(2), (3), and (4) of this section, no person shall knowingly use, or possess with purpose to use, drug paraphernalia.

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

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

(d) (1) This section does not apply to manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Ohio R.C. Chapters 3719, 4715, 4723, 4729, 4730, 4731, and 4741. This

section shall not be construed to prohibit the possession or use of a hypodermic as authorized by Ohio R.C. 3719.72.

(2) Division (c)(1) of this section does not apply to a person's use, or possession with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marijuana.

(3) Ohio R.C. 2925.11(b)(2) applies with respect to a violation of division (c)(1) 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.

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

(e) Notwithstanding Ohio R.C. Chapter 2981, any drug paraphernalia that was used, possessed, sold, or manufactured in a violation of this section shall be seized, after a conviction for that violation shall be forfeited, and upon forfeiture shall be disposed of pursuant to Ohio R.C. 2981.12(B).

(f) (1) Whoever violates subsection (c)(1) of this section is guilty of illegal use or possession of drug paraphernalia, a misdemeanor of the fourth degree.

(2) Except as provided in subsection (f)(3) of this section, whoever violates subsection (c)(2) of this section is guilty of dealing in drug paraphernalia, a misdemeanor of the second degree.

(3) Whoever violates subsection (c)(2) of this section by selling drug paraphernalia to a juvenile is guilty of selling drug paraphernalia to juveniles, a misdemeanor of the first degree.

(4) Whoever violates subsection (c)(3) of this section is guilty of illegal advertising of drug paraphernalia, a misdemeanor of the second degree.

(g) (1) In addition to any other sanction imposed upon an offender for a violation of this section, the court may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years. If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with ORC 2925.38.

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

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

(ORC 2925.14)

(h) Illegal use or possession of marihuana drug paraphernalia.

(1) As used in this division (h), "drug paraphernalia" has the same meaning as in division (a) of this section.

(2) 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, all factors identified in division (b) of this section.

(3) No person shall knowingly use, or possess with purpose to use, any drug paraphernalia that is equipment, a product, or material of any kind that is used by the person, intended by the person for use, or designed for use in storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body marihuana.

(4) This division (h) does not apply to any person identified in division (d)(1) of this section, and it shall not be construed to prohibit the possession or use of a hypodermic as authorized by ORC 3719.172.

(5)(A) Division (e) of this section applies with respect to any drug paraphernalia that was used or possessed in violation of this section.

(B) Division (b)(2) of this section 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.

(6)(A) Whoever violates division (h)(3) of this section is guilty of illegal use or possession of marihuana drug paraphernalia, a minor misdemeanor.

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

(7) (A) In addition to any other sanction imposed upon an offender for a violation division (h) of this section, the court ~~may suspend for not more than five (5) years the offender's driver's or commercial driver's license or permit. However, if~~ shall do the following, if applicable:

(i) If the offender pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five (5) years.

~~(ii) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of division (h) of this section, the court immediately shall comply with ORC 2925.38.~~

(B) (i) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under division (h) of this section prior to September 13, 2016 may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of ORC 4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under division (h) of this section shall not file such a motion.

(ii) Upon the filing of a motion under division (h)(7)B. of this section, the sentencing court, in its discretion, may terminate the suspension.

(ORC 2925.141)

517.12 Raffle Drawings

(a) (1) Subject to division (a)(2) of this section, a ~~person~~ person or entity ~~that is exempt from federal income taxation under IRC 501(a) and is described in IRC 501(c)(3), 501(c)(4), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19)~~ may conduct a raffle to raise money for the person or entity and does not need a license to conduct bingo in order to conduct a raffle drawing that is not for profit. if the person or entity is any of the following:

(A) Exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(3) of the Internal Revenue Code;

(B) A school district, community school established under Chapter Ohio R.C. 3314, STEM school established under Ohio R.C. 3326, college-preparatory boarding school established under Ohio R.C. 3328, or chartered nonpublic school;

(C) Exempt from federal income taxation under subsection 501(a) and described in subsection 501(c)(4), 501(c)(6), 501(c)(7), 501(c)(8), 501(c)(10), or 501(c)(19) of the Internal Revenue Code.

(2) If a person or entity that is described in division (a)(1)~~(C)~~ of this section, ~~but that is not also described in IRC 501(c)(3)~~, conducts a raffle, the person or entity shall distribute at least 50% of the net profit from the raffle to a charitable purpose described in Ohio R.C. 2915.01(V) or to a department or agency of the federal government, the State, or any political subdivision.

(b) Except as provided in division (a) or ~~(b)~~ of this section, no person shall conduct a raffle drawing that is for profit or a raffle drawing that is not for profit.

(c) Whoever violates division (c) of this section is guilty of illegal conduct of a raffle. Except as otherwise provided in this division, illegal conduct of a raffle is a misdemeanor of the first degree. If the offender previously has been convicted of a violation of division (c) of this section, illegal conduct of a raffle is a felony to be prosecuted under appropriate State law.

(ORC 2915.092)

525.05 Failure To Report A Crime Or Knowledge Of Death

(a) (1) Except as provided in division (a)(2) of this section, no person, knowing that a felony has been or is being committed, shall knowingly fail to report the information to law enforcement authorities.

(2) No person, knowing that a violation of Ohio R.C. 2913.04(B) or section 545.04(b) of this Code has been or is being committed or that the person has received information derived from such a violation, shall knowingly fail to report the violation to law enforcement authorities.

(b) Except for conditions that are within the scope of subsection (e) hereof, no person giving aid to a sick or injured person, shall negligently fail to report to law enforcement authorities any gunshot or stab wound that the person treated or observed, or any serious physical harm to persons that the person knows or has reasonable cause to believe resulted from an offense of violence.

(c) No person who discovers the body or acquires the first knowledge of the death of a person shall fail to report the death immediately to a physician or advanced practice registered nurse whom the person knows to be treating the deceased for a condition from which death at such time would not be unexpected, or to a law enforcement officer, ambulance service, an emergency squad or the County Coroner in the county in which the body is discovered, the death is believed to have occurred, or knowledge concerning the death is obtained. For purposes of this division, "advanced practice registered nurse" does not include a certified registered nurse anesthetist.

(d) No person shall fail to provide upon request of the person to whom a report required by subsection (c) hereof was made, or to any law enforcement officer who has reasonable cause to assert the authority to investigate the circumstances surrounding the death, any facts within the person's knowledge that may have a bearing on the investigation of the death.

(1) As used in this subsection, "burn injury" means any of the following:

(A) Second or third degree burns;

(B) Any burns to the upper respiratory tract or laryngeal edema due to the inhalation of superheated air;

(C) Any burn injury or wound that may result in death;

(D) Any physical harm to persons caused by or as the result of the use of fireworks, novelties and trick noisemakers, and wire sparklers, as each is defined by Ohio R.C. 3743.01.

(2) No physician, nurse, physician assistant, or limited practitioner who, outside a hospital, sanitarium, or other medical facility, attends or treats a person who has sustained a burn injury that is inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson bureau, or fire and explosion investigation, if there is a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(3) No manager, superintendent, or other person in charge of a hospital, sanitarium, or other medical facility in which a person is attended or treated for any burn injury inflicted by an explosion or other incendiary device, or that shows evidence of having been inflicted in a violent, malicious, or criminal manner, shall fail to report the burn injury immediately to the local arson , or fire and explosion investigation, bureau, if there a bureau of this type in the jurisdiction in which the person is attended or treated, or otherwise to local law enforcement authorities.

(4) No person who is required to report any burn injury under subsection (e)

(2) or (3) hereof shall fail to file, within three working days after attending or treating the victim, a written report of the burn injury with the office of the State Fire Marshal. provided shall comply with the uniform standard developed by the State Fire Marshal pursuant to Ohio R.C. 3737.22(A) (15).

(5) Anyone participating in the making of reports under subsection (e) hereof or anyone participating in a judicial proceeding resulting from the reports is immune from any civil or criminal liability that otherwise might be incurred or imposed as a result of such actions. Notwithstanding Ohio R.C. 4731.22, the physician-patient relationship or advanced practice registered nurse-patient relationship is not a ground for excluding evidence regarding a person's burn injury or the cause of the burn injury in any judicial proceeding resulting from a report submitted pursuant to subsection (e) hereof.

(1) Any doctor of medicine or osteopathic medicine, hospital intern or resident, nurse, psychologist, social worker, independent social worker, social work assistant, licensed professional clinical counselor, licensed professional counselor, independent marriage and family therapist, or marriage and family therapist who knows or has reasonable cause to believe that a patient or client has been the victim of domestic violence as defined in Ohio R.C. 3113.31 shall note that knowledge or belief and the basis for it in the patient's or client's records.

(2) Notwithstanding Ohio R.C. 4731.22, the physician-patient privilege or advanced practice registered nurse-patient privilege shall not be a ground for excluding any information regarding the report containing the knowledge or belief noted under subsection (f)(1) of this section, and the information may be admitted as evidence in accordance with the Rules of Evidence.

(e) Subsection (a) or (d) hereof does not require disclosure of information, when any of the following applies:

(1) The information is privileged by reason of the relationship between attorney and client; physician and patient; advanced practice registered nurse and patient; licensed psychologist or licensed school psychologist and client; licensed professional clinical counselor, licensed professional counselor, independent social worker, social worker, independent marriage and family therapist, or marriage and family therapist and client; member of the clergy, rabbi, minister or priest and any person communicating information confidentially to the member of the clergy, rabbi, minister, or priest for a religious counseling purpose of a professional character; husband and wife; or a communications assistant and those who are a party to a telecommunications relay service call.

(2) The information would tend to incriminate a member of the actor's immediate family.

(3) Disclosure of the information would amount to revealing a news source privileged under Ohio R.C. 2739.04 or 2739.12.

(4) Disclosure of the information would amount to disclosure by a member of the ordained clergy of an organized religious body of confidential communication made to that member of the clergy in that member's capacity as a member of the clergy by a person seeking the aid or counsel of that member of the clergy.

(5) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program of treatment or services for ~~drug dependent persons~~ with a drug dependencies or persons in danger of drug dependence, which program is maintained or conducted by a hospital, clinic, person, agency or community addiction services provider whose alcohol and drug addiction services are certified pursuant to Ohio R.C. 5119.36.

(6) Disclosure would amount to revealing information acquired by the actor in the course of the actor's duties in connection with a bona fide program for providing counseling services to victims of crimes that are violations of Ohio R.C. 2907.02 or 2907.05 or to victims of felonious sexual penetration in violation of former Ohio R.C. 2907.12. As used in this section, "counseling services" include services provided in an informal setting by a person who, by education or experience, is competent to provide such services.

- (f) No disclosure of information pursuant to this section gives rise to any liability or recrimination for a breach of privilege or confidence.
- (g) Whoever violates division (a) or (b) of this section is guilty of failure to report a crime. Violation of division (a)(1) of this section is a misdemeanor of the fourth degree. Violation of division (a)(2) or (b) of this section is a misdemeanor of the second degree.
- (h) Whoever violates subsection (c) or (d) hereof is guilty of failure to report knowledge of a death, a misdemeanor of the fourth degree.
- (1) Whoever negligently violates subsection (e) hereof is guilty of a minor misdemeanor.
- (2) Whoever knowingly violates subsection (e) hereof is guilty of a misdemeanor of the second degree.
- (i) (l) As used in this section, "nurse" includes an advanced practice registered nurse, registered nurse, and licensed practical nurse.

(ORC 2921.22)

533.01 Definitions

“Harmful to Juveniles.” That quality of any material or performance describing or representing nudity, sexual conduct, sexual excitement, or sado-masochistic abuse in any form to which all of the following apply:

- (a) The material or performance, when considered as a whole, appeals to the prurient interest of juveniles in sex.
- (b) The material or performance is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for juveniles.
- (c) The material or performance, when considered as a whole, lacks serious literary, artistic, political, and scientific value for juveniles.

“Juvenile.” Any unmarried person under 18 years of age.

“Material.” Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, motion picture film, video cassette, laser disc, phonograph record, cassette tape, compact disc, or other tangible thing capable of arousing interest through sight, sound, or touch and includes an image or text appearing on a computer monitor, television screen, liquid crystal display, or similar display device or an image or text recorded on a computer hard disk, computer floppy disk, compact disc, magnetic tape, or similar data storage device.

“Mental Health Client or Patient.” Has the same meaning as in Ohio R.C. 2305.51. “Mental Health Professional.” Has the same meaning as in Ohio R.C. 2305.115. “Minor.” A person under the age of 18.

“Nudity.” The showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

“Obscene.” When considered as a whole, and judged with reference to ordinary adults or, if it is designed for sexual deviates or other specially susceptible group, judged with reference to that group, any material or performance is “obscene” if any of the following apply:

- (a) Its dominant appeal is to prurient interest.

- (b) Its dominant tendency is to arouse lust by displaying or depicting sexual activity, masturbation, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite.
- (c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality.
- (d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose.
- (e) It contains a series of displays or descriptions of sexual activity, masturbation, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, or brutality, or human bodily functions of elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

“Performance.” Any motion picture, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

“Place where a person has a reasonable expectation of privacy” means a place where a reasonable person would believe that the person could fully disrobe in private.

“Private area” means the genitals, pubic area, buttocks, or female breast below the top of the areola, where nude or covered by an undergarment.

“Prostitute.” A male or female who promiscuously engages in sexual activity for hire, regardless of whether the hire is paid to the prostitute or to another.

“Sado-Masochistic Abuse.” Flagellation or torture by or upon a person or the condition of being fettered, bound, or otherwise physically restrained.

“Sexual Activity.” Sexual conduct or sexual contact, or both.

“Sexual Conduct.” Vaginal intercourse between a male and female; anal intercourse, fellatio, and cunnilingus between persons regardless of sex; and, without privilege to do so, the insertion, however slight, of any part of the body or any instrument, apparatus, or other object into the vaginal or anal opening of another. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

“Sexual Contact.” Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

“Sexual Excitement.” The condition of human male or female genitals when in a state of sexual stimulation or arousal.

“Spouse.” A person married to an offender at the time of an alleged offense, except that such person shall not be considered the spouse when any of the following apply:

- (a) When the parties have entered into a written separation agreement pursuant to Ohio R.C. 3103.06.
- (b) When an action is pending between the parties for annulment, divorce, dissolution of marriage, or legal separation.
- (c) In the case of an action for legal separation, after the effective date of the judgment for legal separation.

(ORC 2907.01)

533.06 Voyeurism

- (a) No person, for the purpose of sexually arousing or gratifying the person's self, shall commit trespass or otherwise surreptitiously invade the privacy of another, to spy or eavesdrop upon another.
- (b) No person, ~~for the purpose of sexually arousing or gratifying the person's self,~~ shall knowingly commit trespass or otherwise secretly or surreptitiously invade the privacy of another to videotape, film, photograph, broadcast, stream, or otherwise record ~~the other person in a state of nudity.~~ another person, in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of that person.
- (c) No person, ~~for the purpose of sexually arousing or gratifying the person's self,~~ shall knowingly commit trespass or otherwise secretly or surreptitiously ~~invade the privacy of another to~~ videotape, film, photograph, broadcast, stream, or otherwise record, ~~or spy or eavesdrop upon the other person in a state of nudity if the other person is a minor,~~ in a place where a person has a reasonable expectation of privacy, for the purpose of viewing the private areas of the minor.
- (d) No person shall secretly or surreptitiously videotape, film, photograph, or otherwise record another person above, under, or through the clothing being worn by that other person for the purpose of viewing the body of, or the undergarments worn by, that other person.
- (e) Whoever violates this section is guilty of voyeurism.
- (1) A violation of division (a) of this section is a misdemeanor of the third degree.
- (2) A violation of division (b) of this section is a misdemeanor of the second degree.
- (3) A violation of division (d) of this section is a misdemeanor of the first degree.
- (4) A violation of division (c) of this section is a felony to be prosecuted under appropriate state law.

Statutory reference:

Voyeurism, see Ohio R.C. 2907.08

533.07 Polygraph Examinations For Victims: Restrictions On Use

- (a) (1) A peace officer, prosecutor, ~~or other public official,~~ defendant, defendant's attorney, alleged juvenile offender, or alleged juvenile offender's attorney shall not ask or require a victim of an alleged sex offense to submit to a polygraph examination as a condition for proceeding with the investigation or prosecution of the alleged sex offense.
- (2) The refusal of the victim of an alleged sex offense to submit to a polygraph examination shall not prevent the investigation of the alleged sex offense, the filing of criminal charges with respect to the alleged sex offense, or the prosecution of the alleged perpetrator of the alleged sex offense.
- (b) As used in this section:
- (1) "Peace officer" has the same meaning as in Ohio R.C. 2921.51.
- (2) "Polygraph examination" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question an individual for the purpose of determining the individual's truthfulness.
- (3) "Prosecution" means the prosecution of criminal charges in a criminal prosecution or the prosecution of a delinquent child complaint in a delinquency proceeding.

- (4) “Prosecutor” has the same meaning as in Ohio R.C. 2935.01.
- (5) “Public official” has the same meaning as in Ohio R.C. 117.01.
- (6) “Sex offense” means a violation of any provision of Sections 533.03 to 533.06 or Ohio R.C. 2907.02 to 2907.09.

(7) “Alleged juvenile offender” has the same meaning as in Ohio R.C. 2930.01.

(ORC 2907.10)

537.06 Menacing

(a)(1) No person shall knowingly cause another to believe that the offender will cause physical harm to the person or property of the other person, the other person's unborn, or a member of the other person's immediate family. In addition to any other basis for the other person’s belief that the offender will cause physical harm to the person or property of the other person, the other person’s unborn, or a member of the other person’s immediate family, the other person’s belief may be based on words or conduct of the offender that are directed at or identify a corporation, association, or other organization that employs the other person or to which the other person belongs.

(2) No person shall knowingly place or attempt to place another in reasonable fear of physical harm or death by displaying a deadly weapon, regardless of whether the deadly weapon displayed is operable or inoperable, if either of the following applies:

(a) The other person is an emergency service responder, the person knows or reasonably should know that the other person is an emergency service responder, and it is the person's specific purpose to engage in the specified conduct against an emergency service responder.

(b) The other person is a family or household member or co-worker of an emergency service responder, the person knows or reasonably should know that the other person is a family or household member or co-worker of an emergency service responder, and it is the person's specific purpose to engage in the specified conduct against a family or household member or co-worker of an emergency service responder.

(b) Whoever violates this section is guilty of menacing. Except as otherwise provided in this section, menacing is a misdemeanor of the fourth degree. If the victim of the offense is an officer or employee of a public children services agency or a private child placing agency and the offense relates to the officer’s or employee’s performance or anticipated performance of official responsibilities or duties, menacing is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency, and that prior offense related to the officer’s or employee’s performance or anticipated performance of official responsibilities or duties, ~~a felony to be prosecuted under appropriate state law.~~ or if the victim of the offense is an emergency service responder in the performance of the responder's official duties, menacing is one of the following:

(1) Except as otherwise provided in division (B)(2) of this section, a misdemeanor of the first degree or, if:

(2) If the offender previously has been convicted of or pleaded guilty to an offense of violence, the victim of that prior offense was an officer or employee of a public children services agency or private child placing agency or an emergency service responder, and that prior offense related to the officer's or employee's performance or anticipated performance of official responsibilities or duties or to the responder's performance of the responder's official duties, a felony of the fourth degree.

(c) A prosecution for a violation of this section does not preclude a prosecution of a violation of any other section of the Revised Code. One or more acts, a series of acts, or a course of behavior that can be prosecuted under this section or any other section of the Revised Code may be prosecuted under this section, the other section of the Revised Code, or both sections. However, if an offender is convicted of or pleads guilty to a violation of this section and also is convicted of or pleads guilty to a violation of Ohio R.C. 2903.13 based on the same conduct involving the same victim that was the basis of the violation of this section, the two offenses are allied offenses of similar import under Ohio R.C. 2941.25.

(d) As used in this section, “organization”:

(1) “Emergency service responder,” “family or household member,” and “co-worker” have the same meanings as ORC 2903.13.

(2) (e) As used in this section, “Organization” includes an entity that is a governmental employer.

(ORC 2903.22)

537.07 Endangering Children

(a) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under 18 years of age or a ~~mentally or physically disabled~~ child with a mental or physical disability under 21 years of age, shall create a substantial risk to the health or safety of the child by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this subsection when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or disability of the child by spiritual means through prayer alone, in accordance with the tenets of a recognized religious body.

(b) No person shall do any of the following to a child under 18 years of age or a ~~mentally or physically disabled~~ child with a mental or physical disability under 21 years of age:

(1) Abuse the child.

(2) Torture or cruelly abuse the child.

(3) Administer corporal punishment or other physical disciplinary measure, or physically restrain the child in a cruel manner or for a prolonged period, which punishment, discipline or restraint is excessive under the circumstances and creates a substantial risk of serious physical harm to the child.

(4) Repeatedly administer unwarranted disciplinary measures to a child when there is a substantial risk that such conduct, if continued, will seriously impair or retard the child's mental health or development.

(5) Entice, coerce, permit, encourage, compel, hire, employ, use, or allow the child to act, model, or in any other way participate in, or be photographed for, the production, presentation, dissemination, or advertisement of any material or performance that the offender knows or reasonably should know is obscene, is sexually oriented matter, or is nudity-oriented matter;

(6) Allow the child to be on the same parcel of real property and within 100 feet of, or, in the case of more than one housing unit on the same parcel of real property, in the same housing unit and within 100 feet of, any act in violation of Ohio R.C. 2925.04 or 2925.041 when the person knows that the act is occurring, whether or not any person is prosecuted for or convicted of the violation of Ohio R.C. 2925.04 or 2925.041 that is the basis of the violation of this division.

(c) (1) No person shall operate a vehicle, as defined by Ohio R.C. 4511.01, within the Municipality and in violation of Ohio R.C. 4511.19(A), or a substantially equivalent municipal ordinance,

when one or more children under 18 years of age are in the vehicle. Notwithstanding any other provision of law, a person may be convicted at the same trial or proceeding of a violation of this division and a violation of Ohio R.C. 4511.19(A), that constitutes the basis of the charge of the violation of this division. For purposes of Ohio R.C. 4511.191 to 4511.197 and all related provisions of law, a person arrested for a violation of this division shall be considered to be under arrest for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or for operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine.

(2) As used in division (c)(1) of this section:

(A) “Controlled substance” has the same meaning as in Ohio R.C. 3719.01.

(B) “Vehicle” has the same meanings as in Ohio R.C. 4511.01.

(d) Subsection (b)(5) hereof does not apply to any material or performance that is produced, presented, or disseminated for a bona fide medical, scientific, educational, religious, governmental, judicial, or other proper purpose, by or to a physician, psychologist, sociologist, scientist, teacher, person pursuing bona fide studies for research, librarian, member of the clergy, prosecutor, judge, or other person having a proper interest in the material or performance.

(1) Mistake of age is not a defense to a charge under subsection (b)(5) hereof.

(2) In a prosecution under subsection (b)(5) hereof, the trier of fact may infer that an actor, model, or participant in the material or performance involved is a juvenile if the material or performance, through its title, text, visual representation, or otherwise, represents or depicts the actor, model, or participant as a juvenile.

(3) As used in this subsection and subsection (b)(5) hereof:

“Material,” “performance,” “obscene,” and “sexual activity” have the same meanings as in Ohio R.C. 2907.01.

(4) “Nudity-oriented matter” means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to the prurient interest.

(5) “Sexually oriented matter” means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.

(e) Whoever violates this section is guilty of endangering children.

(1) If the offender violates subsection (a) or (b)(1) of this section, endangering children is one of the following:

(A) Except as otherwise provided in subsection (e)(1)B., C., or D. a misdemeanor of the first degree.

(B) If the offender previously has been convicted of an offense under this section of any offense involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in subsection (e)(1)C. or D. of this section, endangering children is a felony to be prosecuted under appropriate state law.

(C) If the violation is a violation of subsection (a) of this section and results in serious physical harm to the child involved, endangering children is a felony to be prosecuted under appropriate state law;

(D) If the violation is a violation of subsection (b)(1) of this section and results in serious physical harm to the child involved, a felony of the second degree to be prosecuted under appropriate state law.

(2) If the offender violates subsection (b)(2), (3), (4), (5) or (6) of this section, endangering children is a felony to be prosecuted under appropriate State law.

(3) If the offender violates subsection (c) of this section, the offender shall be punished as follows:

(A) Except as provided in subsection (e)(3)B. or C., endangering children in violation of subsection (c) of this section is a misdemeanor of the first degree.

(B) If the violation results in serious physical harm to the child or if the offender previously has been convicted of a violation of this section or any offense involving neglect, abandonment, or contributing to the delinquency of or physical abuse of a child, except as otherwise provided in subsection (e)(3)C. of this section, endangering children in violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(C) If the violation results in serious physical harm to the child and if the offender previously has been convicted of a violation of this section, Ohio R.C. 2903.06 or 2903.08, Ohio R.C. 2903.07 as it existed prior March 23, 2000, or Ohio R.C. 2903.04, in a case in which the offender was subject to the sanctions described in subsection (e) of that section, endangering children in violation of subsection (c) of this section is a felony to be prosecuted under appropriate state law.

(D) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction it imposes upon the offender pursuant to subsections (e)(3)A., B. or C. of this section or pursuant to any other provision of law: and in addition to any suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege under Ohio R.C. Chapter 4506, 4509, 4510, or 4511 or under any other provision of law, the court also may impose upon the offender a class seven suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from the range specified in Ohio R.C. 4510.02(A)(7).

(E) In addition to any term of imprisonment, fine, or other sentence, penalty or sanction imposed upon the offender pursuant to subsection (e)(3)A., B., C. or D. of this section or pursuant to any other provision of law for the violation of subsection (c) of this section, if as a part of the same trial or proceeding the offender also is convicted of or pleads guilty to a separate charge charging the violation of Ohio R.C. 4511.19(A) that was the basis of the charge of the violation of subsection (c) of this section, the offender also shall be sentenced, in accordance with Ohio R.C. 4511.99 for that violation of Ohio R.C. 4511.19(A).

(F)

(i) (A) A court may require an offender to perform not more than two hundred (200) hours of supervised community service work under the authority of an agency, subdivision, or charitable organization. The requirement shall be part of the community control sanction or sentence of the offender, and the court shall impose the community service in accordance with and subject to divisions (f)(1)(a) and (b) of this section. The court may require an offender whom it requires to perform supervised community service work as part of the offender's community control sanction or sentence to pay the court a reasonable fee to cover the costs of the offender's participation in the work, including, but not limited to, the costs of procuring a policy or policies of liability insurance to cover the period during which the offender will perform the work. If the court requires the offender to perform supervised community service work as part of the offender's community control sanction or sentence, the court shall do so in accordance with the following limitations and criteria:

(1) The court shall require that the community service work be performed after completion of the term of imprisonment or jail term imposed upon the offender for the violation of division (c) of this section, if applicable.

(2) The supervised community service work shall be subject to the limitations set forth in Ohio R.C. 2951.02(B)(1), (2), and (3).

(3) The community service work shall be supervised in the manner described in Ohio R.C. 2951.02(B)

(4) by an official or person with the qualifications described in that division. The official or person periodically shall report in writing to the court concerning the conduct of the offender in performing the work.

(4) The court shall inform the offender in writing that if the offender does not adequately perform, as determined by the court, all of the required community service work, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (c) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in Ohio R.C. 2949.08 and 2967.191, and that, if the court orders that the offender be so committed, the court is authorized, but not required, to grant the offender credit upon the period of the commitment for the community service work that the offender adequately performed.

(ii) (B) If a court, pursuant to division (f)(1)(a) of this section, orders an offender to perform community service work as part of the offender's community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (c) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in Ohio R.C. 2949.08 and 2967.191. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (c) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in Ohio R.C. 2949.08 and 2967.191.

(G) Division (f)(1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to Ohio R.C. 2929.25, to require a misdemeanor or felony offender to perform supervised community service work in accordance with Ohio R.C. 2951.02(B), or to place a felony offender under a community control sanction.

(H)

(i) If a court suspends an offender's driver's or commercial driver's license or permit or nonresident operating privilege under division (e)(3)(D) of this section, the period of the suspension shall be consecutive to, and commence after, the period of suspension of the offender's driver's or commercial

driver's license or permit or nonresident operating privilege that is imposed under Ohio R.C. Chapter 4506, 4509, 4510, or 4511 or under any other provision of law in relation to the violation of division (c) of this section that is the basis of the suspension under division (e)(3)(D) of this section or in relation to the violation of Ohio R.C. 4511.19(A) that is the basis for that violation of division (c) of this section.

(ii) An offender is not entitled to request, and the court shall not grant to the offender, limited driving privileges if the offender's license, permit, or privilege has been suspended under division (e)(3)(D) of this section and the offender, within the preceding six years, has been convicted of or pleaded guilty to three or more violations of one or more of the following:

(1) Division (c) of this section;

(2) Any equivalent offense, as defined in Ohio R.C. 4511.181.

(I) If a person violates subsection (c) of this section and if, at the time of the violation, there were two or more children under 18 years of age in the motor vehicle involved in the violation, the offender may be convicted of a violation of subsection (c) of this section for each of the children, but the court may sentence the offender for only one of the violations.

(i) If a person is convicted of or pleads guilty to a violation of subsection (c) of this section but the person is not also convicted of and does not also plead guilty to a separate charge of violating Ohio R.C. 4511.19(A) that was the basis of the charge of the violation of subsection (c) of this section, both the following apply:

(1) For purposes of the provisions of Ohio R.C. 4511.99 that set forth the penalties and sanctions for a violation of Ohio R.C. 4511.19(A), the conviction of or plea of guilty to the violation of subsection (c) of this section shall not constitute a violation of Ohio R.C. 4511.19(A).

(2) For purposes of the provisions of law that refers to a conviction of or plea of guilty to a violation of Ohio R.C. 4511.19(A) and that is not described in subsection (f)(2)A.(i) of this section, the conviction of or plea of guilty to the violation of subsection (c) of this section shall constitute a conviction or plea of guilty to a violation of Ohio R.C. 4511.19(A).

(ii) If a person is convicted of or pleads guilty to a violation of subsection (c) of this section and the person also is convicted of or pleads guilty to a separate charge of violating Ohio R.C. 4511.19(A) that was the basis of the charge of the violation of subsection (c) of this section, the conviction of or plea of guilty to the violation of subsection

(c) of this section shall not constitute, for the purposes of any provision of law that refers to a conviction of or a plea of guilty to a violation of Ohio R.C. 4511.19(A), a conviction of or a plea of guilty to a violation of Ohio R.C. 4511.19(A).

(J) Definitions. As used in this section:

(i) "Community control sanction" has the same meaning as in Ohio R.C. 2929.01;

(ii) "Limited driving privileges" has the same meaning as in Ohio R.C. 4501.01;

(ORC 2919.22)

Statutory reference:

Community service, requirements, see Ohio R.C. 2919.22(F) License suspension, requirements, see Ohio R.C. 2919.22(G)

537.15 Violating A Protection Order

Violating a Protection Order, Consent Agreement, Anti-stalking Protection Order or Order Issued by a Court of Another State.

- (a) No person shall recklessly violate the terms of any of the following:
- (1) A protection order issued or consent agreement approved pursuant to Ohio R.C. 2919.26 or Ohio R.C. 3113.31;
 - (2) A protection order issued pursuant to Ohio R.C. 2151.34, 2903.213 or Ohio R.C. 2903.214;
 - (3) A protection order issued by a court of another state.
- (1) Whoever violates this section is guilty of violating a protection order.
- (2) Except as otherwise provided in division (b)(3) or (b)(4) of this section, violating a protection order is a misdemeanor of the first degree.
- (3) Violating a protection order is a felony to be prosecuted under appropriate state law if the offender previously has been convicted of or pleaded guilty to, or been adjudicated a delinquent child for any of the following:
- (A) A violation of a protection order issued, or consent agreement approved pursuant to Ohio R.C. 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31;
 - (B) two or more violations of Ohio R.C. 2903.21, 2903.211, 2903.22 or 2911.211 or any combination of those offenses, that involved the same person who is the subject of the protection order or consent agreement; or sections 537.05, 537.06 or 537.061 of this Code.
 - (C) One or more violations of this section.
- (4) If the offender violates a protection order or consent agreement while committing a felony offense, violating a protection order is a felony to be prosecuted under appropriate State law.
- (5) If the protection order violated by the offender was an order issued pursuant to Ohio R.C. 2903.214 that required electronic monitoring of the offender pursuant to that section, the court may require in addition to any other sentence imposed upon the offender that the offender be electronically monitored for a period not exceeding five years by a law enforcement agency designated by the court. If the court requires under this division that the offender be electronically monitored, ~~unless the court determines that the offender is indigent, the court shall order that the offender pay the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device. If the court determines that the offender is indigent, the costs of the installation of the electronic monitoring device and the cost of monitoring the electronic monitoring device shall be paid out of funds from the reparations fund created pursuant to Ohio R.C. 2743.191.~~
- (b) It is an affirmative defense to a charge under division (c)(1)C. of this section that the protection order issued by a court of another state does not comply with the requirements specified in 18 U.S.C. 2265(b) for a protection order that must be accorded full faith and credit by a court of this State or that it is not entitled to full faith and credit under 18 U.S.C. 2265(c).
- (c) As used in this section, "protection order issued by a court of another state" means an injunction or another order issued by a criminal court of another state for the purpose of preventing violent or threatening acts or harassment against, contact or communication with, or physical proximity to another person including a temporary order, and means an injunction or order of that nature issued by a civil court of another state, including a temporary order and a final order issued in an independent action or as a pendente lite order in a proceeding for other relief, if the court issued it in response to a complaint,

petition or motion filed by or on behalf of a person seeking protection. "Protection order issued by a court of another state" does not include an order for support or for custody of a child issued pursuant to the divorce and child custody laws of another state, except to the extent that the order for support or for custody of a child is entitled to full faith and credit under the laws of the United States.

Statutory reference:

Violating a protection order, see Ohio R.C. 2919.27

537.18 Nonsupport Of Dependents

(a) No person shall abandon, or fail to provide adequate support to:

(1) The person's spouse, as required by law;

(2) The person's legitimate or illegitimate child who is under age 18, or ~~the person's mentally or physically handicapped~~ child with a mental or physical disability who is under age 21;

(3) The person's aged or infirm parent or adoptive parent, who from lack of ability and means is unable to provide adequately for The person's own support.

(b) No person shall abandon or fail to provide support as established by court order to another person whom, by court order or decree, the person:

(1) Is legally obligated to support; or

(2) Was legally obligated to support, and an amount for support;

(A) Was due and owing prior to the date the person's duty to pay current support terminated; and

(B) Remains unpaid.

(3) The period of limitation under Ohio R.C. 2901.13 applicable to division (b)(1)(B) of this section shall begin to run on the date the person's duty to pay current support terminates.

(c) No person shall aid, abet, induce, cause, encourage, or contribute to a child or a ward of the juvenile court becoming a dependent child, as defined in Ohio R.C. 2151.04, or a neglected child, as defined in Ohio R.C. 2151.03.

(d) It is an affirmative defense to a charge of failure to provide adequate support under division (a) of this section or a charge of failure to provide support established by a court order under division (b) of this section that the accused was unable to provide adequate support or the established support, but did provide the support that was within the accused's ability and means.

(e) It is an affirmative defense to a charge under subsection (a)(3) of this section that the parent abandoned the accused, or failed to support the accused as required by law, while the accused was under age 18, or ~~was mentally or physically disabled~~ had a mental or physical disability and was under age 21.

(f) It is not a defense to a charge under subsection (b) of this section that the person whom a court has ordered the accused to support is being adequately supported by someone other than the accused.

(1) Except as otherwise provided in this subsection, whoever violates subsection (a) or (b) of this section is guilty of nonsupport of dependents, a misdemeanor of the first degree. If the offender previously has been convicted of or pleaded guilty to a violation of subsection (a)(2) or (b) of this section, or if the offender has failed to provide support under subsection (a)(2) or (b) of this section for a total accumulated period of 26 weeks out of 104 consecutive weeks, whether or not the 26 weeks were

consecutive, then a violation of subsection (a)(2) or (b) of this section is a felony to be prosecuted under appropriate state law.

(2) If the offender previously has been convicted of or pleaded guilty to a felony violation of this section ORC 2919.21, a violation of subsection (a)

(2) or (b) of this section is a felony to be prosecuted under appropriate state law.

(3) If the offender is guilty of nonsupport of dependents by reason of failing to provide support to the offender's child as required by a child support order issued on or after April 15, 1985, pursuant to Ohio R.C. 2151.23, 2151.231, 2151.232, 2151.33, 3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former Ohio R.C. 3115.31, the court, in addition to any other sentence imposed, shall assess all court costs arising out of the charge against the person and require the person to pay any reasonable attorney's fees of any adverse party other than the state, as determined by the court, that arose in relation to the charge.

(4) Whoever violates subsection (c) of this section is guilty of contributing to the nonsupport of dependents, a misdemeanor of the first degree. Each day of a violation of subsection (c) of this section is a separate offense.

(ORC 2919.21)

545.02 Theft

(a) No person, with purpose to deprive the owner of property or services, shall knowingly obtain or exert control over either the property or services in any of the following ways:

- (1) Without the consent of the owner or person authorized to give consent;
- (2) Beyond the scope of the express or implied consent of the owner or person authorized to give consent;
- (3) By deception;
- (4) By threat;
- (5) By intimidation.

~~(B)~~(1) Whoever violates this section is guilty of theft. Except as otherwise provided in this division, a violation of this section is ~~petty~~ misdemeanor theft, a misdemeanor of the first degree.

(2) If any of the following criteria are met, then a violation of this section is a felony to be prosecuted under appropriate state law:

- (A) If the value of the property or services is one thousand dollars (\$1,000.00) or more;
- (B) If the property stolen is any of the property listed in Ohio R.C. 2913.71;
- (C) If the victim of the offense is an elderly person or disabled adult;
- (D) If the victim of the offense is an active duty service member, or spouse of an active duty service member;
- (E) If the property stolen is a firearm or dangerous ordnance;
- (F) If the property stolen is a motor vehicle;

(G) If the property stolen is any dangerous drug, or if the offender previously has been convicted of a felony drug abuse offense; or

(H) If the property stolen is a police dog or horse or an assistance dog and the offender knows or should know that the property stolen is a police dog or horse or an assistance dog; or

(I) If the property stolen is anhydrous ammonia.

(b) In addition to the penalties described in division (b)(1) and (b)(2)A. of this section, if the offender committed the violation by causing a motor vehicle to leave the premises of an establishment at which gasoline is offered for retail sale without the offender making full payment for gasoline that was dispensed into the fuel tank of the motor vehicle or into another container, the court may do one of the following:

(1) Unless division (c)(2) of this section applies, suspend for not more than six months the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege;

(2) If the offender's driver's license, probationary driver's license, commercial driver's license, temporary instruction permit, or nonresident operating privilege has previously been suspended pursuant to division

(c)(1) of this section, Ohio R.C. 2913.02(B)(10)(a), impose a class seven suspension of the offender's license, permit, or privilege from the range specified in Ohio R.C. 4510.02(A)(7), provided that the suspension shall be at least six months.

(c) In addition to the penalties described in division (b)(1) and (b)(2)A. of this section, if the offender committed the violation by stealing rented property or rental services, the court may order that the offender make restitution pursuant to section 501.99 of this Code, or Ohio R.C. 2929.18 or 2929.28. Restitution may include, but is not limited to, the cost of repairing or replacing the stolen property, or the cost of repairing the stolen property and any loss of revenue resulting from deprivation of the property due to theft of rental services that is less than or equal to the actual value of the property at the time it was rented. Evidence of intent to commit the theft of rented property or rental services shall be determined pursuant to the provisions of section 545.19 of this Chapter or Ohio R.C. 2913.72.

(d) The sentencing court that suspends an offender's license, permit, or nonresident operating privilege under division (c) of this section may grant the offender limited driving privileges during the period of the suspension in accordance with Ohio R.C. Chapter 4510.

Statutory reference:

Theft, see Ohio R.C. 2913.02

Felony theft provisions, see Ohio R.C. 2913.02(B)

549.02 Carrying Concealed Weapons

(a) No person shall knowingly carry or have, concealed on the person's person or concealed ready at hand, any of the following:

(1) A deadly weapon other than a handgun;

(2) A handgun other than a dangerous ordnance;

(3) A dangerous ordnance.

(b) No person who has been issued a concealed handgun license shall do any of the following:

(1) If the person is stopped for a law enforcement purpose, and is carrying a concealed handgun, before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then is carrying a concealed handgun, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop; ;

(2) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and if the person is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

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

(A) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(B) Any person who is employed in this State, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in this subdivision (c)(1)B. or Ohio R.C. 2923.12(C)(1)(b) does not apply to the person.

(C) A person's transportation or storage of a firearm, other than a firearm described in subdivisions (b), (c), (e), (f), (i) and (j) of Section 549.01, in a motor vehicle for any lawful purpose if the firearm is not on the actor's person;

(D) A person's storage or possession of a firearm, other than a firearm described in subdivisions (b), (c), (e), (f), (i) and (j) of Section 549.01, in the actor's own home for any lawful purpose.

(2) Subdivision (a)(2) of this section does not apply to any person who has been issued a concealed handgun license that is valid at the time of the alleged carrying or possession of a handgun or who, at the time of the alleged carrying or possession of a handgun, is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in division Ohio R.C. 2923.125(G)(1) , unless the person knowingly is in a place described in section 549.03(b).

(c) It is an affirmative defense to a charge under division (a)(1) of this section of carrying or having control of a weapon other than a handgun and other than a dangerous ordnance, that the actor was not otherwise prohibited by law from having the weapon, and that any of the following applies:

(1) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in or was going to or from the actor's lawful business or occupation, which business or occupation was of a character or was necessarily carried on in a manner or at a time or place as to render the actor particularly susceptible to criminal attack, such as would justify a prudent person in going armed.

(2) The weapon was carried or kept ready at hand by the actor for defensive purposes while the actor was engaged in a lawful activity and had reasonable cause to fear a criminal attack upon the actor, a member of the actor's family, or the actor's home, such as would justify a prudent person in going armed.

(3) The weapon was carried or kept ready at hand by the actor for any lawful purpose and while in the actor's own home.

(d) (1) No person who is charged with a violation of this section shall be required to obtain a concealed handgun license as a condition for the dismissal of the charge.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division ~~(B)~~(b)(1) of this section as it existed prior to June 13, 2022 (the effective date of the amendment to Ohio R.C. 2923.12), the person may file an application under Ohio R.C. ~~2953.37~~2953.35 requesting the expungement of the record of conviction.

(e) Whoever violates this section is guilty of carrying concealed weapons. Except as otherwise provided in this division or subdivision (t)(2) of this section, carrying concealed weapons in violation of division (a) of this section is a misdemeanor of the first degree. Except as otherwise provided in this division or subdivision (f)(2) of this section, if the offender previously has been convicted of a violation of this section, Ohio R.C. 2923.12, or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, carrying concealed weapons in violation of division (a) of this section is a felony to be prosecuted under appropriate State law. Except as otherwise provided in subdivision (f)(2) of this section, if the offense is committed aboard an aircraft, or with purpose to carry a concealed weapon aboard an aircraft, regardless of the weapon involved, carrying concealed weapons in violation of division (a) of this section is a felony to be prosecuted under appropriate State law.

(1) A person shall not be arrested for a violation of division (a)(2) of this section solely because the person does not promptly produce a valid concealed handgun license. If a person is arrested for a violation of division (a)(2) of this section and is convicted of or pleads guilty to the violation, the offender shall be punished as follows:

(A) The offender shall be guilty of a minor misdemeanor if both of the following apply:

(B) Within ten days after the arrest, the offender presents a concealed handgun license, which license was valid at the time of the arrest, to the law enforcement agency that employs the arresting officer.

(C) At the time of the arrest, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

(2) The offender shall be guilty of a misdemeanor and shall be fined five hundred dollars (\$500.00) if all of the following apply:

(A) The offender previously had been issued a , concealed handgun license and that license expired within the two (2) years immediately preceding the arrest.

(B) Within forty-five (45) days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in Ohio R.C. 2945.71.

(C) At the time of the commission of the offense, the offender was not knowingly in a place described in section 549.03(b).

(A) If neither subdivision (f)(2)A. nor (f)(2)B. of this section applies, the offender shall be punished under subdivision (f)(1) of this section.

(3) Carrying concealed weapons in violation of subdivision (b)(1) of this section is a misdemeanor of the second degree.

(4) Carrying concealed weapons in violation of subdivision (b)(2) or (b)(4) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of subdivision (b)(2) or (b)(4) of this section or Ohio R.C. 2923.12(B)(2) or (B)(4), a felony to be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of subdivision (b)(2) or (b)(4) of this section, the offender's concealed handgun license shall be suspended pursuant to Ohio R.C. 2923.128(A)(2).

(5) Carrying concealed weapons in violation of division (b)(3) of this section is a felony to be prosecuted under appropriate State law.

(6) If a person being arrested for a violation of division (a)(2) of this section is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), and if at the time of the violation the person was not knowingly in a place described in Ohio R.C. 2923.126(B), the officer shall not arrest the person for a violation of that division. If the person is not able to promptly produce a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) and if the person is not in a place described in Ohio R.C. 2923.126(B), the officer shall issue a citation and the offender shall be assessed a civil penalty of not more than five hundred dollars (\$500.00). The citation shall be automatically dismissed and the civil penalty shall not be assessed if both of the following apply:

(A) Within ten (10) days after the issuance of the citation, the offender presents a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), which were both valid at the time of the issuance of the citation to the law enforcement agency that employs the citing officer.

(B) At the time of the citation, the offender was not knowingly in a place described in Ohio R.C. 2923.126(B).

(7) If a person being arrested for a violation of division (a)(2) of this section is knowingly in a place described in Ohio R.C. 2923.126(B)(5) and is not authorized to carry a handgun or have a handgun concealed on the person's person or concealed ready at hand under that division, the penalty shall be as follows:

(A) Except as otherwise provided in this division, if the person produces a valid concealed handgun license within ten days after the arrest and has not previously been convicted or pleaded guilty to a violation of division (a)(2) of this section, the person is guilty of a minor misdemeanor;

(B) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to a violation of division (a)(2) of this section, the person is guilty of a misdemeanor of the fourth degree;

(C) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to two (2) violations of division (a)(2) of this section, the person is guilty of a misdemeanor of the third degree;

(D) Except as otherwise provided in this division, if the person has previously been convicted of or pleaded guilty to three (3) or more violations of division (a)(2) of this section, or convicted of or pleaded guilty to any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is a dangerous ordnance, the person is guilty of a misdemeanor of the second degree.

(f) If a law enforcement officer stops a person to question the person regarding a possible violation of this section, for a traffic stop, or for any other law enforcement purpose, if the person surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If the Court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, Ohio R.C. 2923.163(B) applies.

(g) For purposes of this section, "deadly weapon" or "weapon" does not include any knife, razor, or cutting instrument if the instrument was not used as a weapon.

Statutory reference:

Carrying concealed weapons, affirmative defenses, see Ohio R.C. 2923.12

~~Carrying concealed handguns, licensing through county sheriff~~ Definitions, see Ohio R.C 2923.124 et seq.

Conveyance or possession of deadly weapons or dangerous ordnance on school premises, felony offense, see Ohio R.C 2923.122

~~Conveyance, possession, or control of deadly weapon or dangerous ordnance in a courthouse, felony offense~~ Illegal conveyance, possession or control of a deadly weapon or dangerous ordnance in a courthouse, see Ohio R.C 2923.123

Possession of deadly weapon while under detention, ~~felony offense~~, see Ohio R C 2923.131

Possession of firearm in liquor permit premises, privileges; defenses ~~felony offense~~, see Ohio R.C 2923.121

549.03 Notice To Law Enforcement; Prohibited Places; Private Employers And Signage; Reciprocity

(a) Notice to Law Enforcement upon Stop:

(1) A concealed handgun license that is issued under Ohio R.C. 2923.125 of shall expire five (5) years after the date of issuance. A licensee who has been issued a license under that section shall be granted a grace period of thirty (30) days after the licensee's license expires during which the licensee's license remains valid. Except as provided in divisions (b) and (c) of this section, a licensee who has been issued a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 may carry a concealed handgun anywhere in this state if the license is valid when the licensee is in actual possession of a concealed handgun. . The licensee shall give notice of any change in the licensee's residence address to the sheriff who issued the license within 45 days after that change.

(b) Prohibited Places: A valid concealed handgun license issued under Ohio R.C. 2923.125 or 2923.1213 does not authorize the licensee to carry a concealed handgun in any manner prohibited under section 549.02(b) or in any manner prohibited under section 549.07. A valid license does not authorize the licensee to carry a concealed handgun into any of the following places:

(1) A police station, sheriff's office, or State Highway Patrol station, premises controlled by the Bureau of Criminal Identification and Investigation, a State correctional institution, jail, workhouse, or other detention facility;; any area of an airport passenger terminal that is beyond a passenger or property screening checkpoint or to which access is restricted through security measures by the airport authority or a public agency;; or an institution that is maintained, operated, managed, and governed pursuant to Ohio R.C. 5119.02(A) or Ohio R.C. 5123.03(A) (1);

(2) A school safety zone, if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.122;

(3) A courthouse or another building or structure in which a courtroom is located if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.1233;

(4) Any premises or open air arena for which a D permit has been issued under Ohio R.C. Chapter 4303, if the licensee's carrying the concealed handgun is in violation of Ohio R.C. 2923.121;

(5) Any premises owned or leased by any public or private college, university, or other institution of higher education, unless the handgun is in a locked motor vehicle or the licensee is in the immediate process of placing the handgun in a locked motor vehicle or unless the licensee is carrying the concealed handgun pursuant to a written policy, rule, or other authorization that is adopted by the institution's board of trustees or other governing body and that authorizes specific individuals or classes of individuals to carry a concealed handgun on the premises;

(6) Any church, synagogue, mosque, or other place of worship, unless the church, synagogue, mosque, or other place of worship posts or permits otherwise;

(7) Any building that is a government facility of this state or a political subdivision of this state and that is not a building that is used primarily as a shelter, restroom, parking facility for motor vehicles, or rest facility and is not a courthouse or other building or structure in which a courtroom is located that is subject to division (b)(3) of this section, unless the governing body with authority over the building has enacted a statute, ordinance, or policy that permits a licensee to carry a concealed handgun into the building;

(8) A place in which federal law prohibits the carrying of handguns.

(c) Private Employers and Signage:

(1) Nothing in this section shall negate or restrict a rule, policy, or practice of a private employer that is not a private college, university, or other institution of higher education concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer. Nothing in this section shall require a private employer of that nature to adopt a rule, policy, or practice concerning or prohibiting the presence of firearms on the private employer's premises or property, including motor vehicles owned by the private employer.

(A) A private employer shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises or property of the private employer, including motor vehicles owned by the private employer, unless the private employer acted with malicious purpose. A private employer is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to

the private employer's decision to permit a licensee to bring, or prohibit a licensee from bringing, a handgun onto the premises or property of the private employer.

(B) A political subdivision shall be immune from liability in a civil action, to the extent and in the manner provided in Ohio R.C. Chapter 2744, for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto any premises or property owned, leased, or otherwise under the control of the political subdivision. As used in this division, "political subdivision" has the same meaning as in Ohio R.C. 2744.01.

(C) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(D) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(A) Except as otherwise provided in subdivision (c)(3)B. and subdivision (d) below, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the State, the United States, or a political subdivision of the State or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those premises. Except as otherwise provided in this division, a person who knowingly violates a posted prohibition of that nature is guilty of criminal trespass in violation of section 541.05(a)(4) of this Code and is guilty of a misdemeanor of the fourth degree. If a person knowingly violates a posted prohibition of that nature and the posted land or premises primarily was a parking lot or other parking facility, the person is not guilty of criminal trespass in violation of section 541.05(a)(4) of this Code, and instead is subject only to a civil cause of action for trespass based on the violation.

If a person knowingly violates a posted prohibition of the nature described in this division and the posted land or premises is a child day-care center, type A family day-care home, or type B family day-care home, unless the person is a licensee who resides in a type A family day-care home or type B family day-care home, the person is guilty of aggravated trespass in violation of Ohio R.C. 2911.211. Except as otherwise provided in this division, the offender is guilty of a misdemeanor of the first degree. If the person previously has been convicted of a violation of this division or of any offense of violence, if the weapon involved is a firearm that is either loaded or for which the offender has ammunition ready at hand, or if the weapon involved is dangerous ordnance, the offender is guilty of a felony to be prosecuted under appropriate state law.

(B) A landlord may not prohibit or restrict a tenant who is a licensee and who on or after September 9, 2008, enters into a rental agreement with the landlord for the use of residential premises, and the

tenant's guest while the tenant is present, from lawfully carrying or possessing a handgun on those residential premises.

(C) As used in this division (c)(3):

(i) "Residential Premises" has the same meaning as in Ohio

R.C. 5321.01, except "residential premises" does not include a dwelling unit that is owned or operated by a college or university.

(ii) "Landlord," "tenant," and "rental agreement" have the same meaning as in Ohio R.C. 5321.01.

(D) Law Enforcement and Investigator Possession:

(i) Subject to division (2) of this section, an establishment serving the public may not prohibit or restrict a law enforcement officer or investigator who is carrying validating identification from carrying a weapon on the premises that the officer or investigator is authorized to carry, regardless of whether the officer or investigator is acting within the scope of that officer's or investigator's duties while carrying the weapon.

(ii) Division (1) of this section does not apply with respect to a law enforcement officer's or investigator's carrying of a weapon on the premises of an establishment serving the public if the officer or investigator is not acting within the scope of the officer's or investigator's duties, the weapon is a firearm issued or approved by the law enforcement agency served by the officer or by the bureau of criminal identification and investigation with respect to an investigator, and the agency or bureau has a restrictive firearms carrying policy.

(1) Subject to division (3)(B) of this section, the owner of an establishment serving the public, the operator of an establishment serving the public, and the employer of persons employed at an establishment serving the public shall be immune from liability in a civil action for injury, death, or loss to person or property that allegedly was caused by or related to a law enforcement officer or investigator bringing a weapon into the establishment or onto the premises of the establishment.

(2) The immunity provided in division (3)(A) of this section is not available to an owner, operator, or employer of an establishment serving the public with respect to injury, death, or loss to person or property of the type described in that division if the owner, operator, or employer engaged in an act or omission that contributed to the injury, death, or loss and the owner's, operator's, or employer's act or omission was with malicious purpose, in bad faith, or in a wanton or reckless manner.

(iii) As used in this section:

(1) "Establishment serving the public" means a hotel, a restaurant or other place where food is regularly offered for sale, a retail business or other commercial establishment or office building that is open to the public, a sports venue, or any other place of public accommodation, amusement, or resort that is open to the public.

(2) "Hotel" has the same meaning as in section 3731.01 of the Revised Code.

(3) "Sports venue" means any arena, stadium, or other facility that is used primarily as a venue for sporting and athletic events for which admission is charged.

(4) "Investigator" has the same meaning as in section 109.541 of the Revised Code.

(5) "Restrictive firearm carrying policy" and "validating identification" have the same meanings as in section 2923.121 of the Revised Code.

(6) "Law enforcement officer" has the same meaning as in section 9.69 of the Revised Code.

(d) Reciprocity:

(1) A person who holds a valid concealed handgun license by another state that is recognized by the Ohio Attorney General pursuant to a reciprocity agreement entered into pursuant to section 109.69 of the Revised Code or a person who holds a valid concealed handgun license under the circumstances described in Ohio R.C. 109.69(B) has the same right to carry a concealed handgun in this municipality as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person has been issued a license under that section that is valid at the time in ~~question~~ question.

(2) A peace officer has the same right to carry a concealed handgun in this municipality as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code, provided that the officer when carrying a concealed handgun under authority of this division is carrying validating identification. For purposes of reciprocity with other states, a peace officer shall be considered to be a licensee in this State.

(3) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to Ohio R.C. 2923.126(F)(2) and a valid firearms requalification certification issued pursuant to Ohio R.C. 2923.126(F)(3) has the same right to carry a concealed handgun in this municipality as a person who was issued a license to carry a concealed handgun under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who ~~carries~~ has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of Ohio R.C. 2923.126 and a valid firearms requalification certification issued pursuant to division (F)(3) of Ohio R.C. 2923.126 shall be considered to be a licensee in this State.

(A) ~~(A)~~ Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not for reasons of mental instability.

(ii) Before retiring from service as a peace officer with that agency, the person was authorized to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law and the person had statutory powers of arrest.

(iii) At the time of the person's retirement as a peace officer with that agency, the person was trained and qualified to carry firearms in the performance of the peace officer's duties.

(iv) Before retiring from service as a peace officer with that agency, the person was regularly employed as a peace officer for an aggregate of fifteen years or more, or, in the alternative, the person retired from service as a peace officer with that agency, after completing any applicable probationary period of that service, due to a service- connected disability, as determined by the agency.

(B) A retired peace officer identification card issued to a person under division (F)(2)(a) of this section shall identify the person by name, contain a photograph of the person, identify the public agency

of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions in this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under this section may include the firearms requalification certification described in this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(C) ~~(B)~~A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to this section.

(D) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to

(iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 of, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set forth in divisions (F)(2) (a)(i) to (iv) of this section satisfactorily completes such a firearms requalification program, the retired peace officer shall be issued a firearms requalification certification that identifies the retired peace officer by name, identifies the entity that taught the program, specifies that the retired peace officer successfully completed the program, specifies the date on which the course was successfully completed, and specifies that the requalification is valid for five years from that date of successful completion. The firearms requalification certification for a retired peace officer may be included in the retired peace officer identification card issued to the retired peace officer under division (F)(2) of this section.

A retired peace officer who attends a firearms requalification program that is approved for purposes of firearms requalification required under Ohio R.C. 109.801 may be required to pay the cost of the program.

(E) An active duty member of the armed forces of the United States who is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio

R.C. 2923.125(G)(1) has the same right to carry a concealed handgun in this City as a person who was issued a concealed handgun license under Ohio R.C. 2923.125 and is subject to the same restrictions as specified in this section.

(F) A tactical medical professional who is qualified to carry firearms while on duty under Ohio R.C. 109.771 has the same right to carry a concealed handgun in this City as a person who was issued a concealed handgun license under Ohio R.C. 2923.125.

(e) As used in this section:

(1) "Qualified retired peace officer" means a person who satisfies all of the following:

(A) The person satisfies the criteria set forth in Ohio R.C. 2923.126 (F)(2)(a)(i) to (v).

(B) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.

(C) The person is not prohibited by federal law from receiving firearms.

(2) "Retired peace officer identification card" means an identification card that is issued pursuant to Ohio R.C. 2923.126(F)(2) to a person who is a retired peace officer.

(3) "Government facility of this State or a political subdivision of this State" means any of the following:

(A) A building or part of a building that is owned or leased by the government of this State or a political subdivision of this State and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the State or political subdivision;

(B) The office of a deputy registrar serving pursuant to Ohio R.C. Chapter 4503 that is used to perform deputy registrar functions.

(4) "Validating identification" means photographic identification issued by the agency for which an individual serves as a peace officer that identifies the individual as a peace officer of the agency.

(5) "Governing body" has the same meaning as in Ohio R.C. 154.01.

(6) "Tactical medical professional" has the same meaning as in Ohio R.C. 109.71.

(7) "Nonprofit corporation" means any private organization that is exempt from federal income taxation pursuant to subsection 501(a) and described in subsection 501(c) of the Internal Revenue Code.

Statutory reference:

Duties of licensed individual, see Ohio R.C. 2923.126

Establishment serving public may not prohibit or restrict law enforcement officer or investigator from carrying weapon on premises; immunity, see Ohio R.C. 2923.1214

549.07 Improperly Handling Firearms In A Motor Vehicle

(a) No person shall knowingly discharge a firearm while in or on a motor vehicle.

(b) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.

(c) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this State or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:

(1) In a closed package, box, or case;

- (2) In a compartment that can be reached only by leaving the vehicle;
- (3) In plain sight and secured in a rack or holder made for the purpose;
- (4) If the firearm is at least twenty-four (24) inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen (18) inches in length, either in plain sight with the action open or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or which cannot easily be stripped, in plain sight.

(d) No person shall knowingly transport or have a loaded handgun in a motor vehicle if, at the time of that transportation or possession, any of the following applies:

- (1) The person is under the influence of alcohol, a drug of abuse, or a combination of them.
- (2) The person's whole blood, blood serum or plasma, breath, or urine contains a concentration of alcohol, a listed controlled substance, or a listed metabolite of a controlled substance prohibited for persons operating a vehicle, as specified in section 333.01(a) of this Code or Ohio R.C. 4511.19(A), regardless of whether the person at the time of the transportation or possession as described in this division is the operator of or a passenger in the motor vehicle.

(e) No person who has been issued a concealed handgun license or who is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of

firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1), who is the driver or an occupant of a motor vehicle that is stopped as a result of a traffic stop or a stop for another law enforcement purpose or is the driver or an occupant of a commercial motor vehicle that is stopped by an employee of the motor carrier enforcement unit for the purposes defined in Ohio R.C. 5503.34, and who is transporting or has a loaded handgun in the motor vehicle or commercial motor vehicle in any manner, shall do any of the following :

- (1) Before or at the time a law enforcement officer asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an officer during the stop and the person already has notified another officer of that fact during the same stop;
- (2) Before or at the time an employee of the motor carrier enforcement unit asks if the person is carrying a concealed handgun, knowingly fail to disclose that the person then possesses or has a loaded handgun in the commercial motor vehicle, provided that it is not a violation of this division if the person fails to disclose that fact to an employee of the unit during the stop and the person already has notified another employee of the unit of that fact during the same stop;
- (3) Knowingly fail to remain in the motor vehicle while stopped or knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;
- (4) Knowingly have contact with the loaded handgun by touching it with the person's hands or fingers in the motor vehicle at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(1) Divisions (a), (b), (c), and (e) of this section do not apply to any of the following:

(A) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(B) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of Ohio R.C. 109.801, unless the appointing authority of the person has expressly specified that the exemption provided in subdivision (f)(1)B. of this section does not apply to the person.

(2) Division (a) of this section does not apply to a person if all of the following circumstances apply:

(A) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(B) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.

(C) The person owns the real property described in subdivision (f)

(2)B. of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.

(D) The person does not discharge the firearm in any of the following manners:

(i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;

(ii) In the direction of a street, highway, or other public or private property used by the public for vehicular traffic or parking;

(iii) At or into an occupied structure that is a permanent or temporary habitation;

(iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.

(3) Division (a) of this section does not apply to a person if all of the following apply:

(A) The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the chief of the division of wildlife.

(B) The person discharges a firearm at a wild quadruped or game bird as defined in Ohio R.C. 1531.01 during the open hunting season for the applicable wild quadruped or game bird.

(C) The person discharges a firearm from a stationary all-purpose vehicle as defined in Ohio R.C. 1531.01 from private or publicly owned lands or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife.

(D) The person does not discharge the firearm in any of the following manners:

- (i) While under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse;
 - (ii) In the direction of a street, a highway, or other public or private property that is used by the public for vehicular traffic or parking;
 - (iii) At or into an occupied structure that is a permanent or temporary habitation;
 - (iv) In the commission of any violation of law, including, but not limited to, a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another and that was committed by discharging a firearm from a motor vehicle.
- (4) Divisions (b) and (c) of this section do not apply to a person if all of the following circumstances apply:
- (A) At the time of the alleged violation of either of those divisions, the person is the operator of or a passenger in a motor vehicle.
 - (B) The motor vehicle is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or is used for agriculture.
 - (C) The person owns the real property described in subdivision (d)(4) (b) of this section, is the spouse or a child of another person who owns that real property, is a tenant of another person who owns that real property, or is the spouse or a child of a tenant of another person who owns that real property.
 - (D) The person, prior to arriving at the real property described in subdivision (d)(4)B. of this section, did not transport or possess a firearm in the motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic or parking.
- (5) Divisions (b) and (c) of this section do not apply to a person who transports or possesses a handgun in a motor vehicle if, at the time of that transportation or possession, all of the following apply:
- (A) The person transporting or possessing the handgun has been issued a concealed handgun license that is valid at the time in question or the person is an active duty member of the armed forces of the United States and is carrying a valid military identification card and documentation of successful completion of firearms training that meets or exceeds the training requirements described in Ohio R.C. 2923.125(G)(1) .
 - (B) The person transporting or possessing the handgun is not knowingly in a place described in section 549.03(b) of this Code.
- (6) Divisions (b) and (c) of this section do not apply to a person if all of the following apply:
- (A) The person possesses a valid all-purpose vehicle permit issued under Ohio R.C. 1533.103 by the chief of the division of wildlife.
 - (B) The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 or a motor vehicle during the open hunting season for a wild quadruped or game bird.
 - (C) The person is on or in an all-purpose vehicle as defined in Ohio R.C. 1531.01 on private or publicly owned lands or a motor vehicle that is parked on a road that is owned or administered by the division of wildlife.
- (1) The affirmative defenses authorized in divisions (d)(1) and (2) of section

549.02 of this Code are affirmative defenses to a charge under division

(b) or (c) of this section that involves a firearm other than a handgun.

(2) It is an affirmative defense to a charge under division (b) or (c) of this section of improperly handling firearms in a motor vehicle that the actor transported or had the firearm in the motor vehicle for any lawful purpose and while the motor vehicle was on the actor's own property, provided that this affirmative defense is not available unless the person, immediately prior to arriving at the actor's own property, did not transport or possess the firearm in a motor vehicle in a manner prohibited by division (b) or (c) of this section while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic.

(f) No person who is charged with a violation of division (b), (c), or (d) of this section shall be required to obtain a concealed handgun license under Ohio R.C. 2923.125 or 2923.1213 as a condition for the dismissal of the charge.

(1) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (e) of this section as it existed prior to September 30, 2011, and the conduct that was the basis of the violation no longer would be a violation of division (e) of this section on or after September 30, 2011, or if a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (e)(1) or (2) of this section as it existed prior to ~~the effective date of this amendment~~ June 13, 2022, the person may file an application under Ohio R.C. ~~2953.37~~ 2953.35 requesting the expungement of the record of conviction.

(2) If a person is convicted of, was convicted of, pleads guilty to, or has pleaded guilty to a violation of division (b) or (c) of this section as the division existed prior to September 30, 2011, and if the conduct that was the basis of the violation no longer would be a violation of division (b) or

(c) of this section on or after September 30, 2011, due to the application of division (f)(5) of this section as it exists on and after September 30, 2011, the person may file an application under Ohio R.C. ~~2953.37~~ 2953.35 requesting the expungement of the record of conviction.

(g) Whoever violates this section is guilty of improperly handling firearms in a motor vehicle. A violation of division (a) of this section is a felony to be prosecuted under appropriate State law. A violation of division (c) of this section is a misdemeanor of the fourth degree. A violation of division (d) of this section is a felony to be prosecuted under appropriate State law.

(1) A violation of division (e)(1) or (2) of this section is a misdemeanor of the second degree. A violation of division (e)(4) of this section is a felony to be prosecuted under appropriate State law. A violation of division (e)(3) or (5) of this section is a misdemeanor of the first degree or, if the offender previously has been convicted of or pleaded guilty to a violation of division (e)(3) or (5) of this section, a felony to be prosecuted under appropriate State law. In addition to any other penalty or sanction imposed for a misdemeanor violation of division (e)(3) or (5) of this section, the offender's concealed handgun license shall be suspended pursuant to division Ohio R.C. 2923.128(A)(2). A violation of division (B) of this section is a felony to be prosecuted under appropriate State law.

(h) If a law enforcement officer stops a motor vehicle for a traffic stop or any other purpose, if any person in the motor vehicle surrenders a firearm to the officer, either voluntarily or pursuant to a request or demand of the officer, and if the officer does not charge the person with a violation of this section or arrest the person for any offense, the person is not otherwise prohibited by law from possessing the firearm, and the firearm is not contraband, the officer shall return the firearm to the person at the termination of the stop. If a court orders a law enforcement officer to return a firearm to a person pursuant to the requirement set forth in this division, Ohio R.C. 2923.163(B) applies.

(i) As used in this section:

(1) “Motor vehicle,” “street,” and “highway” have the same meanings as in Ohio R.C. 4511.01.

(2) “Occupied structure” has the same meaning as in Ohio R.C. 2909.01.

(3) “Agriculture” has the same meaning as in Ohio R.C. 519.01.

(4) “Tenant” has the same meaning as in Ohio R.C. 1531.01.

(5) "Unloaded" means, with respect to a firearm other than a firearm described in division (K)(6) of this section, that no ammunition is in the firearm in question, no magazine or speed loader containing ammunition is inserted into the firearm in question, and one of the following applies:

(A) There is no ammunition in a magazine or speed loader that is in the vehicle in question and that may be used with the firearm in question.

(B) Any magazine or speed loader that contains ammunition and that may be used with the firearm in question is stored in a compartment within the vehicle in question that cannot be accessed without leaving the vehicle or is stored in a container that provides complete and separate enclosure.

(C) For the purposes of division (k)(5)(A)(ii) of this section, a "container that provides complete and separate enclosure" includes, but is not limited to, any of the following:

(i) A package, box, or case with multiple compartments, as long as the loaded magazine or speed loader and the firearm in question either are in separate compartments within the package, box, or case, or, if they are in the same compartment, the magazine or speed loader is contained within a separate enclosure in that compartment that does not contain the firearm and that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents or the firearm is contained within a separate enclosure of that nature in that compartment that does not contain the magazine or speed loader;

(ii) A pocket or other enclosure on the person of the person in question that closes using a snap, button, buckle, zipper, hook and loop closing mechanism, or other fastener that must be opened to access the contents

(D) For the purposes of divisions (k)(5)(a) and (b) of this section, ammunition held in stripper-clips or in en-bloc clips is not considered ammunition that is loaded into a magazine or speed loader.

(6) "Unloaded" means, with respect to a firearm employing a percussion cap, flintlock, or other obsolete ignition system, when the weapon is uncapped or when the priming charge is removed from the pan.

(7) “Commercial motor vehicle” has the same meaning as in Ohio R.C. 4506.25(A).

(8) “Motor carrier enforcement unit” means the motor carrier enforcement unit in the department of public safety, division of state highway patrol that is created by Ohio R.C. 5503.34.

(j) Divisions (k)(5)(A) and (B) of this section do not affect the authority of a person who has been issued a concealed handgun license that is valid at the time in question to have one or more magazines or speed loaders containing ammunition anywhere in a vehicle, without being transported as described in those divisions, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any other provision of this chapter. A person who has been issued a concealed handgun license that is valid at the time in question may have one or more magazines or speed loaders containing ammunition anywhere in a vehicle without further restriction, as long as no ammunition is in a firearm, other than a handgun, in the vehicle other than as permitted under any provision of this chapter.

O-23-27
Exhibit A

Statutory reference:

Improperly handling firearms in a motor vehicle, see Ohio R.C. 2923.16