

3304:1-21-02 Appendix A

Appendix A.

BSVI may deny, revoke, or suspend an operator license on proof the applicant or operator has been convicted of a disqualifying offense, or a judicial finding of eligibility for treatment or intervention in lieu of a conviction, as determined in accordance with section 9.79 of the Revised Code.

Potentially disqualifying offenses include any conviction or judicial finding of eligibility for treatment or intervention in lieu of a conviction of any of the following crimes under the laws of this state or equivalent laws of any other jurisdiction.

A. Any offense of violence, which has the same meaning as in section 2901.01 of the Revised Code, which includes the following:

1. Aggravated Murder, R.C. 2903.01
2. Murder, R.C. 2903.02
3. Voluntary Manslaughter, R.C. 2903.03
4. Involuntary Manslaughter, R.C. 2903.04
5. Felonious Assault, R.C. 2903.11
6. Aggravated Assault, R.C. 2903.12
7. Assault, R.C. 2903.13
8. Permitting Child Abuse, R.C. 2903.15
9. Aggravated Menacing, R.C. 2903.21
10. Menacing by Stalking, R.C. 2903.211
11. Menacing, R.C. 2903.22
12. Kidnapping, R.C. 2905.01
13. Abduction, R.C. 2905.02
14. Extortion, R.C. 2905.11
15. Trafficking in Persons, R.C. 2905.32
16. Aggravated Arson, R.C. 2909.02
17. Arson, R.C. 2909.03
18. Terrorism, R.C. 2911.01
19. Aggravated Robbery, R.C. 2911.01
20. Robbery, R.C. 2911.02
21. Aggravated Burglary, R.C. 2911.11
22. Burglary, R.C. 2911.12
23. Inciting to Violence, R.C. 2917.01
24. Aggravated Riot, R.C. 2917.02
25. Riot, R.C. 2917.03
26. Inducing Panic, R.C. 2917.31
27. Domestic Violence, R.C. 2919.25
28. Intimidation, R.C. 2921.03

29. Intimidation of attorney, victim, or witness in a criminal case or delinquent child action proceeding, R.C. 2921.04
30. Escape, R.C. 2921.34
31. Improperly discharging firearm at or into a habitation, in a school safety zone or with intent to cause harm or panic to persons in a school building or at a school function, R.C. 2923.161
32. Endangering Children, R.C. 2919.22

B. Any sexually oriented offense, which has the same meaning as in 2950.01 of the Revised Code, which includes the following:

1. Rape, R.C. 2907.02
2. Sexual Battery, R.C. 2907.03
3. Gross Sexual Imposition, R.C. 2907.05
4. Sexual Imposition, R.C. 2907.06
5. Importuning, R.C. 2907.07
6. Voyeurism, R.C. 2907.21
7. Compelling Prostitution, R.C. 2907.21
8. Promoting Prostitution, R.C. 2907.22
9. Pandering Obscenity, R.C. 2907.32
10. Pandering obscenity involving a minor or impaired person, R.C. 2907.321
11. Pandering sexually oriented matter involving a minor or impaired person, R.C. 2907.322
12. Illegal use of a minor or impaired person in a nudity-oriented material or performance, R.C. 2907.323
13. Unlawful sexual conduct with a minor when the offender is less than 4 years older than the other person with whom the offender engaged in sexual conduct, the other person did not consent to the sexual conduct, and the offender previously has not been convicted of or pleaded guilty to rape, sexual battery, or this offense. R.C. 2907.04 and 2950.01
14. Unlawful sexual conduct with a minor when the offender is at least 4 years older than the other person with whom the offender engaged in sexual conduct or when the offender is less than 4 years older than the other person with whom the offender engaged in sexual conduct and the offender previously has been convicted of or pleaded guilty to rape, sexual battery, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration. R.C. 2907.04 and 2950.01
15. Aggravated murder when committed with a sexual motivation, R.C. 2903.01 and 2950.01
16. Murder when committed with a sexual motivation, R.C. 2903.02 and 2950.01
17. Felonious assault when committed with a sexual motivation, R.C. 2903.11 and 2950.01
18. Involuntary manslaughter when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation, R.C. 2903.04(A) and 2950.01
19. Menacing by stalking with a sexual motivation, R.C. 2903.211(A)(3) and 2950.01
20. Kidnapping when committed with a sexual motivation or when the victim is under 18 years old and the offender is not the victim's parent, or to engage in sexual activity with

the victim against the victim's will battery, unlawful sexual conduct with a minor, or the former offense of felonious sexual penetration, R.C. 2905.01(A)(1)-(5) and (B) and 2950.01

21. Voluntary manslaughter when committed with a sexual motivation, R.C. 2903.03(B) and 2950.01
22. Abduction when committed with a sexual motivation, R.C. 2903.03(B) and 2950.01
23. Unlawful restraint when committed with a sexual motivation, R.C. 2905.03(B)
24. Criminal child enticement when committed with a sexual motivation, R.C. 2905.05(B)
25. Endangering children by enticing, coercing, permitting, encouraging, compelling, hiring, employing, using, or allowing a child under 18 years of age or a mentally or physically handicapped child under 21 years of age 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, sexually oriented matter, or nudity-oriented matter, R.C. 2919.22(B)(5)
26. Public indecency under circumstances in which the person's conduct is likely to be viewed by and affront another person who is in the person's physical proximity, who is a minor, and who is not the offender's spouse, by exposing the person's private parts with the purpose of personal sexual arousal or gratification or to lure the minor into sexual activity and if the sentencing court classifies the offender as a tier I sex offender/child-victim offender subject to registration under the Sex Offender Registration and Notification Law, R.C. 2907.09(B)(4) and (D) and 2950.01

C. Other criminal offenses which include the following:

1. Theft offenses, as defined in R.C. 2913.01(K)
2. Drug abuse offenses that are not minor misdemeanors, as defined in R.C. 2913.01(G)

D. A violation of an existing or former municipal ordinance or law of this or any other state of the United States, substantially equivalent to any section, division or offense listed above in Sections (A) through (C) of this rule.

E. Any attempt to commit, conspiracy to commit, or complicity in committing any offense listed above in Sections (A) through (C) of this rule.