

As Introduced

**131st General Assembly
Regular Session
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S. B. No. 286

**Senator Hughes
Cosponsors: Senators Cafaro, Yuko**

A BILL

To amend sections 2921.321, 2929.13, and 2929.18 1
of the Revised Code to modify the penalty for 2
assaulting a police dog or horse to require, if 3
the dog or horse is killed, a mandatory prison 4
term and a mandatory fine to be paid to the law 5
enforcement agency served by the dog or horse. 6

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

Section 1. That sections 2921.321, 2929.13, and 2929.18 of 7
the Revised Code be amended to read as follows: 8

Sec. 2921.321. (A) No person shall knowingly cause, or 9
attempt to cause, physical harm to a police dog or horse in 10
either of the following circumstances: 11

(1) The police dog or horse is assisting a law enforcement 12
officer in the performance of the officer's official duties at 13
the time the physical harm is caused or attempted. 14

(2) The police dog or horse is not assisting a law 15
enforcement officer in the performance of the officer's official 16
duties at the time the physical harm is caused or attempted, but 17
the offender has actual knowledge that the dog or horse is a 18

police dog or horse.	19
(B) No person shall recklessly do any of the following:	20
(1) Taunt, torment, or strike a police dog or horse;	21
(2) Throw an object or substance at a police dog or horse;	22
(3) Interfere with or obstruct a police dog or horse, or interfere with or obstruct a law enforcement officer who is being assisted by a police dog or horse, in a manner that does any of the following:	23 24 25 26
(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;	27 28
(b) Deprives the law enforcement officer of control of the police dog or horse;	29 30
(c) Releases the police dog or horse from its area of control;	31 32
(d) Enters the area of control of the police dog or horse without the consent of the law enforcement officer, including placing food or any other object or substance into that area;	33 34 35
(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.	36 37
(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;	38 39
(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger a police dog or horse that at the time of the conduct is assisting a law enforcement officer in the performance of the	40 41 42 43 44 45

officer's duties or that the person knows is a police dog or 46
horse. 47

(C) No person shall knowingly cause, or attempt to cause, 48
physical harm to an assistance dog in either of the following 49
circumstances: 50

(1) The dog is assisting or serving a blind, deaf or 51
hearing impaired, or mobility impaired person at the time the 52
physical harm is caused or attempted. 53

(2) The dog is not assisting or serving a blind, deaf or 54
hearing impaired, or mobility impaired person at the time the 55
physical harm is caused or attempted, but the offender has 56
actual knowledge that the dog is an assistance dog. 57

(D) No person shall recklessly do any of the following: 58

(1) Taunt, torment, or strike an assistance dog; 59

(2) Throw an object or substance at an assistance dog; 60

(3) Interfere with or obstruct an assistance dog, or 61
interfere with or obstruct a blind, deaf or hearing impaired, or 62
mobility impaired person who is being assisted or served by an 63
assistance dog, in a manner that does any of the following: 64

(a) Inhibits or restricts the assisted or served person's 65
control of the dog; 66

(b) Deprives the assisted or served person of control of 67
the dog; 68

(c) Releases the dog from its area of control; 69

(d) Enters the area of control of the dog without the 70
consent of the assisted or served person, including placing food 71
or any other object or substance into that area; 72

(e) Inhibits or restricts the ability of the dog to assist 73
the assisted or served person. 74

(4) Engage in any conduct that is likely to cause serious 75
physical injury or death to an assistance dog; 76

(5) If the person is the owner, keeper, or harbinger of a 77
dog, fail to reasonably restrain the dog from taunting, 78
tormenting, chasing, approaching in a menacing fashion or 79
apparent attitude of attack, or attempting to bite or otherwise 80
endanger an assistance dog that at the time of the conduct is 81
assisting or serving a blind, deaf or hearing impaired, or 82
mobility impaired person or that the person knows is an 83
assistance dog. 84

(E) (1) Whoever violates division (A) of this section is 85
guilty of assaulting a police dog or horse, and shall be 86
punished as provided in divisions (E) (1) (a) and (b) of this 87
section. 88

(a) Except as otherwise provided in this division, 89
assaulting a police dog or horse is a misdemeanor of the second 90
degree. If the violation results in the death of the police dog 91
or horse, assaulting a police dog or horse is a felony of the 92
third degree and the court shall impose as a mandatory prison 93
term one of the prison terms prescribed for a felony of the 94
third degree. If the violation results in serious physical harm 95
to the police dog or horse other than its death, assaulting a 96
police dog or horse is a felony of the fourth degree. If the 97
violation results in physical harm to the police dog or horse 98
other than death or serious physical harm, assaulting a police 99
dog or horse is a misdemeanor of the first degree. 100

(b) In addition to any other sanction imposed for 101

assaulting a police dog or horse, if the violation of division 102
(A) of this section results in the death of the police dog or 103
horse, the sentencing court shall impose as a financial sanction 104
a mandatory fine under division (B)(10) of section 2929.18 of 105
the Revised Code. The fine shall be paid to the law enforcement 106
agency that was served by the police dog or horse that was 107
killed, and shall be used by that agency only for one or more of 108
the following purposes: 109

(i) If the dog or horse was not owned by the agency, the 110
payment to the owner of the dog or horse the cost of the dog or 111
horse and the cost of the training of the dog or horse to 112
qualify it as a police dog or horse, if that cost has not 113
previously been paid by the agency. 114

(ii) After payment of the costs described in division (E) 115
(1)(b)(i) of this section, if applicable, payment of the cost of 116
replacing the dog or horse that was killed; 117

(iii) After payment of the costs described in division (E) 118
(1)(b)(i) of this section, if applicable, payment of the cost of 119
training the replacement dog or horse to qualify it as a police 120
dog or horse; 121

(iv) After payment of the costs described in division (E) 122
(1)(b)(i) of this section, if applicable, payment of the cost of 123
further training of the replacement dog or horse that is needed 124
to train it to the level of training that had been achieved by 125
the dog or horse that was killed. 126

(2) Whoever violates division (B) of this section is 127
guilty of harassing a police dog or horse. Except as otherwise 128
provided in this division, harassing a police dog or horse is a 129
misdemeanor of the second degree. If the violation results in 130

the death of the police dog or horse, harassing a police dog or 131
horse is a felony of the third degree. If the violation results 132
in serious physical harm to the police dog or horse, but does 133
not result in its death, harassing a police dog or horse, is a 134
felony of the fourth degree. If the violation results in 135
physical harm to the police dog or horse, but does not result in 136
its death or in serious physical harm to it, harassing a police 137
dog or horse is a misdemeanor of the first degree. 138

(3) Whoever violates division (C) of this section is 139
guilty of assaulting an assistance dog. Except as otherwise 140
provided in this division, assaulting an assistance dog is a 141
misdemeanor of the second degree. If the violation results in 142
the death of the assistance dog, assaulting an assistance dog is 143
a felony of the third degree. If the violation results in 144
serious physical harm to the assistance dog other than its 145
death, assaulting an assistance dog is a felony of the fourth 146
degree. If the violation results in physical harm to the 147
assistance dog other than death or serious physical harm, 148
assaulting an assistance dog is a misdemeanor of the first 149
degree. 150

(4) Whoever violates division (D) of this section is 151
guilty of harassing an assistance dog. Except as otherwise 152
provided in this division, harassing an assistance dog is a 153
misdemeanor of the second degree. If the violation results in 154
the death of the assistance dog, harassing an assistance dog is 155
a felony of the third degree. If the violation results in 156
serious physical harm to the assistance dog, but does not result 157
in its death, harassing an assistance dog is a felony of the 158
fourth degree. If the violation results in physical harm to the 159
assistance dog, but does not result in its death or in serious 160
physical harm to it, harassing an assistance dog is a 161

misdemeanor of the first degree. 162

(5) In addition to any other sanction or penalty imposed 163
for the offense under this section, Chapter 2929., or any other 164
provision of the Revised Code, whoever violates division (A), 165
(B), (C), or (D) of this section is responsible for the payment 166
of all of the following: 167

(a) Any veterinary bill or bill for medication incurred as 168
a result of the violation by the police department regarding a 169
violation of division (A) or (B) of this section or by the 170
blind, deaf or hearing impaired, or mobility impaired person 171
assisted or served by the assistance dog regarding a violation 172
of division (C) or (D) of this section; 173

(b) The cost of any damaged equipment that results from 174
the violation; 175

(c) If the violation did not result in the death of the 176
police dog or horse or the assistance dog that was the subject 177
of the violation and if, as a result of that dog or horse being 178
the subject of the violation, the dog or horse needs further 179
training or retraining to be able to continue in the capacity of 180
a police dog or horse or an assistance dog, the cost of any 181
further training or retraining of that dog or horse by a law 182
enforcement officer or by the blind, deaf or hearing impaired, 183
or mobility impaired person assisted or served by the assistance 184
dog; 185

(d) If the violation resulted in the death of the ~~police-~~ 186
~~dog or horse or the~~ assistance dog that was the subject of the 187
violation or resulted in serious physical harm to ~~that the~~ 188
police dog or horse or the assistance dog or horse that was the 189
subject of the violation to the extent that the dog or horse 190

needs to be replaced on either a temporary or a permanent basis, 191
the cost of replacing that dog or horse and of any further 192
training of a new police dog or horse or a new assistance dog by 193
a law enforcement officer or by the blind, deaf or hearing 194
impaired, or mobility impaired person assisted or served by the 195
assistance dog, which replacement or training is required 196
because of the death of or the serious physical harm to the dog 197
or horse that was the subject of the violation. 198

(F) This section does not apply to a licensed veterinarian 199
whose conduct is in accordance with Chapter 4741. of the Revised 200
Code. 201

(G) This section only applies to an offender who knows or 202
should know at the time of the violation that the police dog or 203
horse or assistance dog that is the subject of a violation under 204
this section is a police dog or horse or an assistance dog. 205

(H) As used in this section: 206

(1) "Physical harm" means any injury, illness, or other 207
physiological impairment, regardless of its gravity or duration. 208

(2) "Police dog or horse" means a dog or horse that has 209
been trained, and may be used, to assist law enforcement 210
officers in the performance of their official duties. 211

(3) "Serious physical harm" means any of the following: 212

(a) Any physical harm that carries a substantial risk of 213
death; 214

(b) Any physical harm that causes permanent maiming or 215
that involves some temporary, substantial maiming; 216

(c) Any physical harm that causes acute pain of a duration 217
that results in substantial suffering. 218

(4) "Assistance dog," "blind," and "mobility impaired person" have the same meanings as in section 955.011 of the Revised Code.

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

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

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

the following is applicable:	249
(1) For a fourth degree felony OVI offense for which	250
sentence is imposed under division (G) (1) of this section, an	251
additional community control sanction or combination of	252
community control sanctions under section 2929.16 or 2929.17 of	253
the Revised Code. If the court imposes upon the offender a	254
community control sanction and the offender violates any	255
condition of the community control sanction, the court may take	256
any action prescribed in division (B) of section 2929.15 of the	257
Revised Code relative to the offender, including imposing a	258
prison term on the offender pursuant to that division.	259
(2) For a third or fourth degree felony OVI offense for	260
which sentence is imposed under division (G) (2) of this section,	261
an additional prison term as described in division (B) (4) of	262
section 2929.14 of the Revised Code or a community control	263
sanction as described in division (G) (2) of this section.	264
(B) (1) (a) Except as provided in division (B) (1) (b) of this	265
section, if an offender is convicted of or pleads guilty to a	266
felony of the fourth or fifth degree that is not an offense of	267
violence or that is a qualifying assault offense, the court	268
shall sentence the offender to a community control sanction of	269
at least one year's duration if all of the following apply:	270
(i) The offender previously has not been convicted of or	271
pleaded guilty to a felony offense.	272
(ii) The most serious charge against the offender at the	273
time of sentencing is a felony of the fourth or fifth degree.	274
(iii) If the court made a request of the department of	275
rehabilitation and correction pursuant to division (B) (1) (c) of	276
this section, the department, within the forty-five-day period	277

specified in that division, provided the court with the names 278
of, contact information for, and program details of one or more 279
community control sanctions of at least one year's duration that 280
are available for persons sentenced by the court. 281

(iv) The offender previously has not been convicted of or 282
pleaded guilty to a misdemeanor offense of violence that the 283
offender committed within two years prior to the offense for 284
which sentence is being imposed. 285

(b) The court has discretion to impose a prison term upon 286
an offender who is convicted of or pleads guilty to a felony of 287
the fourth or fifth degree that is not an offense of violence or 288
that is a qualifying assault offense if any of the following 289
apply: 290

(i) The offender committed the offense while having a 291
firearm on or about the offender's person or under the 292
offender's control. 293

(ii) If the offense is a qualifying assault offense, the 294
offender caused serious physical harm to another person while 295
committing the offense, and, if the offense is not a qualifying 296
assault offense, the offender caused physical harm to another 297
person while committing the offense. 298

(iii) The offender violated a term of the conditions of 299
bond as set by the court. 300

(iv) The court made a request of the department of 301
rehabilitation and correction pursuant to division (B)(1)(c) of 302
this section, and the department, within the forty-five-day 303
period specified in that division, did not provide the court 304
with the name of, contact information for, and program details 305
of any community control sanction of at least one year's 306

duration that is available for persons sentenced by the court. 307

(v) The offense is a sex offense that is a fourth or fifth 308
degree felony violation of any provision of Chapter 2907. of the 309
Revised Code. 310

(vi) In committing the offense, the offender attempted to 311
cause or made an actual threat of physical harm to a person with 312
a deadly weapon. 313

(vii) In committing the offense, the offender attempted to 314
cause or made an actual threat of physical harm to a person, and 315
the offender previously was convicted of an offense that caused 316
physical harm to a person. 317

(viii) The offender held a public office or position of 318
trust, and the offense related to that office or position; the 319
offender's position obliged the offender to prevent the offense 320
or to bring those committing it to justice; or the offender's 321
professional reputation or position facilitated the offense or 322
was likely to influence the future conduct of others. 323

(ix) The offender committed the offense for hire or as 324
part of an organized criminal activity. 325

(x) The offender at the time of the offense was serving, 326
or the offender previously had served, a prison term. 327

(xi) The offender committed the offense while under a 328
community control sanction, while on probation, or while 329
released from custody on a bond or personal recognizance. 330

(c) If a court that is sentencing an offender who is 331
convicted of or pleads guilty to a felony of the fourth or fifth 332
degree that is not an offense of violence or that is a 333
qualifying assault offense believes that no community control 334

sanctions are available for its use that, if imposed on the 335
offender, will adequately fulfill the overriding principles and 336
purposes of sentencing, the court shall contact the department 337
of rehabilitation and correction and ask the department to 338
provide the court with the names of, contact information for, 339
and program details of one or more community control sanctions 340
of at least one year's duration that are available for persons 341
sentenced by the court. Not later than forty-five days after 342
receipt of a request from a court under this division, the 343
department shall provide the court with the names of, contact 344
information for, and program details of one or more community 345
control sanctions of at least one year's duration that are 346
available for persons sentenced by the court, if any. Upon 347
making a request under this division that relates to a 348
particular offender, a court shall defer sentencing of that 349
offender until it receives from the department the names of, 350
contact information for, and program details of one or more 351
community control sanctions of at least one year's duration that 352
are available for persons sentenced by the court or for forty- 353
five days, whichever is the earlier. 354

If the department provides the court with the names of, 355
contact information for, and program details of one or more 356
community control sanctions of at least one year's duration that 357
are available for persons sentenced by the court within the 358
forty-five-day period specified in this division, the court 359
shall impose upon the offender a community control sanction 360
under division (B) (1) (a) of this section, except that the court 361
may impose a prison term under division (B) (1) (b) of this 362
section if a factor described in division (B) (1) (b) (i) or (ii) 363
of this section applies. If the department does not provide the 364
court with the names of, contact information for, and program 365

details of one or more community control sanctions of at least 366
one year's duration that are available for persons sentenced by 367
the court within the forty-five-day period specified in this 368
division, the court may impose upon the offender a prison term 369
under division (B) (1) (b) (iv) of this section. 370

(d) A sentencing court may impose an additional penalty 371
under division (B) of section 2929.15 of the Revised Code upon 372
an offender sentenced to a community control sanction under 373
division (B) (1) (a) of this section if the offender violates the 374
conditions of the community control sanction, violates a law, or 375
leaves the state without the permission of the court or the 376
offender's probation officer. 377

(2) If division (B) (1) of this section does not apply, 378
except as provided in division (E), (F), or (G) of this section, 379
in determining whether to impose a prison term as a sanction for 380
a felony of the fourth or fifth degree, the sentencing court 381
shall comply with the purposes and principles of sentencing 382
under section 2929.11 of the Revised Code and with section 383
2929.12 of the Revised Code. 384

(C) Except as provided in division (D), (E), (F), or (G) 385
of this section, in determining whether to impose a prison term 386
as a sanction for a felony of the third degree or a felony drug 387
offense that is a violation of a provision of Chapter 2925. of 388
the Revised Code and that is specified as being subject to this 389
division for purposes of sentencing, the sentencing court shall 390
comply with the purposes and principles of sentencing under 391
section 2929.11 of the Revised Code and with section 2929.12 of 392
the Revised Code. 393

(D) (1) Except as provided in division (E) or (F) of this 394
section, for a felony of the first or second degree, for a 395

felony drug offense that is a violation of any provision of 396
Chapter 2925., 3719., or 4729. of the Revised Code for which a 397
presumption in favor of a prison term is specified as being 398
applicable, and for a violation of division (A) (4) or (B) of 399
section 2907.05 of the Revised Code for which a presumption in 400
favor of a prison term is specified as being applicable, it is 401
presumed that a prison term is necessary in order to comply with 402
the purposes and principles of sentencing under section 2929.11 403
of the Revised Code. Division (D) (2) of this section does not 404
apply to a presumption established under this division for a 405
violation of division (A) (4) of section 2907.05 of the Revised 406
Code. 407

(2) Notwithstanding the presumption established under 408
division (D) (1) of this section for the offenses listed in that 409
division other than a violation of division (A) (4) or (B) of 410
section 2907.05 of the Revised Code, the sentencing court may 411
impose a community control sanction or a combination of 412
community control sanctions instead of a prison term on an 413
offender for a felony of the first or second degree or for a 414
felony drug offense that is a violation of any provision of 415
Chapter 2925., 3719., or 4729. of the Revised Code for which a 416
presumption in favor of a prison term is specified as being 417
applicable if it makes both of the following findings: 418

(a) A community control sanction or a combination of 419
community control sanctions would adequately punish the offender 420
and protect the public from future crime, because the applicable 421
factors under section 2929.12 of the Revised Code indicating a 422
lesser likelihood of recidivism outweigh the applicable factors 423
under that section indicating a greater likelihood of 424
recidivism. 425

(b) A community control sanction or a combination of 426
community control sanctions would not demean the seriousness of 427
the offense, because one or more factors under section 2929.12 428
of the Revised Code that indicate that the offender's conduct 429
was less serious than conduct normally constituting the offense 430
are applicable, and they outweigh the applicable factors under 431
that section that indicate that the offender's conduct was more 432
serious than conduct normally constituting the offense. 433

(E) (1) Except as provided in division (F) of this section, 434
for any drug offense that is a violation of any provision of 435
Chapter 2925. of the Revised Code and that is a felony of the 436
third, fourth, or fifth degree, the applicability of a 437
presumption under division (D) of this section in favor of a 438
prison term or of division (B) or (C) of this section in 439
determining whether to impose a prison term for the offense 440
shall be determined as specified in section 2925.02, 2925.03, 441
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 442
2925.36, or 2925.37 of the Revised Code, whichever is applicable 443
regarding the violation. 444

(2) If an offender who was convicted of or pleaded guilty 445
to a felony violates the conditions of a community control 446
sanction imposed for the offense solely by reason of producing 447
positive results on a drug test, the court, as punishment for 448
the violation of the sanction, shall not order that the offender 449
be imprisoned unless the court determines on the record either 450
of the following: 451

(a) The offender had been ordered as a sanction for the 452
felony to participate in a drug treatment program, in a drug 453
education program, or in narcotics anonymous or a similar 454
program, and the offender continued to use illegal drugs after a 455

reasonable period of participation in the program. 456

(b) The imprisonment of the offender for the violation is 457
consistent with the purposes and principles of sentencing set 458
forth in section 2929.11 of the Revised Code. 459

(3) A court that sentences an offender for a drug abuse 460
offense that is a felony of the third, fourth, or fifth degree 461
may require that the offender be assessed by a properly 462
credentialed professional within a specified period of time. The 463
court shall require the professional to file a written 464
assessment of the offender with the court. If the offender is 465
eligible for a community control sanction and after considering 466
the written assessment, the court may impose a community control 467
sanction that includes treatment and recovery support services 468
authorized by division (A) (11) of section 340.03 of the Revised 469
Code. If the court imposes treatment and recovery support 470
services as a community control sanction, the court shall direct 471
the level and type of treatment and recovery support services 472
after considering the assessment and recommendation of community 473
addiction services providers. 474

(F) Notwithstanding divisions (A) to (E) of this section, 475
the court shall impose a prison term or terms under sections 476
2929.02 to 2929.06, section 2929.14, section 2929.142, or 477
section 2971.03 of the Revised Code and except as specifically 478
provided in section 2929.20, divisions (C) to (I) of section 479
2967.19, or section 2967.191 of the Revised Code or when parole 480
is authorized for the offense under section 2967.13 of the 481
Revised Code shall not reduce the term or terms pursuant to 482
section 2929.20, section 2967.19, section 2967.193, or any other 483
provision of Chapter 2967. or Chapter 5120. of the Revised Code 484
for any of the following offenses: 485

(1) Aggravated murder when death is not imposed or murder;	486
(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;	487 488 489 490 491 492
(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:	493 494 495
(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;	496 497 498 499 500
(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.	501 502 503 504
(c) Regarding sexual battery, either of the following applies:	505 506
(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of age.	507 508 509 510 511
(ii) The offense was committed on or after August 3, 2006.	512
(4) A felony violation of section 2903.04, 2903.06,	513

2903.08, 2903.11, 2903.12, 2903.13, 2905.32, ~~or~~2907.07, or 514
2921.321 of the Revised Code if the section requires the 515
imposition of a prison term; 516

(5) A first, second, or third degree felony drug offense 517
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 518
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 519
or 4729.99 of the Revised Code, whichever is applicable 520
regarding the violation, requires the imposition of a mandatory 521
prison term; 522

(6) Any offense that is a first or second degree felony 523
and that is not set forth in division (F)(1), (2), (3), or (4) 524
of this section, if the offender previously was convicted of or 525
pleaded guilty to aggravated murder, murder, any first or second 526
degree felony, or an offense under an existing or former law of 527
this state, another state, or the United States that is or was 528
substantially equivalent to one of those offenses; 529

(7) Any offense that is a third degree felony and either 530
is a violation of section 2903.04 of the Revised Code or an 531
attempt to commit a felony of the second degree that is an 532
offense of violence and involved an attempt to cause serious 533
physical harm to a person or that resulted in serious physical 534
harm to a person if the offender previously was convicted of or 535
pleaded guilty to any of the following offenses: 536

(a) Aggravated murder, murder, involuntary manslaughter, 537
rape, felonious sexual penetration as it existed under section 538
2907.12 of the Revised Code prior to September 3, 1996, a felony 539
of the first or second degree that resulted in the death of a 540
person or in physical harm to a person, or complicity in or an 541
attempt to commit any of those offenses; 542

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense listed in division (F) (7) (a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (B) (1) (a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (B) (1) (d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of corrupt activity that is the basis of the offense is a felony of the first degree;

(11) Any violent sex offense or designated homicide, assault, or kidnapping offense if, in relation to that offense, the offender is adjudicated a sexually violent predator;

(12) A violation of division (A) (1) or (2) of section 2921.36 of the Revised Code, or a violation of division (C) of that section involving an item listed in division (A) (1) or (2) of that section, if the offender is an officer or employee of the department of rehabilitation and correction;

(13) A violation of division (A) (1) or (2) of section

2903.06 of the Revised Code if the victim of the offense is a 572
peace officer, as defined in section 2935.01 of the Revised 573
Code, or an investigator of the bureau of criminal 574
identification and investigation, as defined in section 2903.11 575
of the Revised Code, with respect to the portion of the sentence 576
imposed pursuant to division (B) (5) of section 2929.14 of the 577
Revised Code; 578

(14) A violation of division (A) (1) or (2) of section 579
2903.06 of the Revised Code if the offender has been convicted 580
of or pleaded guilty to three or more violations of division (A) 581
or (B) of section 4511.19 of the Revised Code or an equivalent 582
offense, as defined in section 2941.1415 of the Revised Code, or 583
three or more violations of any combination of those divisions 584
and offenses, with respect to the portion of the sentence 585
imposed pursuant to division (B) (6) of section 2929.14 of the 586
Revised Code; 587

(15) Kidnapping, in the circumstances specified in section 588
2971.03 of the Revised Code and when no other provision of 589
division (F) of this section applies; 590

(16) Kidnapping, abduction, compelling prostitution, 591
promoting prostitution, engaging in a pattern of corrupt 592
activity, illegal use of a minor in a nudity-oriented material 593
or performance in violation of division (A) (1) or (2) of section 594
2907.323 of the Revised Code, or endangering children in 595
violation of division (B) (1), (2), (3), (4), or (5) of section 596
2919.22 of the Revised Code, if the offender is convicted of or 597
pleads guilty to a specification as described in section 598
2941.1422 of the Revised Code that was included in the 599
indictment, count in the indictment, or information charging the 600
offense; 601

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of

facility specified by the court. A mandatory term of local 632
incarceration imposed under division (G) (1) of this section is 633
not subject to any other Revised Code provision that pertains to 634
a prison term except as provided in division (A) (1) of this 635
section. 636

(2) If the offender is being sentenced for a third degree 637
felony OVI offense, or if the offender is being sentenced for a 638
fourth degree felony OVI offense and the court does not impose a 639
mandatory term of local incarceration under division (G) (1) of 640
this section, the court shall impose upon the offender a 641
mandatory prison term of one, two, three, four, or five years if 642
the offender also is convicted of or also pleads guilty to a 643
specification of the type described in section 2941.1413 of the 644
Revised Code or shall impose upon the offender a mandatory 645
prison term of sixty days or one hundred twenty days as 646
specified in division (G) (1) (d) or (e) of section 4511.19 of the 647
Revised Code if the offender has not been convicted of and has 648
not pleaded guilty to a specification of that type. Subject to 649
divisions (C) to (I) of section 2967.19 of the Revised Code, the 650
court shall not reduce the term pursuant to section 2929.20, 651
2967.19, 2967.193, or any other provision of the Revised Code. 652
The offender shall serve the one-, two-, three-, four-, or five- 653
year mandatory prison term consecutively to and prior to the 654
prison term imposed for the underlying offense and consecutively 655
to any other mandatory prison term imposed in relation to the 656
offense. In no case shall an offender who once has been 657
sentenced to a mandatory term of local incarceration pursuant to 658
division (G) (1) of this section for a fourth degree felony OVI 659
offense be sentenced to another mandatory term of local 660
incarceration under that division for any violation of division 661
(A) of section 4511.19 of the Revised Code. In addition to the 662

mandatory prison term described in division (G) (2) of this 663
section, the court may sentence the offender to a community 664
control sanction under section 2929.16 or 2929.17 of the Revised 665
Code, but the offender shall serve the prison term prior to 666
serving the community control sanction. The department of 667
rehabilitation and correction may place an offender sentenced to 668
a mandatory prison term under this division in an intensive 669
program prison established pursuant to section 5120.033 of the 670
Revised Code if the department gave the sentencing judge prior 671
notice of its intent to place the offender in an intensive 672
program prison established under that section and if the judge 673
did not notify the department that the judge disapproved the 674
placement. Upon the establishment of the initial intensive 675
program prison pursuant to section 5120.033 of the Revised Code 676
that is privately operated and managed by a contractor pursuant 677
to a contract entered into under section 9.06 of the Revised 678
Code, both of the following apply: 679

(a) The department of rehabilitation and correction shall 680
make a reasonable effort to ensure that a sufficient number of 681
offenders sentenced to a mandatory prison term under this 682
division are placed in the privately operated and managed prison 683
so that the privately operated and managed prison has full 684
occupancy. 685

(b) Unless the privately operated and managed prison has 686
full occupancy, the department of rehabilitation and correction 687
shall not place any offender sentenced to a mandatory prison 688
term under this division in any intensive program prison 689
established pursuant to section 5120.033 of the Revised Code 690
other than the privately operated and managed prison. 691

(H) If an offender is being sentenced for a sexually 692

oriented offense or child-victim oriented offense that is a 693
felony committed on or after January 1, 1997, the judge shall 694
require the offender to submit to a DNA specimen collection 695
procedure pursuant to section 2901.07 of the Revised Code. 696

(I) If an offender is being sentenced for a sexually 697
oriented offense or a child-victim oriented offense committed on 698
or after January 1, 1997, the judge shall include in the 699
sentence a summary of the offender's duties imposed under 700
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 701
Code and the duration of the duties. The judge shall inform the 702
offender, at the time of sentencing, of those duties and of 703
their duration. If required under division (A)(2) of section 704
2950.03 of the Revised Code, the judge shall perform the duties 705
specified in that section, or, if required under division (A)(6) 706
of section 2950.03 of the Revised Code, the judge shall perform 707
the duties specified in that division. 708

(J)(1) Except as provided in division (J)(2) of this 709
section, when considering sentencing factors under this section 710
in relation to an offender who is convicted of or pleads guilty 711
to an attempt to commit an offense in violation of section 712
2923.02 of the Revised Code, the sentencing court shall consider 713
the factors applicable to the felony category of the violation 714
of section 2923.02 of the Revised Code instead of the factors 715
applicable to the felony category of the offense attempted. 716

(2) When considering sentencing factors under this section 717
in relation to an offender who is convicted of or pleads guilty 718
to an attempt to commit a drug abuse offense for which the 719
penalty is determined by the amount or number of unit doses of 720
the controlled substance involved in the drug abuse offense, the 721
sentencing court shall consider the factors applicable to the 722

felony category that the drug abuse offense attempted would be 723
if that drug abuse offense had been committed and had involved 724
an amount or number of unit doses of the controlled substance 725
that is within the next lower range of controlled substance 726
amounts than was involved in the attempt. 727

(K) As used in this section: 728

(1) "Community addiction services provider" has the same 729
meaning as in section 5119.01 of the Revised Code. 730

(2) "Drug abuse offense" has the same meaning as in 731
section 2925.01 of the Revised Code. 732

(3) "Qualifying assault offense" means a violation of 733
section 2903.13 of the Revised Code for which the penalty 734
provision in division (C) (8) (b) or (C) (9) (b) of that section 735
applies. 736

(L) At the time of sentencing an offender for any sexually 737
oriented offense, if the offender is a tier III sex 738
offender/child-victim offender relative to that offense and the 739
offender does not serve a prison term or jail term, the court 740
may require that the offender be monitored by means of a global 741
positioning device. If the court requires such monitoring, the 742
cost of monitoring shall be borne by the offender. If the 743
offender is indigent, the cost of compliance shall be paid by 744
the crime victims reparations fund. 745

Sec. 2929.18. (A) Except as otherwise provided in this 746
division and in addition to imposing court costs pursuant to 747
section 2947.23 of the Revised Code, the court imposing a 748
sentence upon an offender for a felony may sentence the offender 749
to any financial sanction or combination of financial sanctions 750
authorized under this section or, in the circumstances specified 751

in section 2929.32 of the Revised Code, may impose upon the 752
offender a fine in accordance with that section. Financial 753
sanctions that may be imposed pursuant to this section include, 754
but are not limited to, the following: 755

(1) Restitution by the offender to the victim of the 756
offender's crime or any survivor of the victim, in an amount 757
based on the victim's economic loss. If the court imposes 758
restitution, the court shall order that the restitution be made 759
to the victim in open court, to the adult probation department 760
that serves the county on behalf of the victim, to the clerk of 761
courts, or to another agency designated by the court. If the 762
court imposes restitution, at sentencing, the court shall 763
determine the amount of restitution to be made by the offender. 764
If the court imposes restitution, the court may base the amount 765
of restitution it orders on an amount recommended by the victim, 766
the offender, a presentence investigation report, estimates or 767
receipts indicating the cost of repairing or replacing property, 768
and other information, provided that the amount the court orders 769
as restitution shall not exceed the amount of the economic loss 770
suffered by the victim as a direct and proximate result of the 771
commission of the offense. If the court decides to impose 772
restitution, the court shall hold a hearing on restitution if 773
the offender, victim, or survivor disputes the amount. All 774
restitution payments shall be credited against any recovery of 775
economic loss in a civil action brought by the victim or any 776
survivor of the victim against the offender. 777

If the court imposes restitution, the court may order that 778
the offender pay a surcharge of not more than five per cent of 779
the amount of the restitution otherwise ordered to the entity 780
responsible for collecting and processing restitution payments. 781

The victim or survivor may request that the prosecutor in 782
the case file a motion, or the offender may file a motion, for 783
modification of the payment terms of any restitution ordered. If 784
the court grants the motion, it may modify the payment terms as 785
it determines appropriate. 786

(2) Except as provided in division (B) (1), (3), or (4) of 787
this section, a fine payable by the offender to the state, to a 788
political subdivision, or as described in division (B) (2) of 789
this section to one or more law enforcement agencies, with the 790
amount of the fine based on a standard percentage of the 791
offender's daily income over a period of time determined by the 792
court and based upon the seriousness of the offense. A fine 793
ordered under this division shall not exceed the maximum 794
conventional fine amount authorized for the level of the offense 795
under division (A) (3) of this section. 796

(3) Except as provided in division (B) (1), (3), or (4) of 797
this section, a fine payable by the offender to the state, to a 798
political subdivision when appropriate for a felony, or as 799
described in division (B) (2) of this section to one or more law 800
enforcement agencies, in the following amount: 801

(a) For a felony of the first degree, not more than twenty 802
thousand dollars; 803

(b) For a felony of the second degree, not more than 804
fifteen thousand dollars; 805

(c) For a felony of the third degree, not more than ten 806
thousand dollars; 807

(d) For a felony of the fourth degree, not more than five 808
thousand dollars; 809

(e) For a felony of the fifth degree, not more than two 810

thousand five hundred dollars. 811

(4) A state fine or costs as defined in section 2949.111 812
of the Revised Code. 813

(5) (a) Reimbursement by the offender of any or all of the 814
costs of sanctions incurred by the government, including the 815
following: 816

(i) All or part of the costs of implementing any community 817
control sanction, including a supervision fee under section 818
2951.021 of the Revised Code; 819

(ii) All or part of the costs of confinement under a 820
sanction imposed pursuant to section 2929.14, 2929.142, or 821
2929.16 of the Revised Code, provided that the amount of 822
reimbursement ordered under this division shall not exceed the 823
total amount of reimbursement the offender is able to pay as 824
determined at a hearing and shall not exceed the actual cost of 825
the confinement; 826

(iii) All or part of the cost of purchasing and using an 827
immobilizing or disabling device, including a certified ignition 828
interlock device, or a remote alcohol monitoring device that a 829
court orders an offender to use under section 4510.13 of the 830
Revised Code. 831

(b) If the offender is sentenced to a sanction of 832
confinement pursuant to section 2929.14 or 2929.16 of the 833
Revised Code that is to be served in a facility operated by a 834
board of county commissioners, a legislative authority of a 835
municipal corporation, or another local governmental entity, if, 836
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 837
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 838
section 2929.37 of the Revised Code, the board, legislative 839

authority, or other local governmental entity requires prisoners 840
to reimburse the county, municipal corporation, or other entity 841
for its expenses incurred by reason of the prisoner's 842
confinement, and if the court does not impose a financial 843
sanction under division (A)(5)(a)(ii) of this section, 844
confinement costs may be assessed pursuant to section 2929.37 of 845
the Revised Code. In addition, the offender may be required to 846
pay the fees specified in section 2929.38 of the Revised Code in 847
accordance with that section. 848

(c) Reimbursement by the offender for costs pursuant to 849
section 2929.71 of the Revised Code. 850

(B)(1) For a first, second, or third degree felony 851
violation of any provision of Chapter 2925., 3719., or 4729. of 852
the Revised Code, the sentencing court shall impose upon the 853
offender a mandatory fine of at least one-half of, but not more 854
than, the maximum statutory fine amount authorized for the level 855
of the offense pursuant to division (A)(3) of this section. If 856
an offender alleges in an affidavit filed with the court prior 857
to sentencing that the offender is indigent and unable to pay 858
the mandatory fine and if the court determines the offender is 859
an indigent person and is unable to pay the mandatory fine 860
described in this division, the court shall not impose the 861
mandatory fine upon the offender. 862

(2) Any mandatory fine imposed upon an offender under 863
division (B)(1) of this section and any fine imposed upon an 864
offender under division (A)(2) or (3) of this section for any 865
fourth or fifth degree felony violation of any provision of 866
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 867
to law enforcement agencies pursuant to division (F) of section 868
2925.03 of the Revised Code. 869

(3) For a fourth degree felony OVI offense and for a third 870
degree felony OVI offense, the sentencing court shall impose 871
upon the offender a mandatory fine in the amount specified in 872
division (G) (1) (d) or (e) of section 4511.19 of the Revised 873
Code, whichever is applicable. The mandatory fine so imposed 874
shall be disbursed as provided in the division pursuant to which 875
it is imposed. 876

(4) Notwithstanding any fine otherwise authorized or 877
required to be imposed under division (A) (2) or (3) or (B) (1) of 878
this section or section 2929.31 of the Revised Code for a 879
violation of section 2925.03 of the Revised Code, in addition to 880
any penalty or sanction imposed for that offense under section 881
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 882
in addition to the forfeiture of property in connection with the 883
offense as prescribed in Chapter 2981. of the Revised Code, the 884
court that sentences an offender for a violation of section 885
2925.03 of the Revised Code may impose upon the offender a fine 886
in addition to any fine imposed under division (A) (2) or (3) of 887
this section and in addition to any mandatory fine imposed under 888
division (B) (1) of this section. The fine imposed under division 889
(B) (4) of this section shall be used as provided in division (H) 890
of section 2925.03 of the Revised Code. A fine imposed under 891
division (B) (4) of this section shall not exceed whichever of 892
the following is applicable: 893

(a) The total value of any personal or real property in 894
which the offender has an interest and that was used in the 895
course of, intended for use in the course of, derived from, or 896
realized through conduct in violation of section 2925.03 of the 897
Revised Code, including any property that constitutes proceeds 898
derived from that offense; 899

(b) If the offender has no interest in any property of the type described in division (B) (4) (a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B) (1) of this section or, if no mandatory fine is imposed under division (B) (1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A) (3) of this section.

(5) Prior to imposing a fine under division (B) (4) of this section, the court shall determine whether the offender has an interest in any property of the type described in division (B) (4) (a) of this section. Except as provided in division (B) (6) or (7) of this section, a fine that is authorized and imposed under division (B) (4) of this section does not limit or affect the imposition of the penalties and sanctions for a violation of section 2925.03 of the Revised Code prescribed under those sections or sections 2929.11 to 2929.18 of the Revised Code and does not limit or affect a forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code.

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B) (1) of this section plus the amount of any fine imposed under division (B) (4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B) (4) of this section. The sum total of the amounts of the mandatory

fine, the fine imposed under division (B) (4) of this section, 931
and the additional fine imposed under division (B) (6) of this 932
section shall not exceed the maximum statutory fine amount 933
authorized for the level of the offense under division (A) (3) of 934
this section or section 2929.31 of the Revised Code. The clerk 935
of the court shall pay any fine that is imposed under division 936
(B) (6) of this section to the county, township, municipal 937
corporation, park district as created pursuant to section 511.18 938
or 1545.04 of the Revised Code, or state law enforcement 939
agencies in this state that primarily were responsible for or 940
involved in making the arrest of, and in prosecuting, the 941
offender pursuant to division (F) of section 2925.03 of the 942
Revised Code. 943

(7) If the sum total of the amount of a mandatory fine 944
imposed for a first, second, or third degree felony violation of 945
section 2925.03 of the Revised Code plus the amount of any fine 946
imposed under division (B) (4) of this section exceeds the 947
maximum statutory fine amount authorized for the level of the 948
offense under division (A) (3) of this section or section 2929.31 949
of the Revised Code, the court shall not impose a fine under 950
division (B) (6) of this section. 951

(8) (a) If an offender who is convicted of or pleads guilty 952
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 953
2923.32, division (A) (1) or (2) of section 2907.323, or division 954
(B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised 955
Code also is convicted of or pleads guilty to a specification of 956
the type described in section 2941.1422 of the Revised Code that 957
charges that the offender knowingly committed the offense in 958
furtherance of human trafficking, the sentencing court shall 959
sentence the offender to a financial sanction of restitution by 960
the offender to the victim or any survivor of the victim, with 961

the restitution including the costs of housing, counseling, and 962
medical and legal assistance incurred by the victim as a direct 963
result of the offense and the greater of the following: 964

(i) The gross income or value to the offender of the 965
victim's labor or services; 966

(ii) The value of the victim's labor as guaranteed under 967
the minimum wage and overtime provisions of the "Federal Fair 968
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 969
state labor laws. 970

(b) If a court imposing sentence upon an offender for a 971
felony is required to impose upon the offender a financial 972
sanction of restitution under division (B) (8) (a) of this 973
section, in addition to that financial sanction of restitution, 974
the court may sentence the offender to any other financial 975
sanction or combination of financial sanctions authorized under 976
this section, including a restitution sanction under division 977
(A) (1) of this section. 978

(9) In addition to any other fine that is or may be 979
imposed under this section, the court imposing sentence upon an 980
offender for a felony that is a sexually oriented offense or a 981
child-victim oriented offense, as those terms are defined in 982
section 2950.01 of the Revised Code, may impose a fine of not 983
less than fifty nor more than five hundred dollars. 984

(10) For a felony violation of division (A) of section 985
2921.321 of the Revised Code that results in the death of the 986
police dog or horse that is the subject of the violation, the 987
sentencing court shall impose upon the offender a mandatory fine 988
from the range of fines provided under division (A) (3) of this 989
section for a felony of the third degree. A mandatory fine 990

imposed upon an offender under division (B) (10) of this section 991
shall be paid to the law enforcement agency that was served by 992
the police dog or horse that was killed in the felony violation 993
of division (A) of section 2921.321 of the Revised Code to be 994
used as provided in division (E) (1) (b) of that section. 995

(C) (1) Except as provided in section 2951.021 of the 996
Revised Code, the offender shall pay reimbursements imposed upon 997
the offender pursuant to division (A) (5) (a) of this section to 998
pay the costs incurred by a county pursuant to any sanction 999
imposed under this section or section 2929.16 or 2929.17 of the 1000
Revised Code or in operating a facility used to confine 1001
offenders pursuant to a sanction imposed under section 2929.16 1002
of the Revised Code to the county treasurer. The county 1003
treasurer shall deposit the reimbursements in the sanction cost 1004
reimbursement fund that each board of county commissioners shall 1005
create in its county treasury. The county shall use the amounts 1006
deposited in the fund to pay the costs incurred by the county 1007
pursuant to any sanction imposed under this section or section 1008
2929.16 or 2929.17 of the Revised Code or in operating a 1009
facility used to confine offenders pursuant to a sanction 1010
imposed under section 2929.16 of the Revised Code. 1011

(2) Except as provided in section 2951.021 of the Revised 1012
Code, the offender shall pay reimbursements imposed upon the 1013
offender pursuant to division (A) (5) (a) of this section to pay 1014
the costs incurred by a municipal corporation pursuant to any 1015
sanction imposed under this section or section 2929.16 or 1016
2929.17 of the Revised Code or in operating a facility used to 1017
confine offenders pursuant to a sanction imposed under section 1018
2929.16 of the Revised Code to the treasurer of the municipal 1019
corporation. The treasurer shall deposit the reimbursements in a 1020
special fund that shall be established in the treasury of each 1021

municipal corporation. The municipal corporation shall use the 1022
amounts deposited in the fund to pay the costs incurred by the 1023
municipal corporation pursuant to any sanction imposed under 1024
this section or section 2929.16 or 2929.17 of the Revised Code 1025
or in operating a facility used to confine offenders pursuant to 1026
a sanction imposed under section 2929.16 of the Revised Code. 1027

(3) Except as provided in section 2951.021 of the Revised 1028
Code, the offender shall pay reimbursements imposed pursuant to 1029
division (A) (5) (a) of this section for the costs incurred by a 1030
private provider pursuant to a sanction imposed under this 1031
section or section 2929.16 or 2929.17 of the Revised Code to the 1032
provider. 1033

(D) Except as otherwise provided in this division, a 1034
financial sanction imposed pursuant to division (A) or (B) of 1035
this section is a judgment in favor of the state or a political 1036
subdivision in which the court that imposed the financial 1037
sanction is located, and the offender subject to the financial 1038
sanction is the judgment debtor. A financial sanction of 1039
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 1040
section upon an offender who is incarcerated in a state facility 1041
or a municipal jail is a judgment in favor of the state or the 1042
municipal corporation, and the offender subject to the financial 1043
sanction is the judgment debtor. A financial sanction of 1044
reimbursement imposed upon an offender pursuant to this section 1045
for costs incurred by a private provider of sanctions is a 1046
judgment in favor of the private provider, and the offender 1047
subject to the financial sanction is the judgment debtor. A 1048
financial sanction of a mandatory fine imposed under division 1049
(B) (10) of this section that is required under that division to 1050
be paid to a law enforcement agency is a judgment in favor of 1051
the specified law enforcement agency, and the offender subject 1052

to the financial sanction is the judgment debtor. A financial 1053
sanction of restitution imposed pursuant to division (A) (1) or 1054
(B) (8) of this section is an order in favor of the victim of the 1055
offender's criminal act that can be collected through a 1056
certificate of judgment as described in division (D) (1) of this 1057
section, through execution as described in division (D) (2) of 1058
this section, or through an order as described in division (D) 1059
(3) of this section, and the offender shall be considered for 1060
purposes of the collection as the judgment debtor. Imposition of 1061
a financial sanction and execution on the judgment does not 1062
preclude any other power of the court to impose or enforce 1063
sanctions on the offender. Once the financial sanction is 1064
imposed as a judgment or order under this division, the victim, 1065
private provider, state, or political subdivision may do any of 1066
the following: 1067

(1) Obtain from the clerk of the court in which the 1068
judgment was entered a certificate of judgment that shall be in 1069
the same manner and form as a certificate of judgment issued in 1070
a civil action; 1071

(2) Obtain execution of the judgment or order through any 1072
available procedure, including: 1073

(a) An execution against the property of the judgment 1074
debtor under Chapter 2329. of the Revised Code; 1075

(b) An execution against the person of the judgment debtor 1076
under Chapter 2331. of the Revised Code; 1077

(c) A proceeding in aid of execution under Chapter 2333. 1078
of the Revised Code, including: 1079

(i) A proceeding for the examination of the judgment 1080
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 1081

2333.27 of the Revised Code;	1082
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	1083
	1084
(iii) A creditor's suit under section 2333.01 of the Revised Code.	1085
	1086
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	1087
	1088
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	1089
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(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	1091
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(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	1093
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(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	1097
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(G) If a court that imposes a financial sanction under 1110
division (A) or (B) of this section finds that an offender 1111
satisfactorily has completed all other sanctions imposed upon 1112
the offender and that all restitution that has been ordered has 1113
been paid as ordered, the court may suspend any financial 1114
sanctions imposed pursuant to this section or section 2929.32 of 1115
the Revised Code that have not been paid. 1116

(H) No financial sanction imposed under this section or 1117
section 2929.32 of the Revised Code shall preclude a victim from 1118
bringing a civil action against the offender. 1119

Section 2. That existing sections 2921.321, 2929.13, and 1120
2929.18 of the Revised Code are hereby repealed. 1121