

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 365**

**Representatives Hughes, Boggs**

**Cosponsors: Representatives Arndt, Brenner, Brown, Carfagna, Celebrezze, Cera,  
Craig, Duffey, Gonzales, Kent, Lanese, Leland, Lepore-Hagan, Miller, Ramos,  
Schaffer, Sheehy, Sweeney**

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**A BILL**

To amend sections 109.42, 121.22, 149.43, 2903.06, 1  
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2  
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 3  
2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 4  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 6  
2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 7  
2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 8  
2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 9  
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 10  
5120.113, 5120.53, 5120.66, and 5149.04 and to 11  
enact sections 2901.011, 2929.144, 2967.271, and 12  
5120.038 of the Revised Code to provide for 13  
indefinite prison terms for first or second 14  
degree felonies and specified third degree 15  
felonies, with presumptive release of offenders 16  
sentenced to such a term at the end of the 17  
minimum term; to generally allow the Department 18  
of Rehabilitation and Correction to reduce the 19  
minimum term for exceptional conduct or 20  
adjustment to incarceration; to allow the 21  
Department to rebut the release presumption and 22

keep the offender in prison up to the maximum 23  
term if it makes specified findings; to require 24  
the Department to establish a reentry program 25  
for all offenders released from prison who it 26  
intends to have reside in a halfway house or 27  
similar facility but who are not accepted by any 28  
such facility; to require the Adult Parole 29  
Authority to establish maximum work-load and 30  
case-load standards for its parole and field 31  
officers and have enough trained officers to 32  
comply with the standards; to require that GPS 33  
monitoring used for offenders released from 34  
prison under such monitoring specify 35  
restrictions, including inclusionary zones and 36  
necessary exclusionary zones; to require the 37  
Department to establish system requirements for 38  
GPS monitoring of such offenders by the 39  
Department or third-party contract 40  
administrators; to require the Department to 41  
operate a statewide database for law enforcement 42  
use containing specified information about such 43  
offenders; to require that third-party 44  
administrators for GPS monitoring under a new 45  
contract with the Department provide and use a 46  
law enforcement-accessible crime scene 47  
correlation program; and to name the act's 48  
provisions the Reagan Tokes Act. 49

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

**Section 1.** That sections 109.42, 121.22, 149.43, 2903.06, 50  
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 51  
2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 52  
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 53  
2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 54  
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 55  
2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 56  
2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 57  
5149.04 be amended and sections 2901.011, 2929.144, 2967.271, 58  
and 5120.038 of the Revised Code be enacted to read as follows: 59

**Sec. 109.42.** (A) The attorney general shall prepare and 60  
have printed a pamphlet that contains a compilation of all 61  
statutes relative to victim's rights in which the attorney 62  
general lists and explains the statutes in the form of a 63  
victim's bill of rights. The attorney general shall distribute 64  
the pamphlet to all sheriffs, marshals, municipal corporation 65  
and township police departments, constables, and other law 66  
enforcement agencies, to all prosecuting attorneys, city 67  
directors of law, village solicitors, and other similar chief 68  
legal officers of municipal corporations, and to organizations 69  
that represent or provide services for victims of crime. The 70  
victim's bill of rights set forth in the pamphlet shall contain 71  
a description of all of the rights of victims that are provided 72  
for in Chapter 2930. or in any other section of the Revised Code 73  
and shall include, but not be limited to, all of the following: 74

(1) The right of a victim or a victim's representative to 75  
attend a proceeding before a grand jury, in a juvenile case, or 76  
in a criminal case pursuant to a subpoena without being 77  
discharged from the victim's or representative's employment, 78  
having the victim's or representative's employment terminated, 79  
having the victim's or representative's pay decreased or 80

withheld, or otherwise being punished, penalized, or threatened 81  
as a result of time lost from regular employment because of the 82  
victim's or representative's attendance at the proceeding 83  
pursuant to the subpoena, as set forth in section 2151.211, 84  
2930.18, 2939.121, or 2945.451 of the Revised Code; 85

(2) The potential availability pursuant to section 86  
2151.359 or 2152.61 of the Revised Code of a forfeited 87  
recognizance to pay damages caused by a child when the 88  
delinquency of the child or child's violation of probation or 89  
community control is found to be proximately caused by the 90  
failure of the child's parent or guardian to subject the child 91  
to reasonable parental authority or to faithfully discharge the 92  
conditions of probation or community control; 93

(3) The availability of awards of reparations pursuant to 94  
sections 2743.51 to 2743.72 of the Revised Code for injuries 95  
caused by criminal offenses; 96

(4) The right of the victim in certain criminal or 97  
juvenile cases or a victim's representative to receive, pursuant 98  
to section 2930.06 of the Revised Code, notice of the date, 99  
time, and place of the trial or delinquency proceeding in the 100  
case or, if there will not be a trial or delinquency proceeding, 101  
information from the prosecutor, as defined in section 2930.01 102  
of the Revised Code, regarding the disposition of the case; 103

(5) The right of the victim in certain criminal or 104  
juvenile cases or a victim's representative to receive, pursuant 105  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 106  
notice of the name of the person charged with the violation, the 107  
case or docket number assigned to the charge, and a telephone 108  
number or numbers that can be called to obtain information about 109  
the disposition of the case; 110

(6) The right of the victim in certain criminal or 111  
juvenile cases or of the victim's representative pursuant to 112  
section 2930.13 or 2930.14 of the Revised Code, subject to any 113  
reasonable terms set by the court as authorized under section 114  
2930.14 of the Revised Code, to make a statement about the 115  
victimization and, if applicable, a statement relative to the 116  
sentencing or disposition of the offender; 117

(7) The opportunity to obtain a court order, pursuant to 118  
section 2945.04 of the Revised Code, to prevent or stop the 119  
commission of the offense of intimidation of a crime victim or 120  
witness or an offense against the person or property of the 121  
complainant, or of the complainant's ward or child; 122

(8) The right of the victim in certain criminal or 123  
juvenile cases or a victim's representative pursuant to sections 124  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 125  
Code to receive notice of a pending motion for judicial release, 126  
release pursuant to section 2967.19 of the Revised Code, or 127  
other early release of the person who committed the offense 128  
against the victim, to make an oral or written statement at the 129  
court hearing on the motion, and to be notified of the court's 130  
decision on the motion; 131

(9) The right of the victim in certain criminal or 132  
juvenile cases or a victim's representative pursuant to section 133  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 134  
Code to receive notice of any pending commutation, pardon, 135  
parole, transitional control, discharge, other form of 136  
authorized release, post-release control, or supervised release 137  
for the person who committed the offense against the victim or 138  
any application for release of that person and to send a written 139  
statement relative to the victimization and the pending action 140

to the adult parole authority or the release authority of the	141
department of youth services;	142
(10) The right of the victim to bring a civil action	143
pursuant to sections 2969.01 to 2969.06 of the Revised Code to	144
obtain money from the offender's profit fund;	145
(11) The right, pursuant to section 3109.09 of the Revised	146
Code, to maintain a civil action to recover compensatory damages	147
not exceeding ten thousand dollars and costs from the parent of	148
a minor who willfully damages property through the commission of	149
an act that would be a theft offense, as defined in section	150
2913.01 of the Revised Code, if committed by an adult;	151
(12) The right, pursuant to section 3109.10 of the Revised	152
Code, to maintain a civil action to recover compensatory damages	153
not exceeding ten thousand dollars and costs from the parent of	154
a minor who willfully and maliciously assaults a person;	155
(13) The possibility of receiving restitution from an	156
offender or a delinquent child pursuant to section 2152.20,	157
2929.18, or 2929.28 of the Revised Code;	158
(14) The right of the victim in certain criminal or	159
juvenile cases or a victim's representative, pursuant to section	160
2930.16 of the Revised Code, to receive notice of the escape	161
from confinement or custody of the person who committed the	162
offense, to receive that notice from the custodial agency of the	163
person at the victim's last address or telephone number provided	164
to the custodial agency, and to receive notice that, if either	165
the victim's address or telephone number changes, it is in the	166
victim's interest to provide the new address or telephone number	167
to the custodial agency;	168
(15) The right of a victim of domestic violence to seek	169

the issuance of a civil protection order pursuant to section 170  
3113.31 of the Revised Code, the right of a victim of a 171  
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 172  
2911.211, or 2919.22 of the Revised Code, a violation of a 173  
substantially similar municipal ordinance, or an offense of 174  
violence who is a family or household member of the offender at 175  
the time of the offense to seek the issuance of a temporary 176  
protection order pursuant to section 2919.26 of the Revised 177  
Code, and the right of both types of victims to be accompanied 178  
by a victim advocate during court proceedings; 179

(16) The right of a victim of a sexually oriented offense 180  
or of a child-victim oriented offense that is committed by a 181  
person who is convicted of, pleads guilty to, or is adjudicated 182  
a delinquent child for committing the offense and who is in a 183  
category specified in division (B) of section 2950.10 of the 184  
Revised Code to receive, pursuant to that section, notice that 185  
the person has registered with a sheriff under section 2950.04, 186  
2950.041, or 2950.05 of the Revised Code and notice of the 187  
person's name, the person's residence that is registered, and 188  
the offender's school, institution of higher education, or place 189  
of employment address or addresses that are registered, the 190  
person's photograph, and a summary of the manner in which the 191  
victim must make a request to receive the notice. As used in 192  
this division, "sexually oriented offense" and "child-victim 193  
oriented offense" have the same meanings as in section 2950.01 194  
of the Revised Code. 195

(17) The right of a victim of certain sexually violent 196  
offenses committed by an offender who also is convicted of or 197  
pleads guilty to a sexually violent predator specification and 198  
who is sentenced to a prison term pursuant to division (A) (3) of 199  
section 2971.03 of the Revised Code, of a victim of a violation 200

of division (A) (1) (b) of section 2907.02 of the Revised Code 201  
committed on or after January 2, 2007, by an offender who is 202  
sentenced for the violation pursuant to division (B) (1) (a), (b), 203  
or (c) of section 2971.03 of the Revised Code, of a victim of an 204  
attempted rape committed on or after January 2, 2007, by an 205  
offender who also is convicted of or pleads guilty to a 206  
specification of the type described in section 2941.1418, 207  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 208  
the violation pursuant to division (B) (2) (a), (b), or (c) of 209  
section 2971.03 of the Revised Code, and of a victim of an 210  
offense that is described in division (B) (3) (a), (b), (c), or 211  
(d) of section 2971.03 of the Revised Code and is committed by 212  
an offender who is sentenced pursuant to one of those divisions 213  
to receive, pursuant to section 2930.16 of the Revised Code, 214  
notice of a hearing to determine whether to modify the 215  
requirement that the offender serve the entire prison term in a 216  
state correctional facility, whether to continue, revise, or 217  
revoke any existing modification of that requirement, or whether 218  
to terminate the prison term. As used in this division, 219  
"sexually violent offense" and "sexually violent predator 220  
specification" have the same meanings as in section 2971.01 of 221  
the Revised Code. 222

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 223  
prosecuting attorney, assistant prosecuting attorney, city 224  
director of law, assistant city director of law, village 225  
solicitor, assistant village solicitor, or similar chief legal 226  
officer of a municipal corporation or an assistant of any of 227  
those officers who prosecutes an offense committed in this 228  
state, upon first contact with the victim of the offense, the 229  
victim's family, or the victim's dependents, shall give the 230  
victim, the victim's family, or the victim's dependents a copy 231

of the pamphlet prepared pursuant to division (A) of this 232  
section and explain, upon request, the information in the 233  
pamphlet to the victim, the victim's family, or the victim's 234  
dependents. 235

(b) Subject to division (B)(1)(c) of this section, a law 236  
enforcement agency that investigates an offense or delinquent 237  
act committed in this state shall give the victim of the offense 238  
or delinquent act, the victim's family, or the victim's 239  
dependents a copy of the pamphlet prepared pursuant to division 240  
(A) of this section at one of the following times: 241

(i) Upon first contact with the victim, the victim's 242  
family, or the victim's dependents; 243

(ii) If the offense or delinquent act is an offense of 244  
violence, if the circumstances of the offense or delinquent act 245  
and the condition of the victim, the victim's family, or the 246  
victim's dependents indicate that the victim, the victim's 247  
family, or the victim's dependents will not be able to 248  
understand the significance of the pamphlet upon first contact 249  
with the agency, and if the agency anticipates that it will have 250  
an additional contact with the victim, the victim's family, or 251  
the victim's dependents, upon the agency's second contact with 252  
the victim, the victim's family, or the victim's dependents. 253

If the agency does not give the victim, the victim's 254  
family, or the victim's dependents a copy of the pamphlet upon 255  
first contact with them and does not have a second contact with 256  
the victim, the victim's family, or the victim's dependents, the 257  
agency shall mail a copy of the pamphlet to the victim, the 258  
victim's family, or the victim's dependents at their last known 259  
address. 260

(c) In complying on and after December 9, 1994, with the duties imposed by division (B) (1) (a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in divisions (A) (1) to (17) of this section.

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B) (1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the pamphlet prepared pursuant to division (A) of this section shall not be required

to distribute a copy of an information card or other printed 292  
material provided by the clerk of the court of claims pursuant 293  
to section 2743.71 of the Revised Code. 294

(C) The cost of printing and distributing the pamphlet 295  
prepared pursuant to division (A) of this section shall be paid 296  
out of the reparations fund, created pursuant to section 297  
2743.191 of the Revised Code, in accordance with division (D) of 298  
that section. 299

(D) As used in this section: 300

(1) "Victim's representative" has the same meaning as in 301  
section 2930.01 of the Revised Code; 302

(2) "Victim advocate" has the same meaning as in section 303  
2919.26 of the Revised Code. 304

**Sec. 121.22.** (A) This section shall be liberally construed 305  
to require public officials to take official action and to 306  
conduct all deliberations upon official business only in open 307  
meetings unless the subject matter is specifically excepted by 308  
law. 309

(B) As used in this section: 310

(1) "Public body" means any of the following: 311

(a) Any board, commission, committee, council, or similar 312  
decision-making body of a state agency, institution, or 313  
authority, and any legislative authority or board, commission, 314  
committee, council, agency, authority, or similar decision- 315  
making body of any county, township, municipal corporation, 316  
school district, or other political subdivision or local public 317  
institution; 318

(b) Any committee or subcommittee of a body described in 319

division (B) (1) (a) of this section;	320
(c) A court of jurisdiction of a sanitary district	321
organized wholly for the purpose of providing a water supply for	322
domestic, municipal, and public use when meeting for the purpose	323
of the appointment, removal, or reappointment of a member of the	324
board of directors of such a district pursuant to section	325
6115.10 of the Revised Code, if applicable, or for any other	326
matter related to such a district other than litigation	327
involving the district. As used in division (B) (1) (c) of this	328
section, "court of jurisdiction" has the same meaning as "court"	329
in section 6115.01 of the Revised Code.	330
(2) "Meeting" means any prearranged discussion of the	331
public business of the public body by a majority of its members.	332
(3) "Regulated individual" means either of the following:	333
(a) A student in a state or local public educational	334
institution;	335
(b) A person who is, voluntarily or involuntarily, an	336
inmate, patient, or resident of a state or local institution	337
because of criminal behavior, mental illness, an intellectual	338
disability, disease, disability, age, or other condition	339
requiring custodial care.	340
(4) "Public office" has the same meaning as in section	341
149.011 of the Revised Code.	342
(C) All meetings of any public body are declared to be	343
public meetings open to the public at all times. A member of a	344
public body shall be present in person at a meeting open to the	345
public to be considered present or to vote at the meeting and	346
for purposes of determining whether a quorum is present at the	347
meeting.	348

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

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

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised

Code;	378
(7) The board of nursing when determining whether to	379
suspend a license or certificate without a prior hearing	380
pursuant to division (B) of section 4723.281 of the Revised	381
Code;	382
(8) The state board of pharmacy when determining whether	383
to suspend a license without a prior hearing pursuant to	384
division (D) of section 4729.16 of the Revised Code;	385
(9) The state chiropractic board when determining whether	386
to suspend a license without a hearing pursuant to section	387
4734.37 of the Revised Code;	388
(10) The executive committee of the emergency response	389
commission when determining whether to issue an enforcement	390
order or request that a civil action, civil penalty action, or	391
criminal action be brought to enforce Chapter 3750. of the	392
Revised Code;	393
(11) The board of directors of the nonprofit corporation	394
formed under section 187.01 of the Revised Code or any committee	395
thereof, and the board of directors of any subsidiary of that	396
corporation or a committee thereof;	397
(12) An audit conference conducted by the audit staff of	398
the department of job and family services with officials of the	399
public office that is the subject of that audit under section	400
5101.37 of the Revised Code;	401
(13) The occupational therapy section of the occupational	402
therapy, physical therapy, and athletic trainers board when	403
determining whether to suspend a license or limited permit	404
without a hearing pursuant to division (D) of section 4755.11 of	405
the Revised Code;	406

(14) The physical therapy section of the occupational 407  
therapy, physical therapy, and athletic trainers board when 408  
determining whether to suspend a license without a hearing 409  
pursuant to division (E) of section 4755.47 of the Revised Code; 410

(15) The athletic trainers section of the occupational 411  
therapy, physical therapy, and athletic trainers board when 412  
determining whether to suspend a license without a hearing 413  
pursuant to division (D) of section 4755.64 of the Revised Code. 414

(E) The controlling board, the tax credit authority, or 415  
the minority development financing advisory board, when meeting 416  
to consider granting assistance pursuant to Chapter 122. or 166. 417  
of the Revised Code, in order to protect the interest of the 418  
applicant or the possible investment of public funds, by 419  
unanimous vote of all board or authority members present, may 420  
close the meeting during consideration of the following 421  
information confidentially received by the authority or board 422  
from the applicant: 423

(1) Marketing plans; 424

(2) Specific business strategy; 425

(3) Production techniques and trade secrets; 426

(4) Financial projections; 427

(5) Personal financial statements of the applicant or 428  
members of the applicant's immediate family, including, but not 429  
limited to, tax records or other similar information not open to 430  
public inspection. 431

The vote by the authority or board to accept or reject the 432  
application, as well as all proceedings of the authority or 433  
board not subject to this division, shall be open to the public 434

and governed by this section. 435

(F) Every public body, by rule, shall establish a 436  
reasonable method whereby any person may determine the time and 437  
place of all regularly scheduled meetings and the time, place, 438  
and purpose of all special meetings. A public body shall not 439  
hold a special meeting unless it gives at least twenty-four 440  
hours' advance notice to the news media that have requested 441  
notification, except in the event of an emergency requiring 442  
immediate official action. In the event of an emergency, the 443  
member or members calling the meeting shall notify the news 444  
media that have requested notification immediately of the time, 445  
place, and purpose of the meeting. 446

The rule shall provide that any person, upon request and 447  
payment of a reasonable fee, may obtain reasonable advance 448  
notification of all meetings at which any specific type of 449  
public business is to be discussed. Provisions for advance 450  
notification may include, but are not limited to, mailing the 451  
agenda of meetings to all subscribers on a mailing list or 452  
mailing notices in self-addressed, stamped envelopes provided by 453  
the person. 454

(G) Except as provided in divisions (G) (8) and (J) of this 455  
section, the members of a public body may hold an executive 456  
session only after a majority of a quorum of the public body 457  
determines, by a roll call vote, to hold an executive session 458  
and only at a regular or special meeting for the sole purpose of 459  
the consideration of any of the following matters: 460

(1) To consider the appointment, employment, dismissal, 461  
discipline, promotion, demotion, or compensation of a public 462  
employee or official, or the investigation of charges or 463  
complaints against a public employee, official, licensee, or 464

regulated individual, unless the public employee, official, 465  
licensee, or regulated individual requests a public hearing. 466  
Except as otherwise provided by law, no public body shall hold 467  
an executive session for the discipline of an elected official 468  
for conduct related to the performance of the elected official's 469  
official duties or for the elected official's removal from 470  
office. If a public body holds an executive session pursuant to 471  
division (G) (1) of this section, the motion and vote to hold 472  
that executive session shall state which one or more of the 473  
approved purposes listed in division (G) (1) of this section are 474  
the purposes for which the executive session is to be held, but 475  
need not include the name of any person to be considered at the 476  
meeting. 477

(2) To consider the purchase of property for public 478  
purposes, the sale of property at competitive bidding, or the 479  
sale or other disposition of unneeded, obsolete, or unfit-for- 480  
use property in accordance with section 505.10 of the Revised 481  
Code, if premature disclosure of information would give an 482  
unfair competitive or bargaining advantage to a person whose 483  
personal, private interest is adverse to the general public 484  
interest. No member of a public body shall use division (G) (2) 485  
of this section as a subterfuge for providing covert information 486  
to prospective buyers or sellers. A purchase or sale of public 487  
property is void if the seller or buyer of the public property 488  
has received covert information from a member of a public body 489  
that has not been disclosed to the general public in sufficient 490  
time for other prospective buyers and sellers to prepare and 491  
submit offers. 492

If the minutes of the public body show that all meetings 493  
and deliberations of the public body have been conducted in 494  
compliance with this section, any instrument executed by the 495

public body purporting to convey, lease, or otherwise dispose of 496  
any right, title, or interest in any public property shall be 497  
conclusively presumed to have been executed in compliance with 498  
this section insofar as title or other interest of any bona fide 499  
purchasers, lessees, or transferees of the property is 500  
concerned. 501

(3) Conferences with an attorney for the public body 502  
concerning disputes involving the public body that are the 503  
subject of pending or imminent court action; 504

(4) Preparing for, conducting, or reviewing negotiations 505  
or bargaining sessions with public employees concerning their 506  
compensation or other terms and conditions of their employment; 507

(5) Matters required to be kept confidential by federal 508  
law or regulations or state statutes; 509

(6) Details relative to the security arrangements and 510  
emergency response protocols for a public body or a public 511  
office, if disclosure of the matters discussed could reasonably 512  
be expected to jeopardize the security of the public body or 513  
public office; 514

(7) In the case of a county hospital operated pursuant to 515  
Chapter 339. of the Revised Code, a joint township hospital 516  
operated pursuant to Chapter 513. of the Revised Code, or a 517  
municipal hospital operated pursuant to Chapter 749. of the 518  
Revised Code, to consider trade secrets, as defined in section 519  
1333.61 of the Revised Code; 520

(8) To consider confidential information related to the 521  
marketing plans, specific business strategy, production 522  
techniques, trade secrets, or personal financial statements of 523  
an applicant for economic development assistance, or to 524

negotiations with other political subdivisions respecting 525  
requests for economic development assistance, provided that both 526  
of the following conditions apply: 527

(a) The information is directly related to a request for 528  
economic development assistance that is to be provided or 529  
administered under any provision of Chapter 715., 725., 1724., 530  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 531  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 532  
5709.81 of the Revised Code, or that involves public 533  
infrastructure improvements or the extension of utility services 534  
that are directly related to an economic development project. 535

(b) A unanimous quorum of the public body determines, by a 536  
roll call vote, that the executive session is necessary to 537  
protect the interests of the applicant or the possible 538  
investment or expenditure of public funds to be made in 539  
connection with the economic development project. 540

If a public body holds an executive session to consider 541  
any of the matters listed in divisions (G) (2) to (8) of this 542  
section, the motion and vote to hold that executive session 543  
shall state which one or more of the approved matters listed in 544  
those divisions are to be considered at the executive session. 545

A public body specified in division (B) (1) (c) of this 546  
section shall not hold an executive session when meeting for the 547  
purposes specified in that division. 548

(H) A resolution, rule, or formal action of any kind is 549  
invalid unless adopted in an open meeting of the public body. A 550  
resolution, rule, or formal action adopted in an open meeting 551  
that results from deliberations in a meeting not open to the 552  
public is invalid unless the deliberations were for a purpose 553

specifically authorized in division (G) or (J) of this section 554  
and conducted at an executive session held in compliance with 555  
this section. A resolution, rule, or formal action adopted in an 556  
open meeting is invalid if the public body that adopted the 557  
resolution, rule, or formal action violated division (F) of this 558  
section. 559

(I) (1) Any person may bring an action to enforce this 560  
section. An action under division (I) (1) of this section shall 561  
be brought within two years after the date of the alleged 562  
violation or threatened violation. Upon proof of a violation or 563  
threatened violation of this section in an action brought by any 564  
person, the court of common pleas shall issue an injunction to 565  
compel the members of the public body to comply with its 566  
provisions. 567

(2) (a) If the court of common pleas issues an injunction 568  
pursuant to division (I) (1) of this section, the court shall 569  
order the public body that it enjoins to pay a civil forfeiture 570  
of five hundred dollars to the party that sought the injunction 571  
and shall award to that party all court costs and, subject to 572  
reduction as described in division (I) (2) of this section, 573  
reasonable attorney's fees. The court, in its discretion, may 574  
reduce an award of attorney's fees to the party that sought the 575  
injunction or not award attorney's fees to that party if the 576  
court determines both of the following: 577

(i) That, based on the ordinary application of statutory 578  
law and case law as it existed at the time of violation or 579  
threatened violation that was the basis of the injunction, a 580  
well-informed public body reasonably would believe that the 581  
public body was not violating or threatening to violate this 582  
section; 583

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the

Revised Code; 613

(c) Reviewing matters relating to an applicant's request 614  
for financial assistance under sections 5901.01 to 5901.15 of 615  
the Revised Code. 616

(2) A veterans service commission shall not exclude an 617  
applicant for, recipient of, or former recipient of financial 618  
assistance under sections 5901.01 to 5901.15 of the Revised 619  
Code, and shall not exclude representatives selected by the 620  
applicant, recipient, or former recipient, from a meeting that 621  
the commission conducts as an executive session that pertains to 622  
the applicant's, recipient's, or former recipient's application 623  
for financial assistance. 624

(3) A veterans service commission shall vote on the grant 625  
or denial of financial assistance under sections 5901.01 to 626  
5901.15 of the Revised Code only in an open meeting of the 627  
commission. The minutes of the meeting shall indicate the name, 628  
address, and occupation of the applicant, whether the assistance 629  
was granted or denied, the amount of the assistance if 630  
assistance is granted, and the votes for and against the 631  
granting of assistance. 632

**Sec. 149.43.** (A) As used in this section: 633

(1) "Public record" means records kept by any public 634  
office, including, but not limited to, state, county, city, 635  
village, township, and school district units, and records 636  
pertaining to the delivery of educational services by an 637  
alternative school in this state kept by the nonprofit or for- 638  
profit entity operating the alternative school pursuant to 639  
section 3313.533 of the Revised Code. "Public record" does not 640  
mean any of the following: 641

(a) Medical records;	642
(b) Records pertaining to probation and parole proceedings	643
<del>or</del> , to proceedings related to the imposition of community	644
control sanctions and post-release control sanctions, <u>or to</u>	645
<u>proceedings related to determinations under section 2967.271 of</u>	646
<u>the Revised Code regarding the release or maintained</u>	647
<u>incarceration of an offender to whom that section applies;</u>	648
(c) Records pertaining to actions under section 2151.85	649
and division (C) of section 2919.121 of the Revised Code and to	650
appeals of actions arising under those sections;	651
(d) Records pertaining to adoption proceedings, including	652
the contents of an adoption file maintained by the department of	653
health under sections 3705.12 to 3705.124 of the Revised Code;	654
(e) Information in a record contained in the putative	655
father registry established by section 3107.062 of the Revised	656
Code, regardless of whether the information is held by the	657
department of job and family services or, pursuant to section	658
3111.69 of the Revised Code, the office of child support in the	659
department or a child support enforcement agency;	660
(f) Records specified in division (A) of section 3107.52	661
of the Revised Code;	662
(g) Trial preparation records;	663
(h) Confidential law enforcement investigatory records;	664
(i) Records containing information that is confidential	665
under section 2710.03 or 4112.05 of the Revised Code;	666
(j) DNA records stored in the DNA database pursuant to	667
section 109.573 of the Revised Code;	668

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	669 670 671 672
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	673 674 675 676
(m) Intellectual property records;	677
(n) Donor profile records;	678
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	679 680
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	681 682 683 684 685 686 687
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	688 689 690 691 692
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	693 694
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	695 696

review conducted pursuant to guidelines established by the 697  
director of health under section 3701.70 of the Revised Code, 698  
records provided to the board or director, statements made by 699  
board members during meetings of the board or by persons 700  
participating in the director's review, and all work products of 701  
the board or director, and in the case of a child fatality 702  
review board, child fatality review data submitted by the board 703  
to the department of health or a national child death review 704  
database, other than the report prepared pursuant to division 705  
(A) of section 307.626 of the Revised Code; 706

(t) Records provided to and statements made by the 707  
executive director of a public children services agency or a 708  
prosecuting attorney acting pursuant to section 5153.171 of the 709  
Revised Code other than the information released under that 710  
section; 711

(u) Test materials, examinations, or evaluation tools used 712  
in an examination for licensure as a nursing home administrator 713  
that the board of executives of long-term services and supports 714  
administers under section 4751.04 of the Revised Code or 715  
contracts under that section with a private or government entity 716  
to administer; 717

(v) Records the release of which is prohibited by state or 718  
federal law; 719

(w) Proprietary information of or relating to any person 720  
that is submitted to or compiled by the Ohio venture capital 721  
authority created under section 150.01 of the Revised Code; 722

(x) Financial statements and data any person submits for 723  
any purpose to the Ohio housing finance agency or the 724  
controlling board in connection with applying for, receiving, or 725

accounting for financial assistance from the agency, and	726
information that identifies any individual who benefits directly	727
or indirectly from financial assistance from the agency;	728
(y) Records listed in section 5101.29 of the Revised Code;	729
(z) Discharges recorded with a county recorder under	730
section 317.24 of the Revised Code, as specified in division (B)	731
(2) of that section;	732
(aa) Usage information including names and addresses of	733
specific residential and commercial customers of a municipally	734
owned or operated public utility;	735
(bb) Records described in division (C) of section 187.04	736
of the Revised Code that are not designated to be made available	737
to the public as provided in that division;	738
(cc) Information and records that are made confidential,	739
privileged, and not subject to disclosure under divisions (B)	740
and (C) of section 2949.221 of the Revised Code;	741
(dd) Personal information, as defined in section 149.45 of	742
the Revised Code;	743
(ee) The confidential name, address, and other personally	744
identifiable information of a program participant in the address	745
confidentiality program established under sections 111.41 to	746
111.47 of the Revised Code, including the contents of any	747
application for absent voter's ballots, absent voter's ballot	748
identification envelope statement of voter, or provisional	749
ballot affirmation completed by a program participant who has a	750
confidential voter registration record, and records or portions	751
of records pertaining to that program that identify the number	752
of program participants that reside within a precinct, ward,	753
township, municipal corporation, county, or any other geographic	754

area smaller than the state. As used in this division, 755  
"confidential address" and "program participant" have the 756  
meaning defined in section 111.41 of the Revised Code. 757

(ff) Orders for active military service of an individual 758  
serving or with previous service in the armed forces of the 759  
United States, including a reserve component, or the Ohio 760  
organized militia, except that, such order becomes a public 761  
record on the day that is fifteen years after the published date 762  
or effective date of the call to order. 763

(2) "Confidential law enforcement investigatory record" 764  
means any record that pertains to a law enforcement matter of a 765  
criminal, quasi-criminal, civil, or administrative nature, but 766  
only to the extent that the release of the record would create a 767  
high probability of disclosure of any of the following: 768

(a) The identity of a suspect who has not been charged 769  
with the offense to which the record pertains, or of an 770  
information source or witness to whom confidentiality has been 771  
reasonably promised; 772

(b) Information provided by an information source or 773  
witness to whom confidentiality has been reasonably promised, 774  
which information would reasonably tend to disclose the source's 775  
or witness's identity; 776

(c) Specific confidential investigatory techniques or 777  
procedures or specific investigatory work product; 778

(d) Information that would endanger the life or physical 779  
safety of law enforcement personnel, a crime victim, a witness, 780  
or a confidential information source. 781

(3) "Medical record" means any document or combination of 782  
documents, except births, deaths, and the fact of admission to 783

or discharge from a hospital, that pertains to the medical 784  
history, diagnosis, prognosis, or medical condition of a patient 785  
and that is generated and maintained in the process of medical 786  
treatment. 787

(4) "Trial preparation record" means any record that 788  
contains information that is specifically compiled in reasonable 789  
anticipation of, or in defense of, a civil or criminal action or 790  
proceeding, including the independent thought processes and 791  
personal trial preparation of an attorney. 792

(5) "Intellectual property record" means a record, other 793  
than a financial or administrative record, that is produced or 794  
collected by or for faculty or staff of a state institution of 795  
higher learning in the conduct of or as a result of study or 796  
research on an educational, commercial, scientific, artistic, 797  
technical, or scholarly issue, regardless of whether the study 798  
or research was sponsored by the institution alone or in 799  
conjunction with a governmental body or private concern, and 800  
that has not been publicly released, published, or patented. 801

(6) "Donor profile record" means all records about donors 802  
or potential donors to a public institution of higher education 803  
except the names and reported addresses of the actual donors and 804  
the date, amount, and conditions of the actual donation. 805

(7) "Peace officer, parole officer, probation officer, 806  
bailiff, prosecuting attorney, assistant prosecuting attorney, 807  
correctional employee, community-based correctional facility 808  
employee, youth services employee, firefighter, EMT, 809  
investigator of the bureau of criminal identification and 810  
investigation, or federal law enforcement officer residential 811  
and familial information" means any information that discloses 812  
any of the following about a peace officer, parole officer, 813

probation officer, bailiff, prosecuting attorney, assistant 814  
prosecuting attorney, correctional employee, community-based 815  
correctional facility employee, youth services employee, 816  
firefighter, EMT, investigator of the bureau of criminal 817  
identification and investigation, or federal law enforcement 818  
officer: 819

(a) The address of the actual personal residence of a 820  
peace officer, parole officer, probation officer, bailiff, 821  
assistant prosecuting attorney, correctional employee, 822  
community-based correctional facility employee, youth services 823  
employee, firefighter, EMT, an investigator of the bureau of 824  
criminal identification and investigation, or federal law 825  
enforcement officer, except for the state or political 826  
subdivision in which the peace officer, parole officer, 827  
probation officer, bailiff, assistant prosecuting attorney, 828  
correctional employee, community-based correctional facility 829  
employee, youth services employee, firefighter, EMT, 830  
investigator of the bureau of criminal identification and 831  
investigation, or federal law enforcement officer resides; 832

(b) Information compiled from referral to or participation 833  
in an employee assistance program; 834

(c) The social security number, the residential telephone 835  
number, any bank account, debit card, charge card, or credit 836  
card number, or the emergency telephone number of, or any 837  
medical information pertaining to, a peace officer, parole 838  
officer, probation officer, bailiff, prosecuting attorney, 839  
assistant prosecuting attorney, correctional employee, 840  
community-based correctional facility employee, youth services 841  
employee, firefighter, EMT, investigator of the bureau of 842  
criminal identification and investigation, or federal law 843

enforcement officer; 844

(d) The name of any beneficiary of employment benefits, 845  
including, but not limited to, life insurance benefits, provided 846  
to a peace officer, parole officer, probation officer, bailiff, 847  
prosecuting attorney, assistant prosecuting attorney, 848  
correctional employee, community-based correctional facility 849  
employee, youth services employee, firefighter, EMT, 850  
investigator of the bureau of criminal identification and 851  
investigation, or federal law enforcement officer by the peace 852  
officer's, parole officer's, probation officer's, bailiff's, 853  
prosecuting attorney's, assistant prosecuting attorney's, 854  
correctional employee's, community-based correctional facility 855  
employee's, youth services employee's, firefighter's, EMT's, 856  
investigator of the bureau of criminal identification and 857  
investigation's, or federal law enforcement officer's employer; 858

(e) The identity and amount of any charitable or 859  
employment benefit deduction made by the peace officer's, parole 860  
officer's, probation officer's, bailiff's, prosecuting 861  
attorney's, assistant prosecuting attorney's, correctional 862  
employee's, community-based correctional facility employee's, 863  
youth services employee's, firefighter's, EMT's, investigator of 864  
the bureau of criminal identification and investigation's, or 865  
federal law enforcement officer's employer from the peace 866  
officer's, parole officer's, probation officer's, bailiff's, 867  
prosecuting attorney's, assistant prosecuting attorney's, 868  
correctional employee's, community-based correctional facility 869  
employee's, youth services employee's, firefighter's, EMT's, 870  
investigator of the bureau of criminal identification and 871  
investigation's, or federal law enforcement officer's 872  
compensation unless the amount of the deduction is required by 873  
state or federal law; 874

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A) (7) and (B) (9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A) (7) and (B) (9) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A) (7) and (B) (9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's

job duties has or has had contact with children committed to the 905  
custody of the department of youth services. 906

As used in divisions (A) (7) and (B) (9) of this section, 907  
"firefighter" means any regular, paid or volunteer, member of a 908  
lawfully constituted fire department of a municipal corporation, 909  
township, fire district, or village. 910

As used in divisions (A) (7) and (B) (9) of this section, 911  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 912  
emergency medical services for a public emergency medical 913  
service organization. "Emergency medical service organization," 914  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 915  
in section 4765.01 of the Revised Code. 916

As used in divisions (A) (7) and (B) (9) of this section, 917  
"investigator of the bureau of criminal identification and 918  
investigation" has the meaning defined in section 2903.11 of the 919  
Revised Code. 920

As used in divisions (A) (7) and (B) (9) of this section, 921  
"federal law enforcement officer" has the meaning defined in 922  
section 9.88 of the Revised Code. 923

(8) "Information pertaining to the recreational activities 924  
of a person under the age of eighteen" means information that is 925  
kept in the ordinary course of business by a public office, that 926  
pertains to the recreational activities of a person under the 927  
age of eighteen years, and that discloses any of the following: 928

(a) The address or telephone number of a person under the 929  
age of eighteen or the address or telephone number of that 930  
person's parent, guardian, custodian, or emergency contact 931  
person; 932

(b) The social security number, birth date, or 933

photographic image of a person under the age of eighteen;	934
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	935
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	936
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	937
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	938
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	939
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	940
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or	941
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the person responsible for the public record shall make 963  
available all of the information within the public record that 964  
is not exempt. When making that public record available for 965  
public inspection or copying that public record, the public 966  
office or the person responsible for the public record shall 967  
notify the requester of any redaction or make the redaction 968  
plainly visible. A redaction shall be deemed a denial of a 969  
request to inspect or copy the redacted information, except if 970  
federal or state law authorizes or requires a public office to 971  
make the redaction. 972

(2) To facilitate broader access to public records, a 973  
public office or the person responsible for public records shall 974  
organize and maintain public records in a manner that they can 975  
be made available for inspection or copying in accordance with 976  
division (B) of this section. A public office also shall have 977  
available a copy of its current records retention schedule at a 978  
location readily available to the public. If a requester makes 979  
an ambiguous or overly broad request or has difficulty in making 980  
a request for copies or inspection of public records under this 981  
section such that the public office or the person responsible 982  
for the requested public record cannot reasonably identify what 983  
public records are being requested, the public office or the 984  
person responsible for the requested public record may deny the 985  
request but shall provide the requester with an opportunity to 986  
revise the request by informing the requester of the manner in 987  
which records are maintained by the public office and accessed 988  
in the ordinary course of the public office's or person's 989  
duties. 990

(3) If a request is ultimately denied, in part or in 991  
whole, the public office or the person responsible for the 992  
requested public record shall provide the requester with an 993

explanation, including legal authority, setting forth why the 994  
request was denied. If the initial request was provided in 995  
writing, the explanation also shall be provided to the requester 996  
in writing. The explanation shall not preclude the public office 997  
or the person responsible for the requested public record from 998  
relying upon additional reasons or legal authority in defending 999  
an action commenced under division (C) of this section. 1000

(4) Unless specifically required or authorized by state or 1001  
federal law or in accordance with division (B) of this section, 1002  
no public office or person responsible for public records may 1003  
limit or condition the availability of public records by 1004  
requiring disclosure of the requester's identity or the intended 1005  
use of the requested public record. Any requirement that the 1006  
requester disclose the requester's identity or the intended use 1007  
of the requested public record constitutes a denial of the 1008  
request. 1009

(5) A public office or person responsible for public 1010  
records may ask a requester to make the request in writing, may 1011  
ask for the requester's identity, and may inquire about the 1012  
intended use of the information requested, but may do so only 1013  
after disclosing to the requester that a written request is not 1014  
mandatory and that the requester may decline to reveal the 1015  
requester's identity or the intended use and when a written 1016  
request or disclosure of the identity or intended use would 1017  
benefit the requester by enhancing the ability of the public 1018  
office or person responsible for public records to identify, 1019  
locate, or deliver the public records sought by the requester. 1020

(6) If any person chooses to obtain a copy of a public 1021  
record in accordance with division (B) of this section, the 1022  
public office or person responsible for the public record may 1023

require that person to pay in advance the cost involved in 1024  
providing the copy of the public record in accordance with the 1025  
choice made by the person seeking the copy under this division. 1026  
The public office or the person responsible for the public 1027  
record shall permit that person to choose to have the public 1028  
record duplicated upon paper, upon the same medium upon which 1029  
the public office or person responsible for the public record 1030  
keeps it, or upon any other medium upon which the public office 1031  
or person responsible for the public record determines that it 1032  
reasonably can be duplicated as an integral part of the normal 1033  
operations of the public office or person responsible for the 1034  
public record. When the person seeking the copy makes a choice 1035  
under this division, the public office or person responsible for 1036  
the public record shall provide a copy of it in accordance with 1037  
the choice made by the person seeking the copy. Nothing in this 1038  
section requires a public office or person responsible for the 1039  
public record to allow the person seeking a copy of the public 1040  
record to make the copies of the public record. 1041

(7) (a) Upon a request made in accordance with division (B) 1042  
of this section and subject to division (B) (6) of this section, 1043  
a public office or person responsible for public records shall 1044  
transmit a copy of a public record to any person by United 1045  
States mail or by any other means of delivery or transmission 1046  
within a reasonable period of time after receiving the request 1047  
for the copy. The public office or person responsible for the 1048  
public record may require the person making the request to pay 1049  
in advance the cost of postage if the copy is transmitted by 1050  
United States mail or the cost of delivery if the copy is 1051  
transmitted other than by United States mail, and to pay in 1052  
advance the costs incurred for other supplies used in the 1053  
mailing, delivery, or transmission. 1054

(b) Any public office may adopt a policy and procedures 1055  
that it will follow in transmitting, within a reasonable period 1056  
of time after receiving a request, copies of public records by 1057  
United States mail or by any other means of delivery or 1058  
transmission pursuant to division (B) (7) of this section. A 1059  
public office that adopts a policy and procedures under division 1060  
(B) (7) of this section shall comply with them in performing its 1061  
duties under that division. 1062

(c) In any policy and procedures adopted under division 1063  
(B) (7) of this section: 1064

(i) A public office may limit the number of records 1065  
requested by a person that the office will physically deliver by 1066  
United States mail or by another delivery service to ten per 1067  
month, unless the person certifies to the office in writing that 1068  
the person does not intend to use or forward the requested 1069  
records, or the information contained in them, for commercial 1070  
purposes; 1071

(ii) A public office that chooses to provide some or all 1072  
of its public records on a web site that is fully accessible to 1073  
and searchable by members of the public at all times, other than 1074  
during acts of God outside the public office's control or 1075  
maintenance, and that charges no fee to search, access, 1076  
download, or otherwise receive records provided on the web site, 1077  
may limit to ten per month the number of records requested by a 1078  
person that the office will deliver in a digital format, unless 1079  
the requested records are not provided on the web site and 1080  
unless the person certifies to the office in writing that the 1081  
person does not intend to use or forward the requested records, 1082  
or the information contained in them, for commercial purposes. 1083

(iii) For purposes of division (B) (7) of this section, 1084

"commercial" shall be narrowly construed and does not include 1085  
reporting or gathering news, reporting or gathering information 1086  
to assist citizen oversight or understanding of the operation or 1087  
activities of government, or nonprofit educational research. 1088

(8) A public office or person responsible for public 1089  
records is not required to permit a person who is incarcerated 1090  
pursuant to a criminal conviction or a juvenile adjudication to 1091  
inspect or to obtain a copy of any public record concerning a 1092  
criminal investigation or prosecution or concerning what would 1093  
be a criminal investigation or prosecution if the subject of the 1094  
investigation or prosecution were an adult, unless the request 1095  
to inspect or to obtain a copy of the record is for the purpose 1096  
of acquiring information that is subject to release as a public 1097  
record under this section and the judge who imposed the sentence 1098  
or made the adjudication with respect to the person, or the 1099  
judge's successor in office, finds that the information sought 1100  
in the public record is necessary to support what appears to be 1101  
a justiciable claim of the person. 1102

(9) (a) Upon written request made and signed by a 1103  
journalist on or after December 16, 1999, a public office, or 1104  
person responsible for public records, having custody of the 1105  
records of the agency employing a specified peace officer, 1106  
parole officer, probation officer, bailiff, prosecuting 1107  
attorney, assistant prosecuting attorney, correctional employee, 1108  
community-based correctional facility employee, youth services 1109  
employee, firefighter, EMT, investigator of the bureau of 1110  
criminal identification and investigation, or federal law 1111  
enforcement officer shall disclose to the journalist the address 1112  
of the actual personal residence of the peace officer, parole 1113  
officer, probation officer, bailiff, prosecuting attorney, 1114  
assistant prosecuting attorney, correctional employee, 1115

community-based correctional facility employee, youth services 1116  
employee, firefighter, EMT, investigator of the bureau of 1117  
criminal identification and investigation, or federal law 1118  
enforcement officer and, if the peace officer's, parole 1119  
officer's, probation officer's, bailiff's, prosecuting 1120  
attorney's, assistant prosecuting attorney's, correctional 1121  
employee's, community-based correctional facility employee's, 1122  
youth services employee's, firefighter's, EMT's, investigator of 1123  
the bureau of criminal identification and investigation's, or 1124  
federal law enforcement officer's spouse, former spouse, or 1125  
child is employed by a public office, the name and address of 1126  
the employer of the peace officer's, parole officer's, probation 1127  
officer's, bailiff's, prosecuting attorney's, assistant 1128  
prosecuting attorney's, correctional employee's, community-based 1129  
correctional facility employee's, youth services employee's, 1130  
firefighter's, EMT's, investigator of the bureau of criminal 1131  
identification and investigation's, or federal law enforcement 1132  
officer's spouse, former spouse, or child. The request shall 1133  
include the journalist's name and title and the name and address 1134  
of the journalist's employer and shall state that disclosure of 1135  
the information sought would be in the public interest. 1136

(b) Division (B) (9) (a) of this section also applies to 1137  
journalist requests for customer information maintained by a 1138  
municipally owned or operated public utility, other than social 1139  
security numbers and any private financial information such as 1140  
credit reports, payment methods, credit card numbers, and bank 1141  
account information. 1142

(c) As used in division (B) (9) of this section, 1143  
"journalist" means a person engaged in, connected with, or 1144  
employed by any news medium, including a newspaper, magazine, 1145  
press association, news agency, or wire service, a radio or 1146

television station, or a similar medium, for the purpose of 1147  
gathering, processing, transmitting, compiling, editing, or 1148  
disseminating information for the general public. 1149

(C) (1) If a person allegedly is aggrieved by the failure 1150  
of a public office or the person responsible for public records 1151  
to promptly prepare a public record and to make it available to 1152  
the person for inspection in accordance with division (B) of 1153  
this section or by any other failure of a public office or the 1154  
person responsible for public records to comply with an 1155  
obligation in accordance with division (B) of this section, the 1156  
person allegedly aggrieved may do only one of the following, and 1157  
not both: 1158

(a) File a complaint with the clerk of the court of claims 1159  
or the clerk of the court of common pleas under section 2743.75 1160  
of the Revised Code; 1161

(b) Commence a mandamus action to obtain a judgment that 1162  
orders the public office or the person responsible for the 1163  
public record to comply with division (B) of this section, that 1164  
awards court costs and reasonable attorney's fees to the person 1165  
that instituted the mandamus action, and, if applicable, that 1166  
includes an order fixing statutory damages under division (C) (2) 1167  
of this section. The mandamus action may be commenced in the 1168  
court of common pleas of the county in which division (B) of 1169  
this section allegedly was not complied with, in the supreme 1170  
court pursuant to its original jurisdiction under Section 2 of 1171  
Article IV, Ohio Constitution, or in the court of appeals for 1172  
the appellate district in which division (B) of this section 1173  
allegedly was not complied with pursuant to its original 1174  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1175

(2) If a requester transmits a written request by hand 1176

delivery or certified mail to inspect or receive copies of any 1177  
public record in a manner that fairly describes the public 1178  
record or class of public records to the public office or person 1179  
responsible for the requested public records, except as 1180  
otherwise provided in this section, the requester shall be 1181  
entitled to recover the amount of statutory damages set forth in 1182  
this division if a court determines that the public office or 1183  
the person responsible for public records failed to comply with 1184  
an obligation in accordance with division (B) of this section. 1185

The amount of statutory damages shall be fixed at one 1186  
hundred dollars for each business day during which the public 1187  
office or person responsible for the requested public records 1188  
failed to comply with an obligation in accordance with division 1189  
(B) of this section, beginning with the day on which the 1190  
requester files a mandamus action to recover statutory damages, 1191  
up to a maximum of one thousand dollars. The award of statutory 1192  
damages shall not be construed as a penalty, but as compensation 1193  
for injury arising from lost use of the requested information. 1194  
The existence of this injury shall be conclusively presumed. The 1195  
award of statutory damages shall be in addition to all other 1196  
remedies authorized by this section. 1197

The court may reduce an award of statutory damages or not 1198  
award statutory damages if the court determines both of the 1199  
following: 1200

(a) That, based on the ordinary application of statutory 1201  
law and case law as it existed at the time of the conduct or 1202  
threatened conduct of the public office or person responsible 1203  
for the requested public records that allegedly constitutes a 1204  
failure to comply with an obligation in accordance with division 1205  
(B) of this section and that was the basis of the mandamus 1206

action, a well-informed public office or person responsible for 1207  
the requested public records reasonably would believe that the 1208  
conduct or threatened conduct of the public office or person 1209  
responsible for the requested public records did not constitute 1210  
a failure to comply with an obligation in accordance with 1211  
division (B) of this section; 1212

(b) That a well-informed public office or person 1213  
responsible for the requested public records reasonably would 1214  
believe that the conduct or threatened conduct of the public 1215  
office or person responsible for the requested public records 1216  
would serve the public policy that underlies the authority that 1217  
is asserted as permitting that conduct or threatened conduct. 1218

(3) In a mandamus action filed under division (C) (1) of 1219  
this section, the following apply: 1220

(a) (i) If the court orders the public office or the person 1221  
responsible for the public record to comply with division (B) of 1222  
this section, the court shall determine and award to the relator 1223  
all court costs, which shall be construed as remedial and not 1224  
punitive. 1225

(ii) If the court makes a determination described in 1226  
division (C) (3) (b) (iii) of this section, the court shall 1227  
determine and award to the relator all court costs, which shall 1228  
be construed as remedial and not punitive. 1229

(b) If the court renders a judgment that orders the public 1230  
office or the person responsible for the public record to comply 1231  
with division (B) of this section or if the court determines any 1232  
of the following, the court may award reasonable attorney's fees 1233  
to the relator, subject to the provisions of division (C) (4) of 1234  
this section: 1235

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a

failure to comply with an obligation in accordance with division 1266  
(B) of this section and that was the basis of the mandamus 1267  
action, a well-informed public office or person responsible for 1268  
the requested public records reasonably would believe that the 1269  
conduct or threatened conduct of the public office or person 1270  
responsible for the requested public records did not constitute 1271  
a failure to comply with an obligation in accordance with 1272  
division (B) of this section; 1273

(ii) That a well-informed public office or person 1274  
responsible for the requested public records reasonably would 1275  
believe that the conduct or threatened conduct of the public 1276  
office or person responsible for the requested public records 1277  
would serve the public policy that underlies the authority that 1278  
is asserted as permitting that conduct or threatened conduct. 1279

(4) All of the following apply to any award of reasonable 1280  
attorney's fees awarded under division (C) (3) (b) of this 1281  
section: 1282

(a) The fees shall be construed as remedial and not 1283  
punitive. 1284

(b) The fees awarded shall not exceed the total of the 1285  
reasonable attorney's fees incurred before the public record was 1286  
made available to the relator and the fees described in division 1287  
(C) (4) (c) of this section. 1288

(c) Reasonable attorney's fees shall include reasonable 1289  
fees incurred to produce proof of the reasonableness and amount 1290  
of the fees and to otherwise litigate entitlement to the fees. 1291

(d) The court may reduce the amount of fees awarded if the 1292  
court determines that, given the factual circumstances involved 1293  
with the specific public records request, an alternative means 1294

should have been pursued to more effectively and efficiently 1295  
resolve the dispute that was subject to the mandamus action 1296  
filed under division (C) (1) of this section. 1297

(5) If the court does not issue a writ of mandamus under 1298  
division (C) of this section and the court determines at that 1299  
time that the bringing of the mandamus action was frivolous 1300  
conduct as defined in division (A) of section 2323.51 of the 1301  
Revised Code, the court may award to the public office all court 1302  
costs, expenses, and reasonable attorney's fees, as determined 1303  
by the court. 1304

(D) Chapter 1347. of the Revised Code does not limit the 1305  
provisions of this section. 1306

(E) (1) To ensure that all employees of public offices are 1307  
appropriately educated about a public office's obligations under 1308  
division (B) of this section, all elected officials or their 1309  
appropriate designees shall attend training approved by the 1310  
attorney general as provided in section 109.43 of the Revised 1311  
Code. In addition, all public offices shall adopt a public 1312  
records policy in compliance with this section for responding to 1313  
public records requests. In adopting a public records policy 1314  
under this division, a public office may obtain guidance from 1315  
the model public records policy developed and provided to the 1316  
public office by the attorney general under section 109.43 of 1317  
the Revised Code. Except as otherwise provided in this section, 1318  
the policy may not limit the number of public records that the 1319  
public office will make available to a single person, may not 1320  
limit the number of public records that it will make available 1321  
during a fixed period of time, and may not establish a fixed 1322  
period of time before it will respond to a request for 1323  
inspection or copying of public records, unless that period is 1324

less than eight hours. 1325

(2) The public office shall distribute the public records 1326  
policy adopted by the public office under division (E)(1) of 1327  
this section to the employee of the public office who is the 1328  
records custodian or records manager or otherwise has custody of 1329  
the records of that office. The public office shall require that 1330  
employee to acknowledge receipt of the copy of the public 1331  
records policy. The public office shall create a poster that 1332  
describes its public records policy and shall post the poster in 1333  
a conspicuous place in the public office and in all locations 1334  
where the public office has branch offices. The public office 1335  
may post its public records policy on the internet web site of 1336  
the public office if the public office maintains an internet web 1337  
site. A public office that has established a manual or handbook 1338  
of its general policies and procedures for all employees of the 1339  
public office shall include the public records policy of the 1340  
public office in the manual or handbook. 1341

(F)(1) The bureau of motor vehicles may adopt rules 1342  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1343  
the number of bulk commercial special extraction requests made 1344  
by a person for the same records or for updated records during a 1345  
calendar year. The rules may include provisions for charges to 1346  
be made for bulk commercial special extraction requests for the 1347  
actual cost of the bureau, plus special extraction costs, plus 1348  
ten per cent. The bureau may charge for expenses for redacting 1349  
information, the release of which is prohibited by law. 1350

(2) As used in division (F)(1) of this section: 1351

(a) "Actual cost" means the cost of depleted supplies, 1352  
records storage media costs, actual mailing and alternative 1353  
delivery costs, or other transmitting costs, and any direct 1354

equipment operating and maintenance costs, including actual 1355  
costs paid to private contractors for copying services. 1356

(b) "Bulk commercial special extraction request" means a 1357  
request for copies of a record for information in a format other 1358  
than the format already available, or information that cannot be 1359  
extracted without examination of all items in a records series, 1360  
class of records, or database by a person who intends to use or 1361  
forward the copies for surveys, marketing, solicitation, or 1362  
resale for commercial purposes. "Bulk commercial special 1363  
extraction request" does not include a request by a person who 1364  
gives assurance to the bureau that the person making the request 1365  
does not intend to use or forward the requested copies for 1366  
surveys, marketing, solicitation, or resale for commercial 1367  
purposes. 1368

(c) "Commercial" means profit-seeking production, buying, 1369  
or selling of any good, service, or other product. 1370

(d) "Special extraction costs" means the cost of the time 1371  
spent by the lowest paid employee competent to perform the task, 1372  
the actual amount paid to outside private contractors employed 1373  
by the bureau, or the actual cost incurred to create computer 1374  
programs to make the special extraction. "Special extraction 1375  
costs" include any charges paid to a public agency for computer 1376  
or records services. 1377

(3) For purposes of divisions (F) (1) and (2) of this 1378  
section, "surveys, marketing, solicitation, or resale for 1379  
commercial purposes" shall be narrowly construed and does not 1380  
include reporting or gathering news, reporting or gathering 1381  
information to assist citizen oversight or understanding of the 1382  
operation or activities of government, or nonprofit educational 1383  
research. 1384

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

Sec. 2901.011. The amendments to sections 109.42, 121.22, 149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 5149.04 and the enactment of sections 2901.011, 2929.144, 2967.271, and 5120.038 of the Revised Code by ... B... of the 132nd general assembly constitute the Reagan Tokes Act.

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

(1) (a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of

division (A) of section 1547.11 of the Revised Code or of a 1415  
substantially equivalent municipal ordinance; 1416

(c) As the proximate result of committing a violation of 1417  
division (A) (3) of section 4561.15 of the Revised Code or of a 1418  
substantially equivalent municipal ordinance. 1419

(2) In one of the following ways: 1420

(a) Recklessly; 1421

(b) As the proximate result of committing, while operating 1422  
or participating in the operation of a motor vehicle or 1423  
motorcycle in a construction zone, a reckless operation offense, 1424  
provided that this division applies only if the person whose 1425  
death is caused or whose pregnancy is unlawfully terminated is 1426  
in the construction zone at the time of the offender's 1427  
commission of the reckless operation offense in the construction 1428  
zone and does not apply as described in division (F) of this 1429  
section. 1430

(3) In one of the following ways: 1431

(a) Negligently; 1432

(b) As the proximate result of committing, while operating 1433  
or participating in the operation of a motor vehicle or 1434  
motorcycle in a construction zone, a speeding offense, provided 1435  
that this division applies only if the person whose death is 1436  
caused or whose pregnancy is unlawfully terminated is in the 1437  
construction zone at the time of the offender's commission of 1438  
the speeding offense in the construction zone and does not apply 1439  
as described in division (F) of this section. 1440

(4) As the proximate result of committing a violation of 1441  
any provision of any section contained in Title XLV of the 1442

Revised Code that is a minor misdemeanor or of a municipal 1443  
ordinance that, regardless of the penalty set by ordinance for 1444  
the violation, is substantially equivalent to any provision of 1445  
any section contained in Title XLV of the Revised Code that is a 1446  
minor misdemeanor. 1447

(B) (1) Whoever violates division (A) (1) or (2) of this 1448  
section is guilty of aggravated vehicular homicide and shall be 1449  
punished as provided in divisions (B) (2) and (3) of this 1450  
section. 1451

(2) (a) Except as otherwise provided in division (B) (2) (b) 1452  
or (c) of this section, aggravated vehicular homicide committed 1453  
in violation of division (A) (1) of this section is a felony of 1454  
the second degree and the court shall impose a mandatory prison 1455  
term on the offender as described in division (E) of this 1456  
section. 1457

(b) Except as otherwise provided in division (B) (2) (c) of 1458  
this section, aggravated vehicular homicide committed in 1459  
violation of division (A) (1) of this section is a felony of the 1460  
first degree, and the court shall impose a mandatory prison term 1461  
on the offender as described in division (E) of this section, if 1462  
any of the following apply: 1463

(i) At the time of the offense, the offender was driving 1464  
under a suspension or cancellation imposed under Chapter 4510. 1465  
or any other provision of the Revised Code or was operating a 1466  
motor vehicle or motorcycle, did not have a valid driver's 1467  
license, commercial driver's license, temporary instruction 1468  
permit, probationary license, or nonresident operating 1469  
privilege, and was not eligible for renewal of the offender's 1470  
driver's license or commercial driver's license without 1471  
examination under section 4507.10 of the Revised Code. 1472

(ii) The offender previously has been convicted of or	1473
pleaded guilty to a violation of this section.	1474
(iii) The offender previously has been convicted of or	1475
pleaded guilty to any traffic-related homicide, manslaughter, or	1476
assault offense.	1477
(c) Aggravated vehicular homicide committed in violation	1478
of division (A) (1) of this section is a felony of the first	1479
degree, and the court shall sentence the offender to a mandatory	1480
prison term as provided in section 2929.142 of the Revised Code	1481
and described in division (E) of this section if any of the	1482
following apply:	1483
(i) The offender previously has been convicted of or	1484
pleaded guilty to three or more prior violations of section	1485
4511.19 of the Revised Code or of a substantially equivalent	1486
municipal ordinance within the previous ten years.	1487
(ii) The offender previously has been convicted of or	1488
pleaded guilty to three or more prior violations of division (A)	1489
of section 1547.11 of the Revised Code or of a substantially	1490
equivalent municipal ordinance within the previous ten years.	1491
(iii) The offender previously has been convicted of or	1492
pleaded guilty to three or more prior violations of division (A)	1493
(3) of section 4561.15 of the Revised Code or of a substantially	1494
equivalent municipal ordinance within the previous ten years.	1495
(iv) The offender previously has been convicted of or	1496
pleaded guilty to three or more prior violations of division (A)	1497
(1) of this section within the previous ten years.	1498
(v) The offender previously has been convicted of or	1499
pleaded guilty to three or more prior violations of division (A)	1500
(1) of section 2903.08 of the Revised Code within the previous	1501

ten years. 1502

(vi) The offender previously has been convicted of or 1503  
pleaded guilty to three or more prior violations of section 1504  
2903.04 of the Revised Code within the previous ten years in 1505  
circumstances in which division (D) of that section applied 1506  
regarding the violations. 1507

(vii) The offender previously has been convicted of or 1508  
pleaded guilty to three or more violations of any combination of 1509  
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1510  
(v), or (vi) of this section within the previous ten years. 1511

(viii) The offender previously has been convicted of or 1512  
pleaded guilty to a second or subsequent felony violation of 1513  
division (A) of section 4511.19 of the Revised Code. 1514

(d) In addition to any other sanctions imposed pursuant to 1515  
division (B) (2) (a), (b), or (c) of this section for aggravated 1516  
vehicular homicide committed in violation of division (A) (1) of 1517  
this section, the court shall impose upon the offender a class 1518  
one suspension of the offender's driver's license, commercial 1519  
driver's license, temporary instruction permit, probationary 1520  
license, or nonresident operating privilege as specified in 1521  
division (A) (1) of section 4510.02 of the Revised Code. 1522

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1523  
Code apply to a suspension imposed under division (B) (2) (d) of 1524  
this section. 1525

(3) Except as otherwise provided in this division, 1526  
aggravated vehicular homicide committed in violation of division 1527  
(A) (2) of this section is a felony of the third degree. 1528  
Aggravated vehicular homicide committed in violation of division 1529  
(A) (2) of this section is a felony of the second degree if, at 1530

the time of the offense, the offender was driving under a 1531  
suspension or cancellation imposed under Chapter 4510. or any 1532  
other provision of the Revised Code or was operating a motor 1533  
vehicle or motorcycle, did not have a valid driver's license, 1534  
commercial driver's license, temporary instruction permit, 1535  
probationary license, or nonresident operating privilege, and 1536  
was not eligible for renewal of the offender's driver's license 1537  
or commercial driver's license without examination under section 1538  
4507.10 of the Revised Code or if the offender previously has 1539  
been convicted of or pleaded guilty to a violation of this 1540  
section or any traffic-related homicide, manslaughter, or 1541  
assault offense. The court shall impose a mandatory prison term 1542  
on the offender when required by division (E) of this section. 1543

In addition to any other sanctions imposed pursuant to 1544  
this division for a violation of division (A) (2) of this 1545  
section, the court shall impose upon the offender a class two 1546  
suspension of the offender's driver's license, commercial 1547  
driver's license, temporary instruction permit, probationary 1548  
license, or nonresident operating privilege from the range 1549  
specified in division (A) (2) of section 4510.02 of the Revised 1550  
Code or, if the offender previously has been convicted of or 1551  
pleaded guilty to a traffic-related murder, felonious assault, 1552  
or attempted murder offense, a class one suspension of the 1553  
offender's driver's license, commercial driver's license, 1554  
temporary instruction permit, probationary license, or 1555  
nonresident operating privilege as specified in division (A) (1) 1556  
of that section. 1557

(C) Whoever violates division (A) (3) of this section is 1558  
guilty of vehicular homicide. Except as otherwise provided in 1559  
this division, vehicular homicide is a misdemeanor of the first 1560  
degree. Vehicular homicide committed in violation of division 1561

(A) (3) of this section is a felony of the fourth degree if, at 1562  
the time of the offense, the offender was driving under a 1563  
suspension or cancellation imposed under Chapter 4510. or any 1564  
other provision of the Revised Code or was operating a motor 1565  
vehicle or motorcycle, did not have a valid driver's license, 1566  
commercial driver's license, temporary instruction permit, 1567  
probationary license, or nonresident operating privilege, and 1568  
was not eligible for renewal of the offender's driver's license 1569  
or commercial driver's license without examination under section 1570  
4507.10 of the Revised Code or if the offender previously has 1571  
been convicted of or pleaded guilty to a violation of this 1572  
section or any traffic-related homicide, manslaughter, or 1573  
assault offense. The court shall impose a mandatory jail term or 1574  
a mandatory prison term on the offender when required by 1575  
division (E) of this section. 1576

In addition to any other sanctions imposed pursuant to 1577  
this division, the court shall impose upon the offender a class 1578  
four suspension of the offender's driver's license, commercial 1579  
driver's license, temporary instruction permit, probationary 1580  
license, or nonresident operating privilege from the range 1581  
specified in division (A) (4) of section 4510.02 of the Revised 1582  
Code, or, if the offender previously has been convicted of or 1583  
pleaded guilty to a violation of this section or any traffic- 1584  
related homicide, manslaughter, or assault offense, a class 1585  
three suspension of the offender's driver's license, commercial 1586  
driver's license, temporary instruction permit, probationary 1587  
license, or nonresident operating privilege from the range 1588  
specified in division (A) (3) of that section, or, if the 1589  
offender previously has been convicted of or pleaded guilty to a 1590  
traffic-related murder, felonious assault, or attempted murder 1591  
offense, a class two suspension of the offender's driver's 1592

license, commercial driver's license, temporary instruction 1593  
permit, probationary license, or nonresident operating privilege 1594  
as specified in division (A)(2) of that section. 1595

(D) Whoever violates division (A)(4) of this section is 1596  
guilty of vehicular manslaughter. Except as otherwise provided 1597  
in this division, vehicular manslaughter is a misdemeanor of the 1598  
second degree. Vehicular manslaughter is a misdemeanor of the 1599  
first degree if, at the time of the offense, the offender was 1600  
driving under a suspension or cancellation imposed under Chapter 1601  
4510. or any other provision of the Revised Code or was 1602  
operating a motor vehicle or motorcycle, did not have a valid 1603  
driver's license, commercial driver's license, temporary 1604  
instruction permit, probationary license, or nonresident 1605  
operating privilege, and was not eligible for renewal of the 1606  
offender's driver's license or commercial driver's license 1607  
without examination under section 4507.10 of the Revised Code or 1608  
if the offender previously has been convicted of or pleaded 1609  
guilty to a violation of this section or any traffic-related 1610  
homicide, manslaughter, or assault offense. 1611

In addition to any other sanctions imposed pursuant to 1612  
this division, the court shall impose upon the offender a class 1613  
six suspension of the offender's driver's license, commercial 1614  
driver's license, temporary instruction permit, probationary 1615  
license, or nonresident operating privilege from the range 1616  
specified in division (A)(6) of section 4510.02 of the Revised 1617  
Code or, if the offender previously has been convicted of or 1618  
pleaded guilty to a violation of this section, any traffic- 1619  
related homicide, manslaughter, or assault offense, or a 1620  
traffic-related murder, felonious assault, or attempted murder 1621  
offense, a class four suspension of the offender's driver's 1622  
license, commercial driver's license, temporary instruction 1623

permit, probationary license, or nonresident operating privilege 1624  
from the range specified in division (A) (4) of that section. 1625

(E) (1) The court shall impose a mandatory prison term on 1626  
an offender who is convicted of or pleads guilty to a violation 1627  
of division (A) (1) of this section. Except as otherwise provided 1628  
in this division, the mandatory prison term shall be a definite 1629  
term from the range of prison terms provided in division (A) (1) 1630  
(b) of section 2929.14 of the Revised Code for a felony of the 1631  
first degree or from division (A) (2) (b) of that section for a 1632  
felony of the second degree, whichever is applicable, except 1633  
that if the violation is committed on or after the effective 1634  
date of this amendment, the court shall impose as the minimum 1635  
prison term for the offense a mandatory prison term that is one 1636  
of the minimum terms prescribed for a felony of the first degree 1637  
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1638  
one of the terms prescribed for a felony of the second degree in 1639  
division (A) (2) (a) of that section, whichever is applicable. If 1640  
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1641  
(viii) of this section applies to an offender who is convicted 1642  
of or pleads guilty to the violation of division (A) (1) of this 1643  
section, the court shall impose the mandatory prison term 1644  
pursuant to division (B) of section 2929.142 of the Revised 1645  
Code. The court shall impose a mandatory jail term of at least 1646  
fifteen days on an offender who is convicted of or pleads guilty 1647  
to a misdemeanor violation of division (A) (3) (b) of this section 1648  
and may impose upon the offender a longer jail term as 1649  
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1650

(2) The court shall impose a mandatory prison term on an 1651  
offender who is convicted of or pleads guilty to a violation of 1652  
division (A) (2) or (3) (a) of this section or a felony violation 1653  
of division (A) (3) (b) of this section if either division (E) (2) 1654

(a) or (b) of this section applies. The mandatory prison term 1655  
shall be a definite term from the range of prison terms provided 1656  
in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1657  
for a felony of the third degree or from division (A) (4) of that 1658  
section for a felony of the fourth degree, whichever is 1659  
applicable, except that if the violation is a felony of the 1660  
third degree committed on or after the effective date of this 1661  
amendment, the court shall impose as the minimum prison term for 1662  
the offense a mandatory prison term that is one of the minimum 1663  
terms prescribed for a felony of the third degree in division 1664  
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1665  
shall impose a mandatory prison term on an offender in a 1666  
category described in this division if either of the following 1667  
applies: 1668

~~(1)~~(a) The offender previously has been convicted of or 1669  
pleaded guilty to a violation of this section or section 2903.08 1670  
of the Revised Code. 1671

~~(2)~~(b) At the time of the offense, the offender was 1672  
driving under suspension or cancellation under Chapter 4510. or 1673  
any other provision of the Revised Code or was operating a motor 1674  
vehicle or motorcycle, did not have a valid driver's license, 1675  
commercial driver's license, temporary instruction permit, 1676  
probationary license, or nonresident operating privilege, and 1677  
was not eligible for renewal of the offender's driver's license 1678  
or commercial driver's license without examination under section 1679  
4507.10 of the Revised Code. 1680

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1681  
apply in a particular construction zone unless signs of the type 1682  
described in section 2903.081 of the Revised Code are erected in 1683  
that construction zone in accordance with the guidelines and 1684

design specifications established by the director of 1685  
transportation under section 5501.27 of the Revised Code. The 1686  
failure to erect signs of the type described in section 2903.081 1687  
of the Revised Code in a particular construction zone in 1688  
accordance with those guidelines and design specifications does 1689  
not limit or affect the application of division (A) (1), (A) (2) 1690  
(a), (A) (3) (a), or (A) (4) of this section in that construction 1691  
zone or the prosecution of any person who violates any of those 1692  
divisions in that construction zone. 1693

(G) (1) As used in this section: 1694

(a) "Mandatory prison term" and "mandatory jail term" have 1695  
the same meanings as in section 2929.01 of the Revised Code. 1696

(b) "Traffic-related homicide, manslaughter, or assault 1697  
offense" means a violation of section 2903.04 of the Revised 1698  
Code in circumstances in which division (D) of that section 1699  
applies, a violation of section 2903.06 or 2903.08 of the 1700  
Revised Code, or a violation of section 2903.06, 2903.07, or 1701  
2903.08 of the Revised Code as they existed prior to March 23, 1702  
2000. 1703

(c) "Construction zone" has the same meaning as in section 1704  
5501.27 of the Revised Code. 1705

(d) "Reckless operation offense" means a violation of 1706  
section 4511.20 of the Revised Code or a municipal ordinance 1707  
substantially equivalent to section 4511.20 of the Revised Code. 1708

(e) "Speeding offense" means a violation of section 1709  
4511.21 of the Revised Code or a municipal ordinance pertaining 1710  
to speed. 1711

(f) "Traffic-related murder, felonious assault, or 1712  
attempted murder offense" means a violation of section 2903.01 1713

or 2903.02 of the Revised Code in circumstances in which the  
offender used a motor vehicle as the means to commit the  
violation, a violation of division (A) (2) of section 2903.11 of  
the Revised Code in circumstances in which the deadly weapon  
used in the commission of the violation is a motor vehicle, or  
an attempt to commit aggravated murder or murder in violation of  
section 2923.02 of the Revised Code in circumstances in which  
the offender used a motor vehicle as the means to attempt to  
commit the aggravated murder or murder.

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

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

**Sec. 2903.08.** (A) No person, while operating or  
participating in the operation of a motor vehicle, motorcycle,  
snowmobile, locomotive, watercraft, or aircraft, shall cause  
serious physical harm to another person or another's unborn in  
any of the following ways:

(1) (a) As the proximate result of committing a violation  
of division (A) of section 4511.19 of the Revised Code or of a  
substantially equivalent municipal ordinance;

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

(c) As the proximate result of committing a violation of 1743  
division (A) (3) of section 4561.15 of the Revised Code or of a 1744  
substantially equivalent municipal ordinance. 1745

(2) In one of the following ways: 1746

(a) As the proximate result of committing, while operating 1747  
or participating in the operation of a motor vehicle or 1748  
motorcycle in a construction zone, a reckless operation offense, 1749  
provided that this division applies only if the person to whom 1750  
the serious physical harm is caused or to whose unborn the 1751  
serious physical harm is caused is in the construction zone at 1752  
the time of the offender's commission of the reckless operation 1753  
offense in the construction zone and does not apply as described 1754  
in division (E) of this section; 1755

(b) Recklessly. 1756

(3) As the proximate result of committing, while operating 1757  
or participating in the operation of a motor vehicle or 1758  
motorcycle in a construction zone, a speeding offense, provided 1759  
that this division applies only if the person to whom the 1760  
serious physical harm is caused or to whose unborn the serious 1761  
physical harm is caused is in the construction zone at the time 1762  
of the offender's commission of the speeding offense in the 1763  
construction zone and does not apply as described in division 1764  
(E) of this section. 1765

(B) (1) Whoever violates division (A) (1) of this section is 1766  
guilty of aggravated vehicular assault. Except as otherwise 1767  
provided in this division, aggravated vehicular assault is a 1768  
felony of the third degree. Aggravated vehicular assault is a 1769  
felony of the second degree if any of the following apply: 1770

(a) At the time of the offense, the offender was driving 1771

under a suspension imposed under Chapter 4510. or any other 1772  
provision of the Revised Code. 1773

(b) The offender previously has been convicted of or 1774  
pleaded guilty to a violation of this section. 1775

(c) The offender previously has been convicted of or 1776  
pleaded guilty to any traffic-related homicide, manslaughter, or 1777  
assault offense. 1778

(d) The offender previously has been convicted of or 1779  
pleaded guilty to three or more prior violations of section 1780  
4511.19 of the Revised Code or a substantially equivalent 1781  
municipal ordinance within the previous ten years. 1782

(e) The offender previously has been convicted of or 1783  
pleaded guilty to three or more prior violations of division (A) 1784  
of section 1547.11 of the Revised Code or of a substantially 1785  
equivalent municipal ordinance within the previous ten years. 1786

(f) The offender previously has been convicted of or 1787  
pleaded guilty to three or more prior violations of division (A) 1788  
(3) of section 4561.15 of the Revised Code or of a substantially 1789  
equivalent municipal ordinance within the previous ten years. 1790

(g) The offender previously has been convicted of or 1791  
pleaded guilty to three or more prior violations of any 1792  
combination of the offenses listed in division (B) (1) (d), (e), 1793  
or (f) of this section. 1794

(h) The offender previously has been convicted of or 1795  
pleaded guilty to a second or subsequent felony violation of 1796  
division (A) of section 4511.19 of the Revised Code. 1797

(2) In addition to any other sanctions imposed pursuant to 1798  
division (B) (1) of this section, except as otherwise provided in 1799

this division, the court shall impose upon the offender a class 1800  
three suspension of the offender's driver's license, commercial 1801  
driver's license, temporary instruction permit, probationary 1802  
license, or nonresident operating privilege from the range 1803  
specified in division (A) (3) of section 4510.02 of the Revised 1804  
Code. If the offender previously has been convicted of or 1805  
pleaded guilty to a violation of this section, any traffic- 1806  
related homicide, manslaughter, or assault offense, or any 1807  
traffic-related murder, felonious assault, or attempted murder 1808  
offense, the court shall impose either a class two suspension of 1809  
the offender's driver's license, commercial driver's license, 1810  
temporary instruction permit, probationary license, or 1811  
nonresident operating privilege from the range specified in 1812  
division (A) (2) of that section or a class one suspension as 1813  
specified in division (A) (1) of that section. 1814

(C) (1) Whoever violates division (A) (2) or (3) of this 1815  
section is guilty of vehicular assault and shall be punished as 1816  
provided in divisions (C) (2) and (3) of this section. 1817

(2) Except as otherwise provided in this division, 1818  
vehicular assault committed in violation of division (A) (2) of 1819  
this section is a felony of the fourth degree. Vehicular assault 1820  
committed in violation of division (A) (2) of this section is a 1821  
felony of the third degree if, at the time of the offense, the 1822  
offender was driving under a suspension imposed under Chapter 1823  
4510. or any other provision of the Revised Code, if the 1824  
offender previously has been convicted of or pleaded guilty to a 1825  
violation of this section or any traffic-related homicide, 1826  
manslaughter, or assault offense, or if, in the same course of 1827  
conduct that resulted in the violation of division (A) (2) of 1828  
this section, the offender also violated section 4549.02, 1829  
4549.021, or 4549.03 of the Revised Code. 1830

In addition to any other sanctions imposed, the court 1831  
shall impose upon the offender a class four suspension of the 1832  
offender's driver's license, commercial driver's license, 1833  
temporary instruction permit, probationary license, or 1834  
nonresident operating privilege from the range specified in 1835  
division (A) (4) of section 4510.02 of the Revised Code or, if 1836  
the offender previously has been convicted of or pleaded guilty 1837  
to a violation of this section, any traffic-related homicide, 1838  
manslaughter, or assault offense, or any traffic-related murder, 1839  
felonious assault, or attempted murder offense, a class three 1840  
suspension of the offender's driver's license, commercial 1841  
driver's license, temporary instruction permit, probationary 1842  
license, or nonresident operating privilege from the range 1843  
specified in division (A) (3) of that section. 1844

(3) Except as otherwise provided in this division, 1845  
vehicular assault committed in violation of division (A) (3) of 1846  
this section is a misdemeanor of the first degree. Vehicular 1847  
assault committed in violation of division (A) (3) of this 1848  
section is a felony of the fourth degree if, at the time of the 1849  
offense, the offender was driving under a suspension imposed 1850  
under Chapter 4510. or any other provision of the Revised Code 1851  
or if the offender previously has been convicted of or pleaded 1852  
guilty to a violation of this section or any traffic-related 1853  
homicide, manslaughter, or assault offense. 1854

In addition to any other sanctions imposed, the court 1855  
shall impose upon the offender a class four suspension of the 1856  
offender's driver's license, commercial driver's license, 1857  
temporary instruction permit, probationary license, or 1858  
nonresident operating privilege from the range specified in 1859  
division (A) (4) of section 4510.02 of the Revised Code or, if 1860  
the offender previously has been convicted of or pleaded guilty 1861

to a violation of this section, any traffic-related homicide, 1862  
manslaughter, or assault offense, or any traffic-related murder, 1863  
felonious assault, or attempted murder offense, a class three 1864  
suspension of the offender's driver's license, commercial 1865  
driver's license, temporary instruction permit, probationary 1866  
license, or nonresident operating privilege from the range 1867  
specified in division (A) (3) of section 4510.02 of the Revised 1868  
Code. 1869

(D) (1) The court shall impose a mandatory prison term, as 1870  
described in division (D) (4) of this section, on an offender who 1871  
is convicted of or pleads guilty to a violation of division (A) 1872  
(1) of this section. 1873

(2) The court shall impose a mandatory prison term, as 1874  
described in division (D) (4) of this section, on an offender who 1875  
is convicted of or pleads guilty to a violation of division (A) 1876  
(2) of this section or a felony violation of division (A) (3) of 1877  
this section if either of the following applies: 1878

(a) The offender previously has been convicted of or 1879  
pleaded guilty to a violation of this section or section 2903.06 1880  
of the Revised Code. 1881

(b) At the time of the offense, the offender was driving 1882  
under suspension under Chapter 4510. or any other provision of 1883  
the Revised Code. 1884

(3) The court shall impose a mandatory jail term of at 1885  
least seven days on an offender who is convicted of or pleads 1886  
guilty to a misdemeanor violation of division (A) (3) of this 1887  
section and may impose upon the offender a longer jail term as 1888  
authorized pursuant to section 2929.24 of the Revised Code. 1889

(4) A mandatory prison term required under division (D) (1) 1890

or (2) of this section shall be a definite term from the range 1891  
of prison terms provided in division (A) (2) (b) of section 1892  
2929.14 of the Revised Code for a felony of the second degree, 1893  
from division (A) (3) (a) (ii) of that section for a felony of the 1894  
third degree, or from division (A) (4) of that section for a 1895  
felony of the fourth degree, whichever is applicable, except 1896  
that if the violation is a felony of the second or third degree 1897  
committed on or after the effective date of this amendment, the 1898  
court shall impose as the minimum prison term for the offense a 1899  
mandatory prison term that is one of the minimum terms 1900  
prescribed for a felony of the second degree in division (A) (2) 1901  
(a) of section 2929.14 of the Revised Code or that is one of the 1902  
terms prescribed for a felony of the third degree in division 1903  
(A) (3) (a) (i) of section 2929.14 of the Revised Code, whichever 1904  
is applicable. 1905

(E) Divisions (A) (2) (a) and (3) of this section do not 1906  
apply in a particular construction zone unless signs of the type 1907  
described in section 2903.081 of the Revised Code are erected in 1908  
that construction zone in accordance with the guidelines and 1909  
design specifications established by the director of 1910  
transportation under section 5501.27 of the Revised Code. The 1911  
failure to erect signs of the type described in section 2903.081 1912  
of the Revised Code in a particular construction zone in 1913  
accordance with those guidelines and design specifications does 1914  
not limit or affect the application of division (A) (1) or (2) (b) 1915  
of this section in that construction zone or the prosecution of 1916  
any person who violates either of those divisions in that 1917  
construction zone. 1918

(F) As used in this section: 1919

(1) "Mandatory prison term" and "mandatory jail term" have 1920

the same meanings as in section 2929.01 of the Revised Code.	1921
(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.	1922 1923 1924 1925
(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	1926 1927
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	1928 1929 1930
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	1931 1932 1933 1934 1935 1936 1937
<b>Sec. 2903.11.</b> (A) No person shall knowingly do either of the following:	1938 1939
(1) Cause serious physical harm to another or to another's unborn;	1940 1941
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1942 1943 1944
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:	1945 1946 1947 1948

(1) Engage in sexual conduct with another person without 1949  
disclosing that knowledge to the other person prior to engaging 1950  
in the sexual conduct; 1951

(2) Engage in sexual conduct with a person whom the 1952  
offender knows or has reasonable cause to believe lacks the 1953  
mental capacity to appreciate the significance of the knowledge 1954  
that the offender has tested positive as a carrier of a virus 1955  
that causes acquired immunodeficiency syndrome; 1956

(3) Engage in sexual conduct with a person under eighteen 1957  
years of age who is not the spouse of the offender. 1958

(C) The prosecution of a person under this section does 1959  
not preclude prosecution of that person under section 2907.02 of 1960  
the Revised Code. 1961

(D) (1) (a) Whoever violates this section is guilty of 1962  
felonious assault. Except as otherwise provided in this division 1963  
or division (D) (1) (b) of this section, felonious assault is a 1964  
felony of the second degree. If the victim of a violation of 1965  
division (A) of this section is a peace officer or an 1966  
investigator of the bureau of criminal identification and 1967  
investigation, felonious assault is a felony of the first 1968  
degree. 1969

(b) Regardless of whether the felonious assault is a 1970  
felony of the first or second degree under division (D) (1) (a) of 1971  
this section, if the offender also is convicted of or pleads 1972  
guilty to a specification as described in section 2941.1423 of 1973  
the Revised Code that was included in the indictment, count in 1974  
the indictment, or information charging the offense, except as 1975  
otherwise provided in this division or unless a longer prison 1976  
term is required under any other provision of law, the court 1977

shall sentence the offender to a mandatory prison term as 1978  
provided in division (B) (8) of section 2929.14 of the Revised 1979  
Code. If the victim of the offense is a peace officer or an 1980  
investigator of the bureau of criminal identification and 1981  
investigation, and if the victim suffered serious physical harm 1982  
as a result of the commission of the offense, felonious assault 1983  
is a felony of the first degree, and the court, pursuant to 1984  
division (F) of section 2929.13 of the Revised Code, shall 1985  
impose as a mandatory prison term one of the definite prison 1986  
terms prescribed for a felony of the first degree in division 1987  
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1988  
the violation is committed on or after the effective date of 1989  
this amendment, the court shall impose as the minimum prison 1990  
term for the offense a mandatory prison term that is one of the 1991  
minimum terms prescribed for a felony of the first degree in 1992  
division (A) (1) (a) of section 2929.14 of the Revised Code. 1993

(2) In addition to any other sanctions imposed pursuant to 1994  
division (D) (1) of this section for felonious assault committed 1995  
in violation of division (A) (1) or (2) of this section, if the 1996  
offender also is convicted of or pleads guilty to a 1997  
specification of the type described in section 2941.1425 of the 1998  
Revised Code that was included in the indictment, count in the 1999  
indictment, or information charging the offense, the court shall 2000  
sentence the offender to a mandatory prison term under division 2001  
(B) (9) of section 2929.14 of the Revised Code. 2002

(3) In addition to any other sanctions imposed pursuant to 2003  
division (D) (1) of this section for felonious assault committed 2004  
in violation of division (A) (2) of this section, if the deadly 2005  
weapon used in the commission of the violation is a motor 2006  
vehicle, the court shall impose upon the offender a class two 2007  
suspension of the offender's driver's license, commercial 2008

driver's license, temporary instruction permit, probationary	2009
license, or nonresident operating privilege as specified in	2010
division (A) (2) of section 4510.02 of the Revised Code.	2011
(E) As used in this section:	2012
(1) "Deadly weapon" and "dangerous ordnance" have the same	2013
meanings as in section 2923.11 of the Revised Code.	2014
(2) "Motor vehicle" has the same meaning as in section	2015
4501.01 of the Revised Code.	2016
(3) "Peace officer" has the same meaning as in section	2017
2935.01 of the Revised Code.	2018
(4) "Sexual conduct" has the same meaning as in section	2019
2907.01 of the Revised Code, except that, as used in this	2020
section, it does not include the insertion of an instrument,	2021
apparatus, or other object that is not a part of the body into	2022
the vaginal or anal opening of another, unless the offender knew	2023
at the time of the insertion that the instrument, apparatus, or	2024
other object carried the offender's bodily fluid.	2025
(5) "Investigator of the bureau of criminal identification	2026
and investigation" means an investigator of the bureau of	2027
criminal identification and investigation who is commissioned by	2028
the superintendent of the bureau as a special agent for the	2029
purpose of assisting law enforcement officers or providing	2030
emergency assistance to peace officers pursuant to authority	2031
granted under section 109.541 of the Revised Code.	2032
(6) "Investigator" has the same meaning as in section	2033
109.541 of the Revised Code.	2034
(F) The provisions of division (D) (2) of this section and	2035
of division (F) (20) of section 2929.13, divisions (B) (9) and (C)	2036

(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

**Sec. 2903.12.** (A) No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of aggravated assault. Except as otherwise provided in this division, aggravated assault is a felony of the fourth degree. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, aggravated assault is a felony of the third degree. Regardless of whether the offense is a felony of the third or fourth degree under this division, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, aggravated assault

is a felony of the third degree, and the court, pursuant to 2067  
division (F) of section 2929.13 of the Revised Code, shall 2068  
impose as a mandatory prison term one of the definite prison 2069  
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2070  
Revised Code for a felony of the third degree. 2071

(C) As used in this section: 2072

(1) "Investigator of the bureau of criminal identification 2073  
and investigation" has the same meaning as in section 2903.11 of 2074  
the Revised Code. 2075

(2) "Peace officer" has the same meaning as in section 2076  
2935.01 of the Revised Code. 2077

**Sec. 2905.01.** (A) No person, by force, threat, or 2078  
deception, or, in the case of a victim under the age of thirteen 2079  
or mentally incompetent, by any means, shall remove another from 2080  
the place where the other person is found or restrain the 2081  
liberty of the other person, for any of the following purposes: 2082

(1) To hold for ransom, or as a shield or hostage; 2083

(2) To facilitate the commission of any felony or flight 2084  
thereafter; 2085

(3) To terrorize, or to inflict serious physical harm on 2086  
the victim or another; 2087

(4) To engage in sexual activity, as defined in section 2088  
2907.01 of the Revised Code, with the victim against the 2089  
victim's will; 2090

(5) To hinder, impede, or obstruct a function of 2091  
government, or to force any action or concession on the part of 2092  
governmental authority; 2093

(6) To hold in a condition of involuntary servitude. 2094

(B) No person, by force, threat, or deception, or, in the 2095  
case of a victim under the age of thirteen or mentally 2096  
incompetent, by any means, shall knowingly do any of the 2097  
following, under circumstances that create a substantial risk of 2098  
serious physical harm to the victim or, in the case of a minor 2099  
victim, under circumstances that either create a substantial 2100  
risk of serious physical harm to the victim or cause physical 2101  
harm to the victim: 2102

(1) Remove another from the place where the other person 2103  
is found; 2104

(2) Restrain another of the other person's liberty. 2105

(C) (1) Whoever violates this section is guilty of 2106  
kidnapping. Except as otherwise provided in this division or 2107  
division (C) (2) or (3) of this section, kidnapping is a felony 2108  
of the first degree. Except as otherwise provided in this 2109  
division or division (C) (2) or (3) of this section, if an 2110  
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2111  
of this section releases the victim in a safe place unharmed, 2112  
kidnapping is a felony of the second degree. 2113

(2) If the offender in any case also is convicted of or 2114  
pleads guilty to a specification as described in section 2115  
2941.1422 of the Revised Code that was included in the 2116  
indictment, count in the indictment, or information charging the 2117  
offense, the court shall order the offender to make restitution 2118  
as provided in division (B) (8) of section 2929.18 of the Revised 2119  
Code and, except as otherwise provided in division (C) (3) of 2120  
this section, shall sentence the offender to a mandatory prison 2121  
term as provided in division (B) (7) of section 2929.14 of the 2122

Revised Code. 2123

(3) If the victim of the offense is less than thirteen 2124  
years of age and if the offender also is convicted of or pleads 2125  
guilty to a sexual motivation specification that was included in 2126  
the indictment, count in the indictment, or information charging 2127  
the offense, kidnapping is a felony of the first degree, and, 2128  
notwithstanding the definite or indefinite sentence provided for 2129  
a felony of the first degree in section 2929.14 of the Revised 2130  
Code, the offender shall be sentenced pursuant to section 2131  
2971.03 of the Revised Code as follows: 2132

(a) Except as otherwise provided in division (C) (3) (b) of 2133  
this section, the offender shall be sentenced pursuant to that 2134  
section to an indefinite prison term consisting of a minimum 2135  
term of fifteen years and a maximum term of life imprisonment. 2136

(b) If the offender releases the victim in a safe place 2137  
unharmd, the offender shall be sentenced pursuant to that 2138  
section to an indefinite term consisting of a minimum term of 2139  
ten years and a maximum term of life imprisonment. 2140

(D) As used in this section: 2141

(1) "Involuntary servitude" has the same meaning as in 2142  
section 2905.31 of the Revised Code. 2143

(2) "Sexual motivation specification" has the same meaning 2144  
as in section 2971.01 of the Revised Code. 2145

**Sec. 2905.32.** (A) No person shall knowingly recruit, lure, 2146  
entice, isolate, harbor, transport, provide, obtain, or 2147  
maintain, or knowingly attempt to recruit, lure, entice, 2148  
isolate, harbor, transport, provide, obtain, or maintain, 2149  
another person if any of the following applies: 2150

(1) The offender knows that the other person will be 2151  
subjected to involuntary servitude or be compelled to engage in 2152  
sexual activity for hire, engage in a performance that is 2153  
obscene, sexually oriented, or nudity oriented, or be a model or 2154  
participant in the production of material that is obscene, 2155  
sexually oriented, or nudity oriented. 2156

(2) The other person is less than sixteen years of age or 2157  
is a person with a developmental disability whom the offender 2158  
knows or has reasonable cause to believe is a person with a 2159  
developmental disability, and either the offender knows that the 2160  
other person will be subjected to involuntary servitude or the 2161  
offender's knowing recruitment, luring, enticement, isolation, 2162  
harboring, transportation, provision, obtaining, or maintenance 2163  
of the other person or knowing attempt to recruit, lure, entice, 2164  
isolate, harbor, transport, provide, obtain, or maintain the 2165  
other person is for any of the following purposes: 2166

(a) To engage in sexual activity for hire; 2167

(b) To engage in a performance for hire that is obscene, 2168  
sexually oriented, or nudity oriented; 2169

(c) To be a model or participant for hire in the 2170  
production of material that is obscene, sexually oriented, or 2171  
nudity oriented. 2172

(3) The other person is sixteen or seventeen years of age, 2173  
either the offender knows that the other person will be 2174  
subjected to involuntary servitude or the offender's knowing 2175  
recruitment, luring, enticement, isolation, harboring, 2176  
transportation, provision, obtaining, or maintenance of the 2177  
other person or knowing attempt to recruit, lure, entice, 2178  
isolate, harbor, transport, provide, obtain, or maintain the 2179

other person is for any purpose described in divisions (A) (2) (a) 2180  
to (c) of this section, and the circumstances described in 2181  
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2182  
of section 2907.03 of the Revised Code apply with respect to the 2183  
offender and the other person. 2184

(B) For a prosecution under division (A) (1) of this 2185  
section, the element "compelled" does not require that the 2186  
compulsion be openly displayed or physically exerted. The 2187  
element "compelled" has been established if the state proves 2188  
that the victim's will was overcome by force, fear, duress, 2189  
intimidation, or fraud. 2190

(C) In a prosecution under this section, proof that the 2191  
defendant engaged in sexual activity with any person, or 2192  
solicited sexual activity with any person, whether or not for 2193  
hire, without more, does not constitute a violation of this 2194  
section. 2195

(D) A prosecution for a violation of this section does not 2196  
preclude a prosecution of a violation of any other section of 2197  
the Revised Code. One or more acts, a series of acts, or a 2198  
course of behavior that can be prosecuted under this section or 2199  
any other section of the Revised Code may be prosecuted under 2200  
this section, the other section of the Revised Code, or both 2201  
sections. However, if an offender is convicted of or pleads 2202  
guilty to a violation of this section and also is convicted of 2203  
or pleads guilty to a violation of section 2907.21 of the 2204  
Revised Code based on the same conduct involving the same victim 2205  
that was the basis of the violation of this section, or is 2206  
convicted of or pleads guilty to any other violation of Chapter 2207  
2907. of the Revised Code based on the same conduct involving 2208  
the same victim that was the basis of the violation of this 2209

section, the two offenses are allied offenses of similar import 2210  
under section 2941.25 of the Revised Code. 2211

(E) Whoever violates this section is guilty of trafficking 2212  
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2213  
violation committed prior to the effective date of this 2214  
amendment, notwithstanding the range of definite terms set forth 2215  
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2216  
the court shall sentence the offender to a definite prison term 2217  
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2218  
For a violation committed on or after the effective date of this 2219  
amendment, notwithstanding the range of minimum terms set forth 2220  
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2221  
the court shall sentence the offender to an indefinite prison 2222  
term pursuant to that division, with a minimum term under that 2223  
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2224  
years. 2225

(F) As used in this section: 2226

(1) "Person with a developmental disability" means a 2227  
person whose ability to resist or consent to an act is 2228  
substantially impaired because of a mental or physical condition 2229  
or because of advanced age. 2230

(2) "Sexual activity for hire," "performance for hire," 2231  
and "model or participant for hire" mean an implicit or explicit 2232  
agreement to provide sexual activity, engage in an obscene, 2233  
sexually oriented, or nudity oriented performance, or be a model 2234  
or participant in the production of obscene, sexually oriented, 2235  
or nudity oriented material, whichever is applicable, in 2236  
exchange for anything of value paid to any of the following: 2237

(a) The person engaging in such sexual activity, 2238

performance, or modeling or participation; 2239

(b) Any person who recruits, lures, entices, isolates, 2240  
harbors, transports, provides, obtains, or maintains, or 2241  
attempts to recruit, lure, entice, isolate, harbor, transport, 2242  
provide, obtain, or maintain the person described in division 2243  
(F) (2) (a) of this section; 2244

(c) Any person associated with a person described in 2245  
division (F) (2) (a) or (b) of this section. 2246

(3) "Material that is obscene, sexually oriented, or 2247  
nudity oriented" and "performance that is obscene, sexually 2248  
oriented, or nudity oriented" have the same meanings as in 2249  
section 2929.01 of the Revised Code. 2250

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2251  
conduct with another who is not the spouse of the offender or 2252  
who is the spouse of the offender but is living separate and 2253  
apart from the offender, when any of the following applies: 2254

(a) For the purpose of preventing resistance, the offender 2255  
substantially impairs the other person's judgment or control by 2256  
administering any drug, intoxicant, or controlled substance to 2257  
the other person surreptitiously or by force, threat of force, 2258  
or deception. 2259

(b) The other person is less than thirteen years of age, 2260  
whether or not the offender knows the age of the other person. 2261

(c) The other person's ability to resist or consent is 2262  
substantially impaired because of a mental or physical condition 2263  
or because of advanced age, and the offender knows or has 2264  
reasonable cause to believe that the other person's ability to 2265  
resist or consent is substantially impaired because of a mental 2266  
or physical condition or because of advanced age. 2267

(2) No person shall engage in sexual conduct with another 2268  
when the offender purposely compels the other person to submit 2269  
by force or threat of force. 2270

(B) Whoever violates this section is guilty of rape, a 2271  
felony of the first degree. If the offender under division (A) 2272  
(1) (a) of this section substantially impairs the other person's 2273  
judgment or control by administering any controlled substance 2274  
described in section 3719.41 of the Revised Code to the other 2275  
person surreptitiously or by force, threat of force, or 2276  
deception, the prison term imposed upon the offender shall be 2277  
one of the definite prison terms prescribed for a felony of the 2278  
first degree in division (A) (1) (b) of section 2929.14 of the 2279  
Revised Code that is not less than five years, except that if 2280  
the violation is committed on or after the effective date of 2281  
this amendment, the court shall impose as the minimum prison 2282  
term for the offense a mandatory prison term that is one of the 2283  
minimum terms prescribed for a felony of the first degree in 2284  
division (A) (1) (a) of section 2929.14 of the Revised Code that 2285  
is not less than five years. Except as otherwise provided in 2286  
this division, notwithstanding sections 2929.11 to 2929.14 of 2287  
the Revised Code, an offender under division (A) (1) (b) of this 2288  
section shall be sentenced to a prison term or term of life 2289  
imprisonment pursuant to section 2971.03 of the Revised Code. If 2290  
an offender is convicted of or pleads guilty to a violation of 2291  
division (A) (1) (b) of this section, if the offender was less 2292  
than sixteen years of age at the time the offender committed the 2293  
violation of that division, and if the offender during or 2294  
immediately after the commission of the offense did not cause 2295  
serious physical harm to the victim, the victim was ten years of 2296  
age or older at the time of the commission of the violation, and 2297  
the offender has not previously been convicted of or pleaded 2298

guilty to a violation of this section or a substantially similar 2299  
existing or former law of this state, another state, or the 2300  
United States, the court shall not sentence the offender to a 2301  
prison term or term of life imprisonment pursuant to section 2302  
2971.03 of the Revised Code, and instead the court shall 2303  
sentence the offender as otherwise provided in this division. If 2304  
an offender under division (A) (1) (b) of this section previously 2305  
has been convicted of or pleaded guilty to violating division 2306  
(A) (1) (b) of this section or to violating an existing or former 2307  
law of this state, another state, or the United States that is 2308  
substantially similar to division (A) (1) (b) of this section, if 2309  
the offender during or immediately after the commission of the 2310  
offense caused serious physical harm to the victim, or if the 2311  
victim under division (A) (1) (b) of this section is less than ten 2312  
years of age, in lieu of sentencing the offender to a prison 2313  
term or term of life imprisonment pursuant to section 2971.03 of 2314  
the Revised Code, the court may impose upon the offender a term 2315  
of life without parole. If the court imposes a term of life 2316  
without parole pursuant to this division, division (F) of 2317  
section 2971.03 of the Revised Code applies, and the offender 2318  
automatically is classified a tier III sex offender/child-victim 2319  
offender, as described in that division. 2320

(C) A victim need not prove physical resistance to the 2321  
offender in prosecutions under this section. 2322

(D) Evidence of specific instances of the victim's sexual 2323  
activity, opinion evidence of the victim's sexual activity, and 2324  
reputation evidence of the victim's sexual activity shall not be 2325  
admitted under this section unless it involves evidence of the 2326  
origin of semen, pregnancy, or disease, or the victim's past 2327  
sexual activity with the offender, and only to the extent that 2328  
the court finds that the evidence is material to a fact at issue 2329

in the case and that its inflammatory or prejudicial nature does 2330  
not outweigh its probative value. 2331

Evidence of specific instances of the defendant's sexual 2332  
activity, opinion evidence of the defendant's sexual activity, 2333  
and reputation evidence of the defendant's sexual activity shall 2334  
not be admitted under this section unless it involves evidence 2335  
of the origin of semen, pregnancy, or disease, the defendant's 2336  
past sexual activity with the victim, or is admissible against 2337  
the defendant under section 2945.59 of the Revised Code, and 2338  
only to the extent that the court finds that the evidence is 2339  
material to a fact at issue in the case and that its 2340  
inflammatory or prejudicial nature does not outweigh its 2341  
probative value. 2342

(E) Prior to taking testimony or receiving evidence of any 2343  
sexual activity of the victim or the defendant in a proceeding 2344  
under this section, the court shall resolve the admissibility of 2345  
the proposed evidence in a hearing in chambers, which shall be 2346  
held at or before preliminary hearing and not less than three 2347  
days before trial, or for good cause shown during the trial. 2348

(F) Upon approval by the court, the victim may be 2349  
represented by counsel in any hearing in chambers or other 2350  
proceeding to resolve the admissibility of evidence. If the 2351  
victim is indigent or otherwise is unable to obtain the services 2352  
of counsel, the court, upon request, may appoint counsel to 2353  
represent the victim without cost to the victim. 2354

(G) It is not a defense to a charge under division (A) (2) 2355  
of this section that the offender and the victim were married or 2356  
were cohabiting at the time of the commission of the offense. 2357

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 2358

with another, not the spouse of the offender, when any of the 2359  
following apply: 2360

(1) The offender knowingly coerces the other person to 2361  
submit by any means that would prevent resistance by a person of 2362  
ordinary resolution. 2363

(2) The offender knows that the other person's ability to 2364  
appraise the nature of or control the other person's own conduct 2365  
is substantially impaired. 2366

(3) The offender knows that the other person submits 2367  
because the other person is unaware that the act is being 2368  
committed. 2369

(4) The offender knows that the other person submits 2370  
because the other person mistakenly identifies the offender as 2371  
the other person's spouse. 2372

(5) The offender is the other person's natural or adoptive 2373  
parent, or a stepparent, or guardian, custodian, or person in 2374  
loco parentis of the other person. 2375

(6) The other person is in custody of law or a patient in 2376  
a hospital or other institution, and the offender has 2377  
supervisory or disciplinary authority over the other person. 2378

(7) The offender is a teacher, administrator, coach, or 2379  
other person in authority employed by or serving in a school for 2380  
which the state board of education prescribes minimum standards 2381  
pursuant to division (D) of section 3301.07 of the Revised Code, 2382  
the other person is enrolled in or attends that school, and the 2383  
offender is not enrolled in and does not attend that school. 2384

(8) The other person is a minor, the offender is a 2385  
teacher, administrator, coach, or other person in authority 2386

employed by or serving in an institution of higher education, 2387  
and the other person is enrolled in or attends that institution. 2388

(9) The other person is a minor, and the offender is the 2389  
other person's athletic or other type of coach, is the other 2390  
person's instructor, is the leader of a scouting troop of which 2391  
the other person is a member, or is a person with temporary or 2392  
occasional disciplinary control over the other person. 2393

(10) The offender is a mental health professional, the 2394  
other person is a mental health client or patient of the 2395  
offender, and the offender induces the other person to submit by 2396  
falsely representing to the other person that the sexual conduct 2397  
is necessary for mental health treatment purposes. 2398

(11) The other person is confined in a detention facility, 2399  
and the offender is an employee of that detention facility. 2400

(12) The other person is a minor, the offender is a 2401  
cleric, and the other person is a member of, or attends, the 2402  
church or congregation served by the cleric. 2403

(13) The other person is a minor, the offender is a peace 2404  
officer, and the offender is more than two years older than the 2405  
other person. 2406

(B) Whoever violates this section is guilty of sexual 2407  
battery. Except as otherwise provided in this division, sexual 2408  
battery is a felony of the third degree. If the other person is 2409  
less than thirteen years of age, sexual battery is a felony of 2410  
the second degree, and the court shall impose upon the offender 2411  
a mandatory prison term equal to one of the definite prison 2412  
terms prescribed in division (A) (2) (b) of section 2929.14 of the 2413  
Revised Code for a felony of the second degree, except that if 2414  
the violation is committed on or after the effective date of 2415

this amendment, the court shall impose as the minimum prison 2416  
term for the offense a mandatory prison term that is one of the 2417  
minimum terms prescribed in division (A) (2) (a) of that section 2418  
for a felony of the second degree. 2419

(C) As used in this section: 2420

(1) "Cleric" has the same meaning as in section 2317.02 of 2421  
the Revised Code. 2422

(2) "Detention facility" has the same meaning as in 2423  
section 2921.01 of the Revised Code. 2424

(3) "Institution of higher education" means a state 2425  
institution of higher education defined in section 3345.011 of 2426  
the Revised Code, a private nonprofit college or university 2427  
located in this state that possesses a certificate of 2428  
authorization issued by the Ohio board of regents pursuant to 2429  
Chapter 1713. of the Revised Code, or a school certified under 2430  
Chapter 3332. of the Revised Code. 2431

(4) "Peace officer" has the same meaning as in section 2432  
2935.01 of the Revised Code. 2433

**Sec. 2907.05.** (A) No person shall have sexual contact with 2434  
another, not the spouse of the offender; cause another, not the 2435  
spouse of the offender, to have sexual contact with the 2436  
offender; or cause two or more other persons to have sexual 2437  
contact when any of the following applies: 2438

(1) The offender purposely compels the other person, or 2439  
one of the other persons, to submit by force or threat of force. 2440

(2) For the purpose of preventing resistance, the offender 2441  
substantially impairs the judgment or control of the other 2442  
person or of one of the other persons by administering any drug, 2443

intoxicant, or controlled substance to the other person 2444  
surreptitiously or by force, threat of force, or deception. 2445

(3) The offender knows that the judgment or control of the 2446  
other person or of one of the other persons is substantially 2447  
impaired as a result of the influence of any drug or intoxicant 2448  
administered to the other person with the other person's consent 2449  
for the purpose of any kind of medical or dental examination, 2450  
treatment, or surgery. 2451

(4) The other person, or one of the other persons, is less 2452  
than thirteen years of age, whether or not the offender knows 2453  
the age of that person. 2454

(5) The ability of the other person to resist or consent 2455  
or the ability of one of the other persons to resist or consent 2456  
is substantially impaired because of a mental or physical 2457  
condition or because of advanced age, and the offender knows or 2458  
has reasonable cause to believe that the ability to resist or 2459  
consent of the other person or of one of the other persons is 2460  
substantially impaired because of a mental or physical condition 2461  
or because of advanced age. 2462

(B) No person shall knowingly touch the genitalia of 2463  
another, when the touching is not through clothing, the other 2464  
person is less than twelve years of age, whether or not the 2465  
offender knows the age of that person, and the touching is done 2466  
with an intent to abuse, humiliate, harass, degrade, or arouse 2467  
or gratify the sexual desire of any person. 2468

(C) Whoever violates this section is guilty of gross 2469  
sexual imposition. 2470

(1) Except as otherwise provided in this section, gross 2471  
sexual imposition committed in violation of division (A) (1), 2472

(2), (3), or (5) of this section is a felony of the fourth 2473  
degree. If the offender under division (A) (2) of this section 2474  
substantially impairs the judgment or control of the other 2475  
person or one of the other persons by administering any 2476  
controlled substance described in section 3719.41 of the Revised 2477  
Code to the person surreptitiously or by force, threat of force, 2478  
or deception, gross sexual imposition committed in violation of 2479  
division (A) (2) of this section is a felony of the third degree. 2480

(2) Gross sexual imposition committed in violation of 2481  
division (A) (4) or (B) of this section is a felony of the third 2482  
degree. Except as otherwise provided in this division, for gross 2483  
sexual imposition committed in violation of division (A) (4) or 2484  
(B) of this section there is a presumption that a prison term 2485  
shall be imposed for the offense. The court shall impose on an 2486  
offender convicted of gross sexual imposition in violation of 2487  
division (A) (4) or (B) of this section a mandatory prison term 2488  
~~equal to one of the prison terms prescribed in section 2929.14~~ 2489  
~~of the Revised Code, as described in division (C) (3) of this~~ 2490  
section, for a felony of the third degree if either of the 2491  
following applies: 2492

(a) Evidence other than the testimony of the victim was 2493  
admitted in the case corroborating the violation; 2494

(b) The offender previously was convicted of or pleaded 2495  
guilty to a violation of this section, rape, the former offense 2496  
of felonious sexual penetration, or sexual battery, and the 2497  
victim of the previous offense was less than thirteen years of 2498  
age. 2499

(3) A mandatory prison term required under division (C) (2) 2500  
of this section shall be a definite term from the range of 2501  
prison terms provided in division (A) (3) (a) (ii) of section 2502

2929.14 of the Revised Code for a felony of the third degree, 2503  
except that if the violation is a felony of the third degree 2504  
committed on or after the effective date of this amendment, the 2505  
court shall impose as the minimum prison term for the offense a 2506  
mandatory prison term that is one of the minimum terms 2507  
prescribed for a felony of the third degree in division (A) (3) 2508  
(a) (i) of section 2929.14 of the Revised Code. 2509

(D) A victim need not prove physical resistance to the 2510  
offender in prosecutions under this section. 2511

(E) Evidence of specific instances of the victim's sexual 2512  
activity, opinion evidence of the victim's sexual activity, and 2513  
reputation evidence of the victim's sexual activity shall not be 2514  
admitted under this section unless it involves evidence of the 2515  
origin of semen, pregnancy, or disease, or the victim's past 2516  
sexual activity with the offender, and only to the extent that 2517  
the court finds that the evidence is material to a fact at issue 2518  
in the case and that its inflammatory or prejudicial nature does 2519  
not outweigh its probative value. 2520

Evidence of specific instances of the defendant's sexual 2521  
activity, opinion evidence of the defendant's sexual activity, 2522  
and reputation evidence of the defendant's sexual activity shall 2523  
not be admitted under this section unless it involves evidence 2524  
of the origin of semen, pregnancy, or disease, the defendant's 2525  
past sexual activity with the victim, or is admissible against 2526  
the defendant under section 2945.59 of the Revised Code, and 2527  
only to the extent that the court finds that the evidence is 2528  
material to a fact at issue in the case and that its 2529  
inflammatory or prejudicial nature does not outweigh its 2530  
probative value. 2531

(F) Prior to taking testimony or receiving evidence of any 2532

sexual activity of the victim or the defendant in a proceeding 2533  
under this section, the court shall resolve the admissibility of 2534  
the proposed evidence in a hearing in chambers, which shall be 2535  
held at or before preliminary hearing and not less than three 2536  
days before trial, or for good cause shown during the trial. 2537

(G) Upon approval by the court, the victim may be 2538  
represented by counsel in any hearing in chambers or other 2539  
proceeding to resolve the admissibility of evidence. If the 2540  
victim is indigent or otherwise is unable to obtain the services 2541  
of counsel, the court, upon request, may appoint counsel to 2542  
represent the victim without cost to the victim. 2543

**Sec. 2907.07.** (A) No person shall solicit a person who is 2544  
less than thirteen years of age to engage in sexual activity 2545  
with the offender, whether or not the offender knows the age of 2546  
such person. 2547

(B) (1) No person shall solicit another, not the spouse of 2548  
the offender, to engage in sexual conduct with the offender, 2549  
when the offender is eighteen years of age or older and four or 2550  
more years older than the other person, and the other person is 2551  
thirteen years of age or older but less than sixteen years of 2552  
age, whether or not the offender knows the age of the other 2553  
person. 2554

(2) No person shall solicit another, not the spouse of the 2555  
offender, to engage in sexual conduct with the offender, when 2556  
the offender is eighteen years of age or older and four or more 2557  
years older than the other person, the other person is sixteen 2558  
or seventeen years of age and a victim of a violation of section 2559  
2905.32 of the Revised Code, and the offender knows or has 2560  
reckless disregard of the age of the other person. 2561

(C) No person shall solicit another by means of a 2562  
telecommunications device, as defined in section 2913.01 of the 2563  
Revised Code, to engage in sexual activity with the offender 2564  
when the offender is eighteen years of age or older and either 2565  
of the following applies: 2566

(1) The other person is less than thirteen years of age, 2567  
and the offender knows that the other person is less than 2568  
thirteen years of age or is reckless in that regard. 2569

(2) The other person is a law enforcement officer posing 2570  
as a person who is less than thirteen years of age, and the 2571  
offender believes that the other person is less than thirteen 2572  
years of age or is reckless in that regard. 2573

(D) No person shall solicit another by means of a 2574  
telecommunications device, as defined in section 2913.01 of the 2575  
Revised Code, to engage in sexual activity with the offender 2576  
when the offender is eighteen years of age or older and either 2577  
of the following applies: 2578

(1) The other person is thirteen years of age or older but 2579  
less than sixteen years of age, the offender knows that the 2580  
other person is thirteen years of age or older but less than 2581  
sixteen years of age or is reckless in that regard, and the 2582  
offender is four or more years older than the other person. 2583

(2) The other person is a law enforcement officer posing 2584  
as a person who is thirteen years of age or older but less than 2585  
sixteen years of age, the offender believes that the other 2586  
person is thirteen years of age or older but less than sixteen 2587  
years of age or is reckless in that regard, and the offender is 2588  
four or more years older than the age the law enforcement 2589  
officer assumes in posing as the person who is thirteen years of 2590

age or older but less than sixteen years of age. 2591

(E) Divisions (C) and (D) of this section apply to any 2592  
solicitation that is contained in a transmission via a 2593  
telecommunications device that either originates in this state 2594  
or is received in this state. 2595

(F) (1) Whoever violates this section is guilty of 2596  
importuning. 2597

(2) Except as otherwise provided in this division, a 2598  
violation of division (A) or (C) of this section is a felony of 2599  
the third degree on a first offense, and, notwithstanding 2600  
division (C) of section 2929.13 of the Revised Code, there is a 2601  
presumption that a prison term shall be imposed as described in 2602  
division (D) of section 2929.13 of the Revised Code. If the 2603  
offender previously has been convicted of a sexually oriented 2604  
offense or a child-victim oriented offense, a violation of 2605  
division (A) or (C) of this section is a felony of the second 2606  
degree, and the court shall impose upon the offender as a 2607  
mandatory prison term one of the definite prison terms 2608  
prescribed in division (A) (2) (b) of section 2929.14 of the 2609  
Revised Code for a felony of the second degree, except that if 2610  
the violation is committed on or after the effective date of 2611  
this amendment, the court shall impose as the minimum prison 2612  
term for the offense a mandatory prison term that is one of the 2613  
minimum terms prescribed in division (A) (2) (a) of that section 2614  
for a felony of the second degree. 2615

(3) A violation of division (B) or (D) of this section is 2616  
a felony of the fifth degree on a first offense, and, 2617  
notwithstanding division (B) of section 2929.13 of the Revised 2618  
Code, there is a presumption that a prison term shall be imposed 2619  
as described in division (D) of section 2929.13 of the Revised 2620

Code. If the offender previously has been convicted of a 2621  
sexually oriented offense or a child-victim oriented offense, a 2622  
violation of division (B) or (D) of this section is a felony of 2623  
the fourth degree, and the court shall impose upon the offender 2624  
as a mandatory prison term one of the prison terms prescribed in 2625  
section 2929.14 of the Revised Code for a felony of the fourth 2626  
degree that is not less than twelve months in duration. 2627

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 2628  
custodian, person having custody or control, or person in loco 2629  
parentis of a child under eighteen years of age or a mentally or 2630  
physically handicapped child under twenty-one years of age, 2631  
shall create a substantial risk to the health or safety of the 2632  
child, by violating a duty of care, protection, or support. It 2633  
is not a violation of a duty of care, protection, or support 2634  
under this division when the parent, guardian, custodian, or 2635  
person having custody or control of a child treats the physical 2636  
or mental illness or defect of the child by spiritual means 2637  
through prayer alone, in accordance with the tenets of a 2638  
recognized religious body. 2639

(B) No person shall do any of the following to a child 2640  
under eighteen years of age or a mentally or physically 2641  
handicapped child under twenty-one years of age: 2642

(1) Abuse the child; 2643

(2) Torture or cruelly abuse the child; 2644

(3) Administer corporal punishment or other physical 2645  
disciplinary measure, or physically restrain the child in a 2646  
cruel manner or for a prolonged period, which punishment, 2647  
discipline, or restraint is excessive under the circumstances 2648  
and creates a substantial risk of serious physical harm to the 2649

child; 2650

(4) Repeatedly administer unwarranted disciplinary 2651  
measures to the child, when there is a substantial risk that 2652  
such conduct, if continued, will seriously impair or retard the 2653  
child's mental health or development; 2654

(5) Entice, coerce, permit, encourage, compel, hire, 2655  
employ, use, or allow the child to act, model, or in any other 2656  
way participate in, or be photographed for, the production, 2657  
presentation, dissemination, or advertisement of any material or 2658  
performance that the offender knows or reasonably should know is 2659  
obscene, is sexually oriented matter, or is nudity-oriented 2660  
matter; 2661

(6) Allow the child to be on the same parcel of real 2662  
property and within one hundred feet of, or, in the case of more 2663  
than one housing unit on the same parcel of real property, in 2664  
the same housing unit and within one hundred feet of, any act in 2665  
violation of section 2925.04 or 2925.041 of the Revised Code 2666  
when the person knows that the act is occurring, whether or not 2667  
any person is prosecuted for or convicted of the violation of 2668  
section 2925.04 or 2925.041 of the Revised Code that is the 2669  
basis of the violation of this division. 2670

(C) (1) No person shall operate a vehicle, streetcar, or 2671  
trackless trolley within this state in violation of division (A) 2672  
of section 4511.19 of the Revised Code when one or more children 2673  
under eighteen years of age are in the vehicle, streetcar, or 2674  
trackless trolley. Notwithstanding any other provision of law, a 2675  
person may be convicted at the same trial or proceeding of a 2676  
violation of this division and a violation of division (A) of 2677  
section 4511.19 of the Revised Code that constitutes the basis 2678  
of the charge of the violation of this division. For purposes of 2679

sections 4511.191 to 4511.197 of the Revised Code and all 2680  
related provisions of law, a person arrested for a violation of 2681  
this division shall be considered to be under arrest for 2682  
operating a vehicle while under the influence of alcohol, a drug 2683  
of abuse, or a combination of them or for operating a vehicle 2684  
with a prohibited concentration of alcohol, a controlled 2685  
substance, or a metabolite of a controlled substance in the 2686  
whole blood, blood serum or plasma, breath, or urine. 2687

(2) As used in division (C) (1) of this section: 2688

(a) "Controlled substance" has the same meaning as in 2689  
section 3719.01 of the Revised Code. 2690

(b) "Vehicle," "streetcar," and "trackless trolley" have 2691  
the same meanings as in section 4511.01 of the Revised Code. 2692

(D) (1) Division (B) (5) of this section does not apply to 2693  
any material or performance that is produced, presented, or 2694  
disseminated for a bona fide medical, scientific, educational, 2695  
religious, governmental, judicial, or other proper purpose, by 2696  
or to a physician, psychologist, sociologist, scientist, 2697  
teacher, person pursuing bona fide studies or research, 2698  
librarian, member of the clergy, prosecutor, judge, or other 2699  
person having a proper interest in the material or performance. 2700

(2) Mistake of age is not a defense to a charge under 2701  
division (B) (5) of this section. 2702

(3) In a prosecution under division (B) (5) of this 2703  
section, the trier of fact may infer that an actor, model, or 2704  
participant in the material or performance involved is a 2705  
juvenile if the material or performance, through its title, 2706  
text, visual representation, or otherwise, represents or depicts 2707  
the actor, model, or participant as a juvenile. 2708

(4) As used in this division and division (B) (5) of this section:	2709 2710
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	2711 2712 2713
(b) "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 prurient interest.	2714 2715 2716 2717
(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.	2718 2719 2720
(E) (1) Whoever violates this section is guilty of endangering children.	2721 2722
(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies:	2723 2724 2725 2726
(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree;	2727 2728
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree;	2729 2730 2731 2732 2733
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	2734 2735 2736

(d) If the violation is a violation of division (B) (1) of 2737  
this section and results in serious physical harm to the child 2738  
involved, a felony of the second degree. 2739

(e) If the violation is a felony violation of division (B) 2740  
(1) of this section and the offender also is convicted of or 2741  
pleads guilty to a specification as described in section 2742  
2941.1422 of the Revised Code that was included in the 2743  
indictment, count in the indictment, or information charging the 2744  
offense, the court shall sentence the offender to a mandatory 2745  
prison term as provided in division (B) (7) of section 2929.14 of 2746  
the Revised Code and shall order the offender to make 2747  
restitution as provided in division (B) (8) of section 2929.18 of 2748  
the Revised Code. 2749

(3) If the offender violates division (B) (2), (3), (4), or 2750  
(6) of this section, except as otherwise provided in this 2751  
division, endangering children is a felony of the third degree. 2752  
If the violation results in serious physical harm to the child 2753  
involved, or if the offender previously has been convicted of an 2754  
offense under this section or of any offense involving neglect, 2755  
abandonment, contributing to the delinquency of, or physical 2756  
abuse of a child, endangering children is a felony of the second 2757  
degree. If the offender violates division (B) (2), (3), or (4) of 2758  
this section and the offender also is convicted of or pleads 2759  
guilty to a specification as described in section 2941.1422 of 2760  
the Revised Code that was included in the indictment, count in 2761  
the indictment, or information charging the offense, the court 2762  
shall sentence the offender to a mandatory prison term as 2763  
provided in division (B) (7) of section 2929.14 of the Revised 2764  
Code and shall order the offender to make restitution as 2765  
provided in division (B) (8) of section 2929.18 of the Revised 2766  
Code. If the offender violates division (B) (6) of this section 2767

and the drug involved is methamphetamine, the court shall impose 2768  
a mandatory prison term on the offender as follows: 2769

(a) If the violation is a violation of division (B) (6) of 2770  
this section that is a felony of the third degree under division 2771  
(E) (3) of this section and the drug involved is methamphetamine, 2772  
except as otherwise provided in this division, the court shall 2773  
impose as a mandatory prison term one of the prison terms 2774  
prescribed for a felony of the third degree that is not less 2775  
than two years. If the violation is a violation of division (B) 2776  
(6) of this section that is a felony of the third degree under 2777  
division (E) (3) of this section, if the drug involved is 2778  
methamphetamine, and if the offender previously has been 2779  
convicted of or pleaded guilty to a violation of division (B) (6) 2780  
of this section, a violation of division (A) of section 2925.04 2781  
of the Revised Code, or a violation of division (A) of section 2782  
2925.041 of the Revised Code, the court shall impose as a 2783  
mandatory prison term one of the prison terms prescribed for a 2784  
felony of the third degree that is not less than five years. 2785

(b) If the violation is a violation of division (B) (6) of 2786  
this section that is a felony of the second degree under 2787  
division (E) (3) of this section and the drug involved is 2788  
methamphetamine, except as otherwise provided in this division, 2789  
the court shall impose as a mandatory prison term one of the 2790  
definite prison terms prescribed for a felony of the second 2791  
degree in division (A) (2) (b) of section 2929.14 of the Revised 2792  
Code that is not less than three years, except that if the 2793  
violation is committed on or after the effective date of this 2794  
amendment, the court shall impose as the minimum prison term for 2795  
the offense a mandatory prison term that is one of the minimum 2796  
terms prescribed for a felony of the second degree in division 2797  
(A) (2) (a) of that section that is not less than three years. If 2798

the violation is a violation of division (B) (6) of this section 2799  
that is a felony of the second degree under division (E) (3) of 2800  
this section, if the drug involved is methamphetamine, and if 2801  
the offender previously has been convicted of or pleaded guilty 2802  
to a violation of division (B) (6) of this section, a violation 2803  
of division (A) of section 2925.04 of the Revised Code, or a 2804  
violation of division (A) of section 2925.041 of the Revised 2805  
Code, the court shall impose as a mandatory prison term one of 2806  
the definite prison terms prescribed for a felony of the second 2807  
degree in division (A) (2) (b) of section 2929.14 of the Revised 2808  
Code that is not less than five years, except that if the 2809  
violation is committed on or after the effective date of this 2810  
amendment, the court shall impose as the minimum prison term for 2811  
the offense a mandatory prison term that is one of the terms 2812  
prescribed for a felony of the second degree in division (A) (2) 2813  
(a) of that section that is not less than five years. 2814

(4) If the offender violates division (B) (5) of this 2815  
section, endangering children is a felony of the second degree. 2816  
If the offender also is convicted of or pleads guilty to a 2817  
specification as described in section 2941.1422 of the Revised 2818  
Code that was included in the indictment, count in the 2819  
indictment, or information charging the offense, the court shall 2820  
sentence the offender to a mandatory prison term as provided in 2821  
division (B) (7) of section 2929.14 of the Revised Code and shall 2822  
order the offender to make restitution as provided in division 2823  
(B) (8) of section 2929.18 of the Revised Code. 2824

(5) If the offender violates division (C) of this section, 2825  
the offender shall be punished as follows: 2826

(a) Except as otherwise provided in division (E) (5) (b) or 2827  
(c) of this section, endangering children in violation of 2828

division (C) of this section is a misdemeanor of the first 2829  
degree. 2830

(b) If the violation results in serious physical harm to 2831  
the child involved or the offender previously has been convicted 2832  
of an offense under this section or any offense involving 2833  
neglect, abandonment, contributing to the delinquency of, or 2834  
physical abuse of a child, except as otherwise provided in 2835  
division (E) (5) (c) of this section, endangering children in 2836  
violation of division (C) of this section is a felony of the 2837  
fifth degree. 2838

(c) If the violation results in serious physical harm to 2839  
the child involved and if the offender previously has been 2840  
convicted of a violation of division (C) of this section, 2841  
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 2842  
of the Revised Code as it existed prior to March 23, 2000, or 2843  
section 2903.04 of the Revised Code in a case in which the 2844  
offender was subject to the sanctions described in division (D) 2845  
of that section, endangering children in violation of division 2846  
(C) of this section is a felony of the fourth degree. 2847

(d) In addition to any term of imprisonment, fine, or 2848  
other sentence, penalty, or sanction it imposes upon the 2849  
offender pursuant to division (E) (5) (a), (b), or (c) of this 2850  
section or pursuant to any other provision of law and in 2851  
addition to any suspension of the offender's driver's or 2852  
commercial driver's license or permit or nonresident operating 2853  
privilege under Chapter 4506., 4509., 4510., or 4511. of the 2854  
Revised Code or under any other provision of law, the court also 2855  
may impose upon the offender a class seven suspension of the 2856  
offender's driver's or commercial driver's license or permit or 2857  
nonresident operating privilege from the range specified in 2858

division (A) (7) of section 4510.02 of the Revised Code. 2859

(e) In addition to any term of imprisonment, fine, or 2860  
other sentence, penalty, or sanction imposed upon the offender 2861  
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 2862  
or pursuant to any other provision of law for the violation of 2863  
division (C) of this section, if as part of the same trial or 2864  
proceeding the offender also is convicted of or pleads guilty to 2865  
a separate charge charging the violation of division (A) of 2866  
section 4511.19 of the Revised Code that was the basis of the 2867  
charge of the violation of division (C) of this section, the 2868  
offender also shall be sentenced in accordance with section 2869  
4511.19 of the Revised Code for that violation of division (A) 2870  
of section 4511.19 of the Revised Code. 2871

(F) (1) (a) A court may require an offender to perform not 2872  
more than two hundred hours of supervised community service work 2873  
under the authority of an agency, subdivision, or charitable 2874  
organization. The requirement shall be part of the community 2875  
control sanction or sentence of the offender, and the court 2876  
shall impose the community service in accordance with and 2877  
subject to divisions (F) (1) (a) and (b) of this section. The 2878  
court may require an offender whom it requires to perform 2879  
supervised community service work as part of the offender's 2880  
community control sanction or sentence to pay the court a 2881  
reasonable fee to cover the costs of the offender's 2882  
participation in the work, including, but not limited to, the 2883  
costs of procuring a policy or policies of liability insurance 2884  
to cover the period during which the offender will perform the 2885  
work. If the court requires the offender to perform supervised 2886  
community service work as part of the offender's community 2887  
control sanction or sentence, the court shall do so in 2888  
accordance with the following limitations and criteria: 2889

(i) 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.

(ii) The supervised community service work shall be subject to the limitations set forth in divisions (B) (1), (2), and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the manner described in division (B) (4) of section 2951.02 of the Revised Code 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.

(iv) 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 sections 2949.08 and 2967.191 of the Revised Code, 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.

(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 sections 2949.08 and 2967.191 of the Revised Code. 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 sections 2949.08 and 2967.191 of the Revised Code.

(2) 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 section 2929.25 of the

Revised Code, to require a misdemeanor or felony offender to 2951  
perform supervised community service work in accordance with 2952  
division (B) of section 2951.02 of the Revised Code, or to place 2953  
a felony offender under a community control sanction. 2954

(G) (1) If a court suspends an offender's driver's or 2955  
commercial driver's license or permit or nonresident operating 2956  
privilege under division (E) (5) (d) of this section, the period 2957  
of the suspension shall be consecutive to, and commence after, 2958  
the period of suspension of the offender's driver's or 2959  
commercial driver's license or permit or nonresident operating 2960  
privilege that is imposed under Chapter 4506., 4509., 4510., or 2961  
4511. of the Revised Code or under any other provision of law in 2962  
relation to the violation of division (C) of this section that 2963  
is the basis of the suspension under division (E) (5) (d) of this 2964  
section or in relation to the violation of division (A) of 2965  
section 4511.19 of the Revised Code that is the basis for that 2966  
violation of division (C) of this section. 2967

(2) An offender is not entitled to request, and the court 2968  
shall not grant to the offender, limited driving privileges if 2969  
the offender's license, permit, or privilege has been suspended 2970  
under division (E) (5) (d) of this section and the offender, 2971  
within the preceding six years, has been convicted of or pleaded 2972  
guilty to three or more violations of one or more of the 2973  
following: 2974

(a) Division (C) of this section; 2975

(b) Any equivalent offense, as defined in section 4511.181 2976  
of the Revised Code. 2977

(H) (1) If a person violates division (C) of this section 2978  
and if, at the time of the violation, there were two or more 2979

children under eighteen years of age in the motor vehicle 2980  
involved in the violation, the offender may be convicted of a 2981  
violation of division (C) of this section for each of the 2982  
children, but the court may sentence the offender for only one 2983  
of the violations. 2984

(2) (a) If a person is convicted of or pleads guilty to a 2985  
violation of division (C) of this section but the person is not 2986  
also convicted of and does not also plead guilty to a separate 2987  
charge charging the violation of division (A) of section 4511.19 2988  
of the Revised Code that was the basis of the charge of the 2989  
violation of division (C) of this section, both of the following 2990  
apply: 2991

(i) For purposes of the provisions of section 4511.19 of 2992  
the Revised Code that set forth the penalties and sanctions for 2993  
a violation of division (A) of section 4511.19 of the Revised 2994  
Code, the conviction of or plea of guilty to the violation of 2995  
division (C) of this section shall not constitute a violation of 2996  
division (A) of section 4511.19 of the Revised Code; 2997

(ii) For purposes of any provision of law that refers to a 2998  
conviction of or plea of guilty to a violation of division (A) 2999  
of section 4511.19 of the Revised Code and that is not described 3000  
in division (H) (2) (a) (i) of this section, the conviction of or 3001  
plea of guilty to the violation of division (C) of this section 3002  
shall constitute a conviction of or plea of guilty to a 3003  
violation of division (A) of section 4511.19 of the Revised 3004  
Code. 3005

(b) If a person is convicted of or pleads guilty to a 3006  
violation of division (C) of this section and the person also is 3007  
convicted of or pleads guilty to a separate charge charging the 3008  
violation of division (A) of section 4511.19 of the Revised Code 3009

that was the basis of the charge of the violation of division 3010  
(C) of this section, the conviction of or plea of guilty to the 3011  
violation of division (C) of this section shall not constitute, 3012  
for purposes of any provision of law that refers to a conviction 3013  
of or plea of guilty to a violation of division (A) of section 3014  
4511.19 of the Revised Code, a conviction of or plea of guilty 3015  
to a violation of division (A) of section 4511.19 of the Revised 3016  
Code. 3017

(I) As used in this section: 3018

(1) "Community control sanction" has the same meaning as 3019  
in section 2929.01 of the Revised Code; 3020

(2) "Limited driving privileges" has the same meaning as 3021  
in section 4501.01 of the Revised Code; 3022

(3) "Methamphetamine" has the same meaning as in section 3023  
2925.01 of the Revised Code. 3024

**Sec. 2919.25.** (A) No person shall knowingly cause or 3025  
attempt to cause physical harm to a family or household member. 3026

(B) No person shall recklessly cause serious physical harm 3027  
to a family or household member. 3028

(C) No person, by threat of force, shall knowingly cause a 3029  
family or household member to believe that the offender will 3030  
cause imminent physical harm to the family or household member. 3031

(D) (1) Whoever violates this section is guilty of domestic 3032  
violence, and the court shall sentence the offender as provided 3033  
in divisions (D) (2) to (6) of this section. 3034

(2) Except as otherwise provided in divisions (D) (3) to 3035  
(5) of this section, a violation of division (C) of this section 3036  
is a misdemeanor of the fourth degree, and a violation of 3037

division (A) or (B) of this section is a misdemeanor of the 3038  
first degree. 3039

(3) Except as otherwise provided in division (D)(4) of 3040  
this section, if the offender previously has pleaded guilty to 3041  
or been convicted of domestic violence, a violation of an 3042  
existing or former municipal ordinance or law of this or any 3043  
other state or the United States that is substantially similar 3044  
to domestic violence, a violation of section 2903.14, 2909.06, 3045  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3046  
the victim of the violation was a family or household member at 3047  
the time of the violation, a violation of an existing or former 3048  
municipal ordinance or law of this or any other state or the 3049  
United States that is substantially similar to any of those 3050  
sections if the victim of the violation was a family or 3051  
household member at the time of the commission of the violation, 3052  
or any offense of violence if the victim of the offense was a 3053  
family or household member at the time of the commission of the 3054  
offense, a violation of division (A) or (B) of this section is a 3055  
felony of the fourth degree, and, if the offender knew that the 3056  
victim of the violation was pregnant at the time of the 3057  
violation, the court shall impose a mandatory prison term on the 3058  
offender pursuant to division (D)(6) of this section, and a 3059  
violation of division (C) of this section is a misdemeanor of 3060  
the second degree. 3061

(4) If the offender previously has pleaded guilty to or 3062  
been convicted of two or more offenses of domestic violence or 3063  
two or more violations or offenses of the type described in 3064  
division (D)(3) of this section involving a person who was a 3065  
family or household member at the time of the violations or 3066  
offenses, a violation of division (A) or (B) of this section is 3067  
a felony of the third degree, and, if the offender knew that the 3068

victim of the violation was pregnant at the time of the 3069  
violation, the court shall impose a mandatory prison term on the 3070  
offender pursuant to division (D)(6) of this section, and a 3071  
violation of division (C) of this section is a misdemeanor of 3072  
the first degree. 3073

(5) Except as otherwise provided in division (D)(3) or (4) 3074  
of this section, if the offender knew that the victim of the 3075  
violation was pregnant at the time of the violation, a violation 3076  
of division (A) or (B) of this section is a felony of the fifth 3077  
degree, and the court shall impose a mandatory prison term on 3078  
the offender pursuant to division (D)(6) of this section, and a 3079  
violation of division (C) of this section is a misdemeanor of 3080  
the third degree. 3081

(6) If division (D)(3), (4), or (5) of this section 3082  
requires the court that sentences an offender for a violation of 3083  
division (A) or (B) of this section to impose a mandatory prison 3084  
term on the offender pursuant to this division, the court shall 3085  
impose the mandatory prison term as follows: 3086

(a) If the violation of division (A) or (B) of this 3087  
section is a felony of the fourth or fifth degree, except as 3088  
otherwise provided in division (D)(6)(b) or (c) of this section, 3089  
the court shall impose a mandatory prison term on the offender 3090  
of at least six months. 3091

(b) If the violation of division (A) or (B) of this 3092  
section is a felony of the fifth degree and the offender, in 3093  
committing the violation, caused serious physical harm to the 3094  
pregnant woman's unborn or caused the termination of the 3095  
pregnant woman's pregnancy, the court shall impose a mandatory 3096  
prison term on the offender of twelve months. 3097

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D) (6) (e) of this section and notwithstanding the range of definite prison terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of definite prison terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of

charges against a person alleging that the person violated this 3128  
section or a municipal ordinance substantially similar to this 3129  
section or in connection with the prosecution of any charges so 3130  
filed. 3131

(F) As used in this section and sections 2919.251 and 3132  
2919.26 of the Revised Code: 3133

(1) "Family or household member" means any of the 3134  
following: 3135

(a) Any of the following who is residing or has resided 3136  
with the offender: 3137

(i) A spouse, a person living as a spouse, or a former 3138  
spouse of the offender; 3139

(ii) A parent, a foster parent, or a child of the 3140  
offender, or another person related by consanguinity or affinity 3141  
to the offender; 3142

(iii) A parent or a child of a spouse, person living as a 3143  
spouse, or former spouse of the offender, or another person 3144  
related by consanguinity or affinity to a spouse, person living 3145  
as a spouse, or former spouse of the offender. 3146

(b) The natural parent of any child of whom the offender 3147  
is the other natural parent or is the putative other natural 3148  
parent. 3149

(2) "Person living as a spouse" means a person who is 3150  
living or has lived with the offender in a common law marital 3151  
relationship, who otherwise is cohabiting with the offender, or 3152  
who otherwise has cohabited with the offender within five years 3153  
prior to the date of the alleged commission of the act in 3154  
question. 3155

(3) "Pregnant woman's unborn" has the same meaning as 3156  
"such other person's unborn," as set forth in section 2903.09 of 3157  
the Revised Code, as it relates to the pregnant woman. Division 3158  
(C) of that section applies regarding the use of the term in 3159  
this section, except that the second and third sentences of 3160  
division (C) (1) of that section shall be construed for purposes 3161  
of this section as if they included a reference to this section 3162  
in the listing of Revised Code sections they contain. 3163

(4) "Termination of the pregnant woman's pregnancy" has 3164  
the same meaning as "unlawful termination of another's 3165  
pregnancy," as set forth in section 2903.09 of the Revised Code, 3166  
as it relates to the pregnant woman. Division (C) of that 3167  
section applies regarding the use of the term in this section, 3168  
except that the second and third sentences of division (C) (1) of 3169  
that section shall be construed for purposes of this section as 3170  
if they included a reference to this section in the listing of 3171  
Revised Code sections they contain. 3172

**Sec. 2921.321.** (A) No person shall knowingly cause, or 3173  
attempt to cause, physical harm to a police dog or horse in 3174  
either of the following circumstances: 3175

(1) The police dog or horse is assisting a law enforcement 3176  
officer in the performance of the officer's official duties at 3177  
the time the physical harm is caused or attempted. 3178

(2) The police dog or horse is not assisting a law 3179  
enforcement officer in the performance of the officer's official 3180  
duties at the time the physical harm is caused or attempted, but 3181  
the offender has actual knowledge that the dog or horse is a 3182  
police dog or horse. 3183

(B) No person shall recklessly do any of the following: 3184

(1) Taunt, torment, or strike a police dog or horse;	3185
(2) Throw an object or substance at a police dog or horse;	3186
(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:	3187 3188 3189 3190
(a) Inhibits or restricts the law enforcement officer's control of the police dog or horse;	3191 3192
(b) Deprives the law enforcement officer of control of the police dog or horse;	3193 3194
(c) Releases the police dog or horse from its area of control;	3195 3196
(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;	3197 3198 3199
(e) Inhibits or restricts the ability of the police dog or horse to assist a law enforcement officer.	3200 3201
(4) Engage in any conduct that is likely to cause serious physical injury or death to a police dog or horse;	3202 3203
(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 officer's duties or that the person knows is a police dog or horse.	3204 3205 3206 3207 3208 3209 3210 3211

(C) No person shall knowingly cause, or attempt to cause, 3212  
physical harm to an assistance dog in either of the following 3213  
circumstances: 3214

(1) The dog is assisting or serving a blind, deaf or 3215  
hearing impaired, or mobility impaired person at the time the 3216  
physical harm is caused or attempted. 3217

(2) The dog is not assisting or serving a blind, deaf or 3218  
hearing impaired, or mobility impaired person at the time the 3219  
physical harm is caused or attempted, but the offender has 3220  
actual knowledge that the dog is an assistance dog. 3221

(D) No person shall recklessly do any of the following: 3222

(1) Taunt, torment, or strike an assistance dog; 3223

(2) Throw an object or substance at an assistance dog; 3224

(3) Interfere with or obstruct an assistance dog, or 3225  
interfere with or obstruct a blind, deaf or hearing impaired, or 3226  
mobility impaired person who is being assisted or served by an 3227  
assistance dog, in a manner that does any of the following: 3228

(a) Inhibits or restricts the assisted or served person's 3229  
control of the dog; 3230

(b) Deprives the assisted or served person of control of 3231  
the dog; 3232

(c) Releases the dog from its area of control; 3233

(d) Enters the area of control of the dog without the 3234  
consent of the assisted or served person, including placing food 3235  
or any other object or substance into that area; 3236

(e) Inhibits or restricts the ability of the dog to assist 3237  
the assisted or served person. 3238

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

(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 an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

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

(a) Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, assaulting a police dog or horse is a felony of the third degree and the court shall impose as a mandatory prison term one of the definite prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree. If the violation results in serious physical harm to the police dog or horse other than its death, assaulting a police dog or horse is a felony of the fourth degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree.

(b) In addition to any other sanction imposed for assaulting a police dog or horse, if the violation of division (A) of this section results in the death of the police dog or

horse, the sentencing court shall impose as a financial sanction 3269  
a mandatory fine under division (B)(10) of section 2929.18 of 3270  
the Revised Code. The fine shall be paid to the law enforcement 3271  
agency that was served by the police dog or horse that was 3272  
killed, and shall be used by that agency only for one or more of 3273  
the following purposes: 3274

(i) If the dog or horse was not owned by the agency, the 3275  
payment to the owner of the dog or horse of the cost of the dog 3276  
or horse and the cost of the training of the dog or horse to 3277  
qualify it as a police dog or horse, if that cost has not 3278  
previously been paid by the agency; 3279

(ii) After payment of the costs described in division (E) 3280  
(1)(b)(i) of this section, if applicable, payment of the cost of 3281  
replacing the dog or horse that was killed; 3282

(iii) After payment of the costs described in division (E) 3283  
(1)(b)(i) of this section, if applicable, payment of the cost of 3284  
training the replacement dog or horse to qualify it as a police 3285  
dog or horse; 3286

(iv) After payment of the costs described in division (E) 3287  
(1)(b)(i) of this section, if applicable, payment of the cost of 3288  
further training of the replacement dog or horse that is needed 3289  
to train it to the level of training that had been achieved by 3290  
the dog or horse that was killed. 3291

(2) Whoever violates division (B) of this section is 3292  
guilty of harassing a police dog or horse. Except as otherwise 3293  
provided in this division, harassing a police dog or horse is a 3294  
misdemeanor of the second degree. If the violation results in 3295  
the death of the police dog or horse, harassing a police dog or 3296  
horse is a felony of the third degree. If the violation results 3297

in serious physical harm to the police dog or horse, but does 3298  
not result in its death, harassing a police dog or horse, is a 3299  
felony of the fourth degree. If the violation results in 3300  
physical harm to the police dog or horse, but does not result in 3301  
its death or in serious physical harm to it, harassing a police 3302  
dog or horse is a misdemeanor of the first degree. 3303

(3) Whoever violates division (C) of this section is 3304  
guilty of assaulting an assistance dog. Except as otherwise 3305  
provided in this division, assaulting an assistance dog is a 3306  
misdemeanor of the second degree. If the violation results in 3307  
the death of the assistance dog, assaulting an assistance dog is 3308  
a felony of the third degree. If the violation results in 3309  
serious physical harm to the assistance dog other than its 3310  
death, assaulting an assistance dog is a felony of the fourth 3311  
degree. If the violation results in physical harm to the 3312  
assistance dog other than death or serious physical harm, 3313  
assaulting an assistance dog is a misdemeanor of the first 3314  
degree. 3315

(4) Whoever violates division (D) of this section is 3316  
guilty of harassing an assistance dog. Except as otherwise 3317  
provided in this division, harassing an assistance dog is a 3318  
misdemeanor of the second degree. If the violation results in 3319  
the death of the assistance dog, harassing an assistance dog is 3320  
a felony of the third degree. If the violation results in 3321  
serious physical harm to the assistance dog, but does not result 3322  
in its death, harassing an assistance dog is a felony of the 3323  
fourth degree. If the violation results in physical harm to the 3324  
assistance dog, but does not result in its death or in serious 3325  
physical harm to it, harassing an assistance dog is a 3326  
misdemeanor of the first degree. 3327

(5) In addition to any other sanction or penalty imposed 3328  
for the offense under this section, Chapter 2929., or any other 3329  
provision of the Revised Code, whoever violates division (A), 3330  
(B), (C), or (D) of this section is responsible for the payment 3331  
of all of the following: 3332

(a) Any veterinary bill or bill for medication incurred as 3333  
a result of the violation by the police department regarding a 3334  
violation of division (A) or (B) of this section or by the 3335  
blind, deaf or hearing impaired, or mobility impaired person 3336  
assisted or served by the assistance dog regarding a violation 3337  
of division (C) or (D) of this section; 3338

(b) The cost of any damaged equipment that results from 3339  
the violation; 3340

(c) If the violation did not result in the death of the 3341  
police dog or horse or the assistance dog that was the subject 3342  
of the violation and if, as a result of that dog or horse being 3343  
the subject of the violation, the dog or horse needs further 3344  
training or retraining to be able to continue in the capacity of 3345  
a police dog or horse or an assistance dog, the cost of any 3346  
further training or retraining of that dog or horse by a law 3347  
enforcement officer or by the blind, deaf or hearing impaired, 3348  
or mobility impaired person assisted or served by the assistance 3349  
dog; 3350

(d) If the violation resulted in the death of the 3351  
assistance dog that was the subject of the violation or resulted 3352  
in serious physical harm to the police dog or horse or the 3353  
assistance dog or horse that was the subject of the violation to 3354  
the extent that the dog or horse needs to be replaced on either 3355  
a temporary or a permanent basis, the cost of replacing that dog 3356  
or horse and of any further training of a new police dog or 3357

horse or a new assistance dog by a law enforcement officer or by 3358  
the blind, deaf or hearing impaired, or mobility impaired person 3359  
assisted or served by the assistance dog, which replacement or 3360  
training is required because of the death of or the serious 3361  
physical harm to the dog or horse that was the subject of the 3362  
violation. 3363

(F) This section does not apply to a licensed veterinarian 3364  
whose conduct is in accordance with Chapter 4741. of the Revised 3365  
Code. 3366

(G) This section only applies to an offender who knows or 3367  
should know at the time of the violation that the police dog or 3368  
horse or assistance dog that is the subject of a violation under 3369  
this section is a police dog or horse or an assistance dog. 3370

(H) As used in this section: 3371

(1) "Physical harm" means any injury, illness, or other 3372  
physiological impairment, regardless of its gravity or duration. 3373

(2) "Police dog or horse" means a dog or horse that has 3374  
been trained, and may be used, to assist law enforcement 3375  
officers in the performance of their official duties. 3376

(3) "Serious physical harm" means any of the following: 3377

(a) Any physical harm that carries a substantial risk of 3378  
death; 3379

(b) Any physical harm that causes permanent maiming or 3380  
that involves some temporary, substantial maiming; 3381

(c) Any physical harm that causes acute pain of a duration 3382  
that results in substantial suffering. 3383

(4) "Assistance dog," "blind," and "mobility impaired 3384

person" have the same meanings as in section 955.011 of the Revised Code.

**Sec. 2921.36.** (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to

deliver, to any person who is confined in a detention facility, 3414  
to a child confined in a youth services facility, to a prisoner 3415  
who is temporarily released from confinement for a work 3416  
assignment, or to any patient in an institution under the 3417  
control of the department of mental health and addiction 3418  
services or the department of developmental disabilities any 3419  
item listed in division (A) (1), (2), or (3) of this section. 3420

(D) No person shall knowingly deliver, or attempt to 3421  
deliver, cash to any person who is confined in a detention 3422  
facility, to a child confined in a youth services facility, or 3423  
to a prisoner who is temporarily released from confinement for a 3424  
work assignment. 3425

(E) No person shall knowingly deliver, or attempt to 3426  
deliver, to any person who is confined in a detention facility, 3427  
to a child confined in a youth services facility, or to a 3428  
prisoner who is temporarily released from confinement for a work 3429  
assignment a cellular telephone, two-way radio, or other 3430  
electronic communications device. 3431

(F) (1) It is an affirmative defense to a charge under 3432  
division (A) (1) of this section that the weapon or dangerous 3433  
ordnance in question was being transported in a motor vehicle 3434  
for any lawful purpose, that it was not on the actor's person, 3435  
and, if the weapon or dangerous ordnance in question was a 3436  
firearm, that it was unloaded and was being carried in a closed 3437  
package, box, or case or in a compartment that can be reached 3438  
only by leaving the vehicle. 3439

(2) It is an affirmative defense to a charge under 3440  
division (C) of this section that the actor was not otherwise 3441  
prohibited by law from delivering the item to the confined 3442  
person, the child, the prisoner, or the patient and that either 3443

of the following applies: 3444

(a) The actor was permitted by the written rules of the 3445  
detention facility or the institution, office building, or other 3446  
place to deliver the item to the confined person or the patient. 3447

(b) The actor was given written authorization by the 3448  
person in charge of the detention facility or the institution, 3449  
office building, or other place to deliver the item to the 3450  
confined person or the patient. 3451

(G) (1) Whoever violates division (A) (1) of this section or 3452  
commits a violation of division (C) of this section involving an 3453  
item listed in division (A) (1) of this section is guilty of 3454  
illegal conveyance of weapons onto the grounds of a specified 3455  
governmental facility, a felony of the third degree. If the 3456  
offender is an officer or employee of the department of 3457  
rehabilitation and correction, the court shall impose a 3458  
mandatory prison term from the range of definite prison terms 3459  
prescribed in division (A) (3) (b) of section 2929.14 of the 3460  
Revised Code for a felony of the third degree. 3461

(2) Whoever violates division (A) (2) of this section or 3462  
commits a violation of division (C) of this section involving 3463  
any drug of abuse is guilty of illegal conveyance of drugs of 3464  
abuse onto the grounds of a specified governmental facility, a 3465  
felony of the third degree. If the offender is an officer or 3466  
employee of the department of rehabilitation and correction or 3467  
of the department of youth services, the court shall impose a 3468  
mandatory prison term from the range of definite prison terms 3469  
prescribed in division (A) (3) (b) of section 2929.14 of the 3470  
Revised Code for a felony of the third degree. 3471

(3) Whoever violates division (A) (3) of this section or 3472

commits a violation of division (C) of this section involving 3473  
any intoxicating liquor is guilty of illegal conveyance of 3474  
intoxicating liquor onto the grounds of a specified governmental 3475  
facility, a misdemeanor of the second degree. 3476

(4) Whoever violates division (D) of this section is 3477  
guilty of illegal conveyance of cash onto the grounds of a 3478  
detention facility, a misdemeanor of the first degree. If the 3479  
offender previously has been convicted of or pleaded guilty to a 3480  
violation of division (D) of this section, illegal conveyance of 3481  
cash onto the grounds of a detention facility is a felony of the 3482  
fifth degree. 3483

(5) Whoever violates division (E) of this section is 3484  
guilty of illegal conveyance of a communications device onto the 3485  
grounds of a specified governmental facility, a misdemeanor of 3486  
the first degree, or if the offender previously has been 3487  
convicted of or pleaded guilty to a violation of division (E) of 3488  
this section, a felony of the fifth degree. 3489

**Sec. 2923.132.** (A) As used in this section: 3490

(1) (a) "Violent career criminal" means a person who within 3491  
the preceding eight years, subject to extension as provided in 3492  
division (A) (1) (b) of this section, has been convicted of or 3493  
pleaded guilty to two or more violent felony offenses that are 3494  
separated by intervening sentences and are not so closely 3495  
related to each other and connected in time and place that they 3496  
constitute a course of criminal conduct. 3497

(b) Except as provided in division (A) (1) (c) of this 3498  
section, the eight-year period described in division (A) (1) (a) 3499  
of this section shall be extended by a period of time equal to 3500  
any period of time during which the person, within that eight- 3501

year period, was confined as a result of having been accused of 3502  
an offense, having been convicted of or pleaded guilty to an 3503  
offense, or having been accused of violating or found to have 3504  
violated any community control sanction, post-release control 3505  
sanction, or term or condition of supervised release. 3506

(c) Division (A) (1) (b) of this section shall not apply to 3507  
extend the eight-year period described in division (A) (1) (a) of 3508  
this section by any period of time during which a person is 3509  
confined if the person is acquitted of the charges or the 3510  
charges are dismissed in final disposition of the case or during 3511  
which a person is confined as a result of having been accused of 3512  
violating any sanction, term, or condition described in division 3513  
(A) (1) (b) of this section if the person subsequently is not 3514  
found to have violated that sanction, term, or condition. 3515

(2) "Violent felony offense" means any of the following: 3516

(a) A violation of section 2903.01, 2903.02, 2903.03, 3517  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3518  
2911.01, 2911.02, or 2911.11 of the Revised Code; 3519

(b) A violation of division (A) (1) or (2) of section 3520  
2911.12 of the Revised Code; 3521

(c) A felony violation of section 2907.02, 2907.03, 3522  
2907.04, or 2907.05 of the Revised Code; 3523

(d) A felony violation of section 2909.24 of the Revised 3524  
Code or a violation of section 2919.25 of the Revised Code that 3525  
is a felony of the third degree; 3526

(e) A felony violation of any existing or former ordinance 3527  
or law of this state, another state, or the United States that 3528  
is or was substantially equivalent to any offense listed or 3529  
described in divisions (A) (2) (a) to (e) of this section; 3530

(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree.

(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code.

(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance.

(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree, ~~and. For an offense committed prior to the effective date of this amendment,~~ notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven

<u>years.</u>	3560
<b>Sec. 2925.01.</b> As used in this chapter:	3561
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	3562 3563 3564 3565 3566 3567 3568
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	3569 3570
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	3571 3572 3573 3574
(D) "Bulk amount" of a controlled substance means any of the following:	3575 3576
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	3577 3578 3579 3580 3581 3582
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	3583 3584 3585 3586
(b) An amount equal to or exceeding ten grams of a	3587

compound, mixture, preparation, or substance that is or contains 3588  
any amount of raw or gum opium; 3589

(c) An amount equal to or exceeding thirty grams or ten 3590  
unit doses of a compound, mixture, preparation, or substance 3591  
that is or contains any amount of a schedule I hallucinogen 3592  
other than tetrahydrocannabinol or lysergic acid amide, or a 3593  
schedule I stimulant or depressant; 3594

(d) An amount equal to or exceeding twenty grams or five 3595  
times the maximum daily dose in the usual dose range specified 3596  
in a standard pharmaceutical reference manual of a compound, 3597  
mixture, preparation, or substance that is or contains any 3598  
amount of a schedule II opiate or opium derivative; 3599

(e) An amount equal to or exceeding five grams or ten unit 3600  
doses of a compound, mixture, preparation, or substance that is 3601  
or contains any amount of phencyclidine; 3602

(f) An amount equal to or exceeding one hundred twenty 3603  
grams or thirty times the maximum daily dose in the usual dose 3604  
range specified in a standard pharmaceutical reference manual of 3605  
a compound, mixture, preparation, or substance that is or 3606  
contains any amount of a schedule II stimulant that is in a 3607  
final dosage form manufactured by a person authorized by the 3608  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3609  
U.S.C.A. 301, as amended, and the federal drug abuse control 3610  
laws, as defined in section 3719.01 of the Revised Code, that is 3611  
or contains any amount of a schedule II depressant substance or 3612  
a schedule II hallucinogenic substance; 3613

(g) An amount equal to or exceeding three grams of a 3614  
compound, mixture, preparation, or substance that is or contains 3615  
any amount of a schedule II stimulant, or any of its salts or 3616

isomers, that is not in a final dosage form manufactured by a 3617  
person authorized by the Federal Food, Drug, and Cosmetic Act 3618  
and the federal drug abuse control laws. 3619

(2) An amount equal to or exceeding one hundred twenty 3620  
grams or thirty times the maximum daily dose in the usual dose 3621  
range specified in a standard pharmaceutical reference manual of 3622  
a compound, mixture, preparation, or substance that is or 3623  
contains any amount of a schedule III or IV substance other than 3624  
an anabolic steroid or a schedule III opiate or opium 3625  
derivative; 3626

(3) An amount equal to or exceeding twenty grams or five 3627  
times the maximum daily dose in the usual dose range specified 3628  
in a standard pharmaceutical reference manual of a compound, 3629  
mixture, preparation, or substance that is or contains any 3630  
amount of a schedule III opiate or opium derivative; 3631

(4) An amount equal to or exceeding two hundred fifty 3632  
milliliters or two hundred fifty grams of a compound, mixture, 3633  
preparation, or substance that is or contains any amount of a 3634  
schedule V substance; 3635

(5) An amount equal to or exceeding two hundred solid 3636  
dosage units, sixteen grams, or sixteen milliliters of a 3637  
compound, mixture, preparation, or substance that is or contains 3638  
any amount of a schedule III anabolic steroid. 3639

(E) "Unit dose" means an amount or unit of a compound, 3640  
mixture, or preparation containing a controlled substance that 3641  
is separately identifiable and in a form that indicates that it 3642  
is the amount or unit by which the controlled substance is 3643  
separately administered to or taken by an individual. 3644

(F) "Cultivate" includes planting, watering, fertilizing, 3645

or tilling. 3646

(G) "Drug abuse offense" means any of the following: 3647

(1) A violation of division (A) of section 2913.02 that 3648  
constitutes theft of drugs, or a violation of section 2925.02, 3649  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3650  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3651  
or 2925.37 of the Revised Code; 3652

(2) A violation of an existing or former law of this or 3653  
any other state or of the United States that is substantially 3654  
equivalent to any section listed in division (G) (1) of this 3655  
section; 3656

(3) An offense under an existing or former law of this or 3657  
any other state, or of the United States, of which planting, 3658  
cultivating, harvesting, processing, making, manufacturing, 3659  
producing, shipping, transporting, delivering, acquiring, 3660  
possessing, storing, distributing, dispensing, selling, inducing 3661  
another to use, administering to another, using, or otherwise 3662  
dealing with a controlled substance is an element; 3663

(4) A conspiracy to commit, attempt to commit, or 3664  
complicity in committing or attempting to commit any offense 3665  
under division (G) (1), (2), or (3) of this section. 3666

(H) "Felony drug abuse offense" means any drug abuse 3667  
offense that would constitute a felony under the laws of this 3668  
state, any other state, or the United States. 3669

(I) "Harmful intoxicant" does not include beer or 3670  
intoxicating liquor but means any of the following: 3671

(1) Any compound, mixture, preparation, or substance the 3672  
gas, fumes, or vapor of which when inhaled can induce 3673

intoxication, excitement, giddiness, irrational behavior, 3674  
depression, stupefaction, paralysis, unconsciousness, 3675  
asphyxiation, or other harmful physiological effects, and 3676  
includes, but is not limited to, any of the following: 3677

(a) Any volatile organic solvent, plastic cement, model 3678  
cement, fingernail polish remover, lacquer thinner, cleaning 3679  
fluid, gasoline, or other preparation containing a volatile 3680  
organic solvent; 3681

(b) Any aerosol propellant; 3682

(c) Any fluorocarbon refrigerant; 3683

(d) Any anesthetic gas. 3684

(2) Gamma Butyrolactone; 3685

(3) 1,4 Butanediol. 3686

(J) "Manufacture" means to plant, cultivate, harvest, 3687  
process, make, prepare, or otherwise engage in any part of the 3688  
production of a drug, by propagation, extraction, chemical 3689  
synthesis, or compounding, or any combination of the same, and 3690  
includes packaging, repackaging, labeling, and other activities 3691  
incident to production. 3692

(K) "Possess" or "possession" means having control over a 3693  
thing or substance, but may not be inferred solely from mere 3694  
access to the thing or substance through ownership or occupation 3695  
of the premises upon which the thing or substance is found. 3696

(L) "Sample drug" means a drug or pharmaceutical 3697  
preparation that would be hazardous to health or safety if used 3698  
without the supervision of a licensed health professional 3699  
authorized to prescribe drugs, or a drug of abuse, and that, at 3700  
one time, had been placed in a container plainly marked as a 3701

sample by a manufacturer. 3702

(M) "Standard pharmaceutical reference manual" means the 3703  
current edition, with cumulative changes if any, of references 3704  
that are approved by the state board of pharmacy. 3705

(N) "Juvenile" means a person under eighteen years of age. 3706

(O) "Counterfeit controlled substance" means any of the 3707  
following: 3708

(1) Any drug that bears, or whose container or label 3709  
bears, a trademark, trade name, or other identifying mark used 3710  
without authorization of the owner of rights to that trademark, 3711  
trade name, or identifying mark; 3712

(2) Any unmarked or unlabeled substance that is 3713  
represented to be a controlled substance manufactured, 3714  
processed, packed, or distributed by a person other than the 3715  
person that manufactured, processed, packed, or distributed it; 3716

(3) Any substance that is represented to be a controlled 3717  
substance but is not a controlled substance or is a different 3718  
controlled substance; 3719

(4) Any substance other than a controlled substance that a 3720  
reasonable person would believe to be a controlled substance 3721  
because of its similarity in shape, size, and color, or its 3722  
markings, labeling, packaging, distribution, or the price for 3723  
which it is sold or offered for sale. 3724

(P) An offense is "committed in the vicinity of a school" 3725  
if the offender commits the offense on school premises, in a 3726  
school building, or within one thousand feet of the boundaries 3727  
of any school premises, regardless of whether the offender knows 3728  
the offense is being committed on school premises, in a school 3729

building, or within one thousand feet of the boundaries of any 3730  
school premises. 3731

(Q) "School" means any school operated by a board of 3732  
education, any community school established under Chapter 3314. 3733  
of the Revised Code, or any nonpublic school for which the state 3734  
board of education prescribes minimum standards under section 3735  
3301.07 of the Revised Code, whether or not any instruction, 3736  
extracurricular activities, or training provided by the school 3737  
is being conducted at the time a criminal offense is committed. 3738

(R) "School premises" means either of the following: 3739

(1) The parcel of real property on which any school is 3740  
situated, whether or not any instruction, extracurricular 3741  
activities, or training provided by the school is being 3742  
conducted on the premises at the time a criminal offense is 3743  
committed; 3744

(2) Any other parcel of real property that is owned or 3745  
leased by a board of education of a school, the governing 3746  
authority of a community school established under Chapter 3314. 3747  
of the Revised Code, or the governing body of a nonpublic school 3748  
for which the state board of education prescribes minimum 3749  
standards under section 3301.07 of the Revised Code and on which 3750  
some of the instruction, extracurricular activities, or training 3751  
of the school is conducted, whether or not any instruction, 3752  
extracurricular activities, or training provided by the school 3753  
is being conducted on the parcel of real property at the time a 3754  
criminal offense is committed. 3755

(S) "School building" means any building in which any of 3756  
the instruction, extracurricular activities, or training 3757  
provided by a school is conducted, whether or not any 3758

instruction, extracurricular activities, or training provided by 3759  
the school is being conducted in the school building at the time 3760  
a criminal offense is committed. 3761

(T) "Disciplinary counsel" means the disciplinary counsel 3762  
appointed by the board of commissioners on grievances and 3763  
discipline of the supreme court under the Rules for the 3764  
Government of the Bar of Ohio. 3765

(U) "Certified grievance committee" means a duly 3766  
constituted and organized committee of the Ohio state bar 3767  
association or of one or more local bar associations of the 3768  
state of Ohio that complies with the criteria set forth in Rule 3769  
V, section 6 of the Rules for the Government of the Bar of Ohio. 3770

(V) "Professional license" means any license, permit, 3771  
certificate, registration, qualification, admission, temporary 3772  
license, temporary permit, temporary certificate, or temporary 3773  
registration that is described in divisions (W)(1) to (36) of 3774  
this section and that qualifies a person as a professionally 3775  
licensed person. 3776

(W) "Professionally licensed person" means any of the 3777  
following: 3778

(1) A person who has obtained a license as a manufacturer 3779  
of controlled substances or a wholesaler of controlled 3780  
substances under Chapter 3719. of the Revised Code; 3781

(2) A person who has received a certificate or temporary 3782  
certificate as a certified public accountant or who has 3783  
registered as a public accountant under Chapter 4701. of the 3784  
Revised Code and who holds an Ohio permit issued under that 3785  
chapter; 3786

(3) A person who holds a certificate of qualification to 3787

practice architecture issued or renewed and registered under	3788
Chapter 4703. of the Revised Code;	3789
(4) A person who is registered as a landscape architect	3790
under Chapter 4703. of the Revised Code or who holds a permit as	3791
a landscape architect issued under that chapter;	3792
(5) A person licensed under Chapter 4707. of the Revised	3793
Code;	3794
(6) A person who has been issued a certificate of	3795
registration as a registered barber under Chapter 4709. of the	3796
Revised Code;	3797
(7) A person licensed and regulated to engage in the	3798
business of a debt pooling company by a legislative authority,	3799
under authority of Chapter 4710. of the Revised Code;	3800
(8) A person who has been issued a cosmetologist's	3801
license, hair designer's license, manicurist's license,	3802
esthetician's license, natural hair stylist's license, advanced	3803
cosmetologist's license, advanced hair designer's license,	3804
advanced manicurist's license, advanced esthetician's license,	3805
advanced natural hair stylist's license, cosmetology	3806
instructor's license, hair design instructor's license,	3807
manicurist instructor's license, esthetics instructor's license,	3808
natural hair style instructor's license, independent	3809
contractor's license, or tanning facility permit under Chapter	3810
4713. of the Revised Code;	3811
(9) A person who has been issued a license to practice	3812
dentistry, a general anesthesia permit, a conscious intravenous	3813
sedation permit, a limited resident's license, a limited	3814
teaching license, a dental hygienist's license, or a dental	3815
hygienist's teacher's certificate under Chapter 4715. of the	3816

Revised Code;	3817
(10) 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 Chapter 4717. of the Revised Code;	3818 3819 3820 3821 3822
(11) 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 Chapter 4723. of the Revised Code;	3823 3824 3825 3826
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	3827 3828 3829
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	3830 3831
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	3832 3833
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	3834 3835 3836 3837
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	3838 3839
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	3840 3841 3842 3843 3844

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	3845 3846
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	3847 3848 3849
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	3850 3851
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	3852 3853
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	3854 3855
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	3856 3857
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	3858 3859
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	3860 3861
(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 Chapter 4741. of the Revised Code;	3862 3863 3864 3865
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	3866 3867 3868
(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 Chapter 4749. of the Revised Code;	3869 3870 3871

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;

(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;

(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;

(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 Chapter 4757. of the Revised Code;

(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;

(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;

(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.

(X) "Cocaine" means 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; 3900  
3901  
3902  
3903

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section 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. 3904  
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(Y) "L.S.D." means lysergic acid diethylamide. 3910

(Z) "Hashish" means 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. 3911  
3912  
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 3914  
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred 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 feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 3917  
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing 3924  
3925  
3926  
3927  
3928

under section 2929.11 of the Revised Code. 3929

(DD) "Major drug offender" has the same meaning as in 3930  
section 2929.01 of the Revised Code. 3931

(EE) "Minor drug possession offense" means either of the 3932  
following: 3933

(1) A violation of section 2925.11 of the Revised Code as 3934  
it existed prior to July 1, 1996; 3935

(2) A violation of section 2925.11 of the Revised Code as 3936  
it exists on and after July 1, 1996, that is a misdemeanor or a 3937  
felony of the fifth degree. 3938

(FF) "Mandatory prison term" has the same meaning as in 3939  
section 2929.01 of the Revised Code. 3940

(GG) "Adulterate" means to cause a drug to be adulterated 3941  
as described in section 3715.63 of the Revised Code. 3942

(HH) "Public premises" means any hotel, restaurant, 3943  
tavern, store, arena, hall, or other place of public 3944  
accommodation, business, amusement, or resort. 3945

(II) "Methamphetamine" means methamphetamine, any salt, 3946  
isomer, or salt of an isomer of methamphetamine, or any 3947  
compound, mixture, preparation, or substance containing 3948  
methamphetamine or any salt, isomer, or salt of an isomer of 3949  
methamphetamine. 3950

(JJ) "Lawful prescription" means a prescription that is 3951  
issued for a legitimate medical purpose by a licensed health 3952  
professional authorized to prescribe drugs, that is not altered 3953  
or forged, and that was not obtained by means of deception or by 3954  
the commission of any theft offense. 3955

(KK) "Deception" and "theft offense" have the same 3956  
meanings as in section 2913.01 of the Revised Code. 3957

(LL) "First degree felony mandatory prison term" means one 3958  
of the definite prison terms prescribed in division (A) (1) (b) of 3959  
section 2929.14 of the Revised Code for a felony of the first 3960  
degree, except that if the violation for which sentence is being 3961  
imposed is committed on or after the effective date of this 3962  
amendment, it means one of the minimum prison terms prescribed 3963  
in division (A) (1) (a) of that section for a felony of the first 3964  
degree. 3965

(MM) "Second degree felony mandatory prison term" means 3966  
one of the definite prison terms prescribed in division (A) (2) 3967  
(b) of section 2929.14 of the Revised Code for a felony of the 3968  
second degree, except that if the violation for which sentence 3969  
is being imposed is committed on or after the effective date of 3970  
this amendment, it means one of the minimum prison terms 3971  
prescribed in division (A) (2) (a) of that section for a felony of 3972  
the second degree. 3973

(NN) "Maximum first degree felony mandatory prison term" 3974  
means the maximum definite prison term prescribed in division 3975  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 3976  
the first degree, except that if the violation for which 3977  
sentence is being imposed is committed on or after the effective 3978  
date of this amendment, it means the longest minimum prison term 3979  
prescribed in division (A) (1) (a) of that section for a felony of 3980  
the first degree. 3981

(OO) "Maximum second degree felony mandatory prison term" 3982  
means the maximum definite prison term prescribed in division 3983  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 3984  
the second degree, except that if the violation for which 3985

sentence is being imposed is committed on or after the effective 3986  
date of this amendment, it means the longest minimum prison term 3987  
prescribed in division (A) (2) (a) of that section for a felony of 3988  
the second degree. 3989

**Sec. 2925.02.** (A) No person shall knowingly do any of the 3990  
following: 3991

(1) By force, threat, or deception, administer to another 3992  
or induce or cause another to use a controlled substance; 3993

(2) By any means, administer or furnish to another or 3994  
induce or cause another to use a controlled substance with 3995  
purpose to cause serious physical harm to the other person, or 3996  
with purpose to cause the other person to become drug dependent; 3997

(3) By any means, administer or furnish to another or 3998  
induce or cause another to use a controlled substance, and 3999  
thereby cause serious physical harm to the other person, or 4000  
cause the other person to become drug dependent; 4001

(4) By any means, do any of the following: 4002

(a) Furnish or administer a controlled substance to a 4003  
juvenile who is at least two years the offender's junior, when 4004  
the offender knows the age of the juvenile or is reckless in 4005  
that regard; 4006

(b) Induce or cause a juvenile who is at least two years 4007  
the offender's junior to use a controlled substance, when the 4008  
offender knows the age of the juvenile or is reckless in that 4009  
regard; 4010

(c) Induce or cause a juvenile who is at least two years 4011  
the offender's junior to commit a felony drug abuse offense, 4012  
when the offender knows the age of the juvenile or is reckless 4013

in that regard; 4014

(d) Use a juvenile, whether or not the offender knows the 4015  
age of the juvenile, to perform any surveillance activity that 4016  
is intended to prevent the detection of the offender or any 4017  
other person in the commission of a felony drug abuse offense or 4018  
to prevent the arrest of the offender or any other person for 4019  
the commission of a felony drug abuse offense. 4020

(5) By any means, furnish or administer a controlled 4021  
substance to a pregnant woman or induce or cause a pregnant 4022  
woman to use a controlled substance, when the offender knows 4023  
that the woman is pregnant or is reckless in that regard. 4024

(B) Division (A) (1), (3), (4), or (5) of this section does 4025  
not apply to manufacturers, wholesalers, licensed health 4026  
professionals authorized to prescribe drugs, pharmacists, owners 4027  
of pharmacies, and other persons whose conduct is in accordance 4028  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4029  
4741. of the Revised Code. 4030

(C) Whoever violates this section is guilty of corrupting 4031  
another with drugs. The penalty for the offense shall be 4032  
determined as follows: 4033

(1) If the offense is a violation of division (A) (1), (2), 4034  
(3), or (4) of this section and the drug involved is any 4035  
compound, mixture, preparation, or substance included in 4036  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4037  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4038  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4039  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4040  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4041  
offender shall be punished as follows: 4042

(a) Except as otherwise provided in division (C) (1) (b) of 4043  
this section, corrupting another with drugs committed in those 4044  
circumstances is a felony of the second degree and, subject to 4045  
division (E) of this section, the court shall impose as a 4046  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4047  
~~felony of the second degree~~ a second degree felony mandatory 4048  
prison term. 4049

(b) If the offense was committed in the vicinity of a 4050  
school, corrupting another with drugs committed in those 4051  
circumstances is a felony of the first degree, and, subject to 4052  
division (E) of this section, the court shall impose as a 4053  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4054  
~~felony of the first degree~~ a first degree felony mandatory 4055  
prison term. 4056

(2) If the offense is a violation of division (A) (1), (2), 4057  
(3), or (4) of this section and the drug involved is any 4058  
compound, mixture, preparation, or substance included in 4059  
schedule III, IV, or V, the offender shall be punished as 4060  
follows: 4061

(a) Except as otherwise provided in division (C) (2) (b) of 4062  
this section, corrupting another with drugs committed in those 4063  
circumstances is a felony of the second degree and there is a 4064  
presumption for a prison term for the offense. 4065

(b) If the offense was committed in the vicinity of a 4066  
school, corrupting another with drugs committed in those 4067  
circumstances is a felony of the second degree and the court 4068  
shall impose as a mandatory prison term ~~one of the prison terms~~ 4069  
~~prescribed for a felony of the second degree~~ a second degree 4070  
felony mandatory prison term. 4071

(3) If the offense is a violation of division (A) (1), (2), 4072  
(3), or (4) of this section and the drug involved is marihuana, 4073  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4074  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4075  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4076  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4077  
offender shall be punished as follows: 4078

(a) Except as otherwise provided in division (C) (3) (b) of 4079  
this section, corrupting another with drugs committed in those 4080  
circumstances is a felony of the fourth degree and division (C) 4081  
of section 2929.13 of the Revised Code applies in determining 4082  
whether to impose a prison term on the offender. 4083

(b) If the offense was committed in the vicinity of a 4084  
school, corrupting another with drugs committed in those 4085  
circumstances is a felony of the third degree and division (C) 4086  
of section 2929.13 of the Revised Code applies in determining 4087  
whether to impose a prison term on the offender. 4088

(4) If the offense is a violation of division (A) (5) of 4089  
this section and the drug involved is any compound, mixture, 4090  
preparation, or substance included in schedule I or II, with the 4091  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4092  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4093  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4094  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4095  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4096  
felony of the first degree and, subject to division (E) of this 4097  
section, the court shall impose as a mandatory prison term ~~one~~ 4098  
~~of the prison terms prescribed for a felony of the first degree~~ 4099  
a first degree felony mandatory prison term. 4100

(5) If the offense is a violation of division (A) (5) of 4101

this section and the drug involved is any compound, mixture, 4102  
preparation, or substance included in schedule III, IV, or V, 4103  
corrupting another with drugs is a felony of the second degree 4104  
and the court shall impose as a mandatory prison term ~~one of the~~ 4105  
~~prison terms prescribed for a felony of the second degree~~ a 4106  
second degree felony mandatory prison term. 4107

(6) If the offense is a violation of division (A) (5) of 4108  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4109  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4110  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4111  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4112  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4113  
corrupting another with drugs is a felony of the third degree 4114  
and division (C) of section 2929.13 of the Revised Code applies 4115  
in determining whether to impose a prison term on the offender. 4116

(D) In addition to any prison term authorized or required 4117  
by division (C) or (E) of this section and sections 2929.13 and 4118  
2929.14 of the Revised Code and in addition to any other 4119  
sanction imposed for the offense under this section or sections 4120  
2929.11 to 2929.18 of the Revised Code, the court that sentences 4121  
an offender who is convicted of or pleads guilty to a violation 4122  
of division (A) of this section may suspend for not more than 4123  
five years the offender's driver's or commercial driver's 4124  
license or permit. However, if the offender pleaded guilty to or 4125  
was convicted of a violation of section 4511.19 of the Revised 4126  
Code or a substantially similar municipal ordinance or the law 4127  
of another state or the United States arising out of the same 4128  
set of circumstances as the violation, the court shall suspend 4129  
the offender's driver's or commercial driver's license or permit 4130  
for not more than five years. The court also shall do all of the 4131  
following that are applicable regarding the offender: 4132

(1) (a) If the violation is a felony of the first, second, 4133  
or third degree, the court shall impose upon the offender the 4134  
mandatory fine specified for the offense under division (B) (1) 4135  
of section 2929.18 of the Revised Code unless, as specified in 4136  
that division, the court determines that the offender is 4137  
indigent. 4138

(b) Notwithstanding any contrary provision of section 4139  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4140  
to division (D) (1) (a) of this section and any fine imposed for a 4141  
violation of this section pursuant to division (A) of section 4142  
2929.18 of the Revised Code shall be paid by the clerk of the 4143  
court in accordance with and subject to the requirements of, and 4144  
shall be used as specified in, division (F) of section 2925.03 4145  
of the Revised Code. 4146

(c) If a person is charged with any violation of this 4147  
section that is a felony of the first, second, or third degree, 4148  
posts bail, and forfeits the bail, the forfeited bail shall be 4149  
paid by the clerk of the court pursuant to division (D) (1) (b) of 4150  
this section as if it were a fine imposed for a violation of 4151  
this section. 4152

(2) If the offender is a professionally licensed person, 4153  
in addition to any other sanction imposed for a violation of 4154  
this section, the court immediately shall comply with section 4155  
2925.38 of the Revised Code. 4156

(E) Notwithstanding the prison term otherwise authorized 4157  
or required for the offense under division (C) of this section 4158  
and sections 2929.13 and 2929.14 of the Revised Code, if the 4159  
violation of division (A) of this section involves the sale, 4160  
offer to sell, or possession of a schedule I or II controlled 4161  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4162

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4163  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4164  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4165  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4166  
if the court imposing sentence upon the offender finds that the 4167  
offender as a result of the violation is a major drug offender 4168  
and is guilty of a specification of the type described in 4169  
section 2941.1410 of the Revised Code, the court, in lieu of the 4170  
prison term that otherwise is authorized or required, shall 4171  
impose upon the offender the mandatory prison term specified in 4172  
division (B) (3) (a) of section 2929.14 of the Revised Code. 4173

(F) (1) If the sentencing court suspends the offender's 4174  
driver's or commercial driver's license or permit under division 4175  
(D) of this section, the offender, at any time after the 4176  
expiration of two years from the day on which the offender's 4177  
sentence was imposed or from the day on which the offender 4178  
finally was released from a prison term under the sentence, 4179  
whichever is later, may file a motion with the sentencing court 4180  
requesting termination of the suspension. Upon the filing of the 4181  
motion and the court's finding of good cause for the 4182  
determination, the court may terminate the suspension. 4183

(2) Any offender who received a mandatory suspension of 4184  
the offender's driver's or commercial driver's license or permit 4185  
under this section prior to ~~the effective date of this amendment~~ 4186  
September 13, 2016, may file a motion with the sentencing court 4187  
requesting the termination of the suspension. However, an 4188  
offender who pleaded guilty to or was convicted of a violation 4189  
of section 4511.19 of the Revised Code or a substantially 4190  
similar municipal ordinance or law of another state or the 4191  
United States that arose out of the same set of circumstances as 4192  
the violation for which the offender's license or permit was 4193

suspended under this section shall not file such a motion. 4194

Upon the filing of a motion under division (F) (2) of this 4195  
section, the sentencing court, in its discretion, may terminate 4196  
the suspension. 4197

**Sec. 2925.03.** (A) No person shall knowingly do any of the 4198  
following: 4199

(1) Sell or offer to sell a controlled substance or a 4200  
controlled substance analog; 4201

(2) Prepare for shipment, ship, transport, deliver, 4202  
prepare for distribution, or distribute a controlled substance 4203  
or a controlled substance analog, when the offender knows or has 4204  
reasonable cause to believe that the controlled substance or a 4205  
controlled substance analog is intended for sale or resale by 4206  
the offender or another person. 4207

(B) This section does not apply to any of the following: 4208

(1) Manufacturers, licensed health professionals 4209  
authorized to prescribe drugs, pharmacists, owners of 4210  
pharmacies, and other persons whose conduct is in accordance 4211  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4212  
4741. of the Revised Code; 4213

(2) If the offense involves an anabolic steroid, any 4214  
person who is conducting or participating in a research project 4215  
involving the use of an anabolic steroid if the project has been 4216  
approved by the United States food and drug administration; 4217

(3) Any person who sells, offers for sale, prescribes, 4218  
dispenses, or administers for livestock or other nonhuman 4219  
species an anabolic steroid that is expressly intended for 4220  
administration through implants to livestock or other nonhuman 4221

species and approved for that purpose under the "Federal Food, 4222  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4223  
as amended, and is sold, offered for sale, prescribed, 4224  
dispensed, or administered for that purpose in accordance with 4225  
that act. 4226

(C) Whoever violates division (A) of this section is 4227  
guilty of one of the following: 4228

(1) If the drug involved in the violation is any compound, 4229  
mixture, preparation, or substance included in schedule I or 4230  
schedule II, with the exception of marihuana, cocaine, L.S.D., 4231  
heroin, hashish, and controlled substance analogs, whoever 4232  
violates division (A) of this section is guilty of aggravated 4233  
trafficking in drugs. The penalty for the offense shall be 4234  
determined as follows: 4235

(a) Except as otherwise provided in division (C) (1) (b), 4236  
(c), (d), (e), or (f) of this section, aggravated trafficking in 4237  
drugs is a felony of the fourth degree, and division (C) of 4238  
section 2929.13 of the Revised Code applies in determining 4239  
whether to impose a prison term on the offender. 4240

(b) Except as otherwise provided in division (C) (1) (c), 4241  
(d), (e), or (f) of this section, if the offense was committed 4242  
in the vicinity of a school or in the vicinity of a juvenile, 4243  
aggravated trafficking in drugs is a felony of the third degree, 4244  
and division (C) of section 2929.13 of the Revised Code applies 4245  
in determining whether to impose a prison term on the offender. 4246

(c) Except as otherwise provided in this division, if the 4247  
amount of the drug involved equals or exceeds the bulk amount 4248  
but is less than five times the bulk amount, aggravated 4249  
trafficking in drugs is a felony of the third degree, and, 4250

except as otherwise provided in this division, there is a 4251  
presumption for a prison term for the offense. If aggravated 4252  
trafficking in drugs is a felony of the third degree under this 4253  
division and if the offender two or more times previously has 4254  
been convicted of or pleaded guilty to a felony drug abuse 4255  
offense, the court shall impose as a mandatory prison term one 4256  
of the prison terms prescribed for a felony of the third degree. 4257  
If the amount of the drug involved is within that range and if 4258  
the offense was committed in the vicinity of a school or in the 4259  
vicinity of a juvenile, aggravated trafficking in drugs is a 4260  
felony of the second degree, and the court shall impose as a 4261  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4262  
~~felony of the second degree~~ a second degree felony mandatory 4263  
prison term. 4264

(d) Except as otherwise provided in this division, if the 4265  
amount of the drug involved equals or exceeds five times the 4266  
bulk amount but is less than fifty times the bulk amount, 4267  
aggravated trafficking in drugs is a felony of the second 4268  
degree, and the court shall impose as a mandatory prison term 4269  
~~one of the prison terms prescribed for a felony of the second~~ 4270  
~~degree~~ a second degree felony mandatory prison term. If the 4271  
amount of the drug involved is within that range and if the 4272  
offense was committed in the vicinity of a school or in the 4273  
vicinity of a juvenile, aggravated trafficking in drugs is a 4274  
felony of the first degree, and the court shall impose as a 4275  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4276  
~~felony of the first degree~~ a first degree felony mandatory 4277  
prison term. 4278

(e) If the amount of the drug involved equals or exceeds 4279  
fifty times the bulk amount but is less than one hundred times 4280  
the bulk amount and regardless of whether the offense was 4281

committed in the vicinity of a school or in the vicinity of a 4282  
juvenile, aggravated trafficking in drugs is a felony of the 4283  
first degree, and the court shall impose as a mandatory prison 4284  
~~term one of the prison terms prescribed for a felony of the~~ 4285  
~~first degree~~ a first degree felony mandatory prison term. 4286

(f) If the amount of the drug involved equals or exceeds 4287  
one hundred times the bulk amount and regardless of whether the 4288  
offense was committed in the vicinity of a school or in the 4289  
vicinity of a juvenile, aggravated trafficking in drugs is a 4290  
felony of the first degree, the offender is a major drug 4291  
offender, and the court shall impose as a mandatory prison term 4292  
~~the maximum prison term prescribed for a felony of the first~~ 4293  
~~degree~~ a maximum first degree felony mandatory prison term. 4294

(2) If the drug involved in the violation is any compound, 4295  
mixture, preparation, or substance included in schedule III, IV, 4296  
or V, whoever violates division (A) of this section is guilty of 4297  
trafficking in drugs. The penalty for the offense shall be 4298  
determined as follows: 4299

(a) Except as otherwise provided in division (C) (2) (b), 4300  
(c), (d), or (e) of this section, trafficking in drugs is a 4301  
felony of the fifth degree, and division (B) of section 2929.13 4302  
of the Revised Code applies in determining whether to impose a 4303  
prison term on the offender. 4304

(b) Except as otherwise provided in division (C) (2) (c), 4305  
(d), or (e) of this section, if the offense was committed in the 4306  
vicinity of a school or in the vicinity of a juvenile, 4307  
trafficking in drugs is a felony of the fourth degree, and 4308  
division (C) of section 2929.13 of the Revised Code applies in 4309  
determining whether to impose a prison term on the offender. 4310

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a~~

~~felony of the first degree~~ a first degree felony mandatory 4342  
prison term. 4343

(3) If the drug involved in the violation is marihuana or 4344  
a compound, mixture, preparation, or substance containing 4345  
marihuana other than hashish, whoever violates division (A) of 4346  
this section is guilty of trafficking in marihuana. The penalty 4347  
for the offense shall be determined as follows: 4348

(a) Except as otherwise provided in division (C) (3) (b), 4349  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4350  
marihuana is a felony of the fifth degree, and division (B) of 4351  
section 2929.13 of the Revised Code applies in determining 4352  
whether to impose a prison term on the offender. 4353

(b) Except as otherwise provided in division (C) (3) (c), 4354  
(d), (e), (f), (g), or (h) of this section, if the offense was 4355  
committed in the vicinity of a school or in the vicinity of a 4356  
juvenile, trafficking in marihuana is a felony of the fourth 4357  
degree, and division (B) of section 2929.13 of the Revised Code 4358  
applies in determining whether to impose a prison term on the 4359  
offender. 4360

(c) Except as otherwise provided in this division, if the 4361  
amount of the drug involved equals or exceeds two hundred grams 4362  
but is less than one thousand grams, trafficking in marihuana is 4363  
a felony of the fourth degree, and division (B) of section 4364  
2929.13 of the Revised Code applies in determining whether to 4365  
impose a prison term on the offender. If the amount of the drug 4366  
involved is within that range and if the offense was committed 4367  
in the vicinity of a school or in the vicinity of a juvenile, 4368  
trafficking in marihuana is a felony of the third degree, and 4369  
division (C) of section 2929.13 of the Revised Code applies in 4370  
determining whether to impose a prison term on the offender. 4371

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory

prison term ~~the maximum prison term prescribed for a felony of~~ 4403  
~~the first degree~~ a maximum first degree felony mandatory prison 4404  
term. 4405

(g) Except as otherwise provided in this division, if the 4406  
amount of the drug involved equals or exceeds forty thousand 4407  
grams, trafficking in marihuana is a felony of the second 4408  
degree, and the court shall impose as a mandatory prison term 4409  
~~the maximum prison term prescribed for a felony of the second-~~ 4410  
~~degree~~ a maximum second degree felony mandatory prison term. If 4411  
the amount of the drug involved equals or exceeds forty thousand 4412  
grams and if the offense was committed in the vicinity of a 4413  
school or in the vicinity of a juvenile, trafficking in 4414  
marihuana is a felony of the first degree, and the court shall 4415  
impose as a mandatory prison term ~~the maximum prison term-~~ 4416  
~~prescribed for a felony of the first degree~~ a maximum first 4417  
degree felony mandatory prison term. 4418

(h) Except as otherwise provided in this division, if the 4419  
offense involves a gift of twenty grams or less of marihuana, 4420  
trafficking in marihuana is a minor misdemeanor upon a first 4421  
offense and a misdemeanor of the third degree upon a subsequent 4422  
offense. If the offense involves a gift of twenty grams or less 4423  
of marihuana and if the offense was committed in the vicinity of 4424  
a school or in the vicinity of a juvenile, trafficking in 4425  
marihuana is a misdemeanor of the third degree. 4426

(4) If the drug involved in the violation is cocaine or a 4427  
compound, mixture, preparation, or substance containing cocaine, 4428  
whoever violates division (A) of this section is guilty of 4429  
trafficking in cocaine. The penalty for the offense shall be 4430  
determined as follows: 4431

(a) Except as otherwise provided in division (C) (4) (b), 4432

(c), (d), (e), (f), or (g) of this section, trafficking in 4433  
cocaine is a felony of the fifth degree, and division (B) of 4434  
section 2929.13 of the Revised Code applies in determining 4435  
whether to impose a prison term on the offender. 4436

(b) Except as otherwise provided in division (C)(4)(c), 4437  
(d), (e), (f), or (g) of this section, if the offense was 4438  
committed in the vicinity of a school or in the vicinity of a 4439  
juvenile, trafficking in cocaine is a felony of the fourth 4440  
degree, and division (C) of section 2929.13 of the Revised Code 4441  
applies in determining whether to impose a prison term on the 4442  
offender. 4443

(c) Except as otherwise provided in this division, if the 4444  
amount of the drug involved equals or exceeds five grams but is 4445  
less than ten grams of cocaine, trafficking in cocaine is a 4446  
felony of the fourth degree, and division (B) of section 2929.13 4447  
of the Revised Code applies in determining whether to impose a 4448  
prison term for the offense. If the amount of the drug involved 4449  
is within that range and if the offense was committed in the 4450  
vicinity of a school or in the vicinity of a juvenile, 4451  
trafficking in cocaine is a felony of the third degree, and 4452  
there is a presumption for a prison term for the offense. 4453

(d) Except as otherwise provided in this division, if the 4454  
amount of the drug involved equals or exceeds ten grams but is 4455  
less than twenty grams of cocaine, trafficking in cocaine is a 4456  
felony of the third degree, and, except as otherwise provided in 4457  
this division, there is a presumption for a prison term for the 4458  
offense. If trafficking in cocaine is a felony of the third 4459  
degree under this division and if the offender two or more times 4460  
previously has been convicted of or pleaded guilty to a felony 4461  
drug abuse offense, the court shall impose as a mandatory prison 4462

term one of the prison terms prescribed for a felony of the 4463  
third degree. If the amount of the drug involved is within that 4464  
range and if the offense was committed in the vicinity of a 4465  
school or in the vicinity of a juvenile, trafficking in cocaine 4466  
is a felony of the second degree, and the court shall impose as 4467  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4468  
~~felony of the second degree~~ a second degree felony mandatory 4469  
prison term. 4470

(e) Except as otherwise provided in this division, if the 4471  
amount of the drug involved equals or exceeds twenty grams but 4472  
is less than twenty-seven grams of cocaine, trafficking in 4473  
cocaine is a felony of the second degree, and the court shall 4474  
impose as a mandatory prison term ~~one of the prison terms~~ 4475  
~~prescribed for a felony of the second degree~~ a second degree 4476  
felony mandatory prison term. If the amount of the drug involved 4477  
is within that range and if the offense was committed in the 4478  
vicinity of a school or in the vicinity of a juvenile, 4479  
trafficking in cocaine is a felony of the first degree, and the 4480  
court shall impose as a mandatory prison term ~~one of the prison~~ 4481  
~~terms prescribed for a felony of the first degree~~ a first degree 4482  
felony mandatory prison term. 4483

(f) If the amount of the drug involved equals or exceeds 4484  
twenty-seven grams but is less than one hundred grams of cocaine 4485  
and regardless of whether the offense was committed in the 4486  
vicinity of a school or in the vicinity of a juvenile, 4487  
trafficking in cocaine is a felony of the first degree, and the 4488  
court shall impose as a mandatory prison term ~~one of the prison~~ 4489  
~~terms prescribed for a felony of the first degree~~ a first degree 4490  
felony mandatory prison term. 4491

(g) If the amount of the drug involved equals or exceeds 4492

one hundred grams of cocaine and regardless of whether the 4493  
offense was committed in the vicinity of a school or in the 4494  
vicinity of a juvenile, trafficking in cocaine is a felony of 4495  
the first degree, the offender is a major drug offender, and the 4496  
court shall impose as a mandatory prison term ~~the maximum prison~~ 4497  
~~term prescribed for a felony of the first degree~~ a maximum first 4498  
degree felony mandatory prison term. 4499

(5) If the drug involved in the violation is L.S.D. or a 4500  
compound, mixture, preparation, or substance containing L.S.D., 4501  
whoever violates division (A) of this section is guilty of 4502  
trafficking in L.S.D. The penalty for the offense shall be 4503  
determined as follows: 4504

(a) Except as otherwise provided in division (C) (5) (b), 4505  
(c), (d), (e), (f), or (g) of this section, trafficking in 4506  
L.S.D. is a felony of the fifth degree, and division (B) of 4507  
section 2929.13 of the Revised Code applies in determining 4508  
whether to impose a prison term on the offender. 4509

(b) Except as otherwise provided in division (C) (5) (c), 4510  
(d), (e), (f), or (g) of this section, if the offense was 4511  
committed in the vicinity of a school or in the vicinity of a 4512  
juvenile, trafficking in L.S.D. is a felony of the fourth 4513  
degree, and division (C) of section 2929.13 of the Revised Code 4514  
applies in determining whether to impose a prison term on the 4515  
offender. 4516

(c) Except as otherwise provided in this division, if the 4517  
amount of the drug involved equals or exceeds ten unit doses but 4518  
is less than fifty unit doses of L.S.D. in a solid form or 4519  
equals or exceeds one gram but is less than five grams of L.S.D. 4520  
in a liquid concentrate, liquid extract, or liquid distillate 4521  
form, trafficking in L.S.D. is a felony of the fourth degree, 4522

and division (B) of section 2929.13 of the Revised Code applies 4523  
in determining whether to impose a prison term for the offense. 4524  
If the amount of the drug involved is within that range and if 4525  
the offense was committed in the vicinity of a school or in the 4526  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4527  
third degree, and there is a presumption for a prison term for 4528  
the offense. 4529

(d) Except as otherwise provided in this division, if the 4530  
amount of the drug involved equals or exceeds fifty unit doses 4531  
but is less than two hundred fifty unit doses of L.S.D. in a 4532  
solid form or equals or exceeds five grams but is less than 4533  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 4534  
extract, or liquid distillate form, trafficking in L.S.D. is a 4535  
felony of the third degree, and, except as otherwise provided in 4536  
this division, there is a presumption for a prison term for the 4537  
offense. If trafficking in L.S.D. is a felony of the third 4538  
degree under this division and if the offender two or more times 4539  
previously has been convicted of or pleaded guilty to a felony 4540  
drug abuse offense, the court shall impose as a mandatory prison 4541  
term one of the prison terms prescribed for a felony of the 4542  
third degree. If the amount of the drug involved is within that 4543  
range and if the offense was committed in the vicinity of a 4544  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4545  
is a felony of the second degree, and the court shall impose as 4546  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4547  
~~felony of the second degree~~ a second degree felony mandatory 4548  
prison term. 4549

(e) Except as otherwise provided in this division, if the 4550  
amount of the drug involved equals or exceeds two hundred fifty 4551  
unit doses but is less than one thousand unit doses of L.S.D. in 4552  
a solid form or equals or exceeds twenty-five grams but is less 4553

than one hundred grams of L.S.D. in a liquid concentrate, liquid 4554  
extract, or liquid distillate form, trafficking in L.S.D. is a 4555  
felony of the second degree, and the court shall impose as a 4556  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4557  
~~felony of the second degree~~ a second degree felony mandatory 4558  
prison term. If the amount of the drug involved is within that 4559  
range and if the offense was committed in the vicinity of a 4560  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4561  
is a felony of the first degree, and the court shall impose as a 4562  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4563  
~~felony of the first degree~~ a first degree felony mandatory 4564  
prison term. 4565

(f) If the amount of the drug involved equals or exceeds 4566  
one thousand unit doses but is less than five thousand unit 4567  
doses of L.S.D. in a solid form or equals or exceeds one hundred 4568  
grams but is less than five hundred grams of L.S.D. in a liquid 4569  
concentrate, liquid extract, or liquid distillate form and 4570  
regardless of whether the offense was committed in the vicinity 4571  
of a school or in the vicinity of a juvenile, trafficking in 4572  
L.S.D. is a felony of the first degree, and the court shall 4573  
impose as a mandatory prison term ~~one of the prison terms~~ 4574  
~~prescribed for a felony of the first degree~~ a first degree 4575  
felony mandatory prison term. 4576

(g) If the amount of the drug involved equals or exceeds 4577  
five thousand unit doses of L.S.D. in a solid form or equals or 4578  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4579  
liquid extract, or liquid distillate form and regardless of 4580  
whether the offense was committed in the vicinity of a school or 4581  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4582  
of the first degree, the offender is a major drug offender, and 4583  
the court shall impose as a mandatory prison term ~~the maximum~~ 4584

~~prison term prescribed for a felony of the first degree, a~~ 4585  
~~maximum first degree felony mandatory prison term.~~ 4586

(6) If the drug involved in the violation is heroin or a 4587  
compound, mixture, preparation, or substance containing heroin, 4588  
whoever violates division (A) of this section is guilty of 4589  
trafficking in heroin. The penalty for the offense shall be 4590  
determined as follows: 4591

(a) Except as otherwise provided in division (C) (6) (b), 4592  
(c), (d), (e), (f), or (g) of this section, trafficking in 4593  
heroin is a felony of the fifth degree, and division (B) of 4594  
section 2929.13 of the Revised Code applies in determining 4595  
whether to impose a prison term on the offender. 4596

(b) Except as otherwise provided in division (C) (6) (c), 4597  
(d), (e), (f), or (g) of this section, if the offense was 4598  
committed in the vicinity of a school or in the vicinity of a 4599  
juvenile, trafficking in heroin is a felony of the fourth 4600  
degree, and division (C) of section 2929.13 of the Revised Code 4601  
applies in determining whether to impose a prison term on the 4602  
offender. 4603

(c) Except as otherwise provided in this division, if the 4604  
amount of the drug involved equals or exceeds ten unit doses but 4605  
is less than fifty unit doses or equals or exceeds one gram but 4606  
is less than five grams, trafficking in heroin is a felony of 4607  
the fourth degree, and division (B) of section 2929.13 of the 4608  
Revised Code applies in determining whether to impose a prison 4609  
term for the offense. If the amount of the drug involved is 4610  
within that range and if the offense was committed in the 4611  
vicinity of a school or in the vicinity of a juvenile, 4612  
trafficking in heroin is a felony of the third degree, and there 4613  
is a presumption for a prison term for the offense. 4614

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison~~

~~terms prescribed for a felony of the first degree~~ a first degree 4646  
felony mandatory prison term. 4647

(g) If the amount of the drug involved equals or exceeds 4648  
one thousand unit doses or equals or exceeds one hundred grams 4649  
and regardless of whether the offense was committed in the 4650  
vicinity of a school or in the vicinity of a juvenile, 4651  
trafficking in heroin is a felony of the first degree, the 4652  
offender is a major drug offender, and the court shall impose as 4653  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4654  
~~felony of the first degree~~ a maximum first degree felony 4655  
mandatory prison term. 4656

(7) If the drug involved in the violation is hashish or a 4657  
compound, mixture, preparation, or substance containing hashish, 4658  
whoever violates division (A) of this section is guilty of 4659  
trafficking in hashish. The penalty for the offense shall be 4660  
determined as follows: 4661

(a) Except as otherwise provided in division (C) (7) (b), 4662  
(c), (d), (e), (f), or (g) of this section, trafficking in 4663  
hashish is a felony of the fifth degree, and division (B) of 4664  
section 2929.13 of the Revised Code applies in determining 4665  
whether to impose a prison term on the offender. 4666

(b) Except as otherwise provided in division (C) (7) (c), 4667  
(d), (e), (f), or (g) of this section, if the offense was 4668  
committed in the vicinity of a school or in the vicinity of a 4669  
juvenile, trafficking in hashish is a felony of the fourth 4670  
degree, and division (B) of section 2929.13 of the Revised Code 4671  
applies in determining whether to impose a prison term on the 4672  
offender. 4673

(c) Except as otherwise provided in this division, if the 4674

amount of the drug involved equals or exceeds ten grams but is 4675  
less than fifty grams of hashish in a solid form or equals or 4676  
exceeds two grams but is less than ten grams of hashish in a 4677  
liquid concentrate, liquid extract, or liquid distillate form, 4678  
trafficking in hashish is a felony of the fourth degree, and 4679  
division (B) of section 2929.13 of the Revised Code applies in 4680  
determining whether to impose a prison term on the offender. If 4681  
the amount of the drug involved is within that range and if the 4682  
offense was committed in the vicinity of a school or in the 4683  
vicinity of a juvenile, trafficking in hashish is a felony of 4684  
the third degree, and division (C) of section 2929.13 of the 4685  
Revised Code applies in determining whether to impose a prison 4686  
term on the offender. 4687

(d) Except as otherwise provided in this division, if the 4688  
amount of the drug involved equals or exceeds fifty grams but is 4689  
less than two hundred fifty grams of hashish in a solid form or 4690  
equals or exceeds ten grams but is less than fifty grams of 4691  
hashish in a liquid concentrate, liquid extract, or liquid 4692  
distillate form, trafficking in hashish is a felony of the third 4693  
degree, and division (C) of section 2929.13 of the Revised Code 4694  
applies in determining whether to impose a prison term on the 4695  
offender. If the amount of the drug involved is within that 4696  
range and if the offense was committed in the vicinity of a 4697  
school or in the vicinity of a juvenile, trafficking in hashish 4698  
is a felony of the second degree, and there is a presumption 4699  
that a prison term shall be imposed for the offense. 4700

(e) Except as otherwise provided in this division, if the 4701  
amount of the drug involved equals or exceeds two hundred fifty 4702  
grams but is less than one thousand grams of hashish in a solid 4703  
form or equals or exceeds fifty grams but is less than two 4704  
hundred grams of hashish in a liquid concentrate, liquid 4705

extract, or liquid distillate form, trafficking in hashish is a 4706  
felony of the third degree, and there is a presumption that a 4707  
prison term shall be imposed for the offense. If the amount of 4708  
the drug involved is within that range and if the offense was 4709  
committed in the vicinity of a school or in the vicinity of a 4710  
juvenile, trafficking in hashish is a felony of the second 4711  
degree, and there is a presumption that a prison term shall be 4712  
imposed for the offense. 4713

(f) Except as otherwise provided in this division, if the 4714  
amount of the drug involved equals or exceeds one thousand grams 4715  
but is less than two thousand grams of hashish in a solid form 4716  
or equals or exceeds two hundred grams but is less than four 4717  
hundred grams of hashish in a liquid concentrate, liquid 4718  
extract, or liquid distillate form, trafficking in hashish is a 4719  
felony of the second degree, and the court shall impose as a 4720  
mandatory prison term a second degree felony mandatory prison 4721  
term of five, six, seven, or eight years. If the amount of the 4722  
drug involved is within that range and if the offense was 4723  
committed in the vicinity of a school or in the vicinity of a 4724  
juvenile, trafficking in hashish is a felony of the first 4725  
degree, and the court shall impose as a mandatory prison term 4726  
~~the maximum prison term prescribed for a felony of the first-~~ 4727  
~~degree a maximum first degree felony mandatory prison term.~~ 4728

(g) Except as otherwise provided in this division, if the 4729  
amount of the drug involved equals or exceeds two thousand grams 4730  
of hashish in a solid form or equals or exceeds four hundred 4731  
grams of hashish in a liquid concentrate, liquid extract, or 4732  
liquid distillate form, trafficking in hashish is a felony of 4733  
the second degree, and the court shall impose as a mandatory 4734  
prison term ~~the maximum prison term prescribed for a felony of-~~ 4735  
~~the second degree a maximum second degree felony mandatory~~ 4736

prison term. If the amount of the drug involved equals or 4737  
exceeds two thousand grams of hashish in a solid form or equals 4738  
or exceeds four hundred grams of hashish in a liquid 4739  
concentrate, liquid extract, or liquid distillate form and if 4740  
the offense was committed in the vicinity of a school or in the 4741  
vicinity of a juvenile, trafficking in hashish is a felony of 4742  
the first degree, and the court shall impose as a mandatory 4743  
prison term ~~the maximum prison term prescribed for a felony of~~ 4744  
~~the first degree~~ a maximum first degree felony mandatory prison 4745  
term. 4746

(8) If the drug involved in the violation is a controlled 4747  
substance analog or compound, mixture, preparation, or substance 4748  
that contains a controlled substance analog, whoever violates 4749  
division (A) of this section is guilty of trafficking in a 4750  
controlled substance analog. The penalty for the offense shall 4751  
be determined as follows: 4752

(a) Except as otherwise provided in division (C) (8) (b), 4753  
(c), (d), (e), (f), or (g) of this section, trafficking in a 4754  
controlled substance analog is a felony of the fifth degree, and 4755  
division (C) of section 2929.13 of the Revised Code applies in 4756  
determining whether to impose a prison term on the offender. 4757

(b) Except as otherwise provided in division (C) (8) (c), 4758  
(d), (e), (f), or (g) of this section, if the offense was 4759  
committed in the vicinity of a school or in the vicinity of a 4760  
juvenile, trafficking in a controlled substance analog is a 4761  
felony of the fourth degree, and division (C) of section 2929.13 4762  
of the Revised Code applies in determining whether to impose a 4763  
prison term on the offender. 4764

(c) Except as otherwise provided in this division, if the 4765  
amount of the drug involved equals or exceeds ten grams but is 4766

less than twenty grams, trafficking in a controlled substance 4767  
analog is a felony of the fourth degree, and division (B) of 4768  
section 2929.13 of the Revised Code applies in determining 4769  
whether to impose a prison term for the offense. If the amount 4770  
of the drug involved is within that range and if the offense was 4771  
committed in the vicinity of a school or in the vicinity of a 4772  
juvenile, trafficking in a controlled substance analog is a 4773  
felony of the third degree, and there is a presumption for a 4774  
prison term for the offense. 4775

(d) Except as otherwise provided in this division, if the 4776  
amount of the drug involved equals or exceeds twenty grams but 4777  
is less than thirty grams, trafficking in a controlled substance 4778  
analog is a felony of the third degree, and there is a 4779  
presumption for a prison term for the offense. If the amount of 4780  
the drug involved is within that range and if the offense was 4781  
committed in the vicinity of a school or in the vicinity of a 4782  
juvenile, trafficking in a controlled substance analog is a 4783  
felony of the second degree, and there is a presumption for a 4784  
prison term for the offense. 4785

(e) Except as otherwise provided in this division, if the 4786  
amount of the drug involved equals or exceeds thirty grams but 4787  
is less than forty grams, trafficking in a controlled substance 4788  
analog is a felony of the second degree, and the court shall 4789  
impose as a mandatory prison term ~~one of the prison terms~~ 4790  
~~prescribed for a felony of the second degree~~ a second degree 4791  
felony mandatory prison term. If the amount of the drug involved 4792  
is within that range and if the offense was committed in the 4793  
vicinity of a school or in the vicinity of a juvenile, 4794  
trafficking in a controlled substance analog is a felony of the 4795  
first degree, and the court shall impose as a mandatory prison 4796  
term ~~one of the prison terms prescribed for a felony of the~~ 4797

~~first degree~~ a first degree felony mandatory prison term. 4798

(f) If the amount of the drug involved equals or exceeds 4799  
forty grams but is less than fifty grams and regardless of 4800  
whether the offense was committed in the vicinity of a school or 4801  
in the vicinity of a juvenile, trafficking in a controlled 4802  
substance analog is a felony of the first degree, and the court 4803  
shall impose as a mandatory prison term ~~one of the prison terms~~ 4804  
~~prescribed for a felony of the first degree~~ a first degree 4805  
felony mandatory prison term. 4806

(g) If the amount of the drug involved equals or exceeds 4807  
fifty grams and regardless of whether the offense was committed 4808  
in the vicinity of a school or in the vicinity of a juvenile, 4809  
trafficking in a controlled substance analog is a felony of the 4810  
first degree, the offender is a major drug offender, and the 4811  
court shall impose as a mandatory prison term ~~the maximum prison~~ 4812  
~~term prescribed for a felony of the first degree~~ a maximum first 4813  
degree felony mandatory prison term. 4814

(D) In addition to any prison term authorized or required 4815  
by division (C) of this section and sections 2929.13 and 2929.14 4816  
of the Revised Code, and in addition to any other sanction 4817  
imposed for the offense under this section or sections 2929.11 4818  
to 2929.18 of the Revised Code, the court that sentences an 4819  
offender who is convicted of or pleads guilty to a violation of 4820  
division (A) of this section may suspend the driver's or 4821  
commercial driver's license or permit of the offender in 4822  
accordance with division (G) of this section. However, if the 4823  
offender pleaded guilty to or was convicted of a violation of 4824  
section 4511.19 of the Revised Code or a substantially similar 4825  
municipal ordinance or the law of another state or the United 4826  
States arising out of the same set of circumstances as the 4827

violation, the court shall suspend the offender's driver's or 4828  
commercial driver's license or permit in accordance with 4829  
division (G) of this section. If applicable, the court also 4830  
shall do the following: 4831

(1) If the violation of division (A) of this section is a 4832  
felony of the first, second, or third degree, the court shall 4833  
impose upon the offender the mandatory fine specified for the 4834  
offense under division (B)(1) of section 2929.18 of the Revised 4835  
Code unless, as specified in that division, the court determines 4836  
that the offender is indigent. Except as otherwise provided in 4837  
division (H)(1) of this section, a mandatory fine or any other 4838  
fine imposed for a violation of this section is subject to 4839  
division (F) of this section. If a person is charged with a 4840  
violation of this section that is a felony of the first, second, 4841  
or third degree, posts bail, and forfeits the bail, the clerk of 4842  
the court shall pay the forfeited bail pursuant to divisions (D) 4843  
(1) and (F) of this section, as if the forfeited bail was a fine 4844  
imposed for a violation of this section. If any amount of the 4845  
forfeited bail remains after that payment and if a fine is 4846  
imposed under division (H)(1) of this section, the clerk of the 4847  
court shall pay the remaining amount of the forfeited bail 4848  
pursuant to divisions (H)(2) and (3) of this section, as if that 4849  
remaining amount was a fine imposed under division (H)(1) of 4850  
this section. 4851

(2) If the offender is a professionally licensed person, 4852  
the court immediately shall comply with section 2925.38 of the 4853  
Revised Code. 4854

(E) When a person is charged with the sale of or offer to 4855  
sell a bulk amount or a multiple of a bulk amount of a 4856  
controlled substance, the jury, or the court trying the accused, 4857

shall determine the amount of the controlled substance involved 4858  
at the time of the offense and, if a guilty verdict is returned, 4859  
shall return the findings as part of the verdict. In any such 4860  
case, it is unnecessary to find and return the exact amount of 4861  
the controlled substance involved, and it is sufficient if the 4862  
finding and return is to the effect that the amount of the 4863  
controlled substance involved is the requisite amount, or that 4864  
the amount of the controlled substance involved is less than the 4865  
requisite amount. 4866

(F) (1) Notwithstanding any contrary provision of section 4867  
3719.21 of the Revised Code and except as provided in division 4868  
(H) of this section, the clerk of the court shall pay any 4869  
mandatory fine imposed pursuant to division (D) (1) of this 4870  
section and any fine other than a mandatory fine that is imposed 4871  
for a violation of this section pursuant to division (A) or (B) 4872  
(5) of section 2929.18 of the Revised Code to the county, 4873  
township, municipal corporation, park district, as created 4874  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 4875  
state law enforcement agencies in this state that primarily were 4876  
responsible for or involved in making the arrest of, and in 4877  
prosecuting, the offender. However, the clerk shall not pay a 4878  
mandatory fine so imposed to a law enforcement agency unless the 4879  
agency has adopted a written internal control policy under 4880  
division (F) (2) of this section that addresses the use of the 4881  
fine moneys that it receives. Each agency shall use the 4882  
mandatory fines so paid to subsidize the agency's law 4883  
enforcement efforts that pertain to drug offenses, in accordance 4884  
with the written internal control policy adopted by the 4885  
recipient agency under division (F) (2) of this section. 4886

(2) Prior to receiving any fine moneys under division (F) 4887  
(1) of this section or division (B) of section 2925.42 of the 4888

Revised Code, a law enforcement agency shall adopt a written 4889  
internal control policy that addresses the agency's use and 4890  
disposition of all fine moneys so received and that provides for 4891  
the keeping of detailed financial records of the receipts of 4892  
those fine moneys, the general types of expenditures made out of 4893  
those fine moneys, and the specific amount of each general type 4894  
of expenditure. The policy shall not provide for or permit the 4895  
identification of any specific expenditure that is made in an 4896  
ongoing investigation. All financial records of the receipts of 4897  
those fine moneys, the general types of expenditures made out of 4898  
those fine moneys, and the specific amount of each general type 4899  
of expenditure by an agency are public records open for 4900  
inspection under section 149.43 of the Revised Code. 4901  
Additionally, a written internal control policy adopted under 4902  
this division is such a public record, and the agency that 4903  
adopted it shall comply with it. 4904

(3) As used in division (F) of this section: 4905

(a) "Law enforcement agencies" includes, but is not 4906  
limited to, the state board of pharmacy and the office of a 4907  
prosecutor. 4908

(b) "Prosecutor" has the same meaning as in section 4909  
2935.01 of the Revised Code. 4910

(G) (1) If the sentencing court suspends the offender's 4911  
driver's or commercial driver's license or permit under division 4912  
(D) of this section or any other provision of this chapter, the 4913  
court shall suspend the license, by order, for not more than 4914  
five years. If an offender's driver's or commercial driver's 4915  
license or permit is suspended pursuant to this division, the 4916  
offender, at any time after the expiration of two years from the 4917  
day on which the offender's sentence was imposed or from the day 4918

on which the offender finally was released from a prison term 4919  
under the sentence, whichever is later, may file a motion with 4920  
the sentencing court requesting termination of the suspension; 4921  
upon the filing of such a motion and the court's finding of good 4922  
cause for the termination, the court may terminate the 4923  
suspension. 4924

(2) Any offender who received a mandatory suspension of 4925  
the offender's driver's or commercial driver's license or permit 4926  
under this section prior to ~~the effective date of this amendment~~ 4927  
September 13, 2016, may file a motion with the sentencing court 4928  
requesting the termination of the suspension. However, an 4929  
offender who pleaded guilty to or was convicted of a violation 4930  
of section 4511.19 of the Revised Code or a substantially 4931  
similar municipal ordinance or law of another state or the 4932  
United States that arose out of the same set of circumstances as 4933  
the violation for which the offender's license or permit was 4934  
suspended under this section shall not file such a motion. 4935

Upon the filing of a motion under division (G) (2) of this 4936  
section, the sentencing court, in its discretion, may terminate 4937  
the suspension. 4938

(H) (1) In addition to any prison term authorized or 4939  
required by division (C) of this section and sections 2929.13 4940  
and 2929.14 of the Revised Code, in addition to any other 4941  
penalty or sanction imposed for the offense under this section 4942  
or sections 2929.11 to 2929.18 of the Revised Code, and in 4943  
addition to the forfeiture of property in connection with the 4944  
offense as prescribed in Chapter 2981. of the Revised Code, the 4945  
court that sentences an offender who is convicted of or pleads 4946  
guilty to a violation of division (A) of this section may impose 4947  
upon the offender an additional fine specified for the offense 4948

in division (B) (4) of section 2929.18 of the Revised Code. A 4949  
fine imposed under division (H) (1) of this section is not 4950  
subject to division (F) of this section and shall be used solely 4951  
for the support of one or more eligible community addiction 4952  
services providers in accordance with divisions (H) (2) and (3) 4953  
of this section. 4954

(2) The court that imposes a fine under division (H) (1) of 4955  
this section shall specify in the judgment that imposes the fine 4956  
one or more eligible community addiction services providers for 4957  
the support of which the fine money is to be used. No community 4958  
addiction services provider shall receive or use money paid or 4959  
collected in satisfaction of a fine imposed under division (H) 4960  
(1) of this section unless the services provider is specified in 4961  
the judgment that imposes the fine. No community addiction 4962  
services provider shall be specified in the judgment unless the 4963  
services provider is an eligible community addiction services 4964  
provider and, except as otherwise provided in division (H) (2) of 4965  
this section, unless the services provider is located in the 4966  
county in which the court that imposes the fine is located or in 4967  
a county that is immediately contiguous to the county in which 4968  
that court is located. If no eligible community addiction 4969  
services provider is located in any of those counties, the 4970  
judgment may specify an eligible community addiction services 4971  
provider that is located anywhere within this state. 4972

(3) Notwithstanding any contrary provision of section 4973  
3719.21 of the Revised Code, the clerk of the court shall pay 4974  
any fine imposed under division (H) (1) of this section to the 4975  
eligible community addiction services provider specified 4976  
pursuant to division (H) (2) of this section in the judgment. The 4977  
eligible community addiction services provider that receives the 4978  
fine moneys shall use the moneys only for the alcohol and drug 4979

addiction services identified in the application for 4980  
certification of services under section 5119.36 of the Revised 4981  
Code or in the application for a license under section 5119.391 4982  
of the Revised Code filed with the department of mental health 4983  
and addiction services by the community addiction services 4984  
provider specified in the judgment. 4985

(4) Each community addiction services provider that 4986  
receives in a calendar year any fine moneys under division (H) 4987  
(3) of this section shall file an annual report covering that 4988  
calendar year with the court of common pleas and the board of 4989  
county commissioners of the county in which the services 4990  
provider is located, with the court of common pleas and the 4991  
board of county commissioners of each county from which the 4992  
services provider received the moneys if that county is 4993  
different from the county in which the services provider is 4994  
located, and with the attorney general. The community addiction 4995  
services provider shall file the report no later than the first 4996  
day of March in the calendar year following the calendar year in 4997  
which the services provider received the fine moneys. The report 4998  
shall include statistics on the number of persons served by the 4999  
community addiction services provider, identify the types of 5000  
alcohol and drug addiction services provided to those persons, 5001  
and include a specific accounting of the purposes for which the 5002  
fine moneys received were used. No information contained in the 5003  
report shall identify, or enable a person to determine the 5004  
identity of, any person served by the community addiction 5005  
services provider. Each report received by a court of common 5006  
pleas, a board of county commissioners, or the attorney general 5007  
is a public record open for inspection under section 149.43 of 5008  
the Revised Code. 5009

(5) As used in divisions (H) (1) to (5) of this section: 5010

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, as defined in section 5119.01 of the Revised Code, or a community addiction services provider that maintains a methadone treatment program licensed under section 5119.391 of the Revised Code.

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

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

**Sec. 2925.04.** (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

(B) This section does not apply to any person listed in division (B) (1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C) (1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.

(2) Except as otherwise provided in this division, if the  
drug involved in the violation of division (A) of this section  
is any compound, mixture, preparation, or substance included in  
schedule I or II, with the exception of methamphetamine or  
marihuana, illegal manufacture of drugs is a felony of the  
second degree, and, subject to division (E) of this section, the  
court shall impose as a mandatory prison term ~~one of the prison  
terms prescribed for a felony of the second degree~~ a second  
degree felony mandatory prison term.

If the drug involved in the violation is any compound,  
mixture, preparation, or substance included in schedule I or II,  
with the exception of methamphetamine or marihuana, and if the  
offense was committed in the vicinity of a juvenile or in the  
vicinity of a school, illegal manufacture of drugs is a felony  
of the first degree, and, subject to division (E) of this  
section, the court shall impose as a mandatory prison term ~~one  
of the prison terms prescribed for a felony of the first degree~~  
a first degree felony mandatory prison term.

(3) If the drug involved in the violation of division (A)  
of this section is methamphetamine, the penalty for the  
violation shall be determined as follows:

(a) Except as otherwise provided in division (C) (3) (b) of  
this section, if the drug involved in the violation is  
methamphetamine, illegal manufacture of drugs is a felony of the  
second degree, and, subject to division (E) of this section, the  
court shall impose a mandatory prison term on the offender  
determined in accordance with this division. Except as otherwise  
provided in this division, the court shall impose as a mandatory  
prison term ~~one of the prison terms prescribed for a felony of  
the second degree~~ a second degree felony mandatory prison term

that is not less than three years. If the offender previously 5070  
has been convicted of or pleaded guilty to a violation of 5071  
division (A) of this section, a violation of division (B) (6) of 5072  
section 2919.22 of the Revised Code, or a violation of division 5073  
(A) of section 2925.041 of the Revised Code, the court shall 5074  
impose as a mandatory prison term ~~one of the prison terms~~ 5075  
~~prescribed for a felony of the second degree~~ a second degree 5076  
felony mandatory prison term that is not less than five years. 5077

(b) If the drug involved in the violation is 5078  
methamphetamine and if the offense was committed in the vicinity 5079  
of a juvenile, in the vicinity of a school, or on public 5080  
premises, illegal manufacture of drugs is a felony of the first 5081  
degree, and, subject to division (E) of this section, the court 5082  
shall impose a mandatory prison term on the offender determined 5083  
in accordance with this division. Except as otherwise provided 5084  
in this division, the court shall impose as a mandatory prison 5085  
term ~~one of the prison terms prescribed for a felony of the~~ 5086  
~~first degree~~ a first degree felony mandatory prison term that is 5087  
not less than four years. If the offender previously has been 5088  
convicted of or pleaded guilty to a violation of division (A) of 5089  
this section, a violation of division (B) (6) of section 2919.22 5090  
of the Revised Code, or a violation of division (A) of section 5091  
2925.041 of the Revised Code, the court shall impose as a 5092  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5093  
~~felony of the first degree~~ a first degree felony mandatory 5094  
prison term that is not less than five years. 5095

(4) If the drug involved in the violation of division (A) 5096  
of this section is any compound, mixture, preparation, or 5097  
substance included in schedule III, IV, or V, illegal 5098  
manufacture of drugs is a felony of the third degree or, if the 5099  
offense was committed in the vicinity of a school or in the 5100

vicinity of a juvenile, a felony of the second degree, and there 5101  
is a presumption for a prison term for the offense. 5102

(5) If the drug involved in the violation is marihuana, 5103  
the penalty for the offense shall be determined as follows: 5104

(a) Except as otherwise provided in division (C) (5) (b), 5105  
(c), (d), (e), or (f) of this section, illegal cultivation of 5106  
marihuana is a minor misdemeanor or, if the offense was 5107  
committed in the vicinity of a school or in the vicinity of a 5108  
juvenile, a misdemeanor of the fourth degree. 5109

(b) If the amount of marihuana involved equals or exceeds 5110  
one hundred grams but is less than two hundred grams, illegal 5111  
cultivation of marihuana is a misdemeanor of the fourth degree 5112  
or, if the offense was committed in the vicinity of a school or 5113  
in the vicinity of a juvenile, a misdemeanor of the third 5114  
degree. 5115

(c) If the amount of marihuana involved equals or exceeds 5116  
two hundred grams but is less than one thousand grams, illegal 5117  
cultivation of marihuana is a felony of the fifth degree or, if 5118  
the offense was committed in the vicinity of a school or in the 5119  
vicinity of a juvenile, a felony of the fourth degree, and 5120  
division (B) of section 2929.13 of the Revised Code applies in 5121  
determining whether to impose a prison term on the offender. 5122

(d) If the amount of marihuana involved equals or exceeds 5123  
one thousand grams but is less than five thousand grams, illegal 5124  
cultivation of marihuana is a felony of the third degree or, if 5125  
the offense was committed in the vicinity of a school or in the 5126  
vicinity of a juvenile, a felony of the second degree, and 5127  
division (C) of section 2929.13 of the Revised Code applies in 5128  
determining whether to impose a prison term on the offender. 5129

(e) If the amount of marihuana involved equals or exceeds 5130  
five thousand grams but is less than twenty thousand grams, 5131  
illegal cultivation of marihuana is a felony of the third degree 5132  
or, if the offense was committed in the vicinity of a school or 5133  
in the vicinity of a juvenile, a felony of the second degree, 5134  
and there is a presumption for a prison term for the offense. 5135

(f) Except as otherwise provided in this division, if the 5136  
amount of marihuana involved equals or exceeds twenty thousand 5137  
grams, illegal cultivation of marihuana is a felony of the 5138  
second degree, and the court shall impose as a mandatory prison 5139  
term ~~the maximum prison term prescribed for a felony of the~~ 5140  
~~second degree~~ a maximum second degree felony mandatory prison 5141  
term. If the amount of the drug involved equals or exceeds 5142  
twenty thousand grams and if the offense was committed in the 5143  
vicinity of a school or in the vicinity of a juvenile, illegal 5144  
cultivation of marihuana is a felony of the first degree, and 5145  
the court shall impose as a mandatory prison term ~~the maximum~~ 5146  
~~prison term prescribed for a felony of the first degree~~ a 5147  
maximum first degree felony mandatory prison term. 5148

(D) In addition to any prison term authorized or required 5149  
by division (C) or (E) of this section and sections 2929.13 and 5150  
2929.14 of the Revised Code and in addition to any other 5151  
sanction imposed for the offense under this section or sections 5152  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5153  
an offender who is convicted of or pleads guilty to a violation 5154  
of division (A) of this section may suspend the offender's 5155  
driver's or commercial driver's license or permit in accordance 5156  
with division (G) of section 2925.03 of the Revised Code. 5157  
However, if the offender pleaded guilty to or was convicted of a 5158  
violation of section 4511.19 of the Revised Code or a 5159  
substantially similar municipal ordinance or the law of another 5160

state or the United States arising out of the same set of 5161  
circumstances as the violation, the court shall suspend the 5162  
offender's driver's or commercial driver's license or permit in 5163  
accordance with division (G) of section 2925.03 of the Revised 5164  
Code. If applicable, the court also shall do the following: 5165

(1) If the violation of division (A) of this section is a 5166  
felony of the first, second, or third degree, the court shall 5167  
impose upon the offender the mandatory fine specified for the 5168  
offense under division (B) (1) of section 2929.18 of the Revised 5169  
Code unless, as specified in that division, the court determines 5170  
that the offender is indigent. The clerk of the court shall pay 5171  
a mandatory fine or other fine imposed for a violation of this 5172  
section pursuant to division (A) of section 2929.18 of the 5173  
Revised Code in accordance with and subject to the requirements 5174  
of division (F) of section 2925.03 of the Revised Code. The 5175  
agency that receives the fine shall use the fine as specified in 5176  
division (F) of section 2925.03 of the Revised Code. If a person 5177  
is charged with a violation of this section that is a felony of 5178  
the first, second, or third degree, posts bail, and forfeits the 5179  
bail, the clerk shall pay the forfeited bail as if the forfeited 5180  
bail were a fine imposed for a violation of this section. 5181

(2) If the offender is a professionally licensed person, 5182  
the court immediately shall comply with section 2925.38 of the 5183  
Revised Code. 5184

(E) Notwithstanding the prison term otherwise authorized 5185  
or required for the offense under division (C) of this section 5186  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5187  
violation of division (A) of this section involves the sale, 5188  
offer to sell, or possession of a schedule I or II controlled 5189  
substance, with the exception of marihuana, and if the court 5190

imposing sentence upon the offender finds that the offender as a 5191  
result of the violation is a major drug offender and is guilty 5192  
of a specification of the type described in section 2941.1410 of 5193  
the Revised Code, the court, in lieu of the prison term 5194  
otherwise authorized or required, shall impose upon the offender 5195  
the mandatory prison term specified in division (B) (3) of 5196  
section 2929.14 of the Revised Code. 5197

(F) It is an affirmative defense, as provided in section 5198  
2901.05 of the Revised Code, to a charge under this section for 5199  
a fifth degree felony violation of illegal cultivation of 5200  
marihuana that the marihuana that gave rise to the charge is in 5201  
an amount, is in a form, is prepared, compounded, or mixed with 5202  
substances that are not controlled substances in a manner, or is 5203  
possessed or cultivated under any other circumstances that 5204  
indicate that the marihuana was solely for personal use. 5205

Notwithstanding any contrary provision of division (F) of 5206  
this section, if, in accordance with section 2901.05 of the 5207  
Revised Code, a person who is charged with a violation of 5208  
illegal cultivation of marihuana that is a felony of the fifth 5209  
degree sustains the burden of going forward with evidence of and 5210  
establishes by a preponderance of the evidence the affirmative 5211  
defense described in this division, the person may be prosecuted 5212  
for and may be convicted of or plead guilty to a misdemeanor 5213  
violation of illegal cultivation of marihuana. 5214

(G) Arrest or conviction for a minor misdemeanor violation 5215  
of this section does not constitute a criminal record and need 5216  
not be reported by the person so arrested or convicted in 5217  
response to any inquiries about the person's criminal record, 5218  
including any inquiries contained in an application for 5219  
employment, a license, or any other right or privilege or made 5220

in connection with the person's appearance as a witness. 5221

(H) (1) If the sentencing court suspends the offender's 5222  
driver's or commercial driver's license or permit under this 5223  
section in accordance with division (G) of section 2925.03 of 5224  
the Revised Code, the offender may request termination of, and 5225  
the court may terminate, the suspension of the offender in 5226  
accordance with that division. 5227

(2) Any offender who received a mandatory suspension of 5228  
the offender's driver's or commercial driver's license or permit 5229  
under this section prior to ~~the effective date of this amendment~~ 5230  
September 13, 2016, may file a motion with the sentencing court 5231  
requesting the termination of the suspension. However, an 5232  
offender who pleaded guilty to or was convicted of a violation 5233  
of section 4511.19 of the Revised Code or a substantially 5234  
similar municipal ordinance or law of another state or the 5235  
United States that arose out of the same set of circumstances as 5236  
the violation for which the offender's license or permit was 5237  
suspended under this section shall not file such a motion. 5238

Upon the filing of a motion under division (H) (2) of this 5239  
section, the sentencing court, in its discretion, may terminate 5240  
the suspension. 5241

**Sec. 2925.041.** (A) No person shall knowingly assemble or 5242  
possess one or more chemicals that may be used to manufacture a 5243  
controlled substance in schedule I or II with the intent to 5244  
manufacture a controlled substance in schedule I or II in 5245  
violation of section 2925.04 of the Revised Code. 5246

(B) In a prosecution under this section, it is not 5247  
necessary to allege or prove that the offender assembled or 5248  
possessed all chemicals necessary to manufacture a controlled 5249

substance in schedule I or II. The assembly or possession of a 5250  
single chemical that may be used in the manufacture of a 5251  
controlled substance in schedule I or II, with the intent to 5252  
manufacture a controlled substance in either schedule, is 5253  
sufficient to violate this section. 5254

(C) Whoever violates this section is guilty of illegal 5255  
assembly or possession of chemicals for the manufacture of 5256  
drugs. Except as otherwise provided in this division, illegal 5257  
assembly or possession of chemicals for the manufacture of drugs 5258  
is a felony of the third degree, and, except as otherwise 5259  
provided in division (C)(1) or (2) of this section, division (C) 5260  
of section 2929.13 of the Revised Code applies in determining 5261  
whether to impose a prison term on the offender. If the offense 5262  
was committed in the vicinity of a juvenile or in the vicinity 5263  
of a school, illegal assembly or possession of chemicals for the 5264  
manufacture of drugs is a felony of the second degree, and, 5265  
except as otherwise provided in division (C)(1) or (2) of this 5266  
section, division (C) of section 2929.13 of the Revised Code 5267  
applies in determining whether to impose a prison term on the 5268  
offender. If the violation of division (A) of this section is a 5269  
felony of the third degree under this division and if the 5270  
chemical or chemicals assembled or possessed in violation of 5271  
division (A) of this section may be used to manufacture 5272  
methamphetamine, there either is a presumption for a prison term 5273  
for the offense or the court shall impose a mandatory prison 5274  
term on the offender, determined as follows: 5275

(1) Except as otherwise provided in this division, there 5276  
is a presumption for a prison term for the offense. If the 5277  
offender two or more times previously has been convicted of or 5278  
pleaded guilty to a felony drug abuse offense, except as 5279  
otherwise provided in this division, the court shall impose as a 5280

mandatory prison term one of the prison terms prescribed for a 5281  
felony of the third degree that is not less than two years. If 5282  
the offender two or more times previously has been convicted of 5283  
or pleaded guilty to a felony drug abuse offense and if at least 5284  
one of those previous convictions or guilty pleas was to a 5285  
violation of division (A) of this section, a violation of 5286  
division (B) (6) of section 2919.22 of the Revised Code, or a 5287  
violation of division (A) of section 2925.04 of the Revised 5288  
Code, the court shall impose as a mandatory prison term one of 5289  
the prison terms prescribed for a felony of the third degree 5290  
that is not less than five years. 5291

(2) If the violation of division (A) of this section is a 5292  
felony of the second degree under division (C) of this section 5293  
and the chemical or chemicals assembled or possessed in 5294  
committing the violation may be used to manufacture 5295  
methamphetamine, the court shall impose as a mandatory prison 5296  
~~term one of the prison terms prescribed for a felony of the~~ 5297  
~~second degree~~ a second degree felony mandatory prison term that 5298  
is not less than three years. If the violation of division (A) 5299  
of this section is a felony of the second degree under division 5300  
(C) of this section, if the chemical or chemicals assembled or 5301  
possessed in committing the violation may be used to manufacture 5302  
methamphetamine, and if the offender previously has been 5303  
convicted of or pleaded guilty to a violation of division (A) of 5304  
this section, a violation of division (B) (6) of section 2919.22 5305  
of the Revised Code, or a violation of division (A) of section 5306  
2925.04 of the Revised Code, the court shall impose as a 5307  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5308  
~~felony of the second degree~~ a second degree felony mandatory 5309  
prison term that is not less than five years. 5310

(D) In addition to any prison term authorized by division 5311

(C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code 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 division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or

a person who has been admitted to the bar by order of the 5343  
supreme court in compliance with its prescribed and published 5344  
rules, the court shall comply with section 2925.38 of the 5345  
Revised Code. 5346

(E) (1) If the sentencing court suspends the offender's 5347  
driver's or commercial driver's license or permit under this 5348  
section in accordance with division (G) of section 2925.03 of 5349  
the Revised Code, the offender may request termination of, and 5350  
the court may terminate, the suspension of the offender in 5351  
accordance with that division. 5352

(2) Any offender who received a mandatory suspension of 5353  
the offender's driver's or commercial driver's license or permit 5354  
under this section prior to ~~the effective date of this amendment~~ 5355  
September 13, 2016, may file a motion with the sentencing court 5356  
requesting the termination of the suspension. However, an 5357  
offender who pleaded guilty to or was convicted of a violation 5358  
of section 4511.19 of the Revised Code or a substantially 5359  
similar municipal ordinance or law of another state or the 5360  
United States that arose out of the same set of circumstances as 5361  
the violation for which the offender's license or permit was 5362  
suspended under this section shall not file such a motion. 5363

Upon the filing of a motion under division (E) (2) of this 5364  
section, the sentencing court, in its discretion, may terminate 5365  
the suspension. 5366

**Sec. 2925.05.** (A) No person shall knowingly provide money 5367  
or other items of value to another person with the purpose that 5368  
the recipient of the money or items of value use them to obtain 5369  
any controlled substance for the purpose of violating section 5370  
2925.04 of the Revised Code or for the purpose of selling or 5371  
offering to sell the controlled substance in the following 5372

amount: 5373

(1) If the drug to be sold or offered for sale is any 5374  
compound, mixture, preparation, or substance included in 5375  
schedule I or II, with the exception of marihuana, cocaine, 5376  
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5377  
amount of the drug that equals or exceeds the bulk amount of the 5378  
drug; 5379

(2) If the drug to be sold or offered for sale is 5380  
marihuana or a compound, mixture, preparation, or substance 5381  
other than hashish containing marihuana, an amount of the 5382  
marihuana that equals or exceeds two hundred grams; 5383

(3) If the drug to be sold or offered for sale is cocaine 5384  
or a compound, mixture, preparation, or substance containing 5385  
cocaine, an amount of the cocaine that equals or exceeds five 5386  
grams; 5387

(4) If the drug to be sold or offered for sale is L.S.D. 5388  
or a compound, mixture, preparation, or substance containing 5389  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5390  
doses if the L.S.D. is in a solid form or equals or exceeds one 5391  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5392  
or liquid distillate form; 5393

(5) If the drug to be sold or offered for sale is heroin 5394  
or a compound, mixture, preparation, or substance containing 5395  
heroin, an amount of the heroin that equals or exceeds ten unit 5396  
doses or equals or exceeds one gram; 5397

(6) If the drug to be sold or offered for sale is hashish 5398  
or a compound, mixture, preparation, or substance containing 5399  
hashish, an amount of the hashish that equals or exceeds ten 5400  
grams if the hashish is in a solid form or equals or exceeds two 5401

grams if the hashish is in a liquid concentrate, liquid extract, 5402  
or liquid distillate form. 5403

(B) This section does not apply to any person listed in 5404  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5405  
Code to the extent and under the circumstances described in 5406  
those divisions. 5407

(C) (1) If the drug involved in the violation is any 5408  
compound, mixture, preparation, or substance included in 5409  
schedule I or II, with the exception of marihuana, whoever 5410  
violates division (A) of this section is guilty of aggravated 5411  
funding of drug trafficking, a felony of the first degree, and, 5412  
subject to division (E) of this section, the court shall impose 5413  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5414  
~~for a felony of the first degree~~ a first degree felony mandatory 5415  
prison term. 5416

(2) If the drug involved in the violation is any compound, 5417  
mixture, preparation, or substance included in schedule III, IV, 5418  
or V, whoever violates division (A) of this section is guilty of 5419  
funding of drug trafficking, a felony of the second degree, and 5420  
the court shall impose as a mandatory prison term ~~one of the~~ 5421  
~~prison terms prescribed for a felony of the second degree~~ a 5422  
second degree felony mandatory prison term. 5423

(3) If the drug involved in the violation is marihuana, 5424  
whoever violates division (A) of this section is guilty of 5425  
funding of marihuana trafficking, a felony of the third degree, 5426  
and, except as otherwise provided in this division, there is a 5427  
presumption for a prison term for the offense. If funding of 5428  
marihuana trafficking is a felony of the third degree under this 5429  
division and if the offender two or more times previously has 5430  
been convicted of or pleaded guilty to a felony drug abuse 5431

offense, the court shall impose as a mandatory prison term one 5432  
of the prison terms prescribed for a felony of the third degree. 5433

(D) In addition to any prison term authorized or required 5434  
by division (C) or (E) of this section and sections 2929.13 and 5435  
2929.14 of the Revised Code and in addition to any other 5436  
sanction imposed for the offense under this section or sections 5437  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5438  
an offender who is convicted of or pleads guilty to a violation 5439  
of division (A) of this section may suspend the offender's 5440  
driver's or commercial driver's license or permit in accordance 5441  
with division (G) of section 2925.03 of the Revised Code. 5442  
However, if the offender pleaded guilty to or was convicted of a 5443  
violation of section 4511.19 of the Revised Code or a 5444  
substantially similar municipal ordinance or the law of another 5445  
state or the United States arising out of the same set of 5446  
circumstances as the violation, the court shall suspend the 5447  
offender's driver's or commercial driver's license or permit in 5448  
accordance with division (G) of section 2925.03 of the Revised 5449  
Code. If applicable, the court also shall do the following: 5450

(1) The court shall impose the mandatory fine specified 5451  
for the offense under division (B)(1) of section 2929.18 of the 5452  
Revised Code unless, as specified in that division, the court 5453  
determines that the offender is indigent. The clerk of the court 5454  
shall pay a mandatory fine or other fine imposed for a violation 5455  
of this section pursuant to division (A) of section 2929.18 of 5456  
the Revised Code in accordance with and subject to the 5457  
requirements of division (F) of section 2925.03 of the Revised 5458  
Code. The agency that receives the fine shall use the fine in 5459  
accordance with division (F) of section 2925.03 of the Revised 5460  
Code. If a person is charged with a violation of this section, 5461  
posts bail, and forfeits the bail, the forfeited bail shall be 5462

paid as if the forfeited bail were a fine imposed for a 5463  
violation of this section. 5464

(2) If the offender is a professionally licensed person, 5465  
the court immediately shall comply with section 2925.38 of the 5466  
Revised Code. 5467

(E) Notwithstanding the prison term otherwise authorized 5468  
or required for the offense under division (C) of this section 5469  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5470  
violation of division (A) of this section involves the sale, 5471  
offer to sell, or possession of a schedule I or II controlled 5472  
substance, with the exception of marihuana, and if the court 5473  
imposing sentence upon the offender finds that the offender as a 5474  
result of the violation is a major drug offender and is guilty 5475  
of a specification of the type described in section 2941.1410 of 5476  
the Revised Code, the court, in lieu of the prison term 5477  
otherwise authorized or required, shall impose upon the offender 5478  
the mandatory prison term specified in division (B)(3) of 5479  
section 2929.14 of the Revised Code. 5480

(F)(1) If the sentencing court suspends the offender's 5481  
driver's or commercial driver's license or permit under this 5482  
section in accordance with division (G) of section 2925.03 of 5483  
the Revised Code, the offender may request termination of, and 5484  
the court may terminate, the suspension in accordance with that 5485  
division. 5486

(2) Any offender who received a mandatory suspension of 5487  
the offender's driver's or commercial driver's license or permit 5488  
under this section prior to ~~the effective date of this amendment~~ 5489  
September 13, 2016, may file a motion with the sentencing court 5490  
requesting the termination of the suspension. However, an 5491  
offender who pleaded guilty to or was convicted of a violation 5492

of section 4511.19 of the Revised Code or a substantially 5493  
similar municipal ordinance or law of another state or the 5494  
United States that arose out of the same set of circumstances as 5495  
the violation for which the offender's license or permit was 5496  
suspended under this section shall not file such a motion. 5497

Upon the filing of a motion under division (F)(2) of this 5498  
section, the sentencing court, in its discretion, may terminate 5499  
the suspension. 5500

**Sec. 2925.11.** (A) No person shall knowingly obtain, 5501  
possess, or use a controlled substance or a controlled substance 5502  
analog. 5503

(B)(1) This section does not apply to any of the 5504  
following: 5505

(a) Manufacturers, licensed health professionals 5506  
authorized to prescribe drugs, pharmacists, owners of 5507  
pharmacies, and other persons whose conduct was in accordance 5508  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5509  
4741. of the Revised Code; 5510

(b) If the offense involves an anabolic steroid, any 5511  
person who is conducting or participating in a research project 5512  
involving the use of an anabolic steroid if the project has been 5513  
approved by the United States food and drug administration; 5514

(c) Any person who sells, offers for sale, prescribes, 5515  
dispenses, or administers for livestock or other nonhuman 5516  
species an anabolic steroid that is expressly intended for 5517  
administration through implants to livestock or other nonhuman 5518  
species and approved for that purpose under the "Federal Food, 5519  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5520  
as amended, and is sold, offered for sale, prescribed, 5521

dispensed, or administered for that purpose in accordance with 5522  
that act; 5523

(d) Any person who obtained the controlled substance 5524  
pursuant to a lawful prescription issued by a licensed health 5525  
professional authorized to prescribe drugs. 5526

(2) (a) As used in division (B) (2) of this section: 5527

(i) "Community addiction services provider" has the same 5528  
meaning as in section 5119.01 of the Revised Code. 5529

(ii) "Community control sanction" and "drug treatment 5530  
program" have the same meanings as in section 2929.01 of the 5531  
Revised Code. 5532

(iii) "Health care facility" has the same meaning as in 5533  
section 2919.16 of the Revised Code. 5534

(iv) "Minor drug possession offense" means a violation of 5535  
this section that is a misdemeanor or a felony of the fifth 5536  
degree. 5537

(v) "Post-release control sanction" has the same meaning 5538  
as in section 2967.28 of the Revised Code. 5539

(vi) "Peace officer" has the same meaning as in section 5540  
2935.01 of the Revised Code. 5541

(vii) "Public agency" has the same meaning as in section 5542  
2930.01 of the Revised Code. 5543

(viii) "Qualified individual" means a person who is not on 5544  
community control or post-release control and is a person acting 5545  
in good faith who seeks or obtains medical assistance for 5546  
another person who is experiencing a drug overdose, a person who 5547  
experiences a drug overdose and who seeks medical assistance for 5548

that overdose, or a person who is the subject of another person 5549  
seeking or obtaining medical assistance for that overdose as 5550  
described in division (B) (2) (b) of this section. 5551

(ix) "Seek or obtain medical assistance" includes, but is 5552  
not limited to making a 9-1-1 call, contacting in person or by 5553  
telephone call an on-duty peace officer, or transporting or 5554  
presenting a person to a health care facility. 5555

(b) Subject to division (B) (2) (f) of this section, a 5556  
qualified individual shall not be arrested, charged, prosecuted, 5557  
convicted, or penalized pursuant to this chapter for a minor 5558  
drug possession offense if all of the following apply: 5559

(i) The evidence of the obtaining, possession, or use of 5560  
the controlled substance or controlled substance analog that 5561  
would be the basis of the offense was obtained as a result of 5562  
the qualified individual seeking the medical assistance or 5563  
experiencing an overdose and needing medical assistance. 5564

(ii) Subject to division (B) (2) (g) of this section, within 5565  
thirty days after seeking or obtaining the medical assistance, 5566  
the qualified individual seeks and obtains a screening and 5567  
receives a referral for treatment from a community addiction 5568  
services provider or a properly credentialed addiction treatment 5569  
professional. 5570

(iii) Subject to division (B) (2) (g) of this section, the 5571  
qualified individual who obtains a screening and receives a 5572  
referral for treatment under division (B) (2) (b) (ii) of this 5573  
section, upon the request of any prosecuting attorney, submits 5574  
documentation to the prosecuting attorney that verifies that the 5575  
qualified individual satisfied the requirements of that 5576  
division. The documentation shall be limited to the date and 5577

time of the screening obtained and referral received. 5578

(c) If a person is found to be in violation of any 5579  
community control sanction and if the violation is a result of 5580  
either of the following, the court shall first consider ordering 5581  
the person's participation or continued participation in a drug 5582  
treatment program or mitigating the penalty specified in section 5583  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5584  
applicable, after which the court has the discretion either to 5585  
order the person's participation or continued participation in a 5586  
drug treatment program or to impose the penalty with the 5587  
mitigating factor specified in any of those applicable sections: 5588

(i) Seeking or obtaining medical assistance in good faith 5589  
for another person who is experiencing a drug overdose; 5590

(ii) Experiencing a drug overdose and seeking medical 5591  
assistance for that overdose or being the subject of another 5592  
person seeking or obtaining medical assistance for that overdose 5593  
as described in division (B) (2) (b) of this section. 5594

(d) If a person is found to be in violation of any post- 5595  
release control sanction and if the violation is a result of 5596  
either of the following, the court or the parole board shall 5597  
first consider ordering the person's participation or continued 5598  
participation in a drug treatment program or mitigating the 5599  
penalty specified in section 2929.141 or 2967.28 of the Revised 5600  
Code, whichever is applicable, after which the court or the 5601  
parole board has the discretion either to order the person's 5602  
participation or continued participation in a drug treatment 5603  
program or to impose the penalty with the mitigating factor 5604  
specified in either of those applicable sections: 5605

(i) Seeking or obtaining medical assistance in good faith 5606

for another person who is experiencing a drug overdose; 5607

(ii) Experiencing a drug overdose and seeking medical 5608  
assistance for that emergency or being the subject of another 5609  
person seeking or obtaining medical assistance for that overdose 5610  
as described in division (B) (2) (b) of this section. 5611

(e) Nothing in division (B) (2) (b) of this section shall be 5612  
construed to do any of the following: 5613

(i) Limit the admissibility of any evidence in connection 5614  
with the investigation or prosecution of a crime with regards to 5615  
a defendant who does not qualify for the protections of division 5616  
(B) (2) (b) of this section or with regards to any crime other 5617  
than a minor drug possession offense committed by a person who 5618  
qualifies for protection pursuant to division (B) (2) (b) of this 5619  
section for a minor drug possession offense; 5620

(ii) Limit any seizure of evidence or contraband otherwise 5621  
permitted by law; 5622

(iii) Limit or abridge the authority of a peace officer to 5623  
detain or take into custody a person in the course of an 5624  
investigation or to effectuate an arrest for any offense except 5625  
as provided in that division; 5626

(iv) Limit, modify, or remove any immunity from liability 5627  
available pursuant to law in effect prior to ~~the effective date~~ 5628  
~~of this amendment~~ September 13, 2016, to any public agency or to 5629  
an employee of any public agency. 5630

(f) Division (B) (2) (b) of this section does not apply to 5631  
any person who twice previously has been granted an immunity 5632  
under division (B) (2) (b) of this section. No person shall be 5633  
granted an immunity under division (B) (2) (b) of this section 5634  
more than two times. 5635

(g) 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.

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

(1) 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, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

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

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term 5665  
~~one of the prison terms prescribed for a felony of the second-~~ 5666  
~~degree~~ a second degree felony mandatory prison term. 5667

(d) If the amount of the drug involved equals or exceeds 5668  
fifty times the bulk amount but is less than one hundred times 5669  
the bulk amount, aggravated possession of drugs is a felony of 5670  
the first degree, and the court shall impose as a mandatory 5671  
prison term ~~one of the prison terms prescribed for a felony of~~ 5672  
~~the first degree~~ a first degree felony mandatory prison term. 5673

(e) If the amount of the drug involved equals or exceeds 5674  
one hundred times the bulk amount, aggravated possession of 5675  
drugs is a felony of the first degree, the offender is a major 5676  
drug offender, and the court shall impose as a mandatory prison 5677  
term ~~the maximum prison term prescribed for a felony of the~~ 5678  
~~first degree~~ a maximum first degree felony mandatory prison 5679  
term. 5680

(2) If the drug involved in the violation is a compound, 5681  
mixture, preparation, or substance included in schedule III, IV, 5682  
or V, whoever violates division (A) of this section is guilty of 5683  
possession of drugs. The penalty for the offense shall be 5684  
determined as follows: 5685

(a) Except as otherwise provided in division (C) (2) (b), 5686  
(c), or (d) of this section, possession of drugs is a 5687  
misdemeanor of the first degree or, if the offender previously 5688  
has been convicted of a drug abuse offense, a felony of the 5689  
fifth degree. 5690

(b) If the amount of the drug involved equals or exceeds 5691  
the bulk amount but is less than five times the bulk amount, 5692  
possession of drugs is a felony of the fourth degree, and 5693

division (C) of section 2929.13 of the Revised Code applies in 5694  
determining whether to impose a prison term on the offender. 5695

(c) If the amount of the drug involved equals or exceeds 5696  
five times the bulk amount but is less than fifty times the bulk 5697  
amount, possession of drugs is a felony of the third degree, and 5698  
there is a presumption for a prison term for the offense. 5699

(d) If the amount of the drug involved equals or exceeds 5700  
fifty times the bulk amount, possession of drugs is a felony of 5701  
the second degree, and the court shall impose upon the offender 5702  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5703  
~~for a felony of the second degree~~ a second degree felony 5704  
mandatory prison term. 5705

(3) If the drug involved in the violation is marihuana or 5706  
a compound, mixture, preparation, or substance containing 5707  
marihuana other than hashish, whoever violates division (A) of 5708  
this section is guilty of possession of marihuana. The penalty 5709  
for the offense shall be determined as follows: 5710

(a) Except as otherwise provided in division (C) (3) (b), 5711  
(c), (d), (e), (f), or (g) of this section, possession of 5712  
marihuana is a minor misdemeanor. 5713

(b) If the amount of the drug involved equals or exceeds 5714  
one hundred grams but is less than two hundred grams, possession 5715  
of marihuana is a misdemeanor of the fourth degree. 5716

(c) If the amount of the drug involved equals or exceeds 5717  
two hundred grams but is less than one thousand grams, 5718  
possession of marihuana is a felony of the fifth degree, and 5719  
division (B) of section 2929.13 of the Revised Code applies in 5720  
determining whether to impose a prison term on the offender. 5721

(d) If the amount of the drug involved equals or exceeds 5722

one thousand grams but is less than five thousand grams, 5723  
possession of marihuana is a felony of the third degree, and 5724  
division (C) of section 2929.13 of the Revised Code applies in 5725  
determining whether to impose a prison term on the offender. 5726

(e) If the amount of the drug involved equals or exceeds 5727  
five thousand grams but is less than twenty thousand grams, 5728  
possession of marihuana is a felony of the third degree, and 5729  
there is a presumption that a prison term shall be imposed for 5730  
the offense. 5731

(f) If the amount of the drug involved equals or exceeds 5732  
twenty thousand grams but is less than forty thousand grams, 5733  
possession of marihuana is a felony of the second degree, and 5734  
the court shall impose as a mandatory prison term a second 5735  
degree felony mandatory prison term of five, six, seven, or 5736  
eight years. 5737

(g) If the amount of the drug involved equals or exceeds 5738  
forty thousand grams, possession of marihuana is a felony of the 5739  
second degree, and the court shall impose as a mandatory prison 5740  
~~term the maximum prison term prescribed for a felony of the~~ 5741  
~~second degree~~ a maximum second degree felony mandatory prison 5742  
term. 5743

(4) If the drug involved in the violation is cocaine or a 5744  
compound, mixture, preparation, or substance containing cocaine, 5745  
whoever violates division (A) of this section is guilty of 5746  
possession of cocaine. The penalty for the offense shall be 5747  
determined as follows: 5748

(a) Except as otherwise provided in division (C) (4) (b), 5749  
(c), (d), (e), or (f) of this section, possession of cocaine is 5750  
a felony of the fifth degree, and division (B) of section 5751

2929.13 of the Revised Code applies in determining whether to 5752  
impose a prison term on the offender. 5753

(b) If the amount of the drug involved equals or exceeds 5754  
five grams but is less than ten grams of cocaine, possession of 5755  
cocaine is a felony of the fourth degree, and division (B) of 5756  
section 2929.13 of the Revised Code applies in determining 5757  
whether to impose a prison term on the offender. 5758

(c) If the amount of the drug involved equals or exceeds 5759  
ten grams but is less than twenty grams of cocaine, possession 5760  
of cocaine is a felony of the third degree, and, except as 5761  
otherwise provided in this division, there is a presumption for 5762  
a prison term for the offense. If possession of cocaine is a 5763  
felony of the third degree under this division and if the 5764  
offender two or more times previously has been convicted of or 5765  
pleaded guilty to a felony drug abuse offense, the court shall 5766  
impose as a mandatory prison term one of the prison terms 5767  
prescribed for a felony of the third degree. 5768

(d) If the amount of the drug involved equals or exceeds 5769  
twenty grams but is less than twenty-seven grams of cocaine, 5770  
possession of cocaine is a felony of the second degree, and the 5771  
court shall impose as a mandatory prison term ~~one of the prison~~ 5772  
~~terms prescribed for a felony of the second degree~~ a second 5773  
degree felony mandatory prison term. 5774

(e) If the amount of the drug involved equals or exceeds 5775  
twenty-seven grams but is less than one hundred grams of 5776  
cocaine, possession of cocaine is a felony of the first degree, 5777  
and the court shall impose as a mandatory prison term ~~one of the~~ 5778  
~~prison terms prescribed for a felony of the first degree~~ a first 5779  
degree felony mandatory prison term. 5780

(f) If the amount of the drug involved equals or exceeds 5781  
one hundred grams of cocaine, possession of cocaine is a felony 5782  
of the first degree, the offender is a major drug offender, and 5783  
the court shall impose as a mandatory prison term ~~the maximum~~ 5784  
~~prison term prescribed for a felony of the first degree~~ a 5785  
maximum first degree felony mandatory prison term. 5786

(5) If the drug involved in the violation is L.S.D., 5787  
whoever violates division (A) of this section is guilty of 5788  
possession of L.S.D. The penalty for the offense shall be 5789  
determined as follows: 5790

(a) Except as otherwise provided in division (C) (5) (b), 5791  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5792  
felony of the fifth degree, and division (B) of section 2929.13 5793  
of the Revised Code applies in determining whether to impose a 5794  
prison term on the offender. 5795

(b) If the amount of L.S.D. involved equals or exceeds ten 5796  
unit doses but is less than fifty unit doses of L.S.D. in a 5797  
solid form or equals or exceeds one gram but is less than five 5798  
grams of L.S.D. in a liquid concentrate, liquid extract, or 5799  
liquid distillate form, possession of L.S.D. is a felony of the 5800  
fourth degree, and division (C) of section 2929.13 of the 5801  
Revised Code applies in determining whether to impose a prison 5802  
term on the offender. 5803

(c) If the amount of L.S.D. involved equals or exceeds 5804  
fifty unit doses, but is less than two hundred fifty unit doses 5805  
of L.S.D. in a solid form or equals or exceeds five grams but is 5806  
less than twenty-five grams of L.S.D. in a liquid concentrate, 5807  
liquid extract, or liquid distillate form, possession of L.S.D. 5808  
is a felony of the third degree, and there is a presumption for 5809  
a prison term for the offense. 5810

(d) If the amount of L.S.D. involved equals or exceeds two 5811  
hundred fifty unit doses but is less than one thousand unit 5812  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5813  
grams but is less than one hundred grams of L.S.D. in a liquid 5814  
concentrate, liquid extract, or liquid distillate form, 5815  
possession of L.S.D. is a felony of the second degree, and the 5816  
court shall impose as a mandatory prison term ~~one of the prison~~ 5817  
~~terms prescribed for a felony of the second degree~~ a second 5818  
degree felony mandatory prison term. 5819

(e) If the amount of L.S.D. involved equals or exceeds one 5820  
thousand unit doses but is less than five thousand unit doses of 5821  
L.S.D. in a solid form or equals or exceeds one hundred grams 5822  
but is less than five hundred grams of L.S.D. in a liquid 5823  
concentrate, liquid extract, or liquid distillate form, 5824  
possession of L.S.D. is a felony of the first degree, and the 5825  
court shall impose as a mandatory prison term ~~one of the prison~~ 5826  
~~terms prescribed for a felony of the first degree~~ a first degree 5827  
felony mandatory prison term. 5828

(f) If the amount of L.S.D. involved equals or exceeds 5829  
five thousand unit doses of L.S.D. in a solid form or equals or 5830  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 5831  
liquid extract, or liquid distillate form, possession of L.S.D. 5832  
is a felony of the first degree, the offender is a major drug 5833  
offender, and the court shall impose as a mandatory prison term 5834  
~~the maximum prison term prescribed for a felony of the first~~ 5835  
~~degree~~ a maximum first degree felony mandatory prison term. 5836

(6) If the drug involved in the violation is heroin or a 5837  
compound, mixture, preparation, or substance containing heroin, 5838  
whoever violates division (A) of this section is guilty of 5839  
possession of heroin. The penalty for the offense shall be 5840

determined as follows: 5841

(a) Except as otherwise provided in division (C) (6) (b), 5842  
(c), (d), (e), or (f) of this section, possession of heroin is a 5843  
felony of the fifth degree, and division (B) of section 2929.13 5844  
of the Revised Code applies in determining whether to impose a 5845  
prison term on the offender. 5846

(b) If the amount of the drug involved equals or exceeds 5847  
ten unit doses but is less than fifty unit doses or equals or 5848  
exceeds one gram but is less than five grams, possession of 5849  
heroin is a felony of the fourth degree, and division (C) of 5850  
section 2929.13 of the Revised Code applies in determining 5851  
whether to impose a prison term on the offender. 5852

(c) If the amount of the drug involved equals or exceeds 5853  
fifty unit doses but is less than one hundred unit doses or 5854  
equals or exceeds five grams but is less than ten grams, 5855  
possession of heroin is a felony of the third degree, and there 5856  
is a presumption for a prison term for the offense. 5857

(d) If the amount of the drug involved equals or exceeds 5858  
one hundred unit doses but is less than five hundred unit doses 5859  
or equals or exceeds ten grams but is less than fifty grams, 5860  
possession of heroin is a felony of the second degree, and the 5861  
court shall impose as a mandatory prison term ~~one of the prison~~ 5862  
~~terms prescribed for a felony of the second degree~~ a second 5863  
degree felony mandatory prison term. 5864

(e) If the amount of the drug involved equals or exceeds 5865  
five hundred unit doses but is less than one thousand unit doses 5866  
or equals or exceeds fifty grams but is less than one hundred 5867  
grams, possession of heroin is a felony of the first degree, and 5868  
the court shall impose as a mandatory prison term ~~one of the~~ 5869

~~prison terms prescribed for a felony of the first degree, a first~~ 5870  
~~degree felony mandatory prison term.~~ 5871

(f) If the amount of the drug involved equals or exceeds 5872  
one thousand unit doses or equals or exceeds one hundred grams, 5873  
possession of heroin is a felony of the first degree, the 5874  
offender is a major drug offender, and the court shall impose as 5875  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5876  
~~felony of the first degree, a maximum first degree felony~~ 5877  
~~mandatory prison term.~~ 5878

(7) If the drug involved in the violation is hashish or a 5879  
compound, mixture, preparation, or substance containing hashish, 5880  
whoever violates division (A) of this section is guilty of 5881  
possession of hashish. The penalty for the offense shall be 5882  
determined as follows: 5883

(a) Except as otherwise provided in division (C) (7) (b), 5884  
(c), (d), (e), (f), or (g) of this section, possession of 5885  
hashish is a minor misdemeanor. 5886

(b) If the amount of the drug involved equals or exceeds 5887  
five grams but is less than ten grams of hashish in a solid form 5888  
or equals or exceeds one gram but is less than two grams of 5889  
hashish in a liquid concentrate, liquid extract, or liquid 5890  
distillate form, possession of hashish is a misdemeanor of the 5891  
fourth degree. 5892

(c) If the amount of the drug involved equals or exceeds 5893  
ten grams but is less than fifty grams of hashish in a solid 5894  
form or equals or exceeds two grams but is less than ten grams 5895  
of hashish in a liquid concentrate, liquid extract, or liquid 5896  
distillate form, possession of hashish is a felony of the fifth 5897  
degree, and division (B) of section 2929.13 of the Revised Code 5898

applies in determining whether to impose a prison term on the 5899  
offender. 5900

(d) If the amount of the drug involved equals or exceeds 5901  
fifty grams but is less than two hundred fifty grams of hashish 5902  
in a solid form or equals or exceeds ten grams but is less than 5903  
fifty grams of hashish in a liquid concentrate, liquid extract, 5904  
or liquid distillate form, possession of hashish is a felony of 5905  
the third degree, and division (C) of section 2929.13 of the 5906  
Revised Code applies in determining whether to impose a prison 5907  
term on the offender. 5908

(e) If the amount of the drug involved equals or exceeds 5909  
two hundred fifty grams but is less than one thousand grams of 5910  
hashish in a solid form or equals or exceeds fifty grams but is 5911  
less than two hundred grams of hashish in a liquid concentrate, 5912  
liquid extract, or liquid distillate form, possession of hashish 5913  
is a felony of the third degree, and there is a presumption that 5914  
a prison term shall be imposed for the offense. 5915

(f) If the amount of the drug involved equals or exceeds 5916  
one thousand grams but is less than two thousand grams of 5917  
hashish in a solid form or equals or exceeds two hundred grams 5918  
but is less than four hundred grams of hashish in a liquid 5919  
concentrate, liquid extract, or liquid distillate form, 5920  
possession of hashish is a felony of the second degree, and the 5921  
court shall impose as a mandatory prison term a second degree 5922  
felony mandatory prison term of five, six, seven, or eight 5923  
years. 5924

(g) If the amount of the drug involved equals or exceeds 5925  
two thousand grams of hashish in a solid form or equals or 5926  
exceeds four hundred grams of hashish in a liquid concentrate, 5927  
liquid extract, or liquid distillate form, possession of hashish 5928

is a felony of the second degree, and the court shall impose as 5929  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5930  
~~felony of the second degree~~ a maximum second degree felony 5931  
mandatory prison term. 5932

(8) If the drug involved is a controlled substance analog 5933  
or compound, mixture, preparation, or substance that contains a 5934  
controlled substance analog, whoever violates division (A) of 5935  
this section is guilty of possession of a controlled substance 5936  
analog. The penalty for the offense shall be determined as 5937  
follows: 5938

(a) Except as otherwise provided in division (C) (8) (b), 5939  
(c), (d), (e), or (f) of this section, possession of a 5940  
controlled substance analog is a felony of the fifth degree, and 5941  
division (B) of section 2929.13 of the Revised Code applies in 5942  
determining whether to impose a prison term on the offender. 5943

(b) If the amount of the drug involved equals or exceeds 5944  
ten grams but is less than twenty grams, possession of a 5945  
controlled substance analog is a felony of the fourth degree, 5946  
and there is a presumption for a prison term for the offense. 5947

(c) If the amount of the drug involved equals or exceeds 5948  
twenty grams but is less than thirty grams, possession of a 5949  
controlled substance analog is a felony of the third degree, and 5950  
there is a presumption for a prison term for the offense. 5951

(d) If the amount of the drug involved equals or exceeds 5952  
thirty grams but is less than forty grams, possession of a 5953  
controlled substance analog is a felony of the second degree, 5954  
and the court shall impose as a mandatory prison term ~~one of the~~ 5955  
~~prison terms prescribed for a felony of the second degree~~ a 5956  
second degree felony mandatory prison term. 5957

(e) If the amount of the drug involved equals or exceeds 5958  
forty grams but is less than fifty grams, possession of a 5959  
controlled substance analog is a felony of the first degree, and 5960  
the court shall impose as a mandatory prison term ~~one of the~~ 5961  
~~prison terms prescribed for a felony of the first degree~~ a first 5962  
degree felony mandatory prison term. 5963

(f) If the amount of the drug involved equals or exceeds 5964  
fifty grams, possession of a controlled substance analog is a 5965  
felony of the first degree, the offender is a major drug 5966  
offender, and the court shall impose as a mandatory prison term 5967  
~~the maximum prison term prescribed for a felony of the first~~ 5968  
~~degree~~ a maximum first degree felony mandatory prison term. 5969

(D) Arrest or conviction for a minor misdemeanor violation 5970  
of this section does not constitute a criminal record and need 5971  
not be reported by the person so arrested or convicted in 5972  
response to any inquiries about the person's criminal record, 5973  
including any inquiries contained in any application for 5974  
employment, license, or other right or privilege, or made in 5975  
connection with the person's appearance as a witness. 5976

(E) In addition to any prison term or jail term authorized 5977  
or required by division (C) of this section and sections 5978  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5979  
Code and in addition to any other sanction that is imposed for 5980  
the offense under this section, sections 2929.11 to 2929.18, or 5981  
sections 2929.21 to 2929.28 of the Revised Code, the court that 5982  
sentences an offender who is convicted of or pleads guilty to a 5983  
violation of division (A) of this section may suspend the 5984  
offender's driver's or commercial driver's license or permit for 5985  
not more than five years. However, if the offender pleaded 5986  
guilty to or was convicted of a violation of section 4511.19 of 5987

the Revised Code or a substantially similar municipal ordinance 5988  
or the law of another state or the United States arising out of 5989  
the same set of circumstances as the violation, the court shall 5990  
suspend the offender's driver's or commercial driver's license 5991  
or permit for not more than five years. If applicable, the court 5992  
also shall do the following: 5993

(1) (a) If the violation is a felony of the first, second, 5994  
or third degree, the court shall impose upon the offender the 5995  
mandatory fine specified for the offense under division (B) (1) 5996  
of section 2929.18 of the Revised Code unless, as specified in 5997  
that division, the court determines that the offender is 5998  
indigent. 5999

(b) Notwithstanding any contrary provision of section 6000  
3719.21 of the Revised Code, the clerk of the court shall pay a 6001  
mandatory fine or other fine imposed for a violation of this 6002  
section pursuant to division (A) of section 2929.18 of the 6003  
Revised Code in accordance with and subject to the requirements 6004  
of division (F) of section 2925.03 of the Revised Code. The 6005  
agency that receives the fine shall use the fine as specified in 6006  
division (F) of section 2925.03 of the Revised Code. 6007

(c) If a person is charged with a violation of this 6008  
section that is a felony of the first, second, or third degree, 6009  
posts bail, and forfeits the bail, the clerk shall pay the 6010  
forfeited bail pursuant to division (E) (1) (b) of this section as 6011  
if it were a mandatory fine imposed under division (E) (1) (a) of 6012  
this section. 6013

(2) If the offender is a professionally licensed person, 6014  
in addition to any other sanction imposed for a violation of 6015  
this section, the court immediately shall comply with section 6016  
2925.38 of the Revised Code. 6017

(F) It is an affirmative defense, as provided in section 6018  
2901.05 of the Revised Code, to a charge of a fourth degree 6019  
felony violation under this section that the controlled 6020  
substance that gave rise to the charge is in an amount, is in a 6021  
form, is prepared, compounded, or mixed with substances that are 6022  
not controlled substances in a manner, or is possessed under any 6023  
other circumstances, that indicate that the substance was 6024  
possessed solely for personal use. Notwithstanding any contrary 6025  
provision of this section, if, in accordance with section 6026  
2901.05 of the Revised Code, an accused who is charged with a 6027  
fourth degree felony violation of division (C) (2), (4), (5), or 6028  
(6) of this section sustains the burden of going forward with 6029  
evidence of and establishes by a preponderance of the evidence 6030  
the affirmative defense described in this division, the accused 6031  
may be prosecuted for and may plead guilty to or be convicted of 6032  
a misdemeanor violation of division (C) (2) of this section or a 6033  
fifth degree felony violation of division (C) (4), (5), or (6) of 6034  
this section respectively. 6035

(G) When a person is charged with possessing a bulk amount 6036  
or multiple of a bulk amount, division (E) of section 2925.03 of 6037  
the Revised Code applies regarding the determination of the 6038  
amount of the controlled substance involved at the time of the 6039  
offense. 6040

(H) It is an affirmative defense to a charge of possession 6041  
of a controlled substance analog under division (C) (8) of this 6042  
section that the person charged with violating that offense 6043  
obtained, possessed, or used an item described in division (HH) 6044  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6045

(I) Any offender who received a mandatory suspension of 6046  
the offender's driver's or commercial driver's license or permit 6047

under this section prior to ~~the effective date of this amendment~~ 6048  
September 13, 2016, may file a motion with the sentencing court 6049  
requesting the termination of the suspension. However, an 6050  
offender who pleaded guilty to or was convicted of a violation 6051  
of section 4511.19 of the Revised Code or a substantially 6052  
similar municipal ordinance or law of another state or the 6053  
United States that arose out of the same set of circumstances as 6054  
the violation for which the offender's license or permit was 6055  
suspended under this section shall not file such a motion. 6056

Upon the filing of a motion under division (I) of this 6057  
section, the sentencing court, in its discretion, may terminate 6058  
the suspension. 6059

**Sec. 2929.01.** As used in this chapter: 6060

(A) (1) "Alternative residential facility" means, subject 6061  
to division (A) (2) of this section, any facility other than an 6062  
offender's home or residence in which an offender is assigned to 6063  
live and that satisfies all of the following criteria: 6064

(a) It provides programs through which the offender may 6065  
seek or maintain employment or may receive education, training, 6066  
treatment, or habilitation. 6067

(b) It has received the appropriate license or certificate 6068  
for any specialized education, training, treatment, 6069  
habilitation, or other service that it provides from the 6070  
government agency that is responsible for licensing or 6071  
certifying that type of education, training, treatment, 6072  
habilitation, or service. 6073

(2) "Alternative residential facility" does not include a 6074  
community-based correctional facility, jail, halfway house, or 6075  
prison. 6076

(B) "Basic probation supervision" means a requirement that 6077  
the offender maintain contact with a person appointed to 6078  
supervise the offender in accordance with sanctions imposed by 6079  
the court or imposed by the parole board pursuant to section 6080  
2967.28 of the Revised Code. "Basic probation supervision" 6081  
includes basic parole supervision and basic post-release control 6082  
supervision. 6083

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6084  
the same meanings as in section 2925.01 of the Revised Code. 6085

(D) "Community-based correctional facility" means a 6086  
community-based correctional facility and program or district 6087  
community-based correctional facility and program developed 6088  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6089

(E) "Community control sanction" means a sanction that is 6090  
not a prison term and that is described in section 2929.15, 6091  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6092  
that is not a jail term and that is described in section 6093  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6094  
control sanction" includes probation if the sentence involved 6095  
was imposed for a felony that was committed prior to July 1, 6096  
1996, or if the sentence involved was imposed for a misdemeanor 6097  
that was committed prior to January 1, 2004. 6098

(F) "Controlled substance," "marihuana," "schedule I," and 6099  
"schedule II" have the same meanings as in section 3719.01 of 6100  
the Revised Code. 6101

(G) "Curfew" means a requirement that an offender during a 6102  
specified period of time be at a designated place. 6103

(H) "Day reporting" means a sanction pursuant to which an 6104  
offender is required each day to report to and leave a center or 6105

other approved reporting location at specified times in order to 6106  
participate in work, education or training, treatment, and other 6107  
approved programs at the center or outside the center. 6108

(I) "Deadly weapon" has the same meaning as in section 6109  
2923.11 of the Revised Code. 6110

(J) "Drug and alcohol use monitoring" means a program 6111  
under which an offender agrees to submit to random chemical 6112  
analysis of the offender's blood, breath, or urine to determine 6113  
whether the offender has ingested any alcohol or other drugs. 6114

(K) "Drug treatment program" means any program under which 6115  
a person undergoes assessment and treatment designed to reduce 6116  
or completely eliminate the person's physical or emotional 6117  
reliance upon alcohol, another drug, or alcohol and another drug 6118  
and under which the person may be required to receive assessment 6119  
and treatment on an outpatient basis or may be required to 6120  
reside at a facility other than the person's home or residence 6121  
while undergoing assessment and treatment. 6122

(L) "Economic loss" means any economic detriment suffered 6123  
by a victim as a direct and proximate result of the commission 6124  
of an offense and includes any loss of income due to lost time 6125  
at work because of any injury caused to the victim, and any 6126  
property loss, medical cost, or funeral expense incurred as a 6127  
result of the commission of the offense. "Economic loss" does 6128  
not include non-economic loss or any punitive or exemplary 6129  
damages. 6130

(M) "Education or training" includes study at, or in 6131  
conjunction with a program offered by, a university, college, or 6132  
technical college or vocational study and also includes the 6133  
completion of primary school, secondary school, and literacy 6134

curricula or their equivalent. 6135

(N) "Firearm" has the same meaning as in section 2923.11 6136  
of the Revised Code. 6137

(O) "Halfway house" means a facility licensed by the 6138  
division of parole and community services of the department of 6139  
rehabilitation and correction pursuant to section 2967.14 of the 6140  
Revised Code as a suitable facility for the care and treatment 6141  
of adult offenders. 6142

(P) "House arrest" means a period of confinement of an 6143  
offender that is in the offender's home or in other premises 6144  
specified by the sentencing court or by the parole board 6145  
pursuant to section 2967.28 of the Revised Code and during which 6146  
all of the following apply: 6147

(1) The offender is required to remain in the offender's 6148  
home or other specified premises for the specified period of 6149  
confinement, except for periods of time during which the 6150  
offender is at the offender's place of employment or at other 6151  
premises as authorized by the sentencing court or by the parole 6152  
board. 6153

(2) The offender is required to report periodically to a 6154  
person designated by the court or parole board. 6155

(3) The offender is subject to any other restrictions and 6156  
requirements that may be imposed by the sentencing court or by 6157  
the parole board. 6158

(Q) "Intensive probation supervision" means a requirement 6159  
that an offender maintain frequent contact with a person 6160  
appointed by the court, or by the parole board pursuant to 6161  
section 2967.28 of the Revised Code, to supervise the offender 6162  
while the offender is seeking or maintaining necessary 6163

employment and participating in training, education, and 6164  
treatment programs as required in the court's or parole board's 6165  
order. "Intensive probation supervision" includes intensive 6166  
parole supervision and intensive post-release control 6167  
supervision. 6168

(R) "Jail" means a jail, workhouse, minimum security jail, 6169  
or other residential facility used for the confinement of 6170  
alleged or convicted offenders that is operated by a political 6171  
subdivision or a combination of political subdivisions of this 6172  
state. 6173

(S) "Jail term" means the term in a jail that a sentencing 6174  
court imposes or is authorized to impose pursuant to section 6175  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6176  
provision of the Revised Code that authorizes a term in a jail 6177  
for a misdemeanor conviction. 6178

(T) "Mandatory jail term" means the term in a jail that a 6179  
sentencing court is required to impose pursuant to division (G) 6180  
of section 1547.99 of the Revised Code, division (E) of section 6181  
2903.06 or division (D) of section 2903.08 of the Revised Code, 6182  
division (E) or (G) of section 2929.24 of the Revised Code, 6183  
division (B) of section 4510.14 of the Revised Code, or division 6184  
(G) of section 4511.19 of the Revised Code or pursuant to any 6185  
other provision of the Revised Code that requires a term in a 6186  
jail for a misdemeanor conviction. 6187

(U) "Delinquent child" has the same meaning as in section 6188  
2152.02 of the Revised Code. 6189

(V) "License violation report" means a report that is made 6190  
by a sentencing court, or by the parole board pursuant to 6191  
section 2967.28 of the Revised Code, to the regulatory or 6192

licensing board or agency that issued an offender a professional 6193  
license or a license or permit to do business in this state and 6194  
that specifies that the offender has been convicted of or 6195  
pleaded guilty to an offense that may violate the conditions 6196  
under which the offender's professional license or license or 6197  
permit to do business in this state was granted or an offense 6198  
for which the offender's professional license or license or 6199  
permit to do business in this state may be revoked or suspended. 6200

(W) "Major drug offender" means an offender who is 6201  
convicted of or pleads guilty to the possession of, sale of, or 6202  
offer to sell any drug, compound, mixture, preparation, or 6203  
substance that consists of or contains at least one thousand 6204  
grams of hashish; at least one hundred grams of cocaine; at 6205  
least one thousand unit doses or one hundred grams of heroin; at 6206  
least five thousand unit doses of L.S.D. or five hundred grams 6207  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6208  
distillate form; at least fifty grams of a controlled substance 6209  
analog; or at least one hundred times the amount of any other 6210  
schedule I or II controlled substance other than marihuana that 6211  
is necessary to commit a felony of the third degree pursuant to 6212  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6213  
Code that is based on the possession of, sale of, or offer to 6214  
sell the controlled substance. 6215

(X) "Mandatory prison term" means any of the following: 6216

(1) Subject to division (X)(2) of this section, the term 6217  
in prison that must be imposed for the offenses or circumstances 6218  
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 6219  
section 2929.13 and division (B) of section 2929.14 of the 6220  
Revised Code. Except as provided in sections 2925.02, 2925.03, 6221  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6222

maximum or another specific term is required under section 6223  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6224  
described in this division may be any prison term authorized for 6225  
the level of offense except that if the offense is a felony of 6226  
the first or second degree committed on or after the effective 6227  
date of this amendment or is a felony of the third degree that 6228  
is described in division (A) (3) (a) of section 2929.14 of the 6229  
Revised Code and committed on or after that effective date, a 6230  
mandatory prison term described in this division may be one of 6231  
the terms prescribed in division (A) (1) (a), (2) (a), or (3) (a) (i) 6232  
of section 2929.14 of the Revised Code, whichever is applicable, 6233  
that is authorized as the minimum term for the offense. 6234

(2) The term of sixty or one hundred twenty days in prison 6235  
that a sentencing court is required to impose for a third or 6236  
fourth degree felony OVI offense pursuant to division (G) (2) of 6237  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6238  
of the Revised Code or the term of one, two, three, four, or 6239  
five years in prison that a sentencing court is required to 6240  
impose pursuant to division (G) (2) of section 2929.13 of the 6241  
Revised Code. 6242

(3) The term in prison imposed pursuant to division (A) of 6243  
section 2971.03 of the Revised Code for the offenses and in the 6244  
circumstances described in division (F) (11) of section 2929.13 6245  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6246  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6247  
section 2971.03 of the Revised Code and that term as modified or 6248  
terminated pursuant to section 2971.05 of the Revised Code. 6249

(Y) "Monitored time" means a period of time during which 6250  
an offender continues to be under the control of the sentencing 6251  
court or parole board, subject to no conditions other than 6252

leading a law-abiding life. 6253

(Z) "Offender" means a person who, in this state, is 6254  
convicted of or pleads guilty to a felony or a misdemeanor. 6255

(AA) "Prison" means a residential facility used for the 6256  
confinement of convicted felony offenders that is under the 6257  
control of the department of rehabilitation and correction but 6258  
does not include a violation sanction center operated under 6259  
authority of section 2967.141 of the Revised Code. 6260

(BB) (1) "Prison term" includes either of the following 6261  
sanctions for an offender: 6262

~~(1)~~ (a) A stated prison term; 6263

~~(2)~~ (b) A term in a prison shortened by, or with the 6264  
approval of, the sentencing court pursuant to section 2929.143, 6265  
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6266  
Code. 6267

(2) With respect to a non-life felony indefinite prison 6268  
term, references in any provision of law to a reduction of, or 6269  
deduction from, the prison term mean a reduction in, or 6270  
deduction from, the minimum term imposed as part of the 6271  
indefinite term. 6272

(CC) "Repeat violent offender" means a person about whom 6273  
both of the following apply: 6274

(1) The person is being sentenced for committing or for 6275  
complicity in committing any of the following: 6276

(a) Aggravated murder, murder, any felony of the first or 6277  
second degree that is an offense of violence, or an attempt to 6278  
commit any of these offenses if the attempt is a felony of the 6279  
first or second degree; 6280

(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 described in division (CC) (1) (a) of this section.

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section.

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code.

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense.

(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender is serving a prison term as a risk reduction sentence under sections 2929.143 and 5120.036 of the Revised Code, "stated prison term" includes any period of time by which the prison term imposed upon the offender is shortened by the offender's successful completion of all assessment and treatment or

programming pursuant to those sections. 6311

(2) As used in the definition of "stated prison term" set forth in division (FF)(1) of this section, a prison term is a definite prison term imposed under section 2929.14 of the Revised Code or any other provision of law, is the minimum and maximum prison terms under a non-life felony indefinite prison term, or is a term of life imprisonment except to the extent that the use of that definition in a section of the Revised Code clearly is not intended to include a term of life imprisonment. With respect to an offender sentenced to a non-life felony indefinite prison term, references in section 2967.191 or 2967.193 of the Revised Code or any other provision of law to a reduction of, or deduction from, the offender's stated prison term or to release of the offender before the expiration of the offender's stated prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term or a release of the offender before the expiration of that minimum term, references in section 2929.19 or 2967.28 of the Revised Code to a stated prison term with respect to a prison term imposed for a violation of a post-release control sanction mean the minimum term so imposed, and references in any provision of law to an offender's service of the offender's stated prison term or the expiration of the offender's stated prison term mean service or expiration of the minimum term so imposed plus any additional period of incarceration under the sentence that is required under section 2967.271 of the Revised Code. 6312  
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(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for 6337  
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the offense. 6342

(HH) "Fourth degree felony OVI offense" means a violation 6343  
of division (A) of section 4511.19 of the Revised Code that, 6344  
under division (G) of that section, is a felony of the fourth 6345  
degree. 6346

(II) "Mandatory term of local incarceration" means the 6347  
term of sixty or one hundred twenty days in a jail, a community- 6348  
based correctional facility, a halfway house, or an alternative 6349  
residential facility that a sentencing court may impose upon a 6350  
person who is convicted of or pleads guilty to a fourth degree 6351  
felony OVI offense pursuant to division (G) (1) of section 6352  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6353  
section 4511.19 of the Revised Code. 6354

(JJ) "Designated homicide, assault, or kidnapping 6355  
offense," "violent sex offense," "sexual motivation 6356  
specification," "sexually violent offense," "sexually violent 6357  
predator," and "sexually violent predator specification" have 6358  
the same meanings as in section 2971.01 of the Revised Code. 6359

(KK) "Sexually oriented offense," "child-victim oriented 6360  
offense," and "tier III sex offender/child-victim offender" have 6361  
the same meanings as in section 2950.01 of the Revised Code. 6362

(LL) An offense is "committed in the vicinity of a child" 6363  
if the offender commits the offense within thirty feet of or 6364  
within the same residential unit as a child who is under 6365  
eighteen years of age, regardless of whether the offender knows 6366  
the age of the child or whether the offender knows the offense 6367  
is being committed within thirty feet of or within the same 6368  
residential unit as the child and regardless of whether the 6369  
child actually views the commission of the offense. 6370

(MM) "Family or household member" has the same meaning as  
in section 2919.25 of the Revised Code. 6371  
6372

(NN) "Motor vehicle" and "manufactured home" have the same  
meanings as in section 4501.01 of the Revised Code. 6373  
6374

(OO) "Detention" and "detention facility" have the same  
meanings as in section 2921.01 of the Revised Code. 6375  
6376

(PP) "Third degree felony OVI offense" means a violation  
of division (A) of section 4511.19 of the Revised Code that,  
under division (G) of that section, is a felony of the third  
degree. 6377  
6378  
6379  
6380

(QQ) "Random drug testing" has the same meaning as in  
section 5120.63 of the Revised Code. 6381  
6382

(RR) "Felony sex offense" has the same meaning as in  
section 2967.28 of the Revised Code. 6383  
6384

(SS) "Body armor" has the same meaning as in section  
2941.1411 of the Revised Code. 6385  
6386

(TT) "Electronic monitoring" means monitoring through the  
use of an electronic monitoring device. 6387  
6388

(UU) "Electronic monitoring device" means any of the  
following: 6389  
6390

(1) Any device that can be operated by electrical or  
battery power and that conforms with all of the following: 6391  
6392

(a) The device has a transmitter that can be attached to a  
person, that will transmit a specified signal to a receiver of  
the type described in division (UU) (1) (b) of this section if the  
transmitter is removed from the person, turned off, or altered  
in any manner without prior court approval in relation to 6393  
6394  
6395  
6396  
6397

electronic monitoring or without prior approval of the 6398  
department of rehabilitation and correction in relation to the 6399  
use of an electronic monitoring device for an inmate on 6400  
transitional control or otherwise is tampered with, that can 6401  
transmit continuously and periodically a signal to that receiver 6402  
when the person is within a specified distance from the 6403  
receiver, and that can transmit an appropriate signal to that 6404  
receiver if the person to whom it is attached travels a 6405  
specified distance from that receiver. 6406

(b) The device has a receiver that can receive 6407  
continuously the signals transmitted by a transmitter of the 6408  
type described in division (UU) (1) (a) of this section, can 6409  
transmit continuously those signals by a wireless or landline 6410  
telephone connection to a central monitoring computer of the 6411  
type described in division (UU) (1) (c) of this section, and can 6412  
transmit continuously an appropriate signal to that central 6413  
monitoring computer if the device has been turned off or altered 6414  
without prior court approval or otherwise tampered with. The 6415  
device is designed specifically for use in electronic 6416  
monitoring, is not a converted wireless phone or another 6417  
tracking device that is clearly not designed for electronic 6418  
monitoring, and provides a means of text-based or voice 6419  
communication with the person. 6420

(c) The device has a central monitoring computer that can 6421  
receive continuously the signals transmitted by a wireless or 6422  
landline telephone connection by a receiver of the type 6423  
described in division (UU) (1) (b) of this section and can monitor 6424  
continuously the person to whom an electronic monitoring device 6425  
of the type described in division (UU) (1) (a) of this section is 6426  
attached. 6427

(2) Any device that is not a device of the type described 6428  
in division (UU) (1) of this section and that conforms with all 6429  
of the following: 6430

(a) The device includes a transmitter and receiver that 6431  
can monitor and determine the location of a subject person at 6432  
any time, or at a designated point in time, through the use of a 6433  
central monitoring computer or through other electronic means. 6434

(b) The device includes a transmitter and receiver that 6435  
can determine at any time, or at a designated point in time, 6436  
through the use of a central monitoring computer or other 6437  
electronic means the fact that the transmitter is turned off or 6438  
altered in any manner without prior approval of the court in 6439  
relation to the electronic monitoring or without prior approval 6440  
of the department of rehabilitation and correction in relation 6441  
to the use of an electronic monitoring device for an inmate on 6442  
transitional control or otherwise is tampered with. 6443

(3) Any type of technology that can adequately track or 6444  
determine the location of a subject person at any time and that 6445  
is approved by the director of rehabilitation and correction, 6446  
including, but not limited to, any satellite technology, voice 6447  
tracking system, or retinal scanning system that is so approved. 6448

(VV) "Non-economic loss" means nonpecuniary harm suffered 6449  
by a victim of an offense as a result of or related to the 6450  
commission of the offense, including, but not limited to, pain 6451  
and suffering; loss of society, consortium, companionship, care, 6452  
assistance, attention, protection, advice, guidance, counsel, 6453  
instruction, training, or education; mental anguish; and any 6454  
other intangible loss. 6455

(WW) "Prosecutor" has the same meaning as in section 6456

2935.01 of the Revised Code. 6457

(XX) "Continuous alcohol monitoring" means the ability to 6458  
automatically test and periodically transmit alcohol consumption 6459  
levels and tamper attempts at least every hour, regardless of 6460  
the location of the person who is being monitored. 6461

(YY) A person is "adjudicated a sexually violent predator" 6462  
if the person is convicted of or pleads guilty to a violent sex 6463  
offense and also is convicted of or pleads guilty to a sexually 6464  
violent predator specification that was included in the 6465  
indictment, count in the indictment, or information charging 6466  
that violent sex offense or if the person is convicted of or 6467  
pleads guilty to a designated homicide, assault, or kidnapping 6468  
offense and also is convicted of or pleads guilty to both a 6469  
sexual motivation specification and a sexually violent predator 6470  
specification that were included in the indictment, count in the 6471  
indictment, or information charging that designated homicide, 6472  
assault, or kidnapping offense. 6473

(ZZ) An offense is "committed in proximity to a school" if 6474  
the offender commits the offense in a school safety zone or 6475  
within five hundred feet of any school building or the 6476  
boundaries of any school premises, regardless of whether the 6477  
offender knows the offense is being committed in a school safety 6478  
zone or within five hundred feet of any school building or the 6479  
boundaries of any school premises. 6480

(AAA) "Human trafficking" means a scheme or plan to which 6481  
all of the following apply: 6482

(1) Its object is one or more of the following: 6483

(a) To subject a victim or victims to involuntary 6484  
servitude, as defined in section 2905.31 of the Revised Code or 6485

to compel a victim or victims to engage in sexual activity for 6486  
hire, to engage in a performance that is obscene, sexually 6487  
oriented, or nudity oriented, or to be a model or participant in 6488  
the production of material that is obscene, sexually oriented, 6489  
or nudity oriented; 6490

(b) To facilitate, encourage, or recruit a victim who is 6491  
less than sixteen years of age or is a person with a 6492  
developmental disability, or victims who are less than sixteen 6493  
years of age or are persons with developmental disabilities, for 6494  
any purpose listed in divisions (A) (2) (a) to (c) of section 6495  
2905.32 of the Revised Code; 6496

(c) To facilitate, encourage, or recruit a victim who is 6497  
sixteen or seventeen years of age, or victims who are sixteen or 6498  
seventeen years of age, for any purpose listed in divisions (A) 6499  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6500  
circumstances described in division (A) (5), (6), (7), (8), (9), 6501  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6502  
apply with respect to the person engaging in the conduct and the 6503  
victim or victims. 6504

(2) It involves at least two felony offenses, whether or 6505  
not there has been a prior conviction for any of the felony 6506  
offenses, to which all of the following apply: 6507

(a) Each of the felony offenses is a violation of section 6508  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6509  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6510  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6511  
is a violation of a law of any state other than this state that 6512  
is substantially similar to any of the sections or divisions of 6513  
the Revised Code identified in this division. 6514

(b) At least one of the felony offenses was committed in 6515  
this state. 6516

(c) The felony offenses are related to the same scheme or 6517  
plan and are not isolated instances. 6518

(BBB) "Material," "nudity," "obscene," "performance," and 6519  
"sexual activity" have the same meanings as in section 2907.01 6520  
of the Revised Code. 6521

(CCC) "Material that is obscene, sexually oriented, or 6522  
nudity oriented" means any material that is obscene, that shows 6523  
a person participating or engaging in sexual activity, 6524  
masturbation, or bestiality, or that shows a person in a state 6525  
of nudity. 6526

(DDD) "Performance that is obscene, sexually oriented, or 6527  
nudity oriented" means any performance that is obscene, that 6528  
shows a person participating or engaging in sexual activity, 6529  
masturbation, or bestiality, or that shows a person in a state 6530  
of nudity. 6531

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6532  
as an ignitable liquid, used to initiate a fire or increase the 6533  
rate of growth or spread of a fire. 6534

(FFF) "Non-life felony indefinite prison term" means a 6535  
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6536  
(i) of section 2929.14 and section 2929.144 of the Revised Code 6537  
for a felony of the first or second degree committed on or after 6538  
the effective date of this amendment or a felony of the third 6539  
degree that is described in division (A) (3) (a) of section 6540  
2929.14 of the Revised Code and committed on or after that 6541  
effective date. 6542

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 6543

(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6544  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6545  
of section 2919.25 of the Revised Code and except in relation to 6546  
an offense for which a sentence of death or life imprisonment is 6547  
to be imposed, if the court imposing a sentence upon an offender 6548  
for a felony elects or is required to impose a prison term on 6549  
the offender pursuant to this chapter, the court shall impose a 6550  
~~definite~~ prison term that shall be one of the following: 6551

(1) (a) For a felony of the first degree committed on or 6552  
after the effective date of this amendment, the prison term 6553  
shall be an indefinite prison term with a stated minimum term 6554  
selected by the court of three, four, five, six, seven, eight, 6555  
nine, ten, or eleven years and a maximum term that is determined 6556  
pursuant to section 2929.144 of the Revised Code, except that if 6557  
the section that criminalizes the conduct constituting the 6558  
felony specifies a different minimum term or penalty for the 6559  
offense, the specific language of that section shall control in 6560  
determining the minimum term or otherwise sentencing the 6561  
offender but the minimum term or sentence imposed under that 6562  
specific language shall be considered for purposes of the 6563  
Revised Code as if it had been imposed under this division. 6564

(b) For a felony of the first degree committed prior to 6565  
the effective date of this amendment, the prison term shall be a 6566  
definite prison term of three, four, five, six, seven, eight, 6567  
nine, ten, or eleven years. 6568

(2) (a) For a felony of the second degree committed on or 6569  
after the effective date of this amendment, the prison term 6570  
shall be an indefinite prison term with a stated minimum term 6571  
selected by the court of two, three, four, five, six, seven, or 6572  
eight years and a maximum term that is determined pursuant to 6573

section 2929.144 of the Revised Code, except that if the section 6574  
that criminalizes the conduct constituting the felony specifies 6575  
a different minimum term or penalty for the offense, the 6576  
specific language of that section shall control in determining 6577  
the minimum term or otherwise sentencing the offender but the 6578  
minimum term or sentence imposed under that specific language 6579  
shall be considered for purposes of the Revised Code as if it 6580  
had been imposed under this division. 6581

(b) For a felony of the second degree committed prior to 6582  
the effective date of this amendment, the prison term shall be a 6583  
definite term of two, three, four, five, six, seven, or eight 6584  
years. 6585

(3) (a) For a felony of the third degree that is a 6586  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6587  
2907.05, or 3795.04 of the Revised Code or that is a violation 6588  
of section 2911.02 or 2911.12 of the Revised Code if the 6589  
offender previously has been convicted of or pleaded guilty in 6590  
two or more separate proceedings to two or more violations of 6591  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 6592  
Code, the prison term shall be one of the following: 6593

(i) If the felony of the third degree is committed on or 6594  
after the effective date of this amendment, the prison term 6595  
shall be an indefinite prison term with a stated minimum 6596  
selected by the court of twelve, eighteen, twenty-four, thirty, 6597  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6598  
and a maximum term that is determined pursuant to section 6599  
2929.144 of the Revised Code, except that if the section that 6600  
criminalizes the conduct constituting the felony specifies a 6601  
different minimum term or penalty for the offense, the specific 6602  
language of that section shall control in determining the 6603

minimum term or otherwise sentencing the offender but the 6604  
minimum term or sentence imposed under that specific language 6605  
shall be considered for purposes of the Revised Code as if it 6606  
had been imposed under this division. 6607

(ii) If the felony of the third degree is committed prior 6608  
to the effective date of this amendment, the prison term shall 6609  
be a definite term of twelve, eighteen, twenty-four, thirty, 6610  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6611

(b) For a felony of the third degree that is not an 6612  
offense for which division (A) (3) (a) of this section applies, 6613  
the prison term shall be a definite term of nine, twelve, 6614  
eighteen, twenty-four, thirty, or thirty-six months. 6615

(4) For a felony of the fourth degree, the prison term 6616  
shall be a definite term of six, seven, eight, nine, ten, 6617  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6618  
or eighteen months. 6619

(5) For a felony of the fifth degree, the prison term 6620  
shall be a definite term of six, seven, eight, nine, ten, 6621  
eleven, or twelve months. 6622

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6623  
section, if an offender who is convicted of or pleads guilty to 6624  
a felony also is convicted of or pleads guilty to a 6625  
specification of the type described in section 2941.141, 6626  
2941.144, or 2941.145 of the Revised Code, the court shall 6627  
impose on the offender one of the following prison terms: 6628

(i) A prison term of six years if the specification is of 6629  
the type described in division (A) of section 2941.144 of the 6630  
Revised Code that charges the offender with having a firearm 6631  
that is an automatic firearm or that was equipped with a firearm 6632

muffler or suppressor on or about the offender's person or under 6633  
the offender's control while committing the offense; 6634

(ii) A prison term of three years if the specification is 6635  
of the type described in division (A) of section 2941.145 of the 6636  
Revised Code that charges the offender with having a firearm on 6637  
or about the offender's person or under the offender's control 6638  
while committing the offense and displaying the firearm, 6639  
brandishing the firearm, indicating that the offender possessed 6640  
the firearm, or using it to facilitate the offense; 6641

(iii) A prison term of one year if the specification is of 6642  
the type described in division (A) of section 2941.141 of the 6643  
Revised Code that charges the offender with having a firearm on 6644  
or about the offender's person or under the offender's control 6645  
while committing the offense; 6646

(iv) A prison term of nine years if the specification is 6647  
of the type described in division (D) of section 2941.144 of the 6648  
Revised Code that charges the offender with having a firearm 6649  
that is an automatic firearm or that was equipped with a firearm 6650  
muffler or suppressor on or about the offender's person or under 6651  
the offender's control while committing the offense and 6652  
specifies that the offender previously has been convicted of or 6653  
pleaded guilty to a specification of the type described in 6654  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6655  
the Revised Code; 6656

(v) A prison term of fifty-four months if the 6657  
specification is of the type described in division (D) of 6658  
section 2941.145 of the Revised Code that charges the offender 6659  
with having a firearm on or about the offender's person or under 6660  
the offender's control while committing the offense and 6661  
displaying the firearm, brandishing the firearm, indicating that 6662

the offender possessed the firearm, or using the firearm to 6663  
facilitate the offense and that the offender previously has been 6664  
convicted of or pleaded guilty to a specification of the type 6665  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6666  
2941.1412 of the Revised Code; 6667

(vi) A prison term of eighteen months if the specification 6668  
is of the type described in division (D) of section 2941.141 of 6669  
the Revised Code that charges the offender with having a firearm 6670  
on or about the offender's person or under the offender's 6671  
control while committing the offense and that the offender 6672  
previously has been convicted of or pleaded guilty to a 6673  
specification of the type described in section 2941.141, 6674  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6675

(b) If a court imposes a prison term on an offender under 6676  
division (B) (1) (a) of this section, the prison term shall not be 6677  
reduced pursuant to section 2967.19, section 2929.20, section 6678  
2967.193, or any other provision of Chapter 2967. or Chapter 6679  
5120. of the Revised Code. Except as provided in division (B) (1) 6680  
(g) of this section, a court shall not impose more than one 6681  
prison term on an offender under division (B) (1) (a) of this 6682  
section for felonies committed as part of the same act or 6683  
transaction. 6684

(c) (i) Except as provided in division (B) (1) (e) of this 6685  
section, if an offender who is convicted of or pleads guilty to 6686  
a violation of section 2923.161 of the Revised Code or to a 6687  
felony that includes, as an essential element, purposely or 6688  
knowingly causing or attempting to cause the death of or 6689  
physical harm to another, also is convicted of or pleads guilty 6690  
to a specification of the type described in division (A) of 6691  
section 2941.146 of the Revised Code that charges the offender 6692

with committing the offense by discharging a firearm from a 6693  
motor vehicle other than a manufactured home, the court, after 6694  
imposing a prison term on the offender for the violation of 6695  
section 2923.161 of the Revised Code or for the other felony 6696  
offense under division (A), (B) (2), or (B) (3) of this section, 6697  
shall impose an additional prison term of five years upon the 6698  
offender that shall not be reduced pursuant to section 2929.20, 6699  
section 2967.19, section 2967.193, or any other provision of 6700  
Chapter 2967. or Chapter 5120. of the Revised Code. 6701

(ii) Except as provided in division (B) (1) (e) of this 6702  
section, if an offender who is convicted of or pleads guilty to 6703  
a violation of section 2923.161 of the Revised Code or to a 6704  
felony that includes, as an essential element, purposely or 6705  
knowingly causing or attempting to cause the death of or 6706  
physical harm to another, also is convicted of or pleads guilty 6707  
to a specification of the type described in division (C) of 6708  
section 2941.146 of the Revised Code that charges the offender 6709  
with committing the offense by discharging a firearm from a 6710  
motor vehicle other than a manufactured home and that the 6711  
offender previously has been convicted of or pleaded guilty to a 6712  
specification of the type described in section 2941.141, 6713  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6714  
the court, after imposing a prison term on the offender for the 6715  
violation of section 2923.161 of the Revised Code or for the 6716  
other felony offense under division (A), (B) (2), or (3) of this 6717  
section, shall impose an additional prison term of ninety months 6718  
upon the offender that shall not be reduced pursuant to section 6719  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6720  
2967. or Chapter 5120. of the Revised Code. 6721

(iii) A court shall not impose more than one additional 6722  
prison term on an offender under division (B) (1) (c) of this 6723

section for felonies committed as part of the same act or 6724  
transaction. If a court imposes an additional prison term on an 6725  
offender under division (B) (1) (c) of this section relative to an 6726  
offense, the court also shall impose a prison term under 6727  
division (B) (1) (a) of this section relative to the same offense, 6728  
provided the criteria specified in that division for imposing an 6729  
additional prison term are satisfied relative to the offender 6730  
and the offense. 6731

(d) If an offender who is convicted of or pleads guilty to 6732  
an offense of violence that is a felony also is convicted of or 6733  
pleads guilty to a specification of the type described in 6734  
section 2941.1411 of the Revised Code that charges the offender 6735  
with wearing or carrying body armor while committing the felony 6736  
offense of violence, the court shall impose on the offender ~~a~~an 6737  
additional prison term of two years. The prison term so imposed, 6738  
subject to divisions (C) to (I) of section 2967.19 of the 6739  
Revised Code, shall not be reduced pursuant to section 2929.20, 6740  
section 2967.19, section 2967.193, or any other provision of 6741  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6742  
shall not impose more than one prison term on an offender under 6743  
division (B) (1) (d) of this section for felonies committed as 6744  
part of the same act or transaction. If a court imposes an 6745  
additional prison term under division (B) (1) (a) or (c) of this 6746  
section, the court is not precluded from imposing an additional 6747  
prison term under division (B) (1) (d) of this section. 6748

(e) The court shall not impose any of the prison terms 6749  
described in division (B) (1) (a) of this section or any of the 6750  
additional prison terms described in division (B) (1) (c) of this 6751  
section upon an offender for a violation of section 2923.12 or 6752  
2923.123 of the Revised Code. The court shall not impose any of 6753  
the prison terms described in division (B) (1) (a) or (b) of this 6754

section upon an offender for a violation of section 2923.122 6755  
that involves a deadly weapon that is a firearm other than a 6756  
dangerous ordnance, section 2923.16, or section 2923.121 of the 6757  
Revised Code. The court shall not impose any of the prison terms 6758  
described in division (B) (1) (a) of this section or any of the 6759  
additional prison terms described in division (B) (1) (c) of this 6760  
section upon an offender for a violation of section 2923.13 of 6761  
the Revised Code unless all of the following apply: 6762

(i) The offender previously has been convicted of 6763  
aggravated murder, murder, or any felony of the first or second 6764  
degree. 6765

(ii) Less than five years have passed since the offender 6766  
was released from prison or post-release control, whichever is 6767  
later, for the prior offense. 6768

(f) (i) If an offender is convicted of or pleads guilty to 6769  
a felony that includes, as an essential element, causing or 6770  
attempting to cause the death of or physical harm to another and 6771  
also is convicted of or pleads guilty to a specification of the 6772  
type described in division (A) of section 2941.1412 of the 6773  
Revised Code that charges the offender with committing the 6774  
offense by discharging a firearm at a peace officer as defined 6775  
in section 2935.01 of the Revised Code or a corrections officer, 6776  
as defined in section 2941.1412 of the Revised Code, the court, 6777  
after imposing a prison term on the offender for the felony 6778  
offense under division (A), (B) (2), or (B) (3) of this section, 6779  
shall impose an additional prison term of seven years upon the 6780  
offender that shall not be reduced pursuant to section 2929.20, 6781  
section 2967.19, section 2967.193, or any other provision of 6782  
Chapter 2967. or Chapter 5120. of the Revised Code. 6783

(ii) If an offender is convicted of or pleads guilty to a 6784

felony that includes, as an essential element, causing or 6785  
attempting to cause the death of or physical harm to another and 6786  
also is convicted of or pleads guilty to a specification of the 6787  
type described in division (B) of section 2941.1412 of the 6788  
Revised Code that charges the offender with committing the 6789  
offense by discharging a firearm at a peace officer, as defined 6790  
in section 2935.01 of the Revised Code, or a corrections 6791  
officer, as defined in section 2941.1412 of the Revised Code, 6792  
and that the offender previously has been convicted of or 6793  
pleaded guilty to a specification of the type described in 6794  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6795  
the Revised Code, the court, after imposing a prison term on the 6796  
offender for the felony offense under division (A), (B) (2), or 6797  
(3) of this section, shall impose an additional prison term of 6798  
one hundred twenty-six months upon the offender that shall not 6799  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6800  
any other provision of Chapter 2967. or 5120. of the Revised 6801  
Code. 6802

(iii) If an offender is convicted of or pleads guilty to 6803  
two or more felonies that include, as an essential element, 6804  
causing or attempting to cause the death or physical harm to 6805  
another and also is convicted of or pleads guilty to a 6806  
specification of the type described under division (B) (1) (f) of 6807  
this section in connection with two or more of the felonies of 6808  
which the offender is convicted or to which the offender pleads 6809  
guilty, the sentencing court shall impose on the offender the 6810  
prison term specified under division (B) (1) (f) of this section 6811  
for each of two of the specifications of which the offender is 6812  
convicted or to which the offender pleads guilty and, in its 6813  
discretion, also may impose on the offender the prison term 6814  
specified under that division for any or all of the remaining 6815

specifications. If a court imposes an additional prison term on 6816  
an offender under division (B) (1) (f) of this section relative to 6817  
an offense, the court shall not impose a prison term under 6818  
division (B) (1) (a) or (c) of this section relative to the same 6819  
offense. 6820

(g) If an offender is convicted of or pleads guilty to two 6821  
or more felonies, if one or more of those felonies are 6822  
aggravated murder, murder, attempted aggravated murder, 6823  
attempted murder, aggravated robbery, felonious assault, or 6824  
rape, and if the offender is convicted of or pleads guilty to a 6825  
specification of the type described under division (B) (1) (a) of 6826  
this section in connection with two or more of the felonies, the 6827  
sentencing court shall impose on the offender the prison term 6828  
specified under division (B) (1) (a) of this section for each of 6829  
the two most serious specifications of which the offender is 6830  
convicted or to which the offender pleads guilty and, in its 6831  
discretion, also may impose on the offender the prison term 6832  
specified under that division for any or all of the remaining 6833  
specifications. 6834

(2) (a) If division (B) (2) (b) of this section does not 6835  
apply, the court may impose on an offender, in addition to the 6836  
longest prison term authorized or required for the offense or, 6837  
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 6838  
of this section applies, in addition to the longest minimum 6839  
prison term authorized or required for the offense, an 6840  
additional definite prison term of one, two, three, four, five, 6841  
six, seven, eight, nine, or ten years if all of the following 6842  
criteria are met: 6843

(i) The offender is convicted of or pleads guilty to a 6844  
specification of the type described in section 2941.149 of the 6845

Revised Code that the offender is a repeat violent offender. 6846

(ii) The offense of which the offender currently is 6847  
convicted or to which the offender currently pleads guilty is 6848  
aggravated murder and the court does not impose a sentence of 6849  
death or life imprisonment without parole, murder, terrorism and 6850  
the court does not impose a sentence of life imprisonment 6851  
without parole, any felony of the first degree that is an 6852  
offense of violence and the court does not impose a sentence of 6853  
life imprisonment without parole, or any felony of the second 6854  
degree that is an offense of violence and the trier of fact 6855  
finds that the offense involved an attempt to cause or a threat 6856  
to cause serious physical harm to a person or resulted in 6857  
serious physical harm to a person. 6858

(iii) The court imposes the longest prison term for the 6859  
offense or the longest minimum prison term for the offense, 6860  
whichever is applicable, that is not life imprisonment without 6861  
parole. 6862

(iv) The court finds that the prison terms imposed 6863  
pursuant to division (B) (2) (a) (iii) of this section and, if 6864  
applicable, division (B) (1) or (3) of this section are 6865  
inadequate to punish the offender and protect the public from 6866  
future crime, because the applicable factors under section 6867  
2929.12 of the Revised Code indicating a greater likelihood of 6868  
recidivism outweigh the applicable factors under that section 6869  
indicating a lesser likelihood of recidivism. 6870

(v) The court finds that the prison terms imposed pursuant 6871  
to division (B) (2) (a) (iii) of this section and, if applicable, 6872  
division (B) (1) or (3) of this section are demeaning to the 6873  
seriousness of the offense, because one or more of the factors 6874  
under section 2929.12 of the Revised Code indicating that the 6875

offender's conduct is more serious than conduct normally 6876  
constituting the offense are present, and they outweigh the 6877  
applicable factors under that section indicating that the 6878  
offender's conduct is less serious than conduct normally 6879  
constituting the offense. 6880

(b) The court shall impose on an offender the longest 6881  
prison term authorized or required for the offense or, for 6882  
offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of 6883  
this section applies, the longest minimum prison term authorized 6884  
or required for the offense, and shall impose on the offender an 6885  
additional definite prison term of one, two, three, four, five, 6886  
six, seven, eight, nine, or ten years if all of the following 6887  
criteria are met: 6888

(i) The offender is convicted of or pleads guilty to a 6889  
specification of the type described in section 2941.149 of the 6890  
Revised Code that the offender is a repeat violent offender. 6891

(ii) The offender within the preceding twenty years has 6892  
been convicted of or pleaded guilty to three or more offenses 6893  
described in division (CC) (1) of section 2929.01 of the Revised 6894  
Code, including all offenses described in that division of which 6895  
the offender is convicted or to which the offender pleads guilty 6896  
in the current prosecution and all offenses described in that 6897  
division of which the offender previously has been convicted or 6898  
to which the offender previously pleaded guilty, whether 6899  
prosecuted together or separately. 6900

(iii) The offense or offenses of which the offender 6901  
currently is convicted or to which the offender currently pleads 6902  
guilty is aggravated murder and the court does not impose a 6903  
sentence of death or life imprisonment without parole, murder, 6904  
terrorism and the court does not impose a sentence of life 6905

imprisonment without parole, any felony of the first degree that 6906  
is an offense of violence and the court does not impose a 6907  
sentence of life imprisonment without parole, or any felony of 6908  
the second degree that is an offense of violence and the trier 6909  
of fact finds that the offense involved an attempt to cause or a 6910  
threat to cause serious physical harm to a person or resulted in 6911  
serious physical harm to a person. 6912

(c) For purposes of division (B) (2) (b) of this section, 6913  
two or more offenses committed at the same time or as part of 6914  
the same act or event shall be considered one offense, and that 6915  
one offense shall be the offense with the greatest penalty. 6916

(d) A sentence imposed under division (B) (2) (a) or (b) of 6917  
this section shall not be reduced pursuant to section 2929.20, 6918  
section 2967.19, or section 2967.193, or any other provision of 6919  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6920  
shall serve an additional prison term imposed under division (B) 6921  
(2) (a) or (b) of this section consecutively to and prior to the 6922  
prison term imposed for the underlying offense. 6923

(e) When imposing a sentence pursuant to division (B) (2) 6924  
(a) or (b) of this section, the court shall state its findings 6925  
explaining the imposed sentence. 6926

(3) Except when an offender commits a violation of section 6927  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6928  
for the violation is life imprisonment or commits a violation of 6929  
section 2903.02 of the Revised Code, if the offender commits a 6930  
violation of section 2925.03 or 2925.11 of the Revised Code and 6931  
that section classifies the offender as a major drug offender, 6932  
if the offender commits a felony violation of section 2925.02, 6933  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6934  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6935

division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term ~~of the maximum prison term prescribed for a felony of the first degree~~ determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of

section 2929.13 of the Revised Code, the sentencing court shall 6967  
impose upon the offender a mandatory prison term in accordance 6968  
with that division. In addition to the mandatory prison term, if 6969  
the offender is being sentenced for a fourth degree felony OVI 6970  
offense, the court, notwithstanding division (A)(4) of this 6971  
section, may sentence the offender to a definite prison term of 6972  
not less than six months and not more than thirty months, and if 6973  
the offender is being sentenced for a third degree felony OVI 6974  
offense, the sentencing court may sentence the offender to an 6975  
additional prison term of any duration specified in division (A) 6976  
(3) of this section. In either case, the additional prison term 6977  
imposed shall be reduced by the sixty or one hundred twenty days 6978  
imposed upon the offender as the mandatory prison term. The 6979  
total of the additional prison term imposed under division (B) 6980  
(4) of this section plus the sixty or one hundred twenty days 6981  
imposed as the mandatory prison term shall equal a definite term 6982  
in the range of six months to thirty months for a fourth degree 6983  
felony OVI offense and shall equal one of the authorized prison 6984  
terms specified in division (A)(3) of this section for a third 6985  
degree felony OVI offense. If the court imposes an additional 6986  
prison term under division (B)(4) of this section, the offender 6987  
shall serve the additional prison term after the offender has 6988  
served the mandatory prison term required for the offense. In 6989  
addition to the mandatory prison term or mandatory and 6990  
additional prison term imposed as described in division (B)(4) 6991  
of this section, the court also may sentence the offender to a 6992  
community control sanction under section 2929.16 or 2929.17 of 6993  
the Revised Code, but the offender shall serve all of the prison 6994  
terms so imposed prior to serving the community control 6995  
sanction. 6996

If the offender is being sentenced for a fourth degree 6997

felony OVI offense under division (G)(1) of section 2929.13 of 6998  
the Revised Code and the court imposes a mandatory term of local 6999  
incarceration, the court may impose a prison term as described 7000  
in division (A)(1) of that section. 7001

(5) If an offender is convicted of or pleads guilty to a 7002  
violation of division (A)(1) or (2) of section 2903.06 of the 7003  
Revised Code and also is convicted of or pleads guilty to a 7004  
specification of the type described in section 2941.1414 of the 7005  
Revised Code that charges that the victim of the offense is a 7006  
peace officer, as defined in section 2935.01 of the Revised 7007  
Code, or an investigator of the bureau of criminal 7008  
identification and investigation, as defined in section 2903.11 7009  
of the Revised Code, the court shall impose on the offender a 7010  
prison term of five years. If a court imposes a prison term on 7011  
an offender under division (B)(5) of this section, the prison 7012  
term, subject to divisions (C) to (I) of section 2967.19 of the 7013  
Revised Code, shall not be reduced pursuant to section 2929.20, 7014  
section 2967.19, section 2967.193, or any other provision of 7015  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7016  
shall not impose more than one prison term on an offender under 7017  
division (B)(5) of this section for felonies committed as part 7018  
of the same act. 7019

(6) If an offender is convicted of or pleads guilty to a 7020  
violation of division (A)(1) or (2) of section 2903.06 of the 7021  
Revised Code and also is convicted of or pleads guilty to a 7022  
specification of the type described in section 2941.1415 of the 7023  
Revised Code that charges that the offender previously has been 7024  
convicted of or pleaded guilty to three or more violations of 7025  
division (A) or (B) of section 4511.19 of the Revised Code or an 7026  
equivalent offense, as defined in section 2941.1415 of the 7027  
Revised Code, or three or more violations of any combination of 7028

those divisions and offenses, the court shall impose on the 7029  
offender a prison term of three years. If a court imposes a 7030  
prison term on an offender under division (B) (6) of this 7031  
section, the prison term, subject to divisions (C) to (I) of 7032  
section 2967.19 of the Revised Code, shall not be reduced 7033  
pursuant to section 2929.20, section 2967.19, section 2967.193, 7034  
or any other provision of Chapter 2967. or Chapter 5120. of the 7035  
Revised Code. A court shall not impose more than one prison term 7036  
on an offender under division (B) (6) of this section for 7037  
felonies committed as part of the same act. 7038

(7) (a) If an offender is convicted of or pleads guilty to 7039  
a felony violation of section 2905.01, 2905.02, 2907.21, 7040  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7041  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7042  
the Revised Code and also is convicted of or pleads guilty to a 7043  
specification of the type described in section 2941.1422 of the 7044  
Revised Code that charges that the offender knowingly committed 7045  
the offense in furtherance of human trafficking, the court shall 7046  
impose on the offender a mandatory prison term that is one of 7047  
the following: 7048

(i) If the offense is a felony of the first degree, a 7049  
definite prison term of not less than five years and not greater 7050  
than ~~ten~~ eleven years, except that if the offense is a felony of 7051  
the first degree committed on or after the effective date of 7052  
this amendment, the court shall impose as the minimum prison 7053  
term a mandatory term of not less than five years and not 7054  
greater than eleven years; 7055

(ii) If the offense is a felony of the second or third 7056  
degree, a definite prison term of not less than three years and 7057  
not greater than the maximum prison term allowed for the offense 7058

by division (A) ~~(2) (b) or (3)~~ of ~~this section 2929.14 of the~~ 7059  
~~Revised Code, except that if the offense is a felony of the~~ 7060  
~~second degree committed on or after the effective date of this~~ 7061  
~~amendment, the court shall impose as the minimum prison term a~~ 7062  
~~mandatory term of not less than three years and not greater than~~ 7063  
~~eight years;~~ 7064

(iii) If the offense is a felony of the fourth or fifth 7065  
degree, a definite prison term that is the maximum prison term 7066  
allowed for the offense by division (A) of section 2929.14 of 7067  
the Revised Code. 7068

(b) Subject to divisions (C) to (I) of section 2967.19 of 7069  
the Revised Code, the prison term imposed under division (B) (7) 7070  
(a) of this section shall not be reduced pursuant to section 7071  
2929.20, section 2967.19, section 2967.193, or any other 7072  
provision of Chapter 2967. of the Revised Code. A court shall 7073  
not impose more than one prison term on an offender under 7074  
division (B) (7) (a) of this section for felonies committed as 7075  
part of the same act, scheme, or plan. 7076

(8) If an offender is convicted of or pleads guilty to a 7077  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7078  
Revised Code and also is convicted of or pleads guilty to a 7079  
specification of the type described in section 2941.1423 of the 7080  
Revised Code that charges that the victim of the violation was a 7081  
woman whom the offender knew was pregnant at the time of the 7082  
violation, notwithstanding the range ~~of prison terms~~ prescribed 7083  
in division (A) of this section as the definite prison term or 7084  
minimum prison term for felonies of the same degree as the 7085  
violation, the court shall impose on the offender a mandatory 7086  
prison term that is either a definite prison term of six months 7087  
or one of the prison terms prescribed in division (A) of this 7088

section ~~2929.14~~ of the Revised Code for felonies of the same 7089  
degree as the violation, except that if the violation is a 7090  
felony of the first or second degree committed on or after the 7091  
effective date of this amendment, the court shall impose as the 7092  
minimum prison term under division (A) (1) (a) or (2) (a) of this 7093  
section a mandatory term that is one of the terms prescribed in 7094  
that division, whichever is applicable, for the offense. 7095

(9) (a) If an offender is convicted of or pleads guilty to 7096  
a violation of division (A) (1) or (2) of section 2903.11 of the 7097  
Revised Code and also is convicted of or pleads guilty to a 7098  
specification of the type described in section 2941.1425 of the 7099  
Revised Code, the court shall impose on the offender a mandatory 7100  
prison term of six years if either of the following applies: 7101

(i) The violation is a violation of division (A) (1) of 7102  
section 2903.11 of the Revised Code and the specification 7103  
charges that the offender used an accelerant in committing the 7104  
violation and the serious physical harm to another or to 7105  
another's unborn caused by the violation resulted in a 7106  
permanent, serious disfigurement or permanent, substantial 7107  
incapacity; 7108

(ii) The violation is a violation of division (A) (2) of 7109  
section 2903.11 of the Revised Code and the specification 7110  
charges that the offender used an accelerant in committing the 7111  
violation, that the violation caused physical harm to another or 7112  
to another's unborn, and that the physical harm resulted in a 7113  
permanent, serious disfigurement or permanent, substantial 7114  
incapacity. 7115

(b) If a court imposes a prison term on an offender under 7116  
division (B) (9) (a) of this section, the prison term shall not be 7117  
reduced pursuant to section 2929.20, section 2967.19, section 7118

2967.193, or any other provision of Chapter 2967. or Chapter 7119  
5120. of the Revised Code. A court shall not impose more than 7120  
one prison term on an offender under division (B) (9) of this 7121  
section for felonies committed as part of the same act. 7122

(c) The provisions of divisions (B) (9) and (C) (6) of this 7123  
section and of division (D) (2) of section 2903.11, division (F) 7124  
(20) of section 2929.13, and section 2941.1425 of the Revised 7125  
Code shall be known as "Judy's Law." 7126

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7127  
if a mandatory prison term is imposed upon an offender pursuant 7128  
to division (B) (1) (a) of this section for having a firearm on or 7129  
about the offender's person or under the offender's control 7130  
while committing a felony, if a mandatory prison term is imposed 7131  
upon an offender pursuant to division (B) (1) (c) of this section 7132  
for committing a felony specified in that division by 7133  
discharging a firearm from a motor vehicle, or if both types of 7134  
mandatory prison terms are imposed, the offender shall serve any 7135  
mandatory prison term imposed under either division 7136  
consecutively to any other mandatory prison term imposed under 7137  
either division or under division (B) (1) (d) of this section, 7138  
consecutively to and prior to any prison term imposed for the 7139  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7140  
this section or any other section of the Revised Code, and 7141  
consecutively to any other prison term or mandatory prison term 7142  
previously or subsequently imposed upon the offender. 7143

(b) If a mandatory prison term is imposed upon an offender 7144  
pursuant to division (B) (1) (d) of this section for wearing or 7145  
carrying body armor while committing an offense of violence that 7146  
is a felony, the offender shall serve the mandatory term so 7147  
imposed consecutively to any other mandatory prison term imposed 7148

under that division or under division (B) (1) (a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

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

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

an escapee in violation of division (A) (1) or (2) of section 7179  
2921.34 of the Revised Code, any prison term imposed upon the 7180  
offender for one of those violations shall be served by the 7181  
offender consecutively to the prison term or term of 7182  
imprisonment the offender was serving when the offender 7183  
committed that offense and to any other prison term previously 7184  
or subsequently imposed upon the offender. 7185

(3) If a prison term is imposed for a violation of 7186  
division (B) of section 2911.01 of the Revised Code, a violation 7187  
of division (A) of section 2913.02 of the Revised Code in which 7188  
the stolen property is a firearm or dangerous ordnance, or a 7189  
felony violation of division (B) of section 2921.331 of the 7190  
Revised Code, the offender shall serve that prison term 7191  
consecutively to any other prison term or mandatory prison term 7192  
previously or subsequently imposed upon the offender. 7193

(4) If multiple prison terms are imposed on an offender 7194  
for convictions of multiple offenses, the court may require the 7195  
offender to serve the prison terms consecutively if the court 7196  
finds that the consecutive service is necessary to protect the 7197  
public from future crime or to punish the offender and that 7198  
consecutive sentences are not disproportionate to the 7199  
seriousness of the offender's conduct and to the danger the 7200  
offender poses to the public, and if the court also finds any of 7201  
the following: 7202

(a) The offender committed one or more of the multiple 7203  
offenses while the offender was awaiting trial or sentencing, 7204  
was under a sanction imposed pursuant to section 2929.16, 7205  
2929.17, or 2929.18 of the Revised Code, or was under post- 7206  
release control for a prior offense. 7207

(b) At least two of the multiple offenses were committed 7208

as part of one or more courses of conduct, and the harm caused 7209  
by two or more of the multiple offenses so committed was so 7210  
great or unusual that no single prison term for any of the 7211  
offenses committed as part of any of the courses of conduct 7212  
adequately reflects the seriousness of the offender's conduct. 7213

(c) The offender's history of criminal conduct 7214  
demonstrates that consecutive sentences are necessary to protect 7215  
the public from future crime by the offender. 7216

(5) If a mandatory prison term is imposed upon an offender 7217  
pursuant to division (B) (5) or (6) of this section, the offender 7218  
shall serve the mandatory prison term consecutively to and prior 7219  
to any prison term imposed for the underlying violation of 7220  
division (A) (1) or (2) of section 2903.06 of the Revised Code 7221  
pursuant to division (A) of this section or section 2929.142 of 7222  
the Revised Code. If a mandatory prison term is imposed upon an 7223  
offender pursuant to division (B) (5) of this section, and if a 7224  
mandatory prison term also is imposed upon the offender pursuant 7225  
to division (B) (6) of this section in relation to the same 7226  
violation, the offender shall serve the mandatory prison term 7227  
imposed pursuant to division (B) (5) of this section 7228  
consecutively to and prior to the mandatory prison term imposed 7229  
pursuant to division (B) (6) of this section and consecutively to 7230  
and prior to any prison term imposed for the underlying 7231  
violation of division (A) (1) or (2) of section 2903.06 of the 7232  
Revised Code pursuant to division (A) of this section or section 7233  
2929.142 of the Revised Code. 7234

(6) If a mandatory prison term is imposed on an offender 7235  
pursuant to division (B) (9) of this section, the offender shall 7236  
serve the mandatory prison term consecutively to and prior to 7237  
any prison term imposed for the underlying violation of division 7238

(A) (1) or (2) of section 2903.11 of the Revised Code and 7239  
consecutively to and prior to any other prison term or mandatory 7240  
prison term previously or subsequently imposed on the offender. 7241

(7) When consecutive prison terms are imposed pursuant to 7242  
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7243  
or (2) of this section, subject to division (C) (8) of this 7244  
section, the term to be served is the aggregate of all of the 7245  
terms so imposed. 7246

(8) When a court sentences an offender to a non-life 7247  
felony indefinite prison term, any definite prison term or 7248  
mandatory definite prison term previously or subsequently 7249  
imposed on the offender in addition to that indefinite sentence 7250  
that is required to be served consecutively to that indefinite 7251  
sentence shall be served prior to the indefinite sentence. 7252

(9) If a court is sentencing an offender for a felony of 7253  
the first, second, or third degree, if division (A) (1) (a), (2) 7254  
(a), or (3) (a) (i) of this section applies with respect to the 7255  
sentencing for the offense, and if the court is required under 7256  
the Revised Code section that sets forth the offense or any 7257  
other Revised Code provision to impose a mandatory prison term 7258  
for the offense, the court shall impose the required mandatory 7259  
prison term as the minimum term imposed under division (A) (1) 7260  
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7261  
applicable. 7262

(D) (1) If a court imposes a prison term, other than a term 7263  
of life imprisonment, for a felony of the first degree, for a 7264  
felony of the second degree, for a felony sex offense, or for a 7265  
felony of the third degree that is an offense of violence and 7266  
that is not a felony sex offense ~~and in the commission of which~~ 7267  
~~the offender caused or threatened to cause physical harm to a~~ 7268

~~person~~, it shall include in the sentence a requirement that the 7269  
offender be subject to a period of post-release control after 7270  
the offender's release from imprisonment, in accordance with 7271  
~~that division~~ section 2967.28 of the Revised Code. If a court 7272  
imposes a sentence including a prison term of a type described 7273  
in this division on or after July 11, 2006, the failure of a 7274  
court to include a post-release control requirement in the 7275  
sentence pursuant to this division does not negate, limit, or 7276  
otherwise affect the mandatory period of post-release control 7277  
that is required for the offender under division (B) of section 7278  
2967.28 of the Revised Code. Section 2929.191 of the Revised 7279  
Code applies if, prior to July 11, 2006, a court imposed a 7280  
sentence including a prison term of a type described in this 7281  
division and failed to include in the sentence pursuant to this 7282  
division a statement regarding post-release control. 7283

(2) If a court imposes a prison term for a felony of the 7284  
third, fourth, or fifth degree that is not subject to division 7285  
(D) (1) of this section, it shall include in the sentence a 7286  
requirement that the offender be subject to a period of post- 7287  
release control after the offender's release from imprisonment, 7288  
in accordance with that division, if the parole board determines 7289  
that a period of post-release control is necessary. Section 7290  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7291  
a court imposed a sentence including a prison term of a type 7292  
described in this division and failed to include in the sentence 7293  
pursuant to this division a statement regarding post-release 7294  
control. 7295

(E) The court shall impose sentence upon the offender in 7296  
accordance with section 2971.03 of the Revised Code, and Chapter 7297  
2971. of the Revised Code applies regarding the prison term or 7298  
term of life imprisonment without parole imposed upon the 7299

offender and the service of that term of imprisonment if any of 7300  
the following apply: 7301

(1) A person is convicted of or pleads guilty to a violent 7302  
sex offense or a designated homicide, assault, or kidnapping 7303  
offense, and, in relation to that offense, the offender is 7304  
adjudicated a sexually violent predator. 7305

(2) A person is convicted of or pleads guilty to a 7306  
violation of division (A) (1) (b) of section 2907.02 of the 7307  
Revised Code committed on or after January 2, 2007, and either 7308  
the court does not impose a sentence of life without parole when 7309  
authorized pursuant to division (B) of section 2907.02 of the 7310  
Revised Code, or division (B) of section 2907.02 of the Revised 7311  
Code provides that the court shall not sentence the offender 7312  
pursuant to section 2971.03 of the Revised Code. 7313

(3) A person is convicted of or pleads guilty to attempted 7314  
rape committed on or after January 2, 2007, and a specification 7315  
of the type described in section 2941.1418, 2941.1419, or 7316  
2941.1420 of the Revised Code. 7317

(4) A person is convicted of or pleads guilty to a 7318  
violation of section 2905.01 of the Revised Code committed on or 7319  
after January 1, 2008, and that section requires the court to 7320  
sentence the offender pursuant to section 2971.03 of the Revised 7321  
Code. 7322

(5) A person is convicted of or pleads guilty to 7323  
aggravated murder committed on or after January 1, 2008, and 7324  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7325  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7326  
(d) of section 2929.03, or division (A) or (B) of section 7327  
2929.06 of the Revised Code requires the court to sentence the 7328

offender pursuant to division (B) (3) of section 2971.03 of the Revised Code. 7329  
7330

(6) A person is convicted of or pleads guilty to murder 7331  
committed on or after January 1, 2008, and division (B) (2) of 7332  
section 2929.02 of the Revised Code requires the court to 7333  
sentence the offender pursuant to section 2971.03 of the Revised 7334  
Code. 7335

(F) If a person who has been convicted of or pleaded 7336  
guilty to a felony is sentenced to a prison term or term of 7337  
imprisonment under this section, sections 2929.02 to 2929.06 of 7338  
the Revised Code, section 2929.142 of the Revised Code, section 7339  
2971.03 of the Revised Code, or any other provision of law, 7340  
section 5120.163 of the Revised Code applies regarding the 7341  
person while the person is confined in a state correctional 7342  
institution. 7343

(G) If an offender who is convicted of or pleads guilty to 7344  
a felony that is an offense of violence also is convicted of or 7345  
pleads guilty to a specification of the type described in 7346  
section 2941.142 of the Revised Code that charges the offender 7347  
with having committed the felony while participating in a 7348  
criminal gang, the court shall impose upon the offender an 7349  
additional prison term of one, two, or three years. 7350

(H) (1) If an offender who is convicted of or pleads guilty 7351  
to aggravated murder, murder, or a felony of the first, second, 7352  
or third degree that is an offense of violence also is convicted 7353  
of or pleads guilty to a specification of the type described in 7354  
section 2941.143 of the Revised Code that charges the offender 7355  
with having committed the offense in a school safety zone or 7356  
towards a person in a school safety zone, the court shall impose 7357  
upon the offender an additional prison term of two years. The 7358

offender shall serve the additional two years consecutively to 7359  
and prior to the prison term imposed for the underlying offense. 7360

(2) (a) If an offender is convicted of or pleads guilty to 7361  
a felony violation of section 2907.22, 2907.24, 2907.241, or 7362  
2907.25 of the Revised Code and to a specification of the type 7363  
described in section 2941.1421 of the Revised Code and if the 7364  
court imposes a prison term on the offender for the felony 7365  
violation, the court may impose upon the offender an additional 7366  
prison term as follows: 7367

(i) Subject to division (H) (2) (a) (ii) of this section, an 7368  
additional prison term of one, two, three, four, five, or six 7369  
months; 7370

(ii) If the offender previously has been convicted of or 7371  
pleaded guilty to one or more felony or misdemeanor violations 7372  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7373  
the Revised Code and also was convicted of or pleaded guilty to 7374  
a specification of the type described in section 2941.1421 of 7375  
the Revised Code regarding one or more of those violations, an 7376  
additional prison term of one, two, three, four, five, six, 7377  
seven, eight, nine, ten, eleven, or twelve months. 7378

(b) In lieu of imposing an additional prison term under 7379  
division (H) (2) (a) of this section, the court may directly 7380  
impose on the offender a sanction that requires the offender to 7381  
wear a real-time processing, continual tracking electronic 7382  
monitoring device during the period of time specified by the 7383  
court. The period of time specified by the court shall equal the 7384  
duration of an additional prison term that the court could have 7385  
imposed upon the offender under division (H) (2) (a) of this 7386  
section. A sanction imposed under this division shall commence 7387  
on the date specified by the court, provided that the sanction 7388

shall not commence until after the offender has served the 7389  
prison term imposed for the felony violation of section 2907.22, 7390  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7391  
residential sanction imposed for the violation under section 7392  
2929.16 of the Revised Code. A sanction imposed under this 7393  
division shall be considered to be a community control sanction 7394  
for purposes of section 2929.15 of the Revised Code, and all 7395  
provisions of the Revised Code that pertain to community control 7396  
sanctions shall apply to a sanction imposed under this division, 7397  
except to the extent that they would by their nature be clearly 7398  
inapplicable. The offender shall pay all costs associated with a 7399  
sanction imposed under this division, including the cost of the 7400  
use of the monitoring device. 7401

(I) At the time of sentencing, the court may recommend the 7402  
offender for placement in a program of shock incarceration under 7403  
section 5120.031 of the Revised Code or for placement in an 7404  
intensive program prison under section 5120.032 of the Revised 7405  
Code, disapprove placement of the offender in a program of shock 7406  
incarceration or an intensive program prison of that nature, or 7407  
make no recommendation on placement of the offender. In no case 7408  
shall the department of rehabilitation and correction place the 7409  
offender in a program or prison of that nature unless the 7410  
department determines as specified in section 5120.031 or 7411  
5120.032 of the Revised Code, whichever is applicable, that the 7412  
offender is eligible for the placement. 7413

If the court disapproves placement of the offender in a 7414  
program or prison of that nature, the department of 7415  
rehabilitation and correction shall not place the offender in 7416  
any program of shock incarceration or intensive program prison. 7417

If the court recommends placement of the offender in a 7418

program of shock incarceration or in an intensive program 7419  
prison, and if the offender is subsequently placed in the 7420  
recommended program or prison, the department shall notify the 7421  
court of the placement and shall include with the notice a brief 7422  
description of the placement. 7423

If the court recommends placement of the offender in a 7424  
program of shock incarceration or in an intensive program prison 7425  
and the department does not subsequently place the offender in 7426  
the recommended program or prison, the department shall send a 7427  
notice to the court indicating why the offender was not placed 7428  
in the recommended program or prison. 7429

If the court does not make a recommendation under this 7430  
division with respect to an offender and if the department 7431  
determines as specified in section 5120.031 or 5120.032 of the 7432  
Revised Code, whichever is applicable, that the offender is 7433  
eligible for placement in a program or prison of that nature, 7434  
the department shall screen the offender and determine if there 7435  
is an available program of shock incarceration or an intensive 7436  
program prison for which the offender is suited. If there is an 7437  
available program of shock incarceration or an intensive program 7438  
prison for which the offender is suited, the department shall 7439  
notify the court of the proposed placement of the offender as 7440  
specified in section 5120.031 or 5120.032 of the Revised Code 7441  
and shall include with the notice a brief description of the 7442  
placement. The court shall have ten days from receipt of the 7443  
notice to disapprove the placement. 7444

(J) If a person is convicted of or pleads guilty to 7445  
aggravated vehicular homicide in violation of division (A) (1) of 7446  
section 2903.06 of the Revised Code and division (B) (2) (c) of 7447  
that section applies, the person shall be sentenced pursuant to 7448

section 2929.142 of the Revised Code. 7449

(K) (1) The court shall impose an additional mandatory 7450  
prison term of two, three, four, five, six, seven, eight, nine, 7451  
ten, or eleven years on an offender who is convicted of or 7452  
pleads guilty to a violent felony offense if the offender also 7453  
is convicted of or pleads guilty to a specification of the type 7454  
described in section 2941.1424 of the Revised Code that charges 7455  
that the offender is a violent career criminal and had a firearm 7456  
on or about the offender's person or under the offender's 7457  
control while committing the presently charged violent felony 7458  
offense and displayed or brandished the firearm, indicated that 7459  
the offender possessed a firearm, or used the firearm to 7460  
facilitate the offense. The offender shall serve the prison term 7461  
imposed under this division consecutively to and prior to the 7462  
prison term imposed for the underlying offense. The prison term 7463  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7464  
any other provision of Chapter 2967. or 5120. of the Revised 7465  
Code. A court may not impose more than one sentence under 7466  
division (B) (2) (a) of this section and this division for acts 7467  
committed as part of the same act or transaction. 7468

(2) As used in division (K) (1) of this section, "violent 7469  
career criminal" and "violent felony offense" have the same 7470  
meanings as in section 2923.132 of the Revised Code. 7471

**Sec. 2929.142.** (A) Notwithstanding the definite prison 7472  
~~term terms and minimum prison terms specified in division~~ 7473  
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7474  
Code for a felony of the first degree, if an offender is 7475  
convicted of or pleads guilty to aggravated vehicular homicide 7476  
in violation of division (A) (1) of section 2903.06 of the 7477  
Revised Code, the court shall impose upon the offender a 7478

mandatory prison term of ten, eleven, twelve, thirteen, 7479  
fourteen, or fifteen years, determined as specified in division 7480  
(B) of this section, if any of the following apply: 7481

~~(A)~~ (1) The offender previously has been convicted of or 7482  
pleaded guilty to three or more prior violations of section 7483  
4511.19 of the Revised Code or of a substantially equivalent 7484  
municipal ordinance within the previous ten years. 7485

~~(B)~~ (2) The offender previously has been convicted of or 7486  
pleaded guilty to three or more prior violations of division (A) 7487  
of section 1547.11 of the Revised Code or of a substantially 7488  
equivalent municipal ordinance within the previous ten years. 7489

~~(C)~~ (3) The offender previously has been convicted of or 7490  
pleaded guilty to three or more prior violations of division (A) 7491  
(3) of section 4561.15 of the Revised Code or of a substantially 7492  
equivalent municipal ordinance within the previous ten years. 7493

~~(D)~~ (4) The offender previously has been convicted of or 7494  
pleaded guilty to three or more prior violations of division (A) 7495  
(1) of section 2903.06 of the Revised Code. 7496

~~(E)~~ (5) The offender previously has been convicted of or 7497  
pleaded guilty to three or more prior violations of division (A) 7498  
(1) of section 2903.08 of the Revised Code. 7499

~~(F)~~ (6) The offender previously has been convicted of or 7500  
pleaded guilty to three or more prior violations of section 7501  
2903.04 of the Revised Code in circumstances in which division 7502  
(D) of that section applied regarding the violations. 7503

~~(G)~~ (7) The offender previously has been convicted of or 7504  
pleaded guilty to three or more violations of any combination of 7505  
the offenses listed in division (A) ~~, (B), (C), (D), (E), or (F)~~ 7506  
(1), (2), (3), (4), (5), or (6) of this section. 7507

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

(B) The mandatory prison term required under division (A)  
of this section shall be a definite term of ten, eleven, twelve,  
thirteen, fourteen, or fifteen years, except that if the  
aggravated vehicular homicide is committed on or after the  
effective date of this amendment, the court shall impose as the  
minimum prison term for the offense under division (A) (1) (a) of  
section 2929.14 of the Revised Code a mandatory prison term that  
is ten, eleven, twelve, thirteen, fourteen, or fifteen years.

**Sec. 2929.144.** (A) As used in this section, "qualifying  
felony of the first, second, or third degree" means a felony of  
the first or second degree committed on or after the effective  
date of this section or a felony of the third degree that is  
described in division (A) (3) (a) of section 2929.14 of the  
Revised Code and committed on or after that date.

(B) The court imposing a prison term on an offender under  
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of  
the Revised Code for a qualifying felony of the first, second,  
or third degree shall determine the maximum prison term that is  
part of the sentence in accordance with the following:

(1) If the offender is being sentenced for one felony and  
the felony is a qualifying felony of the first, second, or third  
degree, the maximum prison term shall be one hundred fifty per  
cent of the minimum term imposed on the offender under division  
(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the  
Revised Code.

(2) If the offender is being sentenced for more than one

felony, if one or more of the felonies is a qualifying felony of 7537  
the first, second, or third degree, and if the court orders that 7538  
some or all of the prison terms imposed are to be served 7539  
consecutively, the court shall add all of the minimum terms 7540  
imposed on the offender under division (A)(1)(a), (2)(a), or (3) 7541  
(a)(i) of section 2929.14 of the Revised Code for a qualifying 7542  
felony of the first, second, or third degree that are to be 7543  
served consecutively and all of the definite terms of the 7544  
felonies that are not qualifying felonies of the first, second, 7545  
or third degree that are to be served consecutively, and the 7546  
maximum term shall be one hundred fifty per cent of the total of 7547  
those terms so added by the court. 7548

(3) If the offender is being sentenced for more than one 7549  
felony, if one or more of the felonies is a qualifying felony of 7550  
the first, second, or third degree, and if the court orders that 7551  
all of the prison terms imposed are to run concurrently, the 7552  
maximum term shall be one hundred fifty per cent of the longest 7553  
of the minimum terms imposed on the offender under division (A) 7554  
(1)(a), (2)(a), or (3)(a)(i) of section 2929.14 of the Revised 7555  
Code for a qualifying felony of the first, second, or third 7556  
degree for which the sentence is being imposed. 7557

(4) Any mandatory prison term, or portion of a mandatory 7558  
prison term, that is imposed or to be imposed on the offender 7559  
under division (B), (G), or (H) of section 2929.14 of the 7560  
Revised Code or under any other provision of the Revised Code, 7561  
with respect to a conviction of or plea of guilty to a 7562  
specification, and that is in addition to the sentence imposed 7563  
for the underlying offense is separate from the sentence being 7564  
imposed for the qualifying first, second, or third degree felony 7565  
committed on or after the effective date of this section and 7566  
shall not be considered or included in determining a maximum 7567

prison term for the offender under divisions (B) (1) to (3) of 7568  
this section. 7569

(C) The court imposing a prison term on an offender 7570  
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7571  
2929.14 of the Revised Code for a qualifying felony of the 7572  
first, second, or third degree shall sentence the offender, as 7573  
part of the sentence, to the maximum prison term determined 7574  
under division (B) of this section. The court shall impose this 7575  
maximum term at sentencing as part of the sentence it imposes 7576  
under section 2929.14 of the Revised Code, and shall state the 7577  
minimum term it imposes under division (A) (1) (a), (2) (a), or (3) 7578  
(a) (i) of that section, and this maximum term, in the sentencing 7579  
entry. 7580

(D) If a court imposes a prison term on an offender 7581  
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7582  
2929.14 of the Revised Code for a qualifying felony of the 7583  
first, second, or third degree, section 2967.271 of the Revised 7584  
Code applies with respect to the offender's service of the 7585  
prison term. 7586

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 7587  
felony the court is not required to impose a prison term, a 7588  
mandatory prison term, or a term of life imprisonment upon the 7589  
offender, the court may directly impose a sentence that consists 7590  
of one or more community control sanctions authorized pursuant 7591  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7592  
the court is sentencing an offender for a fourth degree felony 7593  
OVI offense under division (G) (1) of section 2929.13 of the 7594  
Revised Code, in addition to the mandatory term of local 7595  
incarceration imposed under that division and the mandatory fine 7596  
required by division (B) (3) of section 2929.18 of the Revised 7597

Code, the court may impose upon the offender a community control 7598  
sanction or combination of community control sanctions in 7599  
accordance with sections 2929.16 and 2929.17 of the Revised 7600  
Code. If the court is sentencing an offender for a third or 7601  
fourth degree felony OVI offense under division (G) (2) of 7602  
section 2929.13 of the Revised Code, in addition to the 7603  
mandatory prison term or mandatory prison term and additional 7604  
prison term imposed under that division, the court also may 7605  
impose upon the offender a community control sanction or 7606  
combination of community control sanctions under section 2929.16 7607  
or 2929.17 of the Revised Code, but the offender shall serve all 7608  
of the prison terms so imposed prior to serving the community 7609  
control sanction. 7610

The duration of all community control sanctions imposed 7611  
upon an offender under this division shall not exceed five 7612  
years. If the offender absconds or otherwise leaves the 7613  
jurisdiction of the court in which the offender resides without 7614  
obtaining permission from the court or the offender's probation 7615  
officer to leave the jurisdiction of the court, or if the 7616  
offender is confined in any institution for the commission of 7617  
any offense while under a community control sanction, the period 7618  
of the community control sanction ceases to run until the 7619  
offender is brought before the court for its further action. If 7620  
the court sentences the offender to one or more nonresidential 7621  
sanctions under section 2929.17 of the Revised Code, the court 7622  
shall impose as a condition of the nonresidential sanctions 7623  
that, during the period of the sanctions, the offender must 7624  
abide by the law and must not leave the state without the 7625  
permission of the court or the offender's probation officer. The 7626  
court may impose any other conditions of release under a 7627  
community control sanction that the court considers appropriate, 7628

including, but not limited to, requiring that the offender not 7629  
ingest or be injected with a drug of abuse and submit to random 7630  
drug testing as provided in division (D) of this section to 7631  
determine whether the offender ingested or was injected with a 7632  
drug of abuse and requiring that the results of the drug test 7633  
indicate that the offender did not ingest or was not injected 7634  
with a drug of abuse. 7635

(2) (a) If a court sentences an offender to any community 7636  
control sanction or combination of community control sanctions 7637  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7638  
the Revised Code, the court shall place the offender under the 7639  
general control and supervision of a department of probation in 7640  
the county that serves the court for purposes of reporting to 7641  
the court a violation of any condition of the sanctions, any 7642  
condition of release under a community control sanction imposed 7643  
by the court, a violation of law, or the departure of the 7644  
offender from this state without the permission of the court or 7645  
the offender's probation officer. Alternatively, if the offender 7646  
resides in another county and a county department of probation 7647  
has been established in that county or that county is served by 7648  
a multicounty probation department established under section 7649  
2301.27 of the Revised Code, the court may request the court of 7650  
common pleas of that county to receive the offender into the 7651  
general control and supervision of that county or multicounty 7652  
department of probation for purposes of reporting to the court a 7653  
violation of any condition of the sanctions, any condition of 7654  
release under a community control sanction imposed by the court, 7655  
a violation of law, or the departure of the offender from this 7656  
state without the permission of the court or the offender's 7657  
probation officer, subject to the jurisdiction of the trial 7658  
judge over and with respect to the person of the offender, and 7659

to the rules governing that department of probation. 7660

If there is no department of probation in the county that 7661  
serves the court, the court shall place the offender, regardless 7662  
of the offender's county of residence, under the general control 7663  
and supervision of the adult parole authority for purposes of 7664  
reporting to the court a violation of any of the sanctions, any 7665  
condition of release under a community control sanction imposed 7666  
by the court, a violation of law, or the departure of the 7667  
offender from this state without the permission of the court or 7668  
the offender's probation officer. 7669

(b) If the court imposing sentence upon an offender 7670  
sentences the offender to any community control sanction or 7671  
combination of community control sanctions authorized pursuant 7672  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7673  
if the offender violates any condition of the sanctions, any 7674  
condition of release under a community control sanction imposed 7675  
by the court, violates any law, or departs the state without the 7676  
permission of the court or the offender's probation officer, the 7677  
public or private person or entity that operates or administers 7678  
the sanction or the program or activity that comprises the 7679  
sanction shall report the violation or departure directly to the 7680  
sentencing court, or shall report the violation or departure to 7681  
the county or multicounty department of probation with general 7682  
control and supervision over the offender under division (A)(2) 7683  
(a) of this section or the officer of that department who 7684  
supervises the offender, or, if there is no such department with 7685  
general control and supervision over the offender under that 7686  
division, to the adult parole authority. If the public or 7687  
private person or entity that operates or administers the 7688  
sanction or the program or activity that comprises the sanction 7689  
reports the violation or departure to the county or multicounty 7690

department of probation or the adult parole authority, the 7691  
department's or authority's officers may treat the offender as 7692  
if the offender were on probation and in violation of the 7693  
probation, and shall report the violation of the condition of 7694  
the sanction, any condition of release under a community control 7695  
sanction imposed by the court, the violation of law, or the 7696  
departure from the state without the required permission to the 7697  
sentencing court. 7698

(3) If an offender who is eligible for community control 7699  
sanctions under this section admits to being drug addicted or 7700  
the court has reason to believe that the offender is drug 7701  
addicted, and if the offense for which the offender is being 7702  
sentenced was related to the addiction, the court may require 7703  
that the offender be assessed by a properly credentialed 7704  
professional within a specified period of time and shall require 7705  
the professional to file a written assessment of the offender 7706  
with the court. If a court imposes treatment and recovery 7707  
support services as a community control sanction, the court 7708  
shall direct the level and type of treatment and recovery 7709  
support services after consideration of the written assessment, 7710  
if available at the time of sentencing, and recommendations of 7711  
the professional and other treatment and recovery support 7712  
services providers. 7713

(4) If an assessment completed pursuant to division (A) (3) 7714  
of this section indicates that the offender is addicted to drugs 7715  
or alcohol, the court may include in any community control 7716  
sanction imposed for a violation of section 2925.02, 2925.03, 7717  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7718  
2925.36, or 2925.37 of the Revised Code a requirement that the 7719  
offender participate in alcohol and drug addiction services and 7720  
recovery supports certified under section 5119.36 of the Revised 7721

Code or offered by a properly credentialed community addiction 7722  
services provider. 7723

(B) (1) If the conditions of a community control sanction 7724  
are violated or if the offender violates a law or leaves the 7725  
state without the permission of the court or the offender's 7726  
probation officer, the sentencing court may impose upon the 7727  
violator one or more of the following penalties: 7728

(a) A longer time under the same sanction if the total 7729  
time under the sanctions does not exceed the five-year limit 7730  
specified in division (A) of this section; 7731

(b) A more restrictive sanction under section 2929.16, 7732  
2929.17, or 2929.18 of the Revised Code; 7733

(c) A prison term on the offender pursuant to section 7734  
2929.14 of the Revised Code and division (B) (3) of this section, 7735  
provided that a prison term imposed under this division is 7736  
subject to the following limitations, as applicable: 7737

(i) If the prison term is imposed for any technical 7738  
violation of the conditions of a community control sanction 7739  
imposed for a felony of the fifth degree or for any violation of 7740  
law committed while under a community control sanction imposed 7741  
for such a felony that consists of a new criminal offense and 7742  
that is not a felony, the prison term shall not exceed ninety 7743  
days. 7744

(ii) If the prison term is imposed for any technical 7745  
violation of the conditions of a community control sanction 7746  
imposed for a felony of the fourth degree that is not an offense 7747  
of violence and is not a sexually oriented offense or for any 7748  
violation of law committed while under a community control 7749  
sanction imposed for such a felony that consists of a new 7750

criminal offense and that is not a felony, the prison term shall 7751  
not exceed one hundred eighty days. 7752

(2) If an offender was acting pursuant to division (B) (2) 7753  
(b) of section 2925.11 of the Revised Code and in so doing 7754  
violated the conditions of a community control sanction based on 7755  
a minor drug possession offense, as defined in section 2925.11 7756  
of the Revised Code, the sentencing court may consider the 7757  
offender's conduct in seeking or obtaining medical assistance 7758  
for another in good faith or for self or may consider the 7759  
offender being the subject of another person seeking or 7760  
obtaining medical assistance in accordance with that division as 7761  
a mitigating factor before imposing any of the penalties 7762  
described in division (B) (1) of this section. 7763

(3) The prison term, if any, imposed upon a violator 7764  
pursuant to this division and division (B) (1) of this section 7765  
shall be within the range of prison terms ~~available for the~~ 7766  
~~offense for which the sanction that was violated was imposed~~ 7767  
described in this division and shall not exceed the prison term 7768  
specified in the notice provided to the offender at the 7769  
sentencing hearing pursuant to division (B) (2) of section 7770  
2929.19 of the Revised Code. The court may reduce the longer 7771  
period of time that the offender is required to spend under the 7772  
longer sanction, the more restrictive sanction, or a prison term 7773  
imposed pursuant to division (B) (1) of this section by the time 7774  
the offender successfully spent under the sanction that was 7775  
initially imposed. Except as otherwise specified in this 7776  
division, the prison term imposed under this division and 7777  
division (B) (1) of this section shall be within the range of 7778  
prison terms available as a definite term for the offense for 7779  
which the sanction that was violated was imposed. If the offense 7780  
for which the sanction that was violated was imposed is a felony 7781

of the first or second degree committed on or after the 7782  
effective date of this amendment or a felony of the third degree 7783  
that is described in division (A) (3) (a) of section 2929.14 of 7784  
the Revised Code and committed on or after that effective date, 7785  
the prison term so imposed under this division shall be within 7786  
the range of prison terms available as a minimum term for the 7787  
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 7788  
section 2929.14 of the Revised Code. 7789

(C) If an offender, for a significant period of time, 7790  
fulfills the conditions of a sanction imposed pursuant to 7791  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7792  
exemplary manner, the court may reduce the period of time under 7793  
the sanction or impose a less restrictive sanction, but the 7794  
court shall not permit the offender to violate any law or permit 7795  
the offender to leave the state without the permission of the 7796  
court or the offender's probation officer. 7797

(D) (1) If a court under division (A) (1) of this section 7798  
imposes a condition of release under a community control 7799  
sanction that requires the offender to submit to random drug 7800  
testing, the department of probation or the adult parole 7801  
authority that has general control and supervision of the 7802  
offender under division (A) (2) (a) of this section may cause the 7803  
offender to submit to random drug testing performed by a 7804  
laboratory or entity that has entered into a contract with any 7805  
of the governmental entities or officers authorized to enter 7806  
into a contract with that laboratory or entity under section 7807  
341.26, 753.33, or 5120.63 of the Revised Code. 7808

(2) If no laboratory or entity described in division (D) 7809  
(1) of this section has entered into a contract as specified in 7810  
that division, the department of probation or the adult parole 7811

authority that has general control and supervision of the 7812  
offender under division (A) (2) (a) of this section shall cause 7813  
the offender to submit to random drug testing performed by a 7814  
reputable public laboratory to determine whether the individual 7815  
who is the subject of the drug test ingested or was injected 7816  
with a drug of abuse. 7817

(3) A laboratory or entity that has entered into a 7818  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7819  
Revised Code shall perform the random drug tests under division 7820  
(D) (1) of this section in accordance with the applicable 7821  
standards that are included in the terms of that contract. A 7822  
public laboratory shall perform the random drug tests under 7823  
division (D) (2) of this section in accordance with the standards 7824  
set forth in the policies and procedures established by the 7825  
department of rehabilitation and correction pursuant to section 7826  
5120.63 of the Revised Code. An offender who is required under 7827  
division (A) (1) of this section to submit to random drug testing 7828  
as a condition of release under a community control sanction and 7829  
whose test results indicate that the offender ingested or was 7830  
injected with a drug of abuse shall pay the fee for the drug 7831  
test if the department of probation or the adult parole 7832  
authority that has general control and supervision of the 7833  
offender requires payment of a fee. A laboratory or entity that 7834  
performs the random drug testing on an offender under division 7835  
(D) (1) or (2) of this section shall transmit the results of the 7836  
drug test to the appropriate department of probation or the 7837  
adult parole authority that has general control and supervision 7838  
of the offender under division (A) (2) (a) of this section. 7839

**Sec. 2929.19.** (A) The court shall hold a sentencing 7840  
hearing before imposing a sentence under this chapter upon an 7841  
offender who was convicted of or pleaded guilty to a felony and 7842

before resentencing an offender who was convicted of or pleaded 7843  
guilty to a felony and whose case was remanded pursuant to 7844  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 7845  
the offender, the prosecuting attorney, the victim or the 7846  
victim's representative in accordance with section 2930.14 of 7847  
the Revised Code, and, with the approval of the court, any other 7848  
person may present information relevant to the imposition of 7849  
sentence in the case. The court shall inform the offender of the 7850  
verdict of the jury or finding of the court and ask the offender 7851  
whether the offender has anything to say as to why sentence 7852  
should not be imposed upon the offender. 7853

(B) (1) At the sentencing hearing, the court, before 7854  
imposing sentence, shall consider the record, any information 7855  
presented at the hearing by any person pursuant to division (A) 7856  
of this section, and, if one was prepared, the presentence 7857  
investigation report made pursuant to section 2951.03 of the 7858  
Revised Code or Criminal Rule 32.2, and any victim impact 7859  
statement made pursuant to section 2947.051 of the Revised Code. 7860

(2) Subject to division (B) (3) of this section, if the 7861  
sentencing court determines at the sentencing hearing that a 7862  
prison term is necessary or required, the court shall do all of 7863  
the following: 7864

(a) Impose a stated prison term and, if the court imposes 7865  
a mandatory prison term, notify the offender that the prison 7866  
term is a mandatory prison term; 7867

(b) In addition to any other information, include in the 7868  
sentencing entry the name and section reference to the offense 7869  
or offenses, the sentence or sentences imposed and whether the 7870  
sentence or sentences contain mandatory prison terms, if 7871  
sentences are imposed for multiple counts whether the sentences 7872

are to be served concurrently or consecutively, and the name and 7873  
section reference of any specification or specifications for 7874  
which sentence is imposed and the sentence or sentences imposed 7875  
for the specification or specifications; 7876

(c) If the prison term is a non-life felony indefinite 7877  
prison term, notify the offender of all of the following: 7878

(i) That it is rebuttably presumed that the offender will 7879  
be released from service of the sentence on the expiration of 7880  
the minimum prison term imposed as part of the sentence or on 7881  
the offender's presumptive earned early release date, as defined 7882  
in section 2967.271 of the Revised Code, whichever is earlier; 7883

(ii) That the department of rehabilitation and correction 7884  
may rebut the presumption described in division (B)(2)(c)(i) of 7885  
this section if, at a hearing held under section 2967.271 of the 7886  
Revised Code, the department makes specified determinations 7887  
regarding the offender's conduct while confined, the offender's 7888  
rehabilitation, the offender's threat to society, the offender's 7889  
restrictive housing, if any, while confined, and the offender's 7890  
security classification; 7891

(iii) That if, as described in division (B)(2)(c)(ii) of 7892  
this section, the department at the hearing makes the specified 7893  
determinations and rebuts the presumption, the department may 7894  
maintain the offender's incarceration after the expiration of 7895  
that minimum term or after that presumptive earned early release 7896  
date for the length of time the department determines to be 7897  
reasonable, subject to the limitation specified in section 7898  
2967.271 of the Revised Code; 7899

(iv) That the department may make the specified 7900  
determinations and maintain the offender's incarceration under 7901

the provisions described in divisions (B) (2) (c) (i) and (ii) of 7902  
this section more than one time, subject to the limitation 7903  
specified in section 2967.271 of the Revised Code; 7904

(v) That if the offender has not been released prior to 7905  
the expiration of the offender's maximum prison term imposed as 7906  
part of the sentence, the offender must be released upon the 7907  
expiration of that term. 7908

(d) Notify the offender that the offender will be 7909  
supervised under section 2967.28 of the Revised Code after the 7910  
offender leaves prison if the offender is being sentenced, other 7911  
than to a sentence of life imprisonment, for a felony of the 7912  
first degree or second degree, for a felony sex offense, or for 7913  
a felony of the third degree that is an offense of violence and 7914  
is not a felony sex offense and in the commission of which the 7915  
offender caused or threatened to cause physical harm to a 7916  
person. This division applies with respect to all prison terms 7917  
imposed for an offense of a type described in this division, 7918  
including a non-life felony indefinite prison term and including 7919  
a term imposed for any ~~such~~ offense of a type described in this 7920  
division that is a risk reduction sentence, as defined in 7921  
section 2967.28 of the Revised Code. If a court imposes a 7922  
sentence including a prison term of a type described in division 7923  
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 7924  
failure of a court to notify the offender pursuant to division 7925  
(B) (2) ~~(e)~~ (d) of this section that the offender will be 7926  
supervised under section 2967.28 of the Revised Code after the 7927  
offender leaves prison or to include in the judgment of 7928  
conviction entered on the journal a statement to that effect 7929  
does not negate, limit, or otherwise affect the mandatory period 7930  
of supervision that is required for the offender under division 7931  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 7932

the Revised Code applies if, prior to July 11, 2006, a court 7933  
imposed a sentence including a prison term of a type described 7934  
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 7935  
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 7936  
regarding post-release control or to include in the judgment of 7937  
conviction entered on the journal or in the sentence a statement 7938  
regarding post-release control. 7939

~~(d)~~ (e) Notify the offender that the offender may be 7940  
supervised under section 2967.28 of the Revised Code after the 7941  
offender leaves prison if the offender is being sentenced for a 7942  
felony of the third, fourth, or fifth degree that is not subject 7943  
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 7944  
with respect to all prison terms imposed for an offense of a 7945  
type described in this division, including a term imposed for 7946  
any such offense that is a risk reduction sentence, as defined 7947  
in section 2967.28 of the Revised Code. Section 2929.191 of the 7948  
Revised Code applies if, prior to July 11, 2006, a court imposed 7949  
a sentence including a prison term of a type described in 7950  
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 7951  
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 7952  
regarding post-release control or to include in the judgment of 7953  
conviction entered on the journal or in the sentence a statement 7954  
regarding post-release control. 7955

~~(e)~~ (f) Notify the offender that, if a period of 7956  
supervision is imposed following the offender's release from 7957  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 7958  
section, and if the offender violates that supervision or a 7959  
condition of post-release control imposed under division (B) of 7960  
section 2967.131 of the Revised Code, the parole board may 7961  
impose a prison term, as part of the sentence, of up to one-half 7962  
of the ~~stated~~ definite prison term originally imposed upon the 7963

offender as the offender's stated prison term or up to one-half 7964  
of the minimum prison term originally imposed upon the offender 7965  
as part of the offender's stated non-life felony indefinite 7966  
prison term. If a court imposes a sentence including a prison 7967  
term on or after July 11, 2006, the failure of a court to notify 7968  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7969  
that the parole board may impose a prison term as described in 7970  
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 7971  
supervision or a condition of post-release control imposed under 7972  
division (B) of section 2967.131 of the Revised Code or to 7973  
include in the judgment of conviction entered on the journal a 7974  
statement to that effect does not negate, limit, or otherwise 7975  
affect the authority of the parole board to so impose a prison 7976  
term for a violation of that nature if, pursuant to division (D) 7977  
(1) of section 2967.28 of the Revised Code, the parole board 7978  
notifies the offender prior to the offender's release of the 7979  
board's authority to so impose a prison term. Section 2929.191 7980  
of the Revised Code applies if, prior to July 11, 2006, a court 7981  
imposed a sentence including a prison term and failed to notify 7982  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7983  
regarding the possibility of the parole board imposing a prison 7984  
term for a violation of supervision or a condition of post- 7985  
release control. 7986

~~(f)~~ (g) Require that the offender not ingest or be injected 7987  
with a drug of abuse and submit to random drug testing as 7988  
provided in section 341.26, 753.33, or 5120.63 of the Revised 7989  
Code, whichever is applicable to the offender who is serving a 7990  
prison term, and require that the results of the drug test 7991  
administered under any of those sections indicate that the 7992  
offender did not ingest or was not injected with a drug of 7993  
abuse. 7994

~~(g)~~(h)(i) Determine, notify the offender of, and include 7995  
in the sentencing entry the number of days that the offender has 7996  
been confined for any reason arising out of the offense for 7997  
which the offender is being sentenced and by which the 7998  
department of rehabilitation and correction must reduce the 7999  
~~stated definite prison term imposed on the offender as the~~ 8000  
offender's stated prison term or, if the offense is an offense 8001  
for which a non-life felony indefinite prison term is imposed 8002  
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 8003  
2929.14 of the Revised Code, the minimum and maximum prison 8004  
terms imposed on the offender as part of that non-life felony 8005  
indefinite prison term, under section 2967.191 of the Revised 8006  
Code. The court's calculation shall not include the number of 8007  
days, if any, that the offender previously served in the custody 8008  
of the department of rehabilitation and correction arising out 8009  
of the offense for which the prisoner was convicted and 8010  
sentenced. 8011

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 8012  
(i) of this section, the court shall consider the arguments of 8013  
the parties and conduct a hearing if one is requested. 8014

(iii) The sentencing court retains continuing jurisdiction 8015  
to correct any error not previously raised at sentencing in 8016  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 8017  
section. The offender may, at any time after sentencing, file a 8018  
motion in the sentencing court to correct any error made in 8019  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 8020  
section, and the court may in its discretion grant or deny that 8021  
motion. If the court changes the number of days in its 8022  
determination or redetermination, the court shall cause the 8023  
entry granting that change to be delivered to the department of 8024  
rehabilitation and correction without delay. Sections 2931.15 8025

and 2953.21 of the Revised Code do not apply to a motion made 8026  
under this section. 8027

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 8028  
(h) (i) of this section is not grounds for setting aside the 8029  
offender's conviction or sentence and does not otherwise render 8030  
the sentence void or voidable. 8031

(3) (a) The court shall include in the offender's sentence 8032  
a statement that the offender is a tier III sex offender/child- 8033  
victim offender, and the court shall comply with the 8034  
requirements of section 2950.03 of the Revised Code if any of 8035  
the following apply: 8036

(i) The offender is being sentenced for a violent sex 8037  
offense or designated homicide, assault, or kidnapping offense 8038  
that the offender committed on or after January 1, 1997, and the 8039  
offender is adjudicated a sexually violent predator in relation 8040  
to that offense. 8041

(ii) The offender is being sentenced for a sexually 8042  
oriented offense that the offender committed on or after January 8043  
1, 1997, and the offender is a tier III sex offender/child- 8044  
victim offender relative to that offense. 8045

(iii) The offender is being sentenced on or after July 31, 8046  
2003, for a child-victim oriented offense, and the offender is a 8047  
tier III sex offender/child-victim offender relative to that 8048  
offense. 8049

(iv) The offender is being sentenced under section 2971.03 8050  
of the Revised Code for a violation of division (A) (1) (b) of 8051  
section 2907.02 of the Revised Code committed on or after 8052  
January 2, 2007. 8053

(v) The offender is sentenced to a term of life without 8054

parole under division (B) of section 2907.02 of the Revised Code. 8055  
8056

(vi) The offender is being sentenced for attempted rape 8057  
committed on or after January 2, 2007, and a specification of 8058  
the type described in section 2941.1418, 2941.1419, or 2941.1420 8059  
of the Revised Code. 8060

(vii) The offender is being sentenced under division (B) 8061  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8062  
for an offense described in those divisions committed on or 8063  
after January 1, 2008. 8064

(b) Additionally, if any criterion set forth in divisions 8065  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8066  
circumstances described in division (E) of section 2929.14 of 8067  
the Revised Code, the court shall impose sentence on the 8068  
offender as described in that division. 8069

(4) If the sentencing court determines at the sentencing 8070  
hearing that a community control sanction should be imposed and 8071  
the court is not prohibited from imposing a community control 8072  
sanction, the court shall impose a community control sanction. 8073  
The court shall notify the offender that, if the conditions of 8074  
the sanction are violated, if the offender commits a violation 8075  
of any law, or if the offender leaves this state without the 8076  
permission of the court or the offender's probation officer, the 8077  
court may impose a longer time under the same sanction, may 8078  
impose a more restrictive sanction, or may impose a prison term 8079  
on the offender and shall indicate the specific prison term that 8080  
may be imposed as a sanction for the violation, as selected by 8081  
the court from the range of prison terms for the offense 8082  
pursuant to section 2929.14 of the Revised Code and as described 8083  
in section 2929.15 of the Revised Code. 8084

(5) Before imposing a financial sanction under section 8085  
2929.18 of the Revised Code or a fine under section 2929.32 of 8086  
the Revised Code, the court shall consider the offender's 8087  
present and future ability to pay the amount of the sanction or 8088  
fine. 8089

(6) If the sentencing court sentences the offender to a 8090  
sanction of confinement pursuant to section 2929.14 or 2929.16 8091  
of the Revised Code that is to be served in a local detention 8092  
facility, as defined in section 2929.36 of the Revised Code, and 8093  
if the local detention facility is covered by a policy adopted 8094  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8095  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8096  
and section 2929.37 of the Revised Code, both of the following 8097  
apply: 8098

(a) The court shall specify both of the following as part 8099  
of the sentence: 8100

(i) If the offender is presented with an itemized bill 8101  
pursuant to section 2929.37 of the Revised Code for payment of 8102  
the costs of confinement, the offender is required to pay the 8103  
bill in accordance with that section. 8104

(ii) If the offender does not dispute the bill described 8105  
in division (B) (6) (a) (i) of this section and does not pay the 8106  
bill by the times specified in section 2929.37 of the Revised 8107  
Code, the clerk of the court may issue a certificate of judgment 8108  
against the offender as described in that section. 8109

(b) The sentence automatically includes any certificate of 8110  
judgment issued as described in division (B) (6) (a) (ii) of this 8111  
section. 8112

(7) The failure of the court to notify the offender that a 8113

prison term is a mandatory prison term pursuant to division (B) 8114  
(2) (a) of this section or to include in the sentencing entry any 8115  
information required by division (B) (2) (b) of this section does 8116  
not affect the validity of the imposed sentence or sentences. If 8117  
the sentencing court notifies the offender at the sentencing 8118  
hearing that a prison term is mandatory but the sentencing entry 8119  
does not specify that the prison term is mandatory, the court 8120  
may complete a corrected journal entry and send copies of the 8121  
corrected entry to the offender and the department of 8122  
rehabilitation and correction, or, at the request of the state, 8123  
the court shall complete a corrected journal entry and send 8124  
copies of the corrected entry to the offender and department of 8125  
rehabilitation and correction. 8126

(C) (1) If the offender is being sentenced for a fourth 8127  
degree felony OVI offense under division (G) (1) of section 8128  
2929.13 of the Revised Code, the court shall impose the 8129  
mandatory term of local incarceration in accordance with that 8130  
division, shall impose a mandatory fine in accordance with 8131  
division (B) (3) of section 2929.18 of the Revised Code, and, in 8132  
addition, may impose additional sanctions as specified in 8133  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 8134  
Code. The court shall not impose a prison term on the offender 8135  
except that the court may impose a prison term upon the offender 8136  
as provided in division (A) (1) of section 2929.13 of the Revised 8137  
Code. 8138

(2) If the offender is being sentenced for a third or 8139  
fourth degree felony OVI offense under division (G) (2) of 8140  
section 2929.13 of the Revised Code, the court shall impose the 8141  
mandatory prison term in accordance with that division, shall 8142  
impose a mandatory fine in accordance with division (B) (3) of 8143  
section 2929.18 of the Revised Code, and, in addition, may 8144

impose an additional prison term as specified in section 2929.14 8145  
of the Revised Code. In addition to the mandatory prison term or 8146  
mandatory prison term and additional prison term the court 8147  
imposes, the court also may impose a community control sanction 8148  
on the offender, but the offender shall serve all of the prison 8149  
terms so imposed prior to serving the community control 8150  
sanction. 8151

(D) The sentencing court, pursuant to division (I) (1) of 8152  
section 2929.14 of the Revised Code, may recommend placement of 8153  
the offender in a program of shock incarceration under section 8154  
5120.031 of the Revised Code or an intensive program prison 8155  
under section 5120.032 of the Revised Code, disapprove placement 8156  
of the offender in a program or prison of that nature, or make 8157  
no recommendation. If the court recommends or disapproves 8158  
placement, it shall make a finding that gives its reasons for 8159  
its recommendation or disapproval. 8160

**Sec. 2929.191.** (A) (1) If, prior to July 11, 2006, a court 8161  
imposed a sentence including a prison term of a type described 8162  
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8163  
and failed to notify the offender pursuant to that division that 8164  
the offender will be supervised under section 2967.28 of the 8165  
Revised Code after the offender leaves prison or to include a 8166  
statement to that effect in the judgment of conviction entered 8167  
on the journal or in the sentence pursuant to division (D) (1) of 8168  
section 2929.14 of the Revised Code, at any time before the 8169  
offender is released from imprisonment under that term and at a 8170  
hearing conducted in accordance with division (C) of this 8171  
section, the court may prepare and issue a correction to the 8172  
judgment of conviction that includes in the judgment of 8173  
conviction the statement that the offender will be supervised 8174  
under section 2967.28 of the Revised Code after the offender 8175

leaves prison. 8176

If, prior to July 11, 2006, a court imposed a sentence 8177  
including a prison term of a type described in division (B) (2) 8178  
~~(d)~~ (e) of section 2929.19 of the Revised Code and failed to 8179  
notify the offender pursuant to that division that the offender 8180  
may be supervised under section 2967.28 of the Revised Code 8181  
after the offender leaves prison or to include a statement to 8182  
that effect in the judgment of conviction entered on the journal 8183  
or in the sentence pursuant to division (D) (2) of section 8184  
2929.14 of the Revised Code, at any time before the offender is 8185  
released from imprisonment under that term and at a hearing 8186  
conducted in accordance with division (C) of this section, the 8187  
court may prepare and issue a correction to the judgment of 8188  
conviction that includes in the judgment of conviction the 8189  
statement that the offender may be supervised under section 8190  
2967.28 of the Revised Code after the offender leaves prison. 8191

(2) If a court prepares and issues a correction to a 8192  
judgment of conviction as described in division (A) (1) of this 8193  
section before the offender is released from imprisonment under 8194  
the prison term the court imposed prior to July 11, 2006, the 8195  
court shall place upon the journal of the court an entry nunc 8196  
pro tunc to record the correction to the judgment of conviction 8197  
and shall provide a copy of the entry to the offender or, if the 8198  
offender is not physically present at the hearing, shall send a 8199  
copy of the entry to the department of rehabilitation and 8200  
correction for delivery to the offender. If the court sends a 8201  
copy of the entry to the department, the department promptly 8202  
shall deliver a copy of the entry to the offender. The court's 8203  
placement upon the journal of the entry nunc pro tunc before the 8204  
offender is released from imprisonment under the term shall be 8205  
considered, and shall have the same effect, as if the court at 8206

the time of original sentencing had included the statement in 8207  
the sentence and the judgment of conviction entered on the 8208  
journal and had notified the offender that the offender will be 8209  
so supervised regarding a sentence including a prison term of a 8210  
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8211  
the Revised Code or that the offender may be so supervised 8212  
regarding a sentence including a prison term of a type described 8213  
in division (B) (2) ~~(d)~~ (e) of that section. 8214

(B) (1) If, prior to July 11, 2006, a court imposed a 8215  
sentence including a prison term and failed to notify the 8216  
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8217  
the Revised Code regarding the possibility of the parole board 8218  
imposing a prison term for a violation of supervision or a 8219  
condition of post-release control or to include in the judgment 8220  
of conviction entered on the journal a statement to that effect, 8221  
at any time before the offender is released from imprisonment 8222  
under that term and at a hearing conducted in accordance with 8223  
division (C) of this section, the court may prepare and issue a 8224  
correction to the judgment of conviction that includes in the 8225  
judgment of conviction the statement that if a period of 8226  
supervision is imposed following the offender's release from 8227  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8228  
section 2929.19 of the Revised Code, and if the offender 8229  
violates that supervision or a condition of post-release control 8230  
imposed under division (B) of section 2967.131 of the Revised 8231  
Code the parole board may impose as part of the sentence a 8232  
prison term of up to one-half of the stated prison term 8233  
originally imposed upon the offender. 8234

(2) If the court prepares and issues a correction to a 8235  
judgment of conviction as described in division (B) (1) of this 8236  
section before the offender is released from imprisonment under 8237

the term, the court shall place upon the journal of the court an 8238  
entry nunc pro tunc to record the correction to the judgment of 8239  
conviction and shall provide a copy of the entry to the offender 8240  
or, if the offender is not physically present at the hearing, 8241  
shall send a copy of the entry to the department of 8242  
rehabilitation and correction for delivery to the offender. If 8243  
the court sends a copy of the entry to the department, the 8244  
department promptly shall deliver a copy of the entry to the 8245  
offender. The court's placement upon the journal of the entry 8246  
nunc pro tunc before the offender is released from imprisonment 8247  
under the term shall be considered, and shall have the same 8248  
effect, as if the court at the time of original sentencing had 8249  
included the statement in the judgment of conviction entered on 8250  
the journal and had notified the offender pursuant to division 8251  
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8252  
the possibility of the parole board imposing a prison term for a 8253  
violation of supervision or a condition of post-release control. 8254

(C) On and after July 11, 2006, a court that wishes to 8255  
prepare and issue a correction to a judgment of conviction of a 8256  
type described in division (A) (1) or (B) (1) of this section 8257  
shall not issue the correction until after the court has 8258  
conducted a hearing in accordance with this division. Before a 8259  
court holds a hearing pursuant to this division, the court shall 8260  
provide notice of the date, time, place, and purpose of the 8261  
hearing to the offender who is the subject of the hearing, the 8262  
prosecuting attorney of the county, and the department of 8263  
rehabilitation and correction. The offender has the right to be 8264  
physically present at the hearing, except that, upon the court's 8265  
own motion or the motion of the offender or the prosecuting 8266  
attorney, the court may permit the offender to appear at the 8267  
hearing by video conferencing equipment if available and 8268

compatible. An appearance by video conferencing equipment 8269  
pursuant to this division has the same force and effect as if 8270  
the offender were physically present at the hearing. At the 8271  
hearing, the offender and the prosecuting attorney may make a 8272  
statement as to whether the court should issue a correction to 8273  
the judgment of conviction. 8274

**Sec. 2929.20.** (A) As used in this section: 8275

(1) (a) Except as provided in division (A) (1) (b) of this 8276  
section, "eligible offender" means any person who, on or after 8277  
April 7, 2009, is serving a stated prison term that includes one 8278  
or more nonmandatory prison terms. 8279

(b) "Eligible offender" does not include any person who, 8280  
on or after April 7, 2009, is serving a stated prison term for 8281  
any of the following criminal offenses that was a felony and was 8282  
committed while the person held a public office in this state: 8283

(i) A violation of section 2921.02, 2921.03, 2921.05, 8284  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8285  
Code; 8286

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8287  
2921.12 of the Revised Code, when the conduct constituting the 8288  
violation was related to the duties of the offender's public 8289  
office or to the offender's actions as a public official holding 8290  
that public office; 8291

(iii) A violation of an existing or former municipal 8292  
ordinance or law of this or any other state or the United States 8293  
that is substantially equivalent to any violation listed in 8294  
division (A) (1) (b) (i) of this section; 8295

(iv) A violation of an existing or former municipal 8296  
ordinance or law of this or any other state or the United States 8297

that is substantially equivalent to any violation listed in 8298  
division (A) (1) (b) (ii) of this section, when the conduct 8299  
constituting the violation was related to the duties of the 8300  
offender's public office or to the offender's actions as a 8301  
public official holding that public office; 8302

(v) A conspiracy to commit, attempt to commit, or 8303  
complicity in committing any offense listed in division (A) (1) 8304  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8305

(vi) A conspiracy to commit, attempt to commit, or 8306  
complicity in committing any offense listed in division (A) (1) 8307  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8308  
if the conduct constituting the offense that was the subject of 8309  
the conspiracy, that would have constituted the offense 8310  
attempted, or constituting the offense in which the offender was 8311  
complicit was or would have been related to the duties of the 8312  
offender's public office or to the offender's actions as a 8313  
public official holding that public office. 8314

(2) "Nonmandatory prison term" means a prison term that is 8315  
not a mandatory prison term. 8316

(3) "Public office" means any elected federal, state, or 8317  
local government office in this state. 8318

(4) "Victim's representative" has the same meaning as in 8319  
section 2930.01 of the Revised Code. 8320

(5) "Imminent danger of death," "medically incapacitated," 8321  
and "terminal illness" have the same meanings as in section 8322  
2967.05 of the Revised Code. 8323

(6) "Aggregated nonmandatory prison term or terms" means 8324  
the aggregate of the following: 8325

(a) All nonmandatory definite prison terms; 8326

(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms. 8327  
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(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 8330  
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(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods: 8334  
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(1) If the aggregated nonmandatory prison term or terms is less than two years, the eligible offender may file the motion at any time after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, at any time after the expiration of all mandatory prison terms. 8337  
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(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms. 8343  
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(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than the date on which the eligible offender has served four years of the offender's stated prison term or, if the prison term includes a mandatory prison term or terms, not 8350  
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earlier than four years after the expiration of all mandatory 8355  
prison terms. 8356

(4) If the aggregated nonmandatory prison term or terms is 8357  
more than five years but not more than ten years, the eligible 8358  
offender may file the motion not earlier than the date on which 8359  
the eligible offender has served five years of the offender's 8360  
stated prison term or, if the prison term includes a mandatory 8361  
prison term or terms, not earlier than five years after the 8362  
expiration of all mandatory prison terms. 8363

(5) If the aggregated nonmandatory prison term or terms is 8364  
more than ten years, the eligible offender may file the motion 8365  
not earlier than the later of the date on which the offender has 8366  
served one-half of the offender's stated prison term or the date 8367  
specified in division (C) (4) of this section. 8368

(D) Upon receipt of a timely motion for judicial release 8369  
filed by an eligible offender under division (C) of this section 8370  
or upon the sentencing court's own motion made within the 8371  
appropriate time specified in that division, the court may deny 8372  
the motion without a hearing or schedule a hearing on the 8373  
motion. The court shall not grant the motion without a hearing. 8374  
If a court denies a motion without a hearing, the court later 8375  
may consider judicial release for that eligible offender on a 8376  
subsequent motion filed by that eligible offender unless the 8377  
court denies the motion with prejudice. If a court denies a 8378  
motion with prejudice, the court may later consider judicial 8379  
release on its own motion. If a court denies a motion after a 8380  
hearing, the court shall not consider a subsequent motion for 8381  
that eligible offender. The court shall hold only one hearing 8382  
for any eligible offender. 8383

A hearing under this section shall be conducted in open 8384

court not less than thirty or more than sixty days after the 8385  
motion is filed, provided that the court may delay the hearing 8386  
for one hundred eighty additional days. If the court holds a 8387  
hearing, the court shall enter a ruling on the motion within ten 8388  
days after the hearing. If the court denies the motion without a 8389  
hearing, the court shall enter its ruling on the motion within 8390  
sixty days after the motion is filed. 8391

(E) If a court schedules a hearing under division (D) of 8392  
this section, the court shall notify the eligible offender and 8393  
the head of the state correctional institution in which the 8394  
eligible offender is confined prior to the hearing. The head of 8395  
the state correctional institution immediately shall notify the 8396  
appropriate person at the department of rehabilitation and 8397  
correction of the hearing, and the department within twenty-four 8398  
hours after receipt of the notice, shall post on the database it 8399  
maintains pursuant to section 5120.66 of the Revised Code the 8400  
offender's name and all of the information specified in division 8401  
(A) (1) (c) (i) of that section. If the court schedules a hearing 8402  
for judicial release, the court promptly shall give notice of 8403  
the hearing to the prosecuting attorney of the county in which 8404  
the eligible offender was indicted. Upon receipt of the notice 8405  
from the court, the prosecuting attorney shall do whichever of 8406  
the following is applicable: 8407

(1) Subject to division (E) (2) of this section, notify the 8408  
victim of the offense or the victim's representative pursuant to 8409  
division (B) of section 2930.16 of the Revised Code; 8410

(2) If the offense was an offense of violence that is a 8411  
felony of the first, second, or third degree, except as 8412  
otherwise provided in this division, notify the victim or the 8413  
victim's representative of the hearing regardless of whether the 8414

victim or victim's representative has requested the 8415  
notification. The notice of the hearing shall not be given under 8416  
this division to a victim or victim's representative if the 8417  
victim or victim's representative has requested pursuant to 8418  
division (B) (2) of section 2930.03 of the Revised Code that the 8419  
victim or the victim's representative not be provided the 8420  
notice. If notice is to be provided to a victim or victim's 8421  
representative under this division, the prosecuting attorney may 8422  
give the notice by any reasonable means, including regular mail, 8423  
telephone, and electronic mail, in accordance with division (D) 8424  
(1) of section 2930.16 of the Revised Code. If the notice is 8425  
based on an offense committed prior to March 22, 2013, the 8426  
notice also shall include the opt-out information described in 8427  
division (D) (1) of section 2930.16 of the Revised Code. The 8428  
prosecuting attorney, in accordance with division (D) (2) of 8429  
section 2930.16 of the Revised Code, shall keep a record of all 8430  
attempts to provide the notice, and of all notices provided, 8431  
under this division. Division (E) (2) of this section, and the 8432  
notice-related provisions of division (K) of this section, 8433  
division (D) (1) of section 2930.16, division (H) of section 8434  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8435  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8436  
division (A) (2) of section 5149.101 of the Revised Code enacted 8437  
in the act in which division (E) (2) of this section was enacted, 8438  
shall be known as "Roberta's Law." 8439

(F) Upon an offender's successful completion of 8440  
rehabilitative activities, the head of the state correctional 8441  
institution may notify the sentencing court of the successful 8442  
completion of the activities. 8443

(G) Prior to the date of the hearing on a motion for 8444  
judicial release under this section, the head of the state 8445

correctional institution in which the eligible offender is 8446  
confined shall send to the court an institutional summary report 8447  
on the eligible offender's conduct in the institution and in any 8448  
institution from which the eligible offender may have been 8449  
transferred. Upon the request of the prosecuting attorney of the 8450  
county in which the eligible offender was indicted or of any law 8451  
enforcement agency, the head of the state correctional 8452  
institution, at the same time the person sends the institutional 8453  
summary report to the court, also shall send a copy of the 8454  
report to the requesting prosecuting attorney and law 8455  
enforcement agencies. The institutional summary report shall 8456  
cover the eligible offender's participation in school, 8457  
vocational training, work, treatment, and other rehabilitative 8458  
activities and any disciplinary action taken against the 8459  
eligible offender. The report shall be made part of the record 8460  
of the hearing. A presentence investigation report is not 8461  
required for judicial release. 8462

(H) If the court grants a hearing on a motion for judicial 8463  
release under this section, the eligible offender shall attend 8464  
the hearing if ordered to do so by the court. Upon receipt of a 8465  
copy of the journal entry containing the order, the head of the 8466  
state correctional institution in which the eligible offender is 8467  
incarcerated shall deliver the eligible offender to the sheriff 8468  
of the county in which the hearing is to be held. The sheriff 8469  
shall convey the eligible offender to and from the hearing. 8470

(I) At the hearing on a motion for judicial release under 8471  
this section, the court shall afford the eligible offender and 8472  
the eligible offender's attorney an opportunity to present 8473  
written and, if present, oral information relevant to the 8474  
motion. The court shall afford a similar opportunity to the 8475  
prosecuting attorney, the victim or the victim's representative, 8476

and any other person the court determines is likely to present 8477  
additional relevant information. The court shall consider any 8478  
statement of a victim made pursuant to section 2930.14 or 8479  
2930.17 of the Revised Code, any victim impact statement 8480  
prepared pursuant to section 2947.051 of the Revised Code, and 8481  
any report made under division (G) of this section. The court 8482  
may consider any written statement of any person submitted to 8483  
the court pursuant to division (L) of this section. After ruling 8484  
on the motion, the court shall notify the victim of the ruling 8485  
in accordance with sections 2930.03 and 2930.16 of the Revised 8486  
Code. 8487

(J) (1) A court shall not grant a judicial release under 8488  
this section to an eligible offender who is imprisoned for a 8489  
felony of the first or second degree, or to an eligible offender 8490  
who committed an offense under Chapter 2925. or 3719. of the 8491  
Revised Code and for whom there was a presumption under section 8492  
2929.13 of the Revised Code in favor of a prison term, unless 8493  
the court, with reference to factors under section 2929.12 of 8494  
the Revised Code, finds both of the following: 8495

(a) That a sanction other than a prison term would 8496  
adequately punish the offender and protect the public from 8497  
future criminal violations by the eligible offender because the 8498  
applicable factors indicating a lesser likelihood of recidivism 8499  
outweigh the applicable factors indicating a greater likelihood 8500  
of recidivism; 8501

(b) That a sanction other than a prison term would not 8502  
demean the seriousness of the offense because factors indicating 8503  
that the eligible offender's conduct in committing the offense 8504  
was less serious than conduct normally constituting the offense 8505  
outweigh factors indicating that the eligible offender's conduct 8506

was more serious than conduct normally constituting the offense. 8507

(2) A court that grants a judicial release to an eligible 8508  
offender under division (J)(1) of this section shall specify on 8509  
the record both findings required in that division and also 8510  
shall list all the factors described in that division that were 8511  
presented at the hearing. 8512

(K) If the court grants a motion for judicial release 8513  
under this section, the court shall order the release of the 8514  
eligible offender, shall place the eligible offender under an 8515  
appropriate community control sanction, under appropriate 8516  
conditions, and under the supervision of the department of 8517  
probation serving the court and shall reserve the right to 8518  
reimpose the sentence that it reduced if the offender violates 8519  
the sanction. If the court reimposes the reduced sentence, it 8520  
may do so either concurrently with, or consecutive to, any new 8521  
sentence imposed upon the eligible offender as a result of the 8522  
violation that is a new offense. Except as provided in division 8523  
(R)(2) of this section, the period of community control shall be 8524  
no longer than five years. The court, in its discretion, may 8525  
reduce the period of community control by the amount of time the 8526  
eligible offender spent in jail or prison for the offense and in 8527  
prison. If the court made any findings pursuant to division (J) 8528  
(1) of this section, the court shall serve a copy of the 8529  
findings upon counsel for the parties within fifteen days after 8530  
the date on which the court grants the motion for judicial 8531  
release. 8532

If the court grants a motion for judicial release, the 8533  
court shall notify the appropriate person at the department of 8534  
rehabilitation and correction, and the department shall post 8535  
notice of the release on the database it maintains pursuant to 8536

section 5120.66 of the Revised Code. The court also shall notify 8537  
the prosecuting attorney of the county in which the eligible 8538  
offender was indicted that the motion has been granted. Unless 8539  
the victim or the victim's representative has requested pursuant 8540  
to division (B) (2) of section 2930.03 of the Revised Code that 8541  
the victim or victim's representative not be provided the 8542  
notice, the prosecuting attorney shall notify the victim or the 8543  
victim's representative of the judicial release in any manner, 8544  
and in accordance with the same procedures, pursuant to which 8545  
the prosecuting attorney is authorized to provide notice of the 8546  
hearing pursuant to division (E) (2) of this section. If the 8547  
notice is based on an offense committed prior to March 22, 2013, 8548  
the notice to the victim or victim's representative also shall 8549  
include the opt-out information described in division (D) (1) of 8550  
section 2930.16 of the Revised Code. 8551

(L) In addition to and independent of the right of a 8552  
victim to make a statement pursuant to section 2930.14, 2930.17, 8553  
or 2946.051 of the Revised Code and any right of a person to 8554  
present written information or make a statement pursuant to 8555  
division (I) of this section, any person may submit to the 8556  
court, at any time prior to the hearing on the offender's motion 8557  
for judicial release, a written statement concerning the effects 8558  
of the offender's crime or crimes, the circumstances surrounding 8559  
the crime or crimes, the manner in which the crime or crimes 8560  
were perpetrated, and the person's opinion as to whether the 8561  
offender should be released. 8562

(M) The changes to this section that are made on September 8563  
30, 2011, apply to any judicial release decision made on or 8564  
after September 30, 2011, for any eligible offender. 8565

(N) Notwithstanding the eligibility requirements specified 8566

in division (A) of this section and the filing time frames 8567  
specified in division (C) of this section and notwithstanding 8568  
the findings required under division (J) of this section, the 8569  
sentencing court, upon the court's own motion and after 8570  
considering whether the release of the offender into society 8571  
would create undue risk to public safety, may grant a judicial 8572  
release to an offender who is not serving a life sentence at any 8573  
time during the offender's imposed sentence when the director of 8574  
rehabilitation and correction certifies to the sentencing court 8575  
through the chief medical officer for the department of 8576  
rehabilitation and correction that the offender is in imminent 8577  
danger of death, is medically incapacitated, or is suffering 8578  
from a terminal illness. 8579

(O) The director of rehabilitation and correction shall 8580  
not certify any offender under division (N) of this section who 8581  
is serving a death sentence. 8582

(P) A motion made by the court under division (N) of this 8583  
section is subject to the notice, hearing, and other procedural 8584  
requirements specified in divisions (D), (E), (G), (H), (I), 8585  
(K), and (L) of this section, except for the following: 8586

(1) The court may waive the offender's appearance at any 8587  
hearing scheduled by the court if the offender's condition makes 8588  
it impossible for the offender to participate meaningfully in 8589  
the proceeding. 8590

(2) The court may grant the motion without a hearing, 8591  
provided that the prosecuting attorney and victim or victim's 8592  
representative to whom notice of the hearing was provided under 8593  
division (E) of this section indicate that they do not wish to 8594  
participate in the hearing or present information relevant to 8595  
the motion. 8596

(Q) The court may request health care records from the 8597  
department of rehabilitation and correction to verify the 8598  
certification made under division (N) of this section. 8599

(R) (1) If the court grants judicial release under division 8600  
(N) of this section, the court shall do all of the following: 8601

(a) Order the release of the offender; 8602

(b) Place the offender under an appropriate community 8603  
control sanction, under appropriate conditions; 8604

(c) Place the offender under the supervision of the 8605  
department of probation serving the court or under the 8606  
supervision of the adult parole authority. 8607

(2) The court, in its discretion, may revoke the judicial 8608  
release if the offender violates the community control sanction 8609  
described in division (R) (1) of this section. The period of that 8610  
community control is not subject to the five-year limitation 8611  
described in division (K) of this section and shall not expire 8612  
earlier than the date on which all of the offender's mandatory 8613  
prison terms expire. 8614

(S) If the health of an offender who is released under 8615  
division (N) of this section improves so that the offender is no 8616  
longer terminally ill, medically incapacitated, or in imminent 8617  
danger of death, the court shall, upon the court's own motion, 8618  
revoke the judicial release. The court shall not grant the 8619  
motion without a hearing unless the offender waives a hearing. 8620  
If a hearing is held, the court shall afford the offender and 8621  
the offender's attorney an opportunity to present written and, 8622  
if the offender or the offender's attorney is present, oral 8623  
information relevant to the motion. The court shall afford a 8624  
similar opportunity to the prosecuting attorney, the victim or 8625

the victim's representative, and any other person the court 8626  
determines is likely to present additional relevant information. 8627  
A court that grants a motion under this division shall specify 8628  
its findings on the record. 8629

**Sec. 2929.61.** (A) Persons charged with a capital offense 8630  
committed prior to January 1, 1974, shall be prosecuted under 8631  
the law as it existed at the time the offense was committed, 8632  
and, if convicted, shall be imprisoned for life, except that 8633  
whenever the statute under which any such person is prosecuted 8634  
provides for a lesser penalty under the circumstances of the 8635  
particular case, such lesser penalty shall be imposed. 8636

(B) Persons charged with an offense, other than a capital 8637  
offense, committed prior to January 1, 1974, shall be prosecuted 8638  
under the law as it existed at the time the offense was 8639  
committed. Persons convicted or sentenced on or after January 1, 8640  
1974, for an offense committed prior to January 1, 1974, shall 8641  
be sentenced according to the penalty for commission of the 8642  
substantially equivalent offense under Amended Substitute House 8643  
Bill 511 of the 109th General Assembly. If the offense for which 8644  
sentence is being imposed does not have a substantial equivalent 8645  
under that act, or if that act provides a more severe penalty 8646  
than that originally prescribed for the offense of which the 8647  
person is convicted, then sentence shall be imposed under the 8648  
law as it existed prior to January 1, 1974. 8649

(C) Persons charged with an offense that is a felony of 8650  
the third or fourth degree and that was committed on or after 8651  
January 1, 1974, and before July 1, 1983, shall be prosecuted 8652  
under the law as it existed at the time the offense was 8653  
committed. Persons convicted or sentenced on or after July 1, 8654  
1983, for an offense that is a felony of the third or fourth 8655

degree and that was committed on or after January 1, 1974, and 8656  
before July 1, 1983, shall be notified by the court sufficiently 8657  
in advance of sentencing that they may choose to be sentenced 8658  
pursuant to either the law in effect at the time of the 8659  
commission of the offense or the law in effect at the time of 8660  
sentencing. This notice shall be written and shall include the 8661  
differences between and possible effects of the alternative 8662  
sentence forms and the effect of the person's refusal to choose. 8663  
The person to be sentenced shall then inform the court in 8664  
writing of ~~his~~ the person's choice, and shall be sentenced 8665  
accordingly. Any person choosing to be sentenced pursuant to the 8666  
law in effect at the time of the commission of an offense that 8667  
is a felony of the third or fourth degree shall then be eligible 8668  
for parole, and this person cannot at a later date have ~~his~~ the 8669  
person's sentence converted to a definite sentence. If the 8670  
person refuses to choose between the two possible sentences, the 8671  
person shall be sentenced pursuant to the law in effect at the 8672  
time of the commission of the offense. 8673

(D) Persons charged with an offense that was a felony of 8674  
the first or second degree at the time it was committed, that 8675  
was committed on or after January 1, 1974, and that was 8676  
committed prior to July 1, 1983, shall be prosecuted for that 8677  
offense and, if convicted, shall be sentenced under the law as 8678  
it existed at the time the offense was committed. 8679

(E) Persons charged with an offense that is a felony of 8680  
the first or second degree that was committed prior to the 8681  
effective date of this amendment or that is a felony of the 8682  
third degree that is described in division (A)(3)(a) of section 8683  
2929.14 of the Revised Code and was committed prior to that date 8684  
shall be prosecuted for that offense and, if convicted, shall be 8685  
sentenced under the law as it existed at the time the offense 8686

was committed.

8687

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 8688  
in a case who has requested to receive notice under this section 8689  
shall be given notice of the incarceration of the defendant. If 8690  
an alleged juvenile offender is committed to the temporary 8691  
custody of a school, camp, institution, or other facility 8692  
operated for the care of delinquent children or to the legal 8693  
custody of the department of youth services, a victim in a case 8694  
who has requested to receive notice under this section shall be 8695  
given notice of the commitment. Promptly after sentence is 8696  
imposed upon the defendant or the commitment of the alleged 8697  
juvenile offender is ordered, the prosecutor in the case shall 8698  
notify the victim of the date on which the defendant will be 8699  
released, or initially will be eligible for release, from 8700  
confinement or the prosecutor's reasonable estimate of that date 8701  
or the date on which the alleged juvenile offender will have 8702  
served the minimum period of commitment or the prosecutor's 8703  
reasonable estimate of that date. The prosecutor also shall 8704  
notify the victim of the name of the custodial agency of the 8705  
defendant or alleged juvenile offender and tell the victim how 8706  
to contact that custodial agency. If the custodial agency is the 8707  
department of rehabilitation and correction, the prosecutor 8708  
shall notify the victim of the services offered by the office of 8709  
victims' services pursuant to section 5120.60 of the Revised 8710  
Code. If the custodial agency is the department of youth 8711  
services, the prosecutor shall notify the victim of the services 8712  
provided by the office of victims' services within the release 8713  
authority of the department pursuant to section 5139.55 of the 8714  
Revised Code and the victim's right pursuant to section 5139.56 8715  
of the Revised Code to submit a written request to the release 8716  
authority to be notified of actions the release authority takes 8717

with respect to the alleged juvenile offender. The victim shall 8718  
keep the custodial agency informed of the victim's current 8719  
address and telephone number. 8720

(B) (1) Upon the victim's request or in accordance with 8721  
division (D) of this section, the prosecutor promptly shall 8722  
notify the victim of any hearing for judicial release of the 8723  
defendant pursuant to section 2929.20 of the Revised Code, of 8724  
any hearing for release of the defendant pursuant to section 8725  
2967.19 of the Revised Code, or of any hearing for judicial 8726  
release or early release of the alleged juvenile offender 8727  
pursuant to section 2151.38 of the Revised Code and of the 8728  
victim's right to make a statement under those sections. The 8729  
court shall notify the victim of its ruling in each of those 8730  
hearings and on each of those applications. 8731

(2) If an offender is sentenced to a prison term pursuant 8732  
to division (A) (3) or (B) of section 2971.03 of the Revised 8733  
Code, upon the request of the victim of the crime or in 8734  
accordance with division (D) of this section, the prosecutor 8735  
promptly shall notify the victim of any hearing to be conducted 8736  
pursuant to section 2971.05 of the Revised Code to determine 8737  
whether to modify the requirement that the offender serve the 8738  
entire prison term in a state correctional facility in 8739  
accordance with division (C) of that section, whether to 8740  
continue, revise, or revoke any existing modification of that 8741  
requirement, or whether to terminate the prison term in 8742  
accordance with division (D) of that section. The court shall 8743  
notify the victim of any order issued at the conclusion of the 8744  
hearing. 8745

(C) Upon the victim's request made at any time before the 8746  
particular notice would be due or in accordance with division 8747

(D) of this section, the custodial agency of a defendant or 8748  
alleged juvenile offender shall give the victim any of the 8749  
following notices that is applicable: 8750

(1) At least sixty days before the adult parole authority 8751  
recommends a pardon or commutation of sentence for the defendant 8752  
or at least sixty days prior to a hearing before the adult 8753  
parole authority regarding a grant of parole to the defendant, 8754  
notice of the victim's right to submit a statement regarding the 8755  
impact of the defendant's release in accordance with section 8756  
2967.12 of the Revised Code and, if applicable, of the victim's 8757  
right to appear at a full board hearing of the parole board to 8758  
give testimony as authorized by section 5149.101 of the Revised 8759  
Code; and at least sixty days prior to a hearing before the 8760  
department regarding a determination of whether the inmate must 8761  
be released under division (C) or (D) (2) of section 2967.271 of 8762  
the Revised Code if the inmate is serving a non-life felony 8763  
indefinite prison term, notice of the fact that the inmate will 8764  
be having a hearing regarding a possible grant of release, the 8765  
date of any hearing regarding a possible grant of release, and 8766  
the right of any person to submit a written statement regarding 8767  
the pending action; 8768

(2) At least sixty days before the defendant is 8769  
transferred to transitional control under section 2967.26 of the 8770  
Revised Code, notice of the pendency of the transfer and of the 8771  
victim's right under that section to submit a statement 8772  
regarding the impact of the transfer; 8773

(3) At least sixty days before the release authority of 8774  
the department of youth services holds a release review, release 8775  
hearing, or discharge review for the alleged juvenile offender, 8776  
notice of the pendency of the review or hearing, of the victim's 8777

right to make an oral or written statement regarding the impact 8778  
of the crime upon the victim or regarding the possible release 8779  
or discharge, and, if the notice pertains to a hearing, of the 8780  
victim's right to attend and make statements or comments at the 8781  
hearing as authorized by section 5139.56 of the Revised Code; 8782

(4) Prompt notice of the defendant's or alleged juvenile 8783  
offender's escape from a facility of the custodial agency in 8784  
which the defendant was incarcerated or in which the alleged 8785  
juvenile offender was placed after commitment, of the 8786  
defendant's or alleged juvenile offender's absence without leave 8787  
from a mental health or developmental disabilities facility or 8788  
from other custody, and of the capture of the defendant or 8789  
alleged juvenile offender after an escape or absence; 8790

(5) Notice of the defendant's or alleged juvenile 8791  
offender's death while in confinement or custody; 8792

(6) Notice of the filing of a petition by the director of 8793  
rehabilitation and correction pursuant to section 2967.19 of the 8794  
Revised Code requesting the early release under that section of 8795  
the defendant; 8796

(7) Notice of the defendant's or alleged juvenile 8797  
offender's release from confinement or custody and the terms and 8798  
conditions of the release. 8799

(D) (1) If a defendant is incarcerated for the commission 8800  
of aggravated murder, murder, or an offense of violence that is 8801  
a felony of the first, second, or third degree or is under a 8802  
sentence of life imprisonment or if an alleged juvenile offender 8803  
has been charged with the commission of an act that would be 8804  
aggravated murder, murder, or an offense of violence that is a 8805  
felony of the first, second, or third degree or be subject to a 8806

sentence of life imprisonment if committed by an adult, except 8807  
as otherwise provided in this division, the notices described in 8808  
divisions (B) and (C) of this section shall be given regardless 8809  
of whether the victim has requested the notification. The 8810  
notices described in divisions (B) and (C) of this section shall 8811  
not be given under this division to a victim if the victim has 8812  
requested pursuant to division (B)(2) of section 2930.03 of the 8813  
Revised Code that the victim not be provided the notice. 8814  
Regardless of whether the victim has requested that the notices 8815  
described in division (C) of this section be provided or not be 8816  
provided, the custodial agency shall give notices similar to 8817  
those notices to the prosecutor in the case, to the sentencing 8818  
court, to the law enforcement agency that arrested the defendant 8819  
or alleged juvenile offender if any officer of that agency was a 8820  
victim of the offense, and to any member of the victim's 8821  
immediate family who requests notification. If the notice given 8822  
under this division to the victim is based on an offense 8823  
committed prior to March 22, 2013, and if the prosecutor or 8824  
custodial agency has not previously successfully provided any 8825  
notice to the victim under this division or division (B) or (C) 8826  
of this section with respect to that offense and the offender 8827  
who committed it, the notice also shall inform the victim that 8828  
the victim may request that the victim not be provided any 8829  
further notices with respect to that offense and the offender 8830  
who committed it and shall describe the procedure for making 8831  
that request. If the notice given under this division to the 8832  
victim pertains to a hearing regarding a grant of a parole to 8833  
the defendant, the notice also shall inform the victim that the 8834  
victim, a member of the victim's immediate family, or the 8835  
victim's representative may request a victim conference, as 8836  
described in division (E) of this section, and shall provide an 8837  
explanation of a victim conference. 8838

The prosecutor or custodial agency may give the notices to 8839  
which this division applies by any reasonable means, including 8840  
regular mail, telephone, and electronic mail. If the prosecutor 8841  
or custodial agency attempts to provide notice to a victim under 8842  
this division but the attempt is unsuccessful because the 8843  
prosecutor or custodial agency is unable to locate the victim, 8844  
is unable to provide the notice by its chosen method because it 8845  
cannot determine the mailing address, telephone number, or 8846  
electronic mail address at which to provide the notice, or, if 8847  
the notice is sent by mail, the notice is returned, the 8848  
prosecutor or custodial agency shall make another attempt to 8849  
provide the notice to the victim. If the second attempt is 8850  
unsuccessful, the prosecutor or custodial agency shall make at 8851  
least one more attempt to provide the notice. If the notice is 8852  
based on an offense committed prior to March 22, 2013, in each 8853  
attempt to provide the notice to the victim, the notice shall 8854  
include the opt-out information described in the preceding 8855  
paragraph. The prosecutor or custodial agency, in accordance 8856  
with division (D) (2) of this section, shall keep a record of all 8857  
attempts to provide the notice, and of all notices provided, 8858  
under this division. 8859

Division (D) (1) of this section, and the notice-related 8860  
provisions of divisions (E) (2) and (K) of section 2929.20, 8861  
division (H) of section 2967.12, division (E) (1) (b) of section 8862  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 8863  
of section 2967.28, and division (A) (2) of section 5149.101 of 8864  
the Revised Code enacted in the act in which division (D) (1) of 8865  
this section was enacted, shall be known as "Roberta's Law." 8866

(2) Each prosecutor and custodial agency that attempts to 8867  
give any notice to which division (D) (1) of this section applies 8868  
shall keep a record of all attempts to give the notice. The 8869

record shall indicate the person who was to be the recipient of 8870  
the notice, the date on which the attempt was made, the manner 8871  
in which the attempt was made, and the person who made the 8872  
attempt. If the attempt is successful and the notice is given, 8873  
the record shall indicate that fact. The record shall be kept in 8874  
a manner that allows public inspection of attempts and notices 8875  
given to persons other than victims without revealing the names, 8876  
addresses, or other identifying information relating to victims. 8877  
The record of attempts and notices given to victims is not a 8878  
public record, but the prosecutor or custodial agency shall 8879  
provide upon request a copy of that record to a prosecuting 8880  
attorney, judge, law enforcement agency, or member of the 8881  
general assembly. The record of attempts and notices given to 8882  
persons other than victims is a public record. A record kept 8883  
under this division may be indexed by offender name, or in any 8884  
other manner determined by the prosecutor or the custodial 8885  
agency. Each prosecutor or custodial agency that is required to 8886  
keep a record under this division shall determine the procedures 8887  
for keeping the record and the manner in which it is to be kept, 8888  
subject to the requirements of this division. 8889

(E) The adult parole authority shall adopt rules under 8890  
Chapter 119. of the Revised Code providing for a victim 8891  
conference, upon request of the victim, a member of the victim's 8892  
immediate family, or the victim's representative, prior to a 8893  
parole hearing in the case of a prisoner who is incarcerated for 8894  
the commission of aggravated murder, murder, or an offense of 8895  
violence that is a felony of the first, second, or third degree 8896  
or is under a sentence of life imprisonment. The rules shall 8897  
provide for, but not be limited to, all of the following: 8898

(1) Subject to division (E) (3) of this section, attendance 8899  
by the victim, members of the victim's immediate family, the 8900

victim's representative, and, if practicable, other individuals; 8901

(2) Allotment of up to one hour for the conference; 8902

(3) A specification of the number of persons specified in 8903  
division (E)(1) of this section who may be present at any single 8904  
victim conference, if limited by the department pursuant to 8905  
division (F) of this section. 8906

(F) The department may limit the number of persons 8907  
specified in division (E)(1) of this section who may be present 8908  
at any single victim conference, provided that the department 8909  
shall not limit the number of persons who may be present at any 8910  
single conference to fewer than three. If the department limits 8911  
the number of persons who may be present at any single victim 8912  
conference, the department shall permit and schedule, upon 8913  
request of the victim, a member of the victim's immediate 8914  
family, or the victim's representative, multiple victim 8915  
conferences for the persons specified in division (E)(1) of this 8916  
section. 8917

(G) As used in this section, "victim's immediate family" 8918  
has the same meaning as in section 2967.12 of the Revised Code. 8919

**Sec. 2943.032.** (A) Prior to accepting a guilty plea or a 8920  
plea of no contest to an indictment, information, or complaint 8921  
that charges a felony, the court shall inform the defendant 8922  
personally that, if the defendant pleads guilty or no contest to 8923  
the felony so charged or any other felony, if the court imposes 8924  
a prison term upon the defendant for the felony, and if the 8925  
offender violates the conditions of a post-release control 8926  
sanction imposed by the parole board upon the completion of the 8927  
stated prison term, the parole board may impose upon the 8928  
offender a residential sanction that includes a new prison term 8929

of up to nine months, subject to a maximum cumulative prison 8930  
term for all violations that does not exceed one-half of the 8931  
definite prison term that is the stated prison term originally 8932  
imposed upon the offender or, with respect to a non-life felony 8933  
indefinite prison term, one-half of the minimum prison term 8934  
included as part of the stated non-life felony indefinite prison 8935  
term originally imposed on the offender. 8936

(B) As used in this section, "non-life felony indefinite 8937  
prison term" has the same meaning as in section 2929.01 of the 8938  
Revised Code. 8939

**Sec. 2953.08.** (A) In addition to any other right to appeal 8940  
and except as provided in division (D) of this section, a 8941  
defendant who is convicted of or pleads guilty to a felony may 8942  
appeal as a matter of right the sentence imposed upon the 8943  
defendant on one of the following grounds: 8944

(1) The sentence consisted of or included the maximum 8945  
definite prison term allowed for the offense by division (A) of 8946  
section 2929.14 or section 2929.142 of the Revised Code or, with 8947  
respect to a non-life felony indefinite prison term, the longest 8948  
minimum prison term allowed for the offense by division (A) (1) 8949  
(a), (2)(a), or (3)(a)(i) of section 2929.14 of the Revised 8950  
Code, the maximum definite prison term or longest minimum prison 8951  
term was not required for the offense pursuant to Chapter 2925. 8952  
or any other provision of the Revised Code, and the court 8953  
imposed the sentence under one of the following circumstances: 8954

(a) The sentence was imposed for only one offense. 8955

(b) The sentence was imposed for two or more offenses 8956  
arising out of a single incident, and the court imposed the 8957  
maximum definite prison term or longest minimum prison term for 8958

the offense of the highest degree. 8959

(2) The sentence consisted of or included a prison term 8960  
and the offense for which it was imposed is a felony of the 8961  
fourth or fifth degree or is a felony drug offense that is a 8962  
violation of a provision of Chapter 2925. of the Revised Code 8963  
and that is specified as being subject to division (B) of 8964  
section 2929.13 of the Revised Code for purposes of sentencing. 8965  
If the court specifies that it found one or more of the factors 8966  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 8967  
apply relative to the defendant, the defendant is not entitled 8968  
under this division to appeal as a matter of right the sentence 8969  
imposed upon the offender. 8970

(3) The person was convicted of or pleaded guilty to a 8971  
violent sex offense or a designated homicide, assault, or 8972  
kidnapping offense, was adjudicated a sexually violent predator 8973  
in relation to that offense, and was sentenced pursuant to 8974  
division (A) (3) of section 2971.03 of the Revised Code, if the 8975  
minimum term of the indefinite term imposed pursuant to division 8976  
(A) (3) of section 2971.03 of the Revised Code is the longest 8977  
term available for the offense from among the range of definite 8978  
terms listed in section 2929.14 of the Revised Code or, with 8979  
respect to a non-life felony indefinite prison term, the longest 8980  
minimum prison term allowed for the offense by division (A) (1) 8981  
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8982  
Code. As used in this division, "designated homicide, assault, 8983  
or kidnapping offense" and "violent sex offense" have the same 8984  
meanings as in section 2971.01 of the Revised Code. As used in 8985  
this division, "adjudicated a sexually violent predator" has the 8986  
same meaning as in section 2929.01 of the Revised Code, and a 8987  
person is "adjudicated a sexually violent predator" in the same 8988  
manner and the same circumstances as are described in that 8989

section. 8990

(4) The sentence is contrary to law. 8991

(5) The sentence consisted of an additional prison term of 8992  
ten years imposed pursuant to division (B) (2) (a) of section 8993  
2929.14 of the Revised Code. 8994

(B) In addition to any other right to appeal and except as 8995  
provided in division (D) of this section, a prosecuting 8996  
attorney, a city director of law, village solicitor, or similar 8997  
chief legal officer of a municipal corporation, or the attorney 8998  
general, if one of those persons prosecuted the case, may appeal 8999  
as a matter of right a sentence imposed upon a defendant who is 9000  
convicted of or pleads guilty to a felony or, in the 9001  
circumstances described in division (B) (3) of this section the 9002  
modification of a sentence imposed upon such a defendant, on any 9003  
of the following grounds: 9004

(1) The sentence did not include a prison term despite a 9005  
presumption favoring a prison term for the offense for which it 9006  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 9007  
the Revised Code. 9008

(2) The sentence is contrary to law. 9009

(3) The sentence is a modification under section 2929.20 9010  
of the Revised Code of a sentence that was imposed for a felony 9011  
of the first or second degree. 9012

(C) (1) In addition to the right to appeal a sentence 9013  
granted under division (A) or (B) of this section, a defendant 9014  
who is convicted of or pleads guilty to a felony may seek leave 9015  
to appeal a sentence imposed upon the defendant on the basis 9016  
that the sentencing judge has imposed consecutive sentences 9017  
under division (C) (3) of section 2929.14 of the Revised Code and 9018

that the consecutive sentences exceed the maximum definite 9019  
prison term allowed by division (A) of that section for the most 9020  
serious offense of which the defendant was convicted or, with 9021  
respect to a non-life felony indefinite prison term, exceed the 9022  
longest minimum prison term allowed by division (A) (1) (a), (2) 9023  
(a), or (3) (a) (i) of that section for the most serious such 9024  
offense. Upon the filing of a motion under this division, the 9025  
court of appeals may grant leave to appeal the sentence if the 9026  
court determines that the allegation included as the basis of 9027  
the motion is true. 9028

(2) A defendant may seek leave to appeal an additional 9029  
sentence imposed upon the defendant pursuant to division (B) (2) 9030  
(a) or (b) of section 2929.14 of the Revised Code if the 9031  
additional sentence is for a definite prison term that is longer 9032  
than five years. 9033

(D) (1) A sentence imposed upon a defendant is not subject 9034  
to review under this section if the sentence is authorized by 9035  
law, has been recommended jointly by the defendant and the 9036  
prosecution in the case, and is imposed by a sentencing judge. 9037

(2) Except as provided in division (C) (2) of this section, 9038  
a sentence imposed upon a defendant is not subject to review 9039  
under this section if the sentence is imposed pursuant to 9040  
division (B) (2) (b) of section 2929.14 of the Revised Code. 9041  
Except as otherwise provided in this division, a defendant 9042  
retains all rights to appeal as provided under this chapter or 9043  
any other provision of the Revised Code. A defendant has the 9044  
right to appeal under this chapter or any other provision of the 9045  
Revised Code the court's application of division (B) (2) (c) of 9046  
section 2929.14 of the Revised Code. 9047

(3) A sentence imposed for aggravated murder or murder 9048

pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9049  
not subject to review under this section. 9050

(E) A defendant, prosecuting attorney, city director of 9051  
law, village solicitor, or chief municipal legal officer shall 9052  
file an appeal of a sentence under this section to a court of 9053  
appeals within the time limits specified in Rule 4(B) of the 9054  
Rules of Appellate Procedure, provided that if the appeal is 9055  
pursuant to division (B) (3) of this section, the time limits 9056  
specified in that rule shall not commence running until the 9057  
court grants the motion that makes the sentence modification in 9058  
question. A sentence appeal under this section shall be 9059  
consolidated with any other appeal in the case. If no other 9060  
appeal is filed, the court of appeals may review only the 9061  
portions of the trial record that pertain to sentencing. 9062

(F) On the appeal of a sentence under this section, the 9063  
record to be reviewed shall include all of the following, as 9064  
applicable: 9065

(1) Any presentence, psychiatric, or other investigative 9066  
report that was submitted to the court in writing before the 9067  
sentence was imposed. An appellate court that reviews a 9068  
presentence investigation report prepared pursuant to section 9069  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9070  
connection with the appeal of a sentence under this section 9071  
shall comply with division (D) (3) of section 2951.03 of the 9072  
Revised Code when the appellate court is not using the 9073  
presentence investigation report, and the appellate court's use 9074  
of a presentence investigation report of that nature in 9075  
connection with the appeal of a sentence under this section does 9076  
not affect the otherwise confidential character of the contents 9077  
of that report as described in division (D) (1) of section 9078

2951.03 of the Revised Code and does not cause that report to 9079  
become a public record, as defined in section 149.43 of the 9080  
Revised Code, following the appellate court's use of the report. 9081

(2) The trial record in the case in which the sentence was 9082  
imposed; 9083

(3) Any oral or written statements made to or by the court 9084  
at the sentencing hearing at which the sentence was imposed; 9085

(4) Any written findings that the court was required to 9086  
make in connection with the modification of the sentence 9087  
pursuant to a judicial release under division (I) of section 9088  
2929.20 of the Revised Code. 9089

(G) (1) If the sentencing court was required to make the 9090  
findings required by division (B) or (D) of section 2929.13 or 9091  
division (I) of section 2929.20 of the Revised Code, or to state 9092  
the findings of the trier of fact required by division (B) (2) (e) 9093  
of section 2929.14 of the Revised Code, relative to the 9094  
imposition or modification of the sentence, and if the 9095  
sentencing court failed to state the required findings on the 9096  
record, the court hearing an appeal under division (A), (B), or 9097  
(C) of this section shall remand the case to the sentencing 9098  
court and instruct the sentencing court to state, on the record, 9099  
the required findings. 9100

(2) The court hearing an appeal under division (A), (B), 9101  
or (C) of this section shall review the record, including the 9102  
findings underlying the sentence or modification given by the 9103  
sentencing court. 9104

The appellate court may increase, reduce, or otherwise 9105  
modify a sentence that is appealed under this section or may 9106  
vacate the sentence and remand the matter to the sentencing 9107

court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

(a) That the record does not support the sentencing court's findings under division (B) or (D) of section 2929.13, division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) of section 2929.20 of the Revised Code, whichever, if any, is relevant;

(b) That the sentence is otherwise contrary to law.

(H) A judgment or final order of a court of appeals under this section may be appealed, by leave of court, to the supreme court.

(I) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 2967.01.** As used in this chapter:

(A) "State correctional institution" includes any institution or facility that is operated by the department of rehabilitation and correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders.

(B) "Pardon" means the remission of penalty by the governor in accordance with the power vested in the governor by the constitution.

(C) "Commutation" or "commutation of sentence" means the substitution by the governor of a lesser for a greater

punishment. A stated prison term may be commuted without the 9136  
consent of the convict, except when granted upon the acceptance 9137  
and performance by the convict of conditions precedent. After 9138  
commutation, the commuted prison term shall be the only one in 9139  
existence. The commutation may be stated in terms of commuting 9140  
from a named offense to a lesser included offense with a shorter 9141  
prison term, in terms of commuting from a stated prison term in 9142  
months and years to a shorter prison term in months and years, 9143  
or in terms of commuting from any other stated prison term to a 9144  
shorter prison term. 9145

(D) "Reprieve" means the temporary suspension by the 9146  
governor of the execution of a sentence or prison term. The 9147  
governor may grant a reprieve without the consent of and against 9148  
the will of the convict. 9149

(E) "Parole" means, regarding a prisoner who is serving a 9150  
prison term for aggravated murder or murder, who is serving a 9151  
prison term of life imprisonment for rape or for felonious 9152  
sexual penetration as it existed under section 2907.12 of the 9153  
Revised Code prior to September 3, 1996, or who was sentenced 9154  
prior to July 1, 1996, a release of the prisoner from 9155  
confinement in any state correctional institution by the adult 9156  
parole authority that is subject to the eligibility criteria 9157  
specified in this chapter and that is under the terms and 9158  
conditions, and for the period of time, prescribed by the 9159  
authority in its published rules and official minutes or 9160  
required by division (A) of section 2967.131 of the Revised Code 9161  
or another provision of this chapter. 9162

(F) "Head of a state correctional institution" or "head of 9163  
the institution" means the resident head of the institution and 9164  
the person immediately in charge of the institution, whether 9165

designated warden, superintendent, or any other name by which 9166  
the head is known. 9167

(G) "Convict" means a person who has been convicted of a 9168  
felony under the laws of this state, whether or not actually 9169  
confined in a state correctional institution, unless the person 9170  
has been pardoned or has served the person's sentence or prison 9171  
term. 9172

(H) "Prisoner" means a person who is in actual confinement 9173  
in a state correctional institution. 9174

(I) "Parolee" means any inmate who has been released from 9175  
confinement on parole by order of the adult parole authority or 9176  
conditionally pardoned, who is under supervision of the adult 9177  
parole authority and has not been granted a final release, and 9178  
who has not been declared in violation of the inmate's parole by 9179  
the authority or is performing the prescribed conditions of a 9180  
conditional pardon. 9181

(J) "Releasee" means an inmate who has been released from 9182  
confinement pursuant to section 2967.28 of the Revised Code 9183  
under a period of post-release control that includes one or more 9184  
post-release control sanctions. 9185

(K) "Final release" means a remission by the adult parole 9186  
authority of the balance of the sentence or prison term of a 9187  
parolee or prisoner or the termination by the authority of a 9188  
term of post-release control of a releasee. 9189

(L) "Parole violator" or "release violator" means any 9190  
parolee or releasee who has been declared to be in violation of 9191  
the condition of parole or post-release control specified in 9192  
division (A) or (B) of section 2967.131 of the Revised Code or 9193  
in violation of any other term, condition, or rule of the 9194

parolee's or releasee's parole or of the parolee's or releasee's 9195  
post-release control sanctions, the determination of which has 9196  
been made by the adult parole authority and recorded in its 9197  
official minutes. 9198

(M) "Administrative release" means a termination of 9199  
jurisdiction over a particular sentence or prison term by the 9200  
adult parole authority for administrative convenience. 9201

(N) "Post-release control" means a period of supervision 9202  
by the adult parole authority after a prisoner's release from 9203  
imprisonment, other than under a term of life imprisonment, that 9204  
includes one or more post-release control sanctions imposed 9205  
under section 2967.28 of the Revised Code. 9206

(O) "Post-release control sanction" means a sanction that 9207  
is authorized under sections 2929.16 to 2929.18 of the Revised 9208  
Code and that is imposed upon a prisoner upon the prisoner's 9209  
release from a prison term other than a term of life 9210  
imprisonment. 9211

(P) "Community control sanction," "prison term," 9212  
"mandatory prison term," and "stated prison term" have the same 9213  
meanings as in section 2929.01 of the Revised Code. 9214

(Q) "Transitional control" means control of a prisoner 9215  
under the transitional control program established by the 9216  
department of rehabilitation and correction under section 9217  
2967.26 of the Revised Code, if the department establishes a 9218  
program of that nature under that section. 9219

(R) "Random drug testing" has the same meaning as in 9220  
section 5120.63 of the Revised Code. 9221

(S) "Non-life felony indefinite prison term" has the same 9222  
meaning as in section 2929.01 of the Revised Code. 9223

**Sec. 2967.021.** (A) Chapter 2967. of the Revised Code, as 9224  
it existed prior to July 1, 1996, applies to a person upon whom 9225  
a court imposed a term of imprisonment prior to July 1, 1996, 9226  
and a person upon whom a court, on or after July 1, 1996, and in 9227  
accordance with law existing prior to July 1, 1996, imposed a 9228  
term of imprisonment for an offense that was committed prior to 9229  
July 1, 1996. 9230

(B) Chapter 2967. of the Revised Code, as it exists on and 9231  
after July 1, 1996, applies to a person upon whom a court 9232  
imposed a stated prison term for an offense committed on or 9233  
after July 1, 1996, subject to division (C) of this section. 9234

(C) Section 2967.271 of the Revised Code, and other 9235  
provisions of Chapter 2967. of the Revised Code, as they exist 9236  
on and after the effective date of this amendment, apply to a 9237  
person who is sentenced to a non-life felony indefinite prison 9238  
term. 9239

**Sec. 2967.03.** The adult parole authority may exercise its 9240  
functions and duties in relation to the pardon, commutation of 9241  
sentence, or reprieve of a convict upon direction of the 9242  
governor or upon its own initiative. It may exercise its 9243  
functions and duties in relation to the parole of a prisoner who 9244  
is eligible for parole upon the initiative of the head of the 9245  
institution in which the prisoner is confined or upon its own 9246  
initiative. When a prisoner becomes eligible for parole, the 9247  
head of the institution in which the prisoner is confined shall 9248  
notify the authority in the manner prescribed by the authority. 9249  
The authority may investigate and examine, or cause the 9250  
investigation and examination of, prisoners confined in state 9251  
correctional institutions concerning their conduct in the 9252  
institutions, their mental and moral qualities and 9253

characteristics, their knowledge of a trade or profession, their 9254  
former means of livelihood, their family relationships, and any 9255  
other matters affecting their fitness to be at liberty without 9256  
being a threat to society. 9257

The authority may recommend to the governor the pardon, 9258  
commutation of sentence, or reprieve of any convict or prisoner 9259  
or grant a parole to any prisoner for whom parole is authorized, 9260  
if in its judgment there is reasonable ground to believe that 9261  
granting a pardon, commutation, or reprieve to the convict or 9262  
paroling the prisoner would further the interests of justice and 9263  
be consistent with the welfare and security of society. However, 9264  
the authority shall not recommend a pardon or commutation of 9265  
sentence, or grant a parole to, any convict or prisoner until 9266  
the authority has complied with the applicable notice 9267  
requirements of sections 2930.16 and 2967.12 of the Revised Code 9268  
and until it has considered any statement made by a victim or a 9269  
victim's representative that is relevant to the convict's or 9270  
prisoner's case and that was sent to the authority pursuant to 9271  
section 2930.17 of the Revised Code, any other statement made by 9272  
a victim or a victim's representative that is relevant to the 9273  
convict's or prisoner's case and that was received by the 9274  
authority after it provided notice of the pendency of the action 9275  
under sections 2930.16 and 2967.12 of the Revised Code, and any 9276  
written statement of any person submitted to the court pursuant 9277  
to division (I) of section 2967.12 of the Revised Code. If a 9278  
victim, victim's representative, or the victim's spouse, parent, 9279  
sibling, or child appears at a full board hearing of the parole 9280  
board and gives testimony as authorized by section 5149.101 of 9281  
the Revised Code, the authority shall consider the testimony in 9282  
determining whether to grant a parole. The trial judge and 9283  
prosecuting attorney of the trial court in which a person was 9284

convicted shall furnish to the authority, at the request of the 9285  
authority, a summarized statement of the facts proved at the 9286  
trial and of all other facts having reference to the propriety 9287  
of recommending a pardon or commutation or granting a parole, 9288  
together with a recommendation for or against a pardon, 9289  
commutation, or parole, and the reasons for the recommendation. 9290  
The trial judge, the prosecuting attorney, specified law 9291  
enforcement agency members, and a representative of the prisoner 9292  
may appear at a full board hearing of the parole board and give 9293  
testimony in regard to the grant of a parole to the prisoner as 9294  
authorized by section 5149.101 of the Revised Code. All state 9295  
and local officials shall furnish information to the authority, 9296  
when so requested by it in the performance of its duties. 9297

The adult parole authority shall exercise its functions 9298  
and duties in relation to the release of prisoners who are 9299  
serving a ~~stated~~ definite prison term as a stated prison term in 9300  
accordance with section 2967.28 of the Revised Code, and the 9301  
authority and the department of rehabilitation and correction 9302  
shall exercise their functions and duties in relation to the 9303  
release of prisoners who are serving a non-life felony 9304  
indefinite prison term as a stated prison term in accordance 9305  
with sections 2967.271 and 2967.28 of the Revised Code. 9306

**Sec. 2967.13.** (A) Except as provided in division (G) of 9307  
this section, a prisoner serving a sentence of imprisonment for 9308  
life for an offense committed on or after July 1, 1996, is not 9309  
entitled to any earned credit under section 2967.193 of the 9310  
Revised Code and becomes eligible for parole as follows: 9311

(1) If a sentence of imprisonment for life was imposed for 9312  
the offense of murder, at the expiration of the prisoner's 9313  
minimum term; 9314

(2) If a sentence of imprisonment for life with parole 9315  
eligibility after serving twenty years of imprisonment was 9316  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9317  
Code, after serving a term of twenty years; 9318

(3) If a sentence of imprisonment for life with parole 9319  
eligibility after serving twenty-five full years of imprisonment 9320  
was imposed pursuant to section 2929.022 or 2929.03 of the 9321  
Revised Code, after serving a term of twenty-five full years; 9322

(4) If a sentence of imprisonment for life with parole 9323  
eligibility after serving thirty full years of imprisonment was 9324  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9325  
Code, after serving a term of thirty full years; 9326

(5) If a sentence of imprisonment for life was imposed for 9327  
rape, after serving a term of ten full years' imprisonment; 9328

(6) If a sentence of imprisonment for life with parole 9329  
eligibility after serving fifteen years of imprisonment was 9330  
imposed for a violation of section 2927.24 of the Revised Code, 9331  
after serving a term of fifteen years. 9332

(B) Except as provided in division (G) of this section, a 9333  
prisoner serving a sentence of imprisonment for life with parole 9334  
eligibility after serving twenty years of imprisonment or a 9335  
sentence of imprisonment for life with parole eligibility after 9336  
serving twenty-five full years or thirty full years of 9337  
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9338  
the Revised Code for an offense committed on or after July 1, 9339  
1996, consecutively to any other term of imprisonment, becomes 9340  
eligible for parole after serving twenty years, twenty full 9341  
years, or thirty full years, as applicable, as to each such 9342  
sentence of life imprisonment, which shall not be reduced for 9343

earned credits under section 2967.193 of the Revised Code, plus 9344  
the term or terms of the other sentences consecutively imposed 9345  
or, if one of the other sentences is another type of life 9346  
sentence with parole eligibility, the number of years before 9347  
parole eligibility for that sentence. 9348

(C) Except as provided in division (G) of this section, a 9349  
prisoner serving consecutively two or more sentences in which an 9350  
indefinite term of imprisonment is imposed becomes eligible for 9351  
parole upon the expiration of the aggregate of the minimum terms 9352  
of the sentences. 9353

(D) Except as provided in division (G) of this section, a 9354  
prisoner serving a term of imprisonment who is described in 9355  
division (A) of section 2967.021 of the Revised Code becomes 9356  
eligible for parole as described in that division or, if the 9357  
prisoner is serving a definite term of imprisonment, shall be 9358  
released as described in that division. 9359

(E) A prisoner serving a sentence of life imprisonment 9360  
without parole imposed pursuant to section 2907.02 or section 9361  
2929.03 or 2929.06 of the Revised Code is not eligible for 9362  
parole and shall be imprisoned until death. 9363

(F) A prisoner serving a stated prison term that is a non- 9364  
life felony indefinite prison term shall be released in 9365  
accordance with sections 2967.271 and 2967.28 of the Revised 9366  
Code. A prisoner serving a stated prison term of any other 9367  
nature shall be released in accordance with section 2967.28 of 9368  
the Revised Code. 9369

(G) A prisoner serving a prison term or term of life 9370  
imprisonment without parole imposed pursuant to section 2971.03 9371  
of the Revised Code never becomes eligible for parole during 9372

that term of imprisonment. 9373

**Sec. 2967.14.** (A) The department of rehabilitation and 9374  
correction or the adult parole authority may require or allow a 9375  
parolee, a releasee, or a prisoner otherwise released from a 9376  
state correctional institution to reside in a halfway house or 9377  
other suitable community residential center that has been 9378  
licensed by the division of parole and community services 9379  
pursuant to division (C) of this section or, in the 9380  
circumstances described in division (E) of section 5120.113 of 9381  
the Revised Code, in the reentry program and facility 9382  
established under that division, during a part or for the entire 9383  
period of the offender's or parolee's conditional release or of 9384  
the releasee's term of post-release control. The court of common 9385  
pleas that placed an offender under a sanction consisting of a 9386  
term in a halfway house or in an alternative residential 9387  
sanction may require the offender to reside in a halfway house 9388  
or other suitable community residential center that is 9389  
designated by the court and that has been licensed by the 9390  
division pursuant to division (C) of this section during a part 9391  
or for the entire period of the offender's residential sanction. 9392

(B) The division of parole and community services may 9393  
negotiate and enter into agreements with any public or private 9394  
agency or a department or political subdivision of the state 9395  
that operates a halfway house, reentry center, or community 9396  
residential center that has been licensed by the division 9397  
pursuant to division (C) of this section. An agreement under 9398  
this division shall provide for the purchase of beds, shall set 9399  
limits of supervision and levels of occupancy, and shall 9400  
determine the scope of services for all eligible offenders, 9401  
including those subject to a residential sanction, as defined in 9402  
rules adopted by the director of rehabilitation and correction 9403

in accordance with Chapter 119. of the Revised Code, or those 9404  
released from prison without supervision. The payments for beds 9405  
and services shall not exceed the total operating costs of the 9406  
halfway house, reentry center, or community residential center 9407  
during the term of an agreement. The director of rehabilitation 9408  
and correction shall adopt rules in accordance with Chapter 119. 9409  
of the Revised Code for determining includable and excludable 9410  
costs and income to be used in computing the agency's average 9411  
daily per capita costs with its facility at full occupancy. 9412

The director of rehabilitation and correction shall adopt 9413  
rules providing for the use of no more than fifteen per cent of 9414  
the amount appropriated to the department each fiscal year for 9415  
the halfway house, reentry center, and community residential 9416  
center program to pay for contracts with licensed halfway houses 9417  
for nonresidential services for offenders under the supervision 9418  
of the adult parole authority, including but not limited to, 9419  
offenders supervised pursuant to an agreement entered into by 9420  
the adult parole authority and a court of common pleas under 9421  
section 2301.32 of the Revised Code. The nonresidential services 9422  
may include, but are not limited to, treatment for substance 9423  
abuse, mental health counseling, counseling for sex offenders, 9424  
electronic monitoring services, aftercare, and other 9425  
nonresidential services that the director identifies by rule. 9426

(C) The division of parole and community services may 9427  
license a halfway house, reentry center, or community 9428  
residential center as a suitable facility for the care and 9429  
treatment of adult offenders, including offenders sentenced 9430  
under section 2929.16 or 2929.26 of the Revised Code, only if 9431  
the halfway house, reentry center, or community residential 9432  
center complies with the standards that the division adopts in 9433  
accordance with Chapter 119. of the Revised Code for the 9434

licensure of halfway houses, reentry centers, and community 9435  
residential centers. The division shall annually inspect each 9436  
licensed halfway house, licensed reentry center, and licensed 9437  
community residential center to determine if it is in compliance 9438  
with the licensure standards. 9439

(D) The division of parole and community services may 9440  
expend up to one-half per cent of the annual appropriation made 9441  
for halfway house programs, for goods or services that benefit 9442  
those programs. 9443

**Sec. 2967.19.** (A) As used in this section: 9444

(1) "Deadly weapon" and "dangerous ordnance" have the same 9445  
meanings as in section 2923.11 of the Revised Code. 9446

(2) "Disqualifying prison term" means any of the 9447  
following: 9448

(a) A prison term imposed for aggravated murder, murder, 9449  
voluntary manslaughter, involuntary manslaughter, felonious 9450  
assault, kidnapping, rape, aggravated arson, aggravated 9451  
burglary, or aggravated robbery; 9452

(b) A prison term imposed for complicity in, an attempt to 9453  
commit, or conspiracy to commit any offense listed in division 9454  
(A) (2) (a) of this section; 9455

(c) A prison term of life imprisonment, including any term 9456  
of life imprisonment that has parole eligibility; 9457

(d) A prison term imposed for any felony other than 9458  
carrying a concealed weapon an essential element of which is any 9459  
conduct or failure to act expressly involving any deadly weapon 9460  
or dangerous ordnance; 9461

(e) A prison term imposed for any violation of section 9462

2925.03 of the Revised Code that is a felony of the first or  
second degree; 9463  
9464

(f) A prison term imposed for engaging in a pattern of  
corrupt activity in violation of section 2923.32 of the Revised  
Code; 9465  
9466  
9467

(g) A prison term imposed pursuant to section 2971.03 of  
the Revised Code; 9468  
9469

(h) A prison term imposed for any sexually oriented  
offense. 9470  
9471

(3) "Eligible prison term" means any prison term that is  
not a disqualifying prison term and is not a restricting prison  
term. 9472  
9473  
9474

(4) "Restricting prison term" means any of the following: 9475

(a) A mandatory prison term imposed under division (B) (1)  
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of  
section 2929.14 of the Revised Code for a specification of the  
type described in that division; 9476  
9477  
9478  
9479

(b) In the case of an offender who has been sentenced to a  
mandatory prison term for a specification of the type described  
in division (A) (4) (a) of this section, the prison term imposed  
for the felony offense for which the specification was stated at  
the end of the body of the indictment, count in the indictment,  
or information charging the offense; 9480  
9481  
9482  
9483  
9484  
9485

(c) A prison term imposed for trafficking in persons; 9486

(d) A prison term imposed for any offense that is  
described in division (A) (4) (d) (i) of this section if division  
(A) (4) (d) (ii) of this section applies to the offender: 9487  
9488  
9489

(i) The offense is a felony of the first or second degree 9490  
that is an offense of violence and that is not described in 9491  
division (A) (2) (a) or (b) of this section, an attempt to commit 9492  
a felony of the first or second degree that is an offense of 9493  
violence and that is not described in division (A) (2) (a) or (b) 9494  
of this section if the attempt is a felony of the first or 9495  
second degree, or an offense under an existing or former law of 9496  
this state, another state, or the United States that is or was 9497  
substantially equivalent to any other offense described in this 9498  
division. 9499

(ii) The offender previously was convicted of or pleaded 9500  
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 9501  
of this section. 9502

(5) "Sexually oriented offense" has the same meaning as in 9503  
section 2950.01 of the Revised Code. 9504

(6) "Stated prison term of one year or more" means a 9505  
definite prison term of one year or more imposed as a stated 9506  
prison term, or a minimum prison term of one year or more 9507  
imposed as part of a stated prison term that is a non-life 9508  
felony indefinite prison term. 9509

(B) The director of the department of rehabilitation and 9510  
correction may recommend in writing to the sentencing court that 9511  
the court consider releasing from prison any offender who, on or 9512  
after September 30, 2011, is confined in a state correctional 9513  
institution, who is serving a stated prison term of one year or 9514  
more, and who is eligible under division (C) of this section for 9515  
a release under this section. If the director wishes to 9516  
recommend that the sentencing court consider releasing an 9517  
offender under this section, the director shall notify the 9518  
sentencing court in writing of the offender's eligibility not 9519

earlier than ninety days prior to the date on which the offender 9520  
becomes eligible as described in division (C) of this section. 9521  
The director's submission of the written notice constitutes a 9522  
recommendation by the director that the court strongly consider 9523  
release of the offender consistent with the purposes and 9524  
principles of sentencing set forth in sections 2929.11 and 9525  
2929.13 of the Revised Code. Only an offender recommended by the 9526  
director under division (B) of this section may be considered 9527  
for early release under this section. 9528

(C) (1) An offender serving a stated prison term of one 9529  
year or more and who has commenced service of that stated prison 9530  
term becomes eligible for release from prison under this section 9531  
only as described in this division. An offender serving a stated 9532  
prison term that includes a disqualifying prison term is not 9533  
eligible for release from prison under this section. An offender 9534  
serving a stated prison term that consists solely of one or more 9535  
restricting prison terms is not eligible for release under this 9536  
section. An offender serving a stated prison term of one year or 9537  
more that includes one or more restricting prison terms and one 9538  
or more eligible prison terms becomes eligible for release under 9539  
this section after having fully served all restricting prison 9540  
terms and having served eighty per cent of ~~the~~ that stated 9541  
prison term that remains to be served after all restricting 9542  
prison terms have been fully served. An offender serving a 9543  
stated prison term of one year or more that consists solely of 9544  
one or more eligible prison terms becomes eligible for release 9545  
under this section after having served eighty per cent of that 9546  
stated prison term. For purposes of determining an offender's 9547  
eligibility for release under this section, if the offender's 9548  
stated prison term includes consecutive prison terms, any 9549  
restricting prison terms shall be deemed served prior to any 9550

eligible prison terms that run consecutively to the restricting 9551  
prison terms, and the eligible prison terms are deemed to 9552  
commence after all of the restricting prison terms have been 9553  
fully served. 9554

An offender serving a stated prison term of one year or 9555  
more that includes a mandatory prison term that is not a 9556  
disqualifying prison term and is not a restricting prison term 9557  
is not automatically ineligible as a result of the offender's 9558  
service of that mandatory term for release from prison under 9559  
this section, and the offender's eligibility for release from 9560  
prison under this section is determined in accordance with this 9561  
division. 9562

(2) If an offender confined in a state correctional 9563  
institution under a stated prison term is eligible for release 9564  
under this section as described in division (C) (1) of this 9565  
section, the director of the department of rehabilitation and 9566  
correction may recommend in writing that the sentencing court 9567  
consider releasing the offender from prison under this section 9568  
by submitting to the sentencing court the written notice 9569  
described in division (B) of this section. 9570

(D) The director shall include with any notice submitted 9571  
to the sentencing court under division (B) of this section an 9572  
institutional summary report that covers the offender's 9573  
participation while confined in a state correctional institution 9574  
in school, training, work, treatment, and other rehabilitative 9575  
activities and any disciplinary action taken against the 9576  
offender while so confined. The director shall include with the 9577  
notice any other documentation requested by the court, if 9578  
available. 9579

(E) (1) When the director submits a written notice to a 9580

sentencing court that an offender is eligible to be considered 9581  
for early release under this section, the department promptly 9582  
shall provide to the prosecuting attorney of the county in which 9583  
the offender was indicted a copy of the written notice, a copy 9584  
of the institutional summary report, and any other information 9585  
provided to the court and shall provide a copy of the 9586  
institutional summary report to any law enforcement agency that 9587  
requests the report. The department also promptly shall do 9588  
whichever of the following is applicable: 9589

(a) Subject to division (E) (1) (b) of this section, give 9590  
written notice of the submission to any victim of the offender 9591  
or victim's representative of any victim of the offender who is 9592  
registered with the office of victim's services. 9593

(b) If the offense was aggravated murder, murder, an 9594  
offense of violence that is a felony of the first, second, or 9595  
third degree, or an offense punished by a sentence of life 9596  
imprisonment, except as otherwise provided in this division, 9597  
notify the victim or the victim's representative of the filing 9598  
of the petition regardless of whether the victim or victim's 9599  
representative has registered with the office of victim's 9600  
services. The notice of the filing of the petition shall not be 9601  
given under this division to a victim or victim's representative 9602  
if the victim or victim's representative has requested pursuant 9603  
to division (B) (2) of section 2930.03 of the Revised Code that 9604  
the victim or the victim's representative not be provided the 9605  
notice. If notice is to be provided to a victim or victim's 9606  
representative under this division, the department may give the 9607  
notice by any reasonable means, including regular mail, 9608  
telephone, and electronic mail, in accordance with division (D) 9609  
(1) of section 2930.16 of the Revised Code. If the notice is 9610  
based on an offense committed prior to ~~the effective date of~~ 9611

~~this amendment~~ March 22, 2013, the notice also shall include the 9612  
opt-out information described in division (D) (1) of section 9613  
2930.16 of the Revised Code. The department, in accordance with 9614  
division (D) (2) of section 2930.16 of the Revised Code, shall 9615  
keep a record of all attempts to provide the notice, and of all 9616  
notices provided, under this division. 9617

Division (E) (1) (b) of this section, and the notice-related 9618  
provisions of divisions (E) (2) and (K) of section 2929.20, 9619  
division (D) (1) of section 2930.16, division (H) of section 9620  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9621  
of section 2967.28, and division (A) (2) of section 5149.101 of 9622  
the Revised Code enacted in the act in which division (E) (2) of 9623  
this section was enacted, shall be known as "Roberta's Law." 9624

(2) When the director submits a petition under this 9625  
section, the department also promptly shall post a copy of the 9626  
written notice on the database it maintains under section 9627  
5120.66 of the Revised Code and include information on where a 9628  
person may send comments regarding the recommendation of early 9629  
release. 9630

The information provided to the court, the prosecutor, and 9631  
the victim or victim's representative under divisions (D) and 9632  
(E) of this section shall include the name and contact 9633  
information of a specific department of rehabilitation and 9634  
correction employee who is available to answer questions about 9635  
the offender who is the subject of the written notice submitted 9636  
by the director, including, but not limited to, the offender's 9637  
institutional conduct and rehabilitative activities while 9638  
incarcerated. 9639

(F) Upon receipt of a written notice submitted by the 9640  
director under division (B) of this section, the court either 9641

shall, on its own motion, schedule a hearing to consider 9642  
releasing the offender who is the subject of the notice or shall 9643  
inform the department that it will not be conducting a hearing 9644  
relative to the offender. The court shall not grant an early 9645  
release to an offender without holding a hearing. If a court 9646  
declines to hold a hearing relative to an offender with respect 9647  
to a written notice submitted by the director, the court may 9648  
later consider release of that offender under this section on 9649  
its own motion by scheduling a hearing for that purpose. Within 9650  
thirty days after the written notice is submitted, the court 9651  
shall inform the department whether or not the court is 9652  
scheduling a hearing on the offender who is the subject of the 9653  
notice. 9654

(G) If the court schedules a hearing upon receiving a 9655  
written notice submitted under division (B) of this section or 9656  
upon its own motion under division (F) of this section, the 9657  
court shall notify the head of the state correctional 9658  
institution in which the offender is confined of the hearing 9659  
prior to the hearing. If the court makes a journal entry 9660  
ordering the offender to be conveyed to the hearing, except as 9661  
otherwise provided in this division, the head of the 9662  
correctional institution shall deliver the offender to the 9663  
sheriff of the county in which the hearing is to be held, and 9664  
the sheriff shall convey the offender to and from the hearing. 9665  
Upon the court's own motion or the motion of the offender or the 9666  
prosecuting attorney of the county in which the offender was 9667  
indicted, the court may permit the offender to appear at the 9668  
hearing by video conferencing equipment if equipment of that 9669  
nature is available and compatible. 9670

Upon receipt of notice from a court of a hearing on the 9671  
release of an offender under this division, the head of the 9672

state correctional institution in which the offender is confined 9673  
immediately shall notify the appropriate person at the 9674  
department of rehabilitation and correction of the hearing, and 9675  
the department within twenty-four hours after receipt of the 9676  
notice shall post on the database it maintains pursuant to 9677  
section 5120.66 of the Revised Code the offender's name and all 9678  
of the information specified in division (A)(1)(c)(i) of that 9679  
section. If the court schedules a hearing under this section, 9680  
the court promptly shall give notice of the hearing to the 9681  
prosecuting attorney of the county in which the offender was 9682  
indicted. Upon receipt of the notice from the court, the 9683  
prosecuting attorney shall notify pursuant to section 2930.16 of 9684  
the Revised Code any victim of the offender or the victim's 9685  
representative of the hearing. 9686

(H) If the court schedules a hearing under this section, 9687  
at the hearing, the court shall afford the offender and the 9688  
offender's attorney an opportunity to present written 9689  
information and, if present, oral information relevant to the 9690  
offender's early release. The court shall afford a similar 9691  
opportunity to the prosecuting attorney, victim or victim's 9692  
representative, as defined in section 2930.01 of the Revised 9693  
Code, and any other person the court determines is likely to 9694  
present additional relevant information. If the court pursuant 9695  
to division (G) of this section permits the offender to appear 9696  
at the hearing by video conferencing equipment, the offender's 9697  
opportunity to present oral information shall be as a part of 9698  
the video conferencing. The court shall consider any statement 9699  
of a victim made under section 2930.14 or 2930.17 of the Revised 9700  
Code, any victim impact statement prepared under section 9701  
2947.051 of the Revised Code, and any report and other 9702  
documentation submitted by the director under division (D) of 9703

this section. After ruling on whether to grant the offender 9704  
early release, the court shall notify the victim in accordance 9705  
with sections 2930.03 and 2930.16 of the Revised Code. 9706

(I) If the court grants an offender early release under 9707  
this section, it shall order the release of the offender, shall 9708  
place the offender under one or more appropriate community 9709  
control sanctions, under appropriate conditions, and under the 9710  
supervision of the department of probation that serves the 9711  
court, and shall reserve the right to reimpose the sentence that 9712  
it reduced and from which the offender was released if the 9713  
offender violates the sanction. The court shall not make a 9714  
release under this section effective prior to the date on which 9715  
the offender becomes eligible as described in division (C) of 9716  
this section. If the sentence under which the offender is 9717  
confined in a state correctional institution and from which the 9718  
offender is being released was imposed for a felony of the first 9719  
or second degree, the court shall consider ordering that the 9720  
offender be monitored by means of a global positioning device. 9721  
If the court reimposes the sentence that it reduced and from 9722  
which the offender was released and if the violation of the 9723  
sanction is a new offense, the court may order that the 9724  
reimposed sentence be served either concurrently with, or 9725  
consecutive to, any new sentence imposed upon the offender as a 9726  
result of the violation that is a new offense. The period of all 9727  
community control sanctions imposed under this division shall 9728  
not exceed five years. The court, in its discretion, may reduce 9729  
the period of community control sanctions by the amount of time 9730  
the offender spent in jail or prison for the offense. 9731

If the court grants an offender early release under this 9732  
section, it shall notify the appropriate person at the 9733  
department of rehabilitation and correction of the release, and 9734

the department shall post notice of the release on the database 9735  
it maintains pursuant to section 5120.66 of the Revised Code. 9736

(J) The department shall adopt under Chapter 119. of the 9737  
Revised Code any rules necessary to implement this section. 9738

**Sec. 2967.191.** (A) The department of rehabilitation and 9739  
correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 9740  
~~if the prisoner is serving a term for which there is parole~~ 9741  
~~eligibility, the minimum and maximum term or the parole~~ 9742  
~~eligibility date of the prisoner, as described in division (B)~~ 9743  
of this section, by the total number of days that the prisoner 9744  
was confined for any reason arising out of the offense for which 9745  
the prisoner was convicted and sentenced, including confinement 9746  
in lieu of bail while awaiting trial, confinement for 9747  
examination to determine the prisoner's competence to stand 9748  
trial or sanity, confinement while awaiting transportation to 9749  
the place where the prisoner is to serve the prisoner's prison 9750  
term, as determined by the sentencing court under division (B) 9751  
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 9752  
confinement in a juvenile facility. The department of 9753  
rehabilitation and correction also shall reduce the stated 9754  
prison term of a prisoner or, if the prisoner is serving a term 9755  
for which there is parole eligibility, the minimum and maximum 9756  
term or the parole eligibility date of the prisoner by the total 9757  
number of days, if any, that the prisoner previously served in 9758  
the custody of the department of rehabilitation and correction 9759  
arising out of the offense for which the prisoner was convicted 9760  
and sentenced. 9761

(B) The reductions described in division (A) of this 9762  
section shall be made to the following prison terms, as 9763  
applicable: 9764

(1) The definite prison term of a prisoner serving a 9765  
definite prison term as a stated prison term; 9766

(2) The minimum and maximum term of a prisoner serving a 9767  
non-life felony indefinite prison term as a stated prison term; 9768

(3) The minimum and maximum term or the parole eligibility 9769  
date of a prisoner serving a term for which there is parole 9770  
eligibility. 9771

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 9772  
of this section and subject to the maximum aggregate total 9773  
specified in division (A) (3) of this section, a person confined 9774  
in a state correctional institution or placed in the substance 9775  
use disorder treatment program may provisionally earn one day or 9776  
five days of credit, based on the category set forth in division 9777  
(D) (1), (2), (3), (4), or (5) of this section in which the 9778  
person is included, toward satisfaction of the person's stated 9779  
prison term, as described in division (F) of this section, for 9780  
each completed month during which the person, if confined in a 9781  
state correctional institution, productively participates in an 9782  
education program, vocational training, employment in prison 9783  
industries, treatment for substance abuse, or any other 9784  
constructive program developed by the department with specific 9785  
standards for performance by prisoners or during which the 9786  
person, if placed in the substance use disorder treatment 9787  
program, productively participates in the program. Except as 9788  
provided in division (C) of this section and subject to the 9789  
maximum aggregate total specified in division (A) (3) of this 9790  
section, a person so confined in a state correctional 9791  
institution who successfully completes two programs or 9792  
activities of that type may, in addition, provisionally earn up 9793  
to five days of credit toward satisfaction of the person's 9794

stated prison term, as described in division (F) of this 9795  
section, for the successful completion of the second program or 9796  
activity. The person shall not be awarded any provisional days 9797  
of credit for the successful completion of the first program or 9798  
activity or for the successful completion of any program or 9799  
activity that is completed after the second program or activity. 9800  
At the end of each calendar month in which a person productively 9801  
participates in a program or activity listed in this division or 9802  
successfully completes a program or activity listed in this 9803  
division, the department of rehabilitation and correction shall 9804  
determine and record the total number of days credit that the 9805  
person provisionally earned in that calendar month. If the 9806  
person in a state correctional institution violates prison rules 9807  
or the person in the substance use disorder treatment program 9808  
violates program or department rules, the department may deny 9809  
the person a credit that otherwise could have been provisionally 9810  
awarded to the person or may withdraw one or more credits 9811  
previously provisionally earned by the person. Days of credit 9812  
provisionally earned by a person shall be finalized and awarded 9813  
by the department subject to administrative review by the 9814  
department of the person's conduct. 9815

(2) Unless a person is serving a mandatory prison term or 9816  
a prison term for an offense of violence or a sexually oriented 9817  
offense, and notwithstanding the maximum aggregate total 9818  
specified in division (A) (3) of this section, a person who 9819  
successfully completes any of the following shall earn ninety 9820  
days of credit toward satisfaction of the person's stated prison 9821  
term or a ten per cent reduction of the person's stated prison 9822  
term, whichever is less: 9823

(a) An Ohio high school diploma or Ohio certificate of 9824  
high school equivalence certified by the Ohio central school 9825

system;	9826
(b) A therapeutic drug community program;	9827
(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;	9828 9829
(d) A career technical vocational school program;	9830
(e) A college certification program;	9831
(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.	9832 9833 9834
(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	9835 9836 9837 9838 9839 9840 9841
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	9842 9843 9844 9845 9846 9847 9848 9849 9850 9851
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom	9852 9853

any of the following applies shall be awarded any days of credit 9854  
under division (A) of this section: 9855

(1) The person is serving a prison term that section 9856  
2929.13 or section 2929.14 of the Revised Code specifies cannot 9857  
be reduced pursuant to this section or this chapter or is 9858  
serving a sentence for which section 2967.13 or division (B) of 9859  
section 2929.143 of the Revised Code specifies that the person 9860  
is not entitled to any earned credit under this section. 9861

(2) The person is sentenced to death or is serving a 9862  
prison term or a term of life imprisonment for aggravated 9863  
murder, murder, or a conspiracy or attempt to commit, or 9864  
complicity in committing, aggravated murder or murder. 9865

(3) The person is serving a sentence of life imprisonment 9866  
without parole imposed pursuant to section 2929.03 or 2929.06 of 9867  
the Revised Code, a prison term or a term of life imprisonment 9868  
without parole imposed pursuant to section 2971.03 of the 9869  
Revised Code, or a sentence for a sexually oriented offense that 9870  
was committed on or after September 30, 2011. 9871

(D) This division does not apply to a determination of 9872  
whether a person confined in a state correctional institution or 9873  
placed in a substance use disorder treatment program may earn 9874  
any days of credit under division (A) of this section for 9875  
successful completion of a second program or activity. The 9876  
determination of whether a person confined in a state 9877  
correctional institution may earn one day of credit or five days 9878  
of credit under division (A) of this section for each completed 9879  
month during which the person productively participates in a 9880  
program or activity specified under that division shall be made 9881  
in accordance with the following: 9882

(1) The offender may earn one day of credit under division 9883  
(A) of this section, except as provided in division (C) of this 9884  
section, if the most serious offense for which the offender is 9885  
confined is any of the following that is a felony of the first 9886  
or second degree: 9887

(a) A violation of division (A) of section 2903.04 or of 9888  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 9889  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 9890  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 9891  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 9892  
2927.24 of the Revised Code; 9893

(b) A conspiracy or attempt to commit, or complicity in 9894  
committing, any other offense for which the maximum penalty is 9895  
imprisonment for life or any offense listed in division (D) (1) 9896  
(a) of this section. 9897

(2) The offender may earn one day of credit under division 9898  
(A) of this section, except as provided in division (C) of this 9899  
section, if the offender is serving a stated prison term that 9900  
includes a prison term imposed for a sexually oriented offense 9901  
that the offender committed prior to September 30, 2011. 9902

(3) The offender may earn one day of credit under division 9903  
(A) of this section, except as provided in division (C) of this 9904  
section, if the offender is serving a stated prison term that 9905  
includes a prison term imposed for a felony other than carrying 9906  
a concealed weapon an essential element of which is any conduct 9907  
or failure to act expressly involving any deadly weapon or 9908  
dangerous ordnance. 9909

(4) Except as provided in division (C) of this section, if 9910  
the most serious offense for which the offender is confined is a 9911

felony of the first or second degree and divisions (D) (1), (2), 9912  
and (3) of this section do not apply to the offender, the 9913  
offender may earn one day of credit under division (A) of this 9914  
section if the offender committed that offense prior to 9915  
September 30, 2011, and the offender may earn five days of 9916  
credit under division (A) of this section if the offender 9917  
committed that offense on or after September 30, 2011. 9918

(5) Except as provided in division (C) of this section, if 9919  
the most serious offense for which the offender is confined is a 9920  
felony of the third, fourth, or fifth degree or an unclassified 9921  
felony and neither division (D) (2) nor (3) of this section 9922  
applies to the offender, the offender may earn one day of credit 9923  
under division (A) of this section if the offender committed 9924  
that offense prior to September 30, 2011, and the offender may 9925  
earn five days of credit under division (A) of this section if 9926  
the offender committed that offense on or after September 30, 9927  
2011. 9928

(E) The department annually shall seek and consider the 9929  
written feedback of the Ohio prosecuting attorneys association, 9930  
the Ohio judicial conference, the Ohio public defender, the Ohio 9931  
association of criminal defense lawyers, and other organizations 9932  
and associations that have an interest in the operation of the 9933  
corrections system and the earned credits program under this 9934  
section as part of its evaluation of the program and in 9935  
determining whether to modify the program. 9936

(F) Days of credit awarded under this section shall be 9937  
applied toward satisfaction of a person's stated prison term as 9938  
follows: 9939

(1) Toward the definite prison term of a prisoner serving 9940  
a definite prison term as a stated prison term; 9941

(2) Toward the minimum and maximum terms of a prisoner 9942  
serving an indefinite prison term imposed under division (A) (1) 9943  
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised Code 9944  
for a felony of the first or second degree committed on or after 9945  
the effective date of this amendment or a felony of the third 9946  
degree that is described in division (A) (3) (a) of that section 9947  
and committed on or after that effective date. 9948

(G) As used in this section: 9949

(1) "Sexually oriented offense" has the same meaning as in 9950  
section 2950.01 of the Revised Code. 9951

(2) "Substance use disorder treatment program" means the 9952  
substance use disorder treatment program established by the 9953  
department of rehabilitation and correction under section 9954  
5120.035 of the Revised Code. 9955

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 9956  
correction, by rule, may establish a transitional control 9957  
program for the purpose of closely monitoring a prisoner's 9958  
adjustment to community supervision during the final one hundred 9959  
eighty days of the prisoner's confinement. If the department 9960  
establishes a transitional control program under this division, 9961  
the division of parole and community services of the department 9962  
of rehabilitation and correction may transfer eligible prisoners 9963  
to transitional control status under the program during the 9964  
final one hundred eighty days of their confinement and under the 9965  
terms and conditions established by the department, shall 9966  
provide for the confinement as provided in this division of each 9967  
eligible prisoner so transferred, and shall supervise each 9968  
eligible prisoner so transferred in one or more community 9969  
control sanctions. Each eligible prisoner who is transferred to 9970  
transitional control status under the program shall be confined 9971

in a suitable facility that is licensed pursuant to division (C) 9972  
of section 2967.14 of the Revised Code, or shall be confined in 9973  
a residence the department has approved for this purpose and be 9974  
monitored pursuant to an electronic monitoring device, as 9975  
defined in section 2929.01 of the Revised Code. If the 9976  
department establishes a transitional control program under this 9977  
division, the rules establishing the program shall include 9978  
criteria that define which prisoners are eligible for the 9979  
program, criteria that must be satisfied to be approved as a 9980  
residence that may be used for confinement under the program of 9981  
a prisoner that is transferred to it and procedures for the 9982  
department to approve residences that satisfy those criteria, 9983  
and provisions of the type described in division (C) of this 9984  
section. At a minimum, the criteria that define which prisoners 9985  
are eligible for the program shall provide all of the following: 9986

(a) That a prisoner is eligible for the program if the 9987  
prisoner is serving a prison term or term of imprisonment for an 9988  
offense committed prior to March 17, 1998, and if, at the time 9989  
at which eligibility is being determined, the prisoner would 9990  
have been eligible for a furlough under this section as it 9991  
existed immediately prior to March 17, 1998, or would have been 9992  
eligible for conditional release under former section 2967.23 of 9993  
the Revised Code as that section existed immediately prior to 9994  
March 17, 1998; 9995

(b) That no prisoner who is serving a mandatory prison 9996  
term is eligible for the program until after expiration of the 9997  
mandatory term; 9998

(c) That no prisoner who is serving a prison term or term 9999  
of life imprisonment without parole imposed pursuant to section 10000  
2971.03 of the Revised Code is eligible for the program. 10001

(2) At least sixty days prior to transferring to 10002  
transitional control under this section a prisoner who is 10003  
serving a definite term of imprisonment or definite prison term 10004  
of two years or less for an offense committed on or after July 10005  
1, 1996, or who is serving a minimum term of two years or less 10006  
under a non-life felony indefinite prison term, the division of 10007  
parole and community services of the department of 10008  
rehabilitation and correction shall give notice of the pendency 10009  
of the transfer to transitional control to the court of common 10010  
pleas of the county in which the indictment against the prisoner 10011  
was found and of the fact that the court may disapprove the 10012  
transfer of the prisoner to transitional control and shall 10013  
include the institutional summary report prepared by the head of 10014  
the state correctional institution in which the prisoner is 10015  
confined. The head of the state correctional institution in 10016  
which the prisoner is confined, upon the request of the division 10017  
of parole and community services, shall provide to the division 10018  
for inclusion in the notice sent to the court under this 10019  
division an institutional summary report on the prisoner's 10020  
conduct in the institution and in any institution from which the 10021  
prisoner may have been transferred. The institutional summary 10022  
report shall cover the prisoner's participation in school, 10023  
vocational training, work, treatment, and other rehabilitative 10024  
activities and any disciplinary action taken against the 10025  
prisoner. If the court disapproves of the transfer of the 10026  
prisoner to transitional control, the court shall notify the 10027  
division of the disapproval within thirty days after receipt of 10028  
the notice. If the court timely disapproves the transfer of the 10029  
prisoner to transitional control, the division shall not proceed 10030  
with the transfer. If the court does not timely disapprove the 10031  
transfer of the prisoner to transitional control, the division 10032  
may transfer the prisoner to transitional control. 10033

(3) (a) If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address or if division (A) (3) (b) of this section applies, the division of parole and community services, at least sixty days prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the division regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the division, the division shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(b) If a prisoner is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (A) (3) (a) of this section shall be given regardless of whether the victim has requested the notification. The notice described in division (A) (3) (a) of this section shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim not be provided the notice. If notice is to be provided to a victim under this division, the authority may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of

section 2930.16 of the Revised Code. The authority, in 10065  
accordance with division (D) (2) of section 2930.16 of the 10066  
Revised Code, shall keep a record of all attempts to provide the 10067  
notice, and of all notices provided, under this division. 10068

Division (A) (3) (b) of this section, and the notice-related 10069  
provisions of divisions (E) (2) and (K) of section 2929.20, 10070  
division (D) (1) of section 2930.16, division (H) of section 10071  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 10072  
of section 2967.28, and division (A) (2) of section 5149.101 of 10073  
the Revised Code enacted in the act in which division (A) (3) (b) 10074  
of this section was enacted, shall be known as "Roberta's Law." 10075

(4) The department of rehabilitation and correction, at 10076  
least sixty days prior to transferring a prisoner to 10077  
transitional control pursuant to this section, shall post on the 10078  
database it maintains pursuant to section 5120.66 of the Revised 10079  
Code the prisoner's name and all of the information specified in 10080  
division (A) (1) (c) (iv) of that section. In addition to and 10081  
independent of the right of a victim to submit a statement as 10082  
described in division (A) (3) of this section or to otherwise 10083  
make a statement and in addition to and independent of any other 10084  
right or duty of a person to present information or make a 10085  
statement, any person may send to the division of parole and 10086  
community services at any time prior to the division's transfer 10087  
of the prisoner to transitional control a written statement 10088  
regarding the transfer of the prisoner to transitional control. 10089  
In addition to the information, reports, and statements it 10090  
considers under divisions (A) (2) and (3) of this section or that 10091  
it otherwise considers, the division shall consider each 10092  
statement submitted in accordance with this division in deciding 10093  
whether to transfer the prisoner to transitional control. 10094

(B) Each prisoner transferred to transitional control 10095  
under this section shall be confined in the manner described in 10096  
division (A) of this section during any period of time that the 10097  
prisoner is not actually working at the prisoner's approved 10098  
employment, engaged in a vocational training or another 10099  
educational program, engaged in another program designated by 10100  
the director, or engaged in other activities approved by the 10101  
department. 10102

(C) The department of rehabilitation and correction shall 10103  
adopt rules for transferring eligible prisoners to transitional 10104  
control, supervising and confining prisoners so transferred, 10105  
administering the transitional control program in accordance 10106  
with this section, and using the moneys deposited into the 10107  
transitional control fund established under division (E) of this 10108  
section. 10109

(D) The department of rehabilitation and correction may 10110  
adopt rules for the issuance of passes for the limited purposes 10111  
described in this division to prisoners who are transferred to 10112  
transitional control under this section. If the department 10113  
adopts rules of that nature, the rules shall govern the granting 10114  
of the passes and shall provide for the supervision of prisoners 10115  
who are temporarily released pursuant to one of those passes. 10116  
Upon the adoption of rules under this division, the department 10117  
may issue passes to prisoners who are transferred to 10118  
transitional control status under this section in accordance 10119  
with the rules and the provisions of this division. All passes 10120  
issued under this division shall be for a maximum of forty-eight 10121  
hours and may be issued only for the following purposes: 10122

(1) To visit a relative in imminent danger of death; 10123

(2) To have a private viewing of the body of a deceased 10124

relative; 10125

(3) To visit with family; 10126

(4) To otherwise aid in the rehabilitation of the 10127  
prisoner. 10128

(E) The division of parole and community services may 10129  
require a prisoner who is transferred to transitional control to 10130  
pay to the division the reasonable expenses incurred by the 10131  
division in supervising or confining the prisoner while under 10132  
transitional control. Inability to pay those reasonable expenses 10133  
shall not be grounds for refusing to transfer an otherwise 10134  
eligible prisoner to transitional control. Amounts received by 10135  
the division of parole and community services under this 10136  
division shall be deposited into the transitional control fund, 10137  
which is hereby created in the state treasury and which hereby 10138  
replaces and succeeds the furlough services fund that formerly 10139  
existed in the state treasury. All moneys that remain in the 10140  
furlough services fund on March 17, 1998, shall be transferred 10141  
on that date to the transitional control fund. The transitional 10142  
control fund shall be used solely to pay costs related to the 10143  
operation of the transitional control program established under 10144  
this section. The director of rehabilitation and correction 10145  
shall adopt rules in accordance with section 111.15 of the 10146  
Revised Code for the use of the fund. 10147

(F) A prisoner who violates any rule established by the 10148  
department of rehabilitation and correction under division (A), 10149  
(C), or (D) of this section may be transferred to a state 10150  
correctional institution pursuant to rules adopted under 10151  
division (A), (C), or (D) of this section, but the prisoner 10152  
shall receive credit towards completing the prisoner's sentence 10153  
for the time spent under transitional control. 10154

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

**Sec. 2967.271.** (A) As used in this section:

(1) "Offender's minimum prison term" means the minimum prison term imposed on an offender under a non-life felony indefinite prison term, diminished as provided in section 2967.191 or 2967.193 of the Revised Code or in any other provision of the Revised Code, other than division (F) of this section, that provides for diminution or reduction of an offender's sentence.

(2) "Offender's presumptive earned early release date" means the date that is determined under division (F) of this section by the reduction of an offender's minimum prison term.

(3) "Security level" means the security level in which an offender is classified under the inmate classification level system of the department of rehabilitation and correction that then is in effect.

(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) When an offender is sentenced to a non-life felony

indefinite prison term, there shall be a presumption that the 10184  
person shall be released from service of the sentence on the 10185  
expiration of the offender's minimum prison term or on the 10186  
offender's presumptive earned early release date, whichever is 10187  
earlier. 10188

(C) The presumption established under division (B) of this 10189  
section is a rebuttable presumption that the department of 10190  
rehabilitation and correction may rebut as provided in this 10191  
division. Unless the department rebuts the presumption, the 10192  
offender shall be released from service of the sentence on the 10193  
expiration of the offender's minimum prison term or on the 10194  
offender's presumptive earned early release date, whichever is 10195  
earlier. The department may rebut the presumption only if the 10196  
department determines, at a hearing, that one or more of the 10197  
following applies: 10198

(1) Regardless of the security level in which the offender 10199  
is classified at the time of the hearing, both of the following 10200  
apply: 10201

(a) During the offender's incarceration, the offender 10202  
committed institutional rule infractions that involved 10203  
compromising the security of a state correctional institution, 10204  
compromising the safety of the staff of a state correctional 10205  
institution or its inmates, or physical harm or the threat of 10206  
physical harm to the staff of a state correctional institution 10207  
or its inmates, or committed a violation of law that was not 10208  
prosecuted, and the infractions or violations demonstrate that 10209  
the offender has not been rehabilitated. 10210

(b) The offender's behavior while incarcerated, including, 10211  
but not limited to the infractions and violations specified in 10212  
division (C) (1) (a) of this section, demonstrate that the 10213

offender continues to pose a threat to society. 10214

(2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has been placed by the department in extended restrictive housing at any time within the year preceding the date of the hearing. 10215  
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(3) At the time of the hearing, the offender is classified by the department as a security level three, four, or five, or at a higher security level. 10219  
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(D) (1) If the department of rehabilitation and correction, pursuant to division (C) of this section, rebuts the presumption established under division (B) of this section, the department may maintain the offender's incarceration in a state correctional institution under the sentence after the expiration of the offender's minimum prison term or, for offenders who have a presumptive earned early release date, after the offender's presumptive earned early release date. The department may maintain the offender's incarceration under this division for an additional period of incarceration determined by the department. The additional period of incarceration shall be a reasonable period determined by the department, shall be specified by the department, and shall not exceed the offender's maximum prison term. 10222  
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(2) If the department maintains an offender's incarceration for an additional period under division (D) (1) of this section, there shall be a presumption that the offender shall be released on the expiration of the offender's minimum prison term plus the additional period of incarceration specified by the department as provided under that division or, for offenders who have a presumptive earned early release date, on the expiration of the additional period of incarceration to 10236  
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be served after the offender's presumptive earned early release 10244  
date that is specified by the department as provided under that 10245  
division. The presumption is a rebuttable presumption that the 10246  
department may rebut, but only if it conducts a hearing and 10247  
makes the determinations specified in division (C) of this 10248  
section, and if the department rebuts the presumption, it may 10249  
maintain the offender's incarceration in a state correctional 10250  
institution for an additional period determined as specified in 10251  
division (D)(1) of this section. Unless the department rebuts 10252  
the presumption at the hearing, the offender shall be released 10253  
from service of the sentence on the expiration of the offender's 10254  
minimum prison term plus the additional period of incarceration 10255  
specified by the department or, for offenders who have a 10256  
presumptive earned early release date, on the expiration of the 10257  
additional period of incarceration to be served after the 10258  
offender's presumptive earned early release date as specified by 10259  
the department. 10260

The provisions of this division regarding the 10261  
establishment of a rebuttable presumption, the department's 10262  
rebuttal of the presumption, and the department's maintenance of 10263  
an offender's incarceration for an additional period of 10264  
incarceration apply, and may be utilized more than one time, 10265  
during the remainder of the offender's incarceration. If the 10266  
offender has not been released under division (C) of this 10267  
section or this division prior to the expiration of the 10268  
offender's maximum prison term imposed as part of the offender's 10269  
non-life felony indefinite prison term, the offender shall be 10270  
released upon the expiration of that maximum term. 10271

(E) The department shall provide notices of hearings to be 10272  
conducted under division (C) or (D) of this section in the same 10273  
manner, and to the same persons, as specified in section 2967.12 10274

and Chapter 2930. of the Revised Code with respect to hearings 10275  
to be conducted regarding the possible release on parole of an 10276  
inmate. 10277

(F)(1) Except as provided in division (F)(3) of this 10278  
section, the department of rehabilitation and correction, 10279  
pursuant to this division, may grant an offender serving a non- 10280  
life felony indefinite prison term a reduction in the offender's 10281  
minimum prison term imposed under that non-life felony 10282  
indefinite prison term for the offender's exceptional conduct 10283  
while incarcerated or the offender's adjustment to 10284  
incarceration. A reduction under this division shall be for five 10285  
to fifteen per cent of the offender's minimum term, as specified 10286  
by the department by rule. The date determined by reduction of 10287  
an offender's minimum prison term under this division is the 10288  
offender's presumptive earned early release date. 10289

(2) The department of rehabilitation and correction by 10290  
rule shall specify both of the following for offenders serving a 10291  
non-life felony indefinite prison term: 10292

(a) The type of exceptional conduct while incarcerated and 10293  
the type of adjustment to incarceration that will qualify an 10294  
offender serving such a prison term for a reduction under 10295  
division (F)(1) of this section of the minimum prison term 10296  
imposed on the offender under the non-life felony indefinite 10297  
prison term. 10298

(b) The per cent of reduction that it may grant to an 10299  
offender serving such a prison term under division (F)(1) of 10300  
this section, based on the offense level of the offense for 10301  
which the prison term was imposed, with the department 10302  
specifying the offense levels used for purposes of this division 10303  
and assigning a specific percentage reduction within the range 10304

of five to fifteen per cent for each such offense level. 10305

(3) Division (F)(1) of this section does not apply with 10306  
respect to an offender serving a non-life felony indefinite 10307  
prison term for a sexually oriented offense, and no offender 10308  
-serving such a prison term for a sexually oriented offense shall 10309  
be granted a reduction under that division in the offender's 10310  
minimum prison term imposed under that non-life felony 10311  
indefinite prison term. 10312

(G) If an offender is sentenced to a non-life felony 10313  
indefinite prison term, any reference in a section of the 10314  
Revised Code to a definite prison term shall be construed as 10315  
referring to the offender's minimum term under that sentence 10316  
plus any additional period of time of incarceration specified by 10317  
the department under division (D)(1) or (2) of this section, 10318  
except to the extent otherwise specified in the section or to 10319  
the extent that that construction clearly would be 10320  
inappropriate. 10321

**Sec. 2967.28.** (A) As used in this section: 10322

(1) "Monitored time" means the monitored time sanction 10323  
specified in section 2929.17 of the Revised Code. 10324

(2) "Deadly weapon" and "dangerous ordnance" have the same 10325  
meanings as in section 2923.11 of the Revised Code. 10326

(3) "Felony sex offense" means a violation of a section 10327  
contained in Chapter 2907. of the Revised Code that is a felony. 10328

(4) "Risk reduction sentence" means a prison term imposed 10329  
by a court, when the court recommends pursuant to section 10330  
2929.143 of the Revised Code that the offender serve the 10331  
sentence under section 5120.036 of the Revised Code, and the 10332  
offender may potentially be released from imprisonment prior to 10333

the expiration of the prison term if the offender successfully 10334  
completes all assessment and treatment or programming required 10335  
by the department of rehabilitation and correction under section 10336  
5120.036 of the Revised Code. 10337

(5) "Victim's immediate family" has the same meaning as in 10338  
section 2967.12 of the Revised Code. 10339

(6) "Minor drug possession offense" has the same meaning 10340  
as in section 2925.11 of the Revised Code. 10341

(B) Each sentence to a prison term, other than a term of 10342  
life imprisonment, for a felony of the first degree, for a 10343  
felony of the second degree, for a felony sex offense, or for a 10344  
felony of the third degree that is an offense of violence and is 10345  
not a felony sex offense shall include a requirement that the 10346  
offender be subject to a period of post-release control imposed 10347  
by the parole board after the offender's release from 10348  
imprisonment. This division applies with respect to all prison 10349  
terms of a type described in this division, including a term of 10350  
any such type that is a risk reduction sentence. If a court 10351  
imposes a sentence including a prison term of a type described 10352  
in this division on or after July 11, 2006, the failure of a 10353  
sentencing court to notify the offender pursuant to division (B) 10354  
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10355  
requirement or to include in the judgment of conviction entered 10356  
on the journal a statement that the offender's sentence includes 10357  
this requirement does not negate, limit, or otherwise affect the 10358  
mandatory period of supervision that is required for the 10359  
offender under this division. This division applies with respect 10360  
to all prison terms of a type described in this division, 10361  
including a non-life felony indefinite prison term. Section 10362  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10363

a court imposed a sentence including a prison term of a type 10364  
described in this division and failed to notify the offender 10365  
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10366  
Revised Code regarding post-release control or to include in the 10367  
judgment of conviction entered on the journal or in the sentence 10368  
pursuant to division (D) (1) of section 2929.14 of the Revised 10369  
Code a statement regarding post-release control. Unless reduced 10370  
by the parole board pursuant to division (D) of this section 10371  
when authorized under that division, a period of post-release 10372  
control required by this division for an offender shall be of 10373  
one of the following periods: 10374

(1) For a felony of the first degree or for a felony sex 10375  
offense, five years; 10376

(2) For a felony of the second degree that is not a felony 10377  
sex offense, three years; 10378

(3) For a felony of the third degree that is an offense of 10379  
violence and is not a felony sex offense, three years. 10380

(C) Any sentence to a prison term for a felony of the 10381  
third, fourth, or fifth degree that is not subject to division 10382  
(B) (1) or (3) of this section shall include a requirement that 10383  
the offender be subject to a period of post-release control of 10384  
up to three years after the offender's release from 10385  
imprisonment, if the parole board, in accordance with division 10386  
(D) of this section, determines that a period of post-release 10387  
control is necessary for that offender. This division applies 10388  
with respect to all prison terms of a type described in this 10389  
division, including a term of any such type that is a risk 10390  
reduction sentence. Section 2929.191 of the Revised Code applies 10391  
if, prior to July 11, 2006, a court imposed a sentence including 10392  
a prison term of a type described in this division and failed to 10393

notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10394  
2929.19 of the Revised Code regarding post-release control or to 10395  
include in the judgment of conviction entered on the journal or 10396  
in the sentence pursuant to division (D) (2) of section 2929.14 10397  
of the Revised Code a statement regarding post-release control. 10398  
Pursuant to an agreement entered into under section 2967.29 of 10399  
the Revised Code, a court of common pleas or parole board may 10400  
impose sanctions or conditions on an offender who is placed on 10401  
post-release control under this division. 10402

(D) (1) Before the prisoner is released from imprisonment, 10403  
the parole board or, pursuant to an agreement under section 10404  
2967.29 of the Revised Code, the court shall impose upon a 10405  
prisoner described in division (B) of this section, shall impose 10406  
upon a prisoner described in division (C) of this section who is 10407  
to be released before the expiration of the prisoner's stated 10408  
prison term under a risk reduction sentence, may impose upon a 10409  
prisoner described in division (C) of this section who is not to 10410  
be released before the expiration of the prisoner's stated 10411  
prison term under a risk reduction sentence, and shall impose 10412  
upon a prisoner described in division (B) (2) (b) of section 10413  
5120.031 or in division (B) (1) of section 5120.032 of the 10414  
Revised Code, one or more post-release control sanctions to 10415  
apply during the prisoner's period of post-release control. 10416  
Whenever the board or court imposes one or more post-release 10417  
control sanctions upon a prisoner, the board or court, in 10418  
addition to imposing the sanctions, also shall include as a 10419  
condition of the post-release control that the offender not 10420  
leave the state without permission of the court or the 10421  
offender's parole or probation officer and that the offender 10422  
abide by the law. The board or court may impose any other 10423  
conditions of release under a post-release control sanction that 10424

the board or court considers appropriate, and the conditions of 10425  
release may include any community residential sanction, 10426  
community nonresidential sanction, or financial sanction that 10427  
the sentencing court was authorized to impose pursuant to 10428  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10429  
Prior to the release of a prisoner for whom it will impose one 10430  
or more post-release control sanctions under this division, the 10431  
parole board or court shall review the prisoner's criminal 10432  
history, results from the single validated risk assessment tool 10433  
selected by the department of rehabilitation and correction 10434  
under section 5120.114 of the Revised Code, all juvenile court 10435  
adjudications finding the prisoner, while a juvenile, to be a 10436  
delinquent child, and the record of the prisoner's conduct while 10437  
imprisoned. The parole board or court shall consider any 10438  
recommendation regarding post-release control sanctions for the 10439  
prisoner made by the office of victims' services. After 10440  
considering those materials, the board or court shall determine, 10441  
for a prisoner described in division (B) of this section, 10442  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10443  
section 5120.032 of the Revised Code and for a prisoner 10444  
described in division (C) of this section who is to be released 10445  
before the expiration of the prisoner's stated prison term under 10446  
a risk reduction sentence, which post-release control sanction 10447  
or combination of post-release control sanctions is reasonable 10448  
under the circumstances or, for a prisoner described in division 10449  
(C) of this section who is not to be released before the 10450  
expiration of the prisoner's stated prison term under a risk 10451  
reduction sentence, whether a post-release control sanction is 10452  
necessary and, if so, which post-release control sanction or 10453  
combination of post-release control sanctions is reasonable 10454  
under the circumstances. In the case of a prisoner convicted of 10455  
a felony of the fourth or fifth degree other than a felony sex 10456

offense, the board or court shall presume that monitored time is 10457  
the appropriate post-release control sanction unless the board 10458  
or court determines that a more restrictive sanction is 10459  
warranted. A post-release control sanction imposed under this 10460  
division takes effect upon the prisoner's release from 10461  
imprisonment. 10462

Regardless of whether the prisoner was sentenced to the 10463  
prison term prior to, on, or after July 11, 2006, prior to the 10464  
release of a prisoner for whom it will impose one or more post- 10465  
release control sanctions under this division, the parole board 10466  
shall notify the prisoner that, if the prisoner violates any 10467  
sanction so imposed or any condition of post-release control 10468  
described in division (B) of section 2967.131 of the Revised 10469  
Code that is imposed on the prisoner, the parole board may 10470  
impose a prison term of up to one-half of the stated prison term 10471  
originally imposed upon the prisoner. 10472

At least thirty days before the prisoner is released from 10473  
imprisonment under post-release control, except as otherwise 10474  
provided in this paragraph, the department of rehabilitation and 10475  
correction shall notify the victim and the victim's immediate 10476  
family of the date on which the prisoner will be released, the 10477  
period for which the prisoner will be under post-release control 10478  
supervision, and the terms and conditions of the prisoner's 10479  
post-release control regardless of whether the victim or 10480  
victim's immediate family has requested the notification. The 10481  
notice described in this paragraph shall not be given to a 10482  
victim or victim's immediate family if the victim or the 10483  
victim's immediate family has requested pursuant to division (B) 10484  
(2) of section 2930.03 of the Revised Code that the notice not 10485  
be provided to the victim or the victim's immediate family. At 10486  
least thirty days before the prisoner is released from 10487

imprisonment and regardless of whether the victim or victim's 10488  
immediate family has requested that the notice described in this 10489  
paragraph be provided or not be provided to the victim or the 10490  
victim's immediate family, the department also shall provide 10491  
notice of that nature to the prosecuting attorney in the case 10492  
and the law enforcement agency that arrested the prisoner if any 10493  
officer of that agency was a victim of the offense. 10494

If the notice given under the preceding paragraph to the 10495  
victim or the victim's immediate family is based on an offense 10496  
committed prior to March 22, 2013, and if the department of 10497  
rehabilitation and correction has not previously successfully 10498  
provided any notice to the victim or the victim's immediate 10499  
family under division (B), (C), or (D) of section 2930.16 of the 10500  
Revised Code with respect to that offense and the offender who 10501  
committed it, the notice also shall inform the victim or the 10502  
victim's immediate family that the victim or the victim's 10503  
immediate family may request that the victim or the victim's 10504  
immediate family not be provided any further notices with 10505  
respect to that offense and the offender who committed it and 10506  
shall describe the procedure for making that request. The 10507  
department may give the notices to which the preceding paragraph 10508  
applies by any reasonable means, including regular mail, 10509  
telephone, and electronic mail. If the department attempts to 10510  
provide notice to any specified person under the preceding 10511  
paragraph but the attempt is unsuccessful because the department 10512  
is unable to locate the specified person, is unable to provide 10513  
the notice by its chosen method because it cannot determine the 10514  
mailing address, electronic mail address, or telephone number at 10515  
which to provide the notice, or, if the notice is sent by mail, 10516  
the notice is returned, the department shall make another 10517  
attempt to provide the notice to the specified person. If the 10518

second attempt is unsuccessful, the department shall make at 10519  
least one more attempt to provide the notice. If the notice is 10520  
based on an offense committed prior to March 22, 2013, in each 10521  
attempt to provide the notice to the victim or victim's 10522  
immediate family, the notice shall include the opt-out 10523  
information described in this paragraph. The department, in the 10524  
manner described in division (D) (2) of section 2930.16 of the 10525  
Revised Code, shall keep a record of all attempts to provide the 10526  
notice, and of all notices provided, under this paragraph and 10527  
the preceding paragraph. The record shall be considered as if it 10528  
was kept under division (D) (2) of section 2930.16 of the Revised 10529  
Code. This paragraph, the preceding paragraph, and the notice- 10530  
related provisions of divisions (E) (2) and (K) of section 10531  
2929.20, division (D) (1) of section 2930.16, division (H) of 10532  
section 2967.12, division (E) (1) (b) of section 2967.19, division 10533  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 10534  
5149.101 of the Revised Code enacted in the act in which this 10535  
paragraph and the preceding paragraph were enacted, shall be 10536  
known as "Roberta's Law." 10537

(2) If a prisoner who is placed on post-release control 10538  
under this section is released before the expiration of the 10539  
definite term that is the prisoner's stated prison term or the 10540  
expiration of the minimum term that is part of the prisoner's 10541  
indefinite prison term imposed under a non-life felony 10542  
indefinite prison term by reason of credit earned under section 10543  
2967.193 or a reduction under division (F) of section 2967.271 10544  
of the Revised Code and if the prisoner earned sixty or more 10545  
days of credit, the adult parole authority shall supervise the 10546  
offender with an active global positioning system device for the 10547  
first fourteen days after the offender's release from 10548  
imprisonment. This division does not prohibit or limit the 10549

imposition of any post-release control sanction otherwise 10550  
authorized by this section. 10551

(3) At any time after a prisoner is released from 10552  
imprisonment and during the period of post-release control 10553  
applicable to the releasee, the adult parole authority or, 10554  
pursuant to an agreement under section 2967.29 of the Revised 10555  
Code, the court may review the releasee's behavior under the 10556  
post-release control sanctions imposed upon the releasee under 10557  
this section. The authority or court may determine, based upon 10558  
the review and in accordance with the standards established 10559  
under division (E) of this section, that a more restrictive or a 10560  
less restrictive sanction is appropriate and may impose a 10561  
different sanction. The authority also may recommend that the 10562  
parole board or court increase or reduce the duration of the 10563  
period of post-release control imposed by the court. If the 10564  
authority recommends that the board or court increase the 10565  
duration of post-release control, the board or court shall 10566  
review the releasee's behavior and may increase the duration of 10567  
the period of post-release control imposed by the court up to 10568  
eight years. If the authority recommends that the board or court 10569  
reduce the duration of control for an offense described in 10570  
division (B) or (C) of this section, the board or court shall 10571  
review the releasee's behavior and, subject to divisions (D) (3) 10572  
(a) to (c) of this section, may reduce the duration of the 10573  
period of control imposed by the court or, if the period of 10574  
control was imposed for a non-life felony indefinite prison 10575  
term, reduce the duration of or terminate the period of control 10576  
imposed by the court. In no case shall the board or court ~~reduce~~ 10577  
do any of the following: 10578

(a) Reduce the duration of the period of control imposed 10579  
for an offense described in division (B) (1) of this section to a 10580

period less than the length of the ~~stated definite~~ prison term 10581  
included in the stated prison term originally imposed, and in no 10582  
case shall the board or court permit on the offender as part of 10583  
the sentence or, with respect to a stated non-life felony 10584  
indefinite prison term, to a period less than the length of the 10585  
minimum prison term imposed as part of that stated prison term; 10586

(b) Consider any reduction or termination of the duration 10587  
of the period of control imposed on a releasee prior to the 10588  
expiration of one year after the commencement of the period of 10589  
control, if the period of control was imposed for a non-life 10590  
felony indefinite prison term and the releasee's minimum prison 10591  
term or presumptive earned early release date under that term 10592  
was extended for any length of time under division (C) or (D) of 10593  
section 2967.271 of the Revised Code. 10594

(c) Permit the releasee to leave the state without 10595  
permission of the court or the releasee's parole or probation 10596  
officer. 10597

(4) The department of rehabilitation and correction shall 10598  
develop factors that the parole board or court shall consider in 10599  
determining under division (D) (3) of this section whether to 10600  
terminate the period of control imposed on a releasee for a non- 10601  
life felony indefinite prison term. 10602

(E) The department of rehabilitation and correction, in 10603  
accordance with Chapter 119. of the Revised Code, shall adopt 10604  
rules that do all of the following: 10605

(1) Establish standards for the imposition by the parole 10606  
board of post-release control sanctions under this section that 10607  
are consistent with the overriding purposes and sentencing 10608  
principles set forth in section 2929.11 of the Revised Code and 10609

that are appropriate to the needs of releasees; 10610

(2) Establish standards that provide for a period of post- 10611  
release control of up to three years for all prisoners described 10612  
in division (C) of this section who are to be released before 10613  
the expiration of their stated prison term under a risk 10614  
reduction sentence and standards by which the parole board can 10615  
determine which prisoners described in division (C) of this 10616  
section who are not to be released before the expiration of 10617  
their stated prison term under a risk reduction sentence should 10618  
be placed under a period of post-release control; 10619

(3) Establish standards to be used by the parole board in 10620  
reducing the duration of the period of post-release control 10621  
imposed by the court when authorized under division (D) of this 10622  
section, in imposing a more restrictive post-release control 10623  
sanction than monitored time upon a prisoner convicted of a 10624  
felony of the fourth or fifth degree other than a felony sex 10625  
offense, or in imposing a less restrictive control sanction upon 10626  
a releasee based on the releasee's activities including, but not 10627  
limited to, remaining free from criminal activity and from the 10628  
abuse of alcohol or other drugs, successfully participating in 10629  
approved rehabilitation programs, maintaining employment, and 10630  
paying restitution to the victim or meeting the terms of other 10631  
financial sanctions; 10632

(4) Establish standards to be used by the adult parole 10633  
authority in modifying a releasee's post-release control 10634  
sanctions pursuant to division (D)(2) of this section; 10635

(5) Establish standards to be used by the adult parole 10636  
authority or parole board in imposing further sanctions under 10637  
division (F) of this section on releasees who violate post- 10638  
release control sanctions, including standards that do the 10639

following: 10640

(a) Classify violations according to the degree of 10641  
seriousness; 10642

(b) Define the circumstances under which formal action by 10643  
the parole board is warranted; 10644

(c) Govern the use of evidence at violation hearings; 10645

(d) Ensure procedural due process to an alleged violator; 10646

(e) Prescribe nonresidential community control sanctions 10647  
for most misdemeanor and technical violations; 10648

(f) Provide procedures for the return of a releasee to 10649  
imprisonment for violations of post-release control. 10650

(F) (1) Whenever the parole board imposes one or more post- 10651  
release control sanctions upon an offender under this section, 10652  
the offender upon release from imprisonment shall be under the 10653  
general jurisdiction of the adult parole authority and generally 10654  
shall be supervised by the field services section through its 10655  
staff of parole and field officers as described in section 10656  
5149.04 of the Revised Code, as if the offender had been placed 10657  
on parole. If the offender upon release from imprisonment 10658  
violates the post-release control sanction or any conditions 10659  
described in division (A) of section 2967.131 of the Revised 10660  
Code that are imposed on the offender, the public or private 10661  
person or entity that operates or administers the sanction or 10662  
the program or activity that comprises the sanction shall report 10663  
the violation directly to the adult parole authority or to the 10664  
officer of the authority who supervises the offender. The 10665  
authority's officers may treat the offender as if the offender 10666  
were on parole and in violation of the parole, and otherwise 10667  
shall comply with this section. 10668

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

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2)

(b) of section 2925.11 of the Revised Code and in so doing 10700  
violated the conditions of a post-release control sanction based 10701  
on a minor drug possession offense as defined in that section, 10702  
the board or the court may consider the releasee's conduct in 10703  
seeking or obtaining medical assistance for another in good 10704  
faith or for self or may consider the releasee being the subject 10705  
of another person seeking or obtaining medical assistance in 10706  
accordance with that division as a mitigating factor before 10707  
imposing any of the penalties described in this division. When 10708  
appropriate, the board or court may impose as a post-release 10709  
control sanction a residential sanction that includes a prison 10710  
term. The board or court shall consider a prison term as a post- 10711  
release control sanction imposed for a violation of post-release 10712  
control when the violation involves a deadly weapon or dangerous 10713  
ordnance, physical harm or attempted serious physical harm to a 10714  
person, or sexual misconduct, or when the releasee committed 10715  
repeated violations of post-release control sanctions. Unless a 10716  
releasee's stated prison term was reduced pursuant to section 10717  
5120.032 of the Revised Code, the period of a prison term that 10718  
is imposed as a post-release control sanction under this 10719  
division shall not exceed nine months, and the maximum 10720  
cumulative prison term for all violations under this division 10721  
shall not exceed one-half of the ~~stated definite~~ prison term 10722  
that was the stated prison term originally imposed upon the 10723  
offender as part of this sentence or, with respect to a stated 10724  
non-life felony indefinite prison term, one-half of the minimum 10725  
prison term that was imposed as part of that stated prison term 10726  
originally imposed upon the offender. If a releasee's stated 10727  
prison term was reduced pursuant to section 5120.032 of the 10728  
Revised Code, the period of a prison term that is imposed as a 10729  
post-release control sanction under this division and the 10730  
maximum cumulative prison term for all violations under this 10731

division shall not exceed the period of time not served in 10732  
prison under the sentence imposed by the court. The period of a 10733  
prison term that is imposed as a post-release control sanction 10734  
under this division shall not count as, or be credited toward, 10735  
the remaining period of post-release control. 10736

If an offender is imprisoned for a felony committed while 10737  
under post-release control supervision and is again released on 10738  
post-release control for a period of time determined by division 10739  
(F) (4) (d) of this section, the maximum cumulative prison term 10740  
for all violations under this division shall not exceed one-half 10741  
of the total stated prison terms of the earlier felony, reduced 10742  
by any prison term administratively imposed by the parole board 10743  
or court, plus one-half of the total stated prison term of the 10744  
new felony. 10745

(4) Any period of post-release control shall commence upon 10746  
an offender's actual release from prison. If an offender is 10747  
serving an indefinite prison term or a life sentence in addition 10748  
to a stated prison term, the offender shall serve the period of 10749  
post-release control in the following manner: 10750

(a) If a period of post-release control is imposed upon 10751  
the offender and if the offender also is subject to a period of 10752  
parole under a life sentence or an indefinite sentence, and if 10753  
the period of post-release control ends prior to the period of 10754  
parole, the offender shall be supervised on parole. The offender 10755  
shall receive credit for post-release control supervision during 10756  
the period of parole. The offender is not eligible for final 10757  
release under section 2967.16 of the Revised Code until the 10758  
post-release control period otherwise would have ended. 10759

(b) If a period of post-release control is imposed upon 10760  
the offender and if the offender also is subject to a period of 10761

parole under an indefinite sentence, and if the period of parole 10762  
ends prior to the period of post-release control, the offender 10763  
shall be supervised on post-release control. The requirements of 10764  
parole supervision shall be satisfied during the post-release 10765  
control period. 10766

(c) If an offender is subject to more than one period of 10767  
post-release control, the period of post-release control for all 10768  
of the sentences shall be the period of post-release control 10769  
that expires last, as determined by the parole board or court. 10770  
Periods of post-release control shall be served concurrently and 10771  
shall not be imposed consecutively to each other. 10772

(d) The period of post-release control for a releasee who 10773  
commits a felony while under post-release control for an earlier 10774  
felony shall be the longer of the period of post-release control 10775  
specified for the new felony under division (B) or (C) of this 10776  
section or the time remaining under the period of post-release 10777  
control imposed for the earlier felony as determined by the 10778  
parole board or court. 10779

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 10780  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 10781  
another section of the Revised Code, other than divisions (B) 10782  
and (C) of section 2929.14 of the Revised Code, that authorizes 10783  
or requires a specified prison term or a mandatory prison term 10784  
for a person who is convicted of or pleads guilty to a felony or 10785  
that specifies the manner and place of service of a prison term 10786  
or term of imprisonment, the court shall impose a sentence upon 10787  
a person who is convicted of or pleads guilty to a violent sex 10788  
offense and who also is convicted of or pleads guilty to a 10789  
sexually violent predator specification that was included in the 10790  
indictment, count in the indictment, or information charging 10791

that offense, and upon a person who is convicted of or pleads 10792  
guilty to a designated homicide, assault, or kidnapping offense 10793  
and also is convicted of or pleads guilty to both a sexual 10794  
motivation specification and a sexually violent predator 10795  
specification that were included in the indictment, count in the 10796  
indictment, or information charging that offense, as follows: 10797

(1) If the offense for which the sentence is being imposed 10798  
is aggravated murder and if the court does not impose upon the 10799  
offender a sentence of death, it shall impose upon the offender 10800  
a term of life imprisonment without parole. If the court 10801  
sentences the offender to death and the sentence of death is 10802  
vacated, overturned, or otherwise set aside, the court shall 10803  
impose upon the offender a term of life imprisonment without 10804  
parole. 10805

(2) If the offense for which the sentence is being imposed 10806  
is murder; or if the offense is rape committed in violation of 10807  
division (A)(1)(b) of section 2907.02 of the Revised Code when 10808  
the offender purposely compelled the victim to submit by force 10809  
or threat of force, when the victim was less than ten years of 10810  
age, when the offender previously has been convicted of or 10811  
pleaded guilty to either rape committed in violation of that 10812  
division or a violation of an existing or former law of this 10813  
state, another state, or the United States that is substantially 10814  
similar to division (A)(1)(b) of section 2907.02 of the Revised 10815  
Code, or when the offender during or immediately after the 10816  
commission of the rape caused serious physical harm to the 10817  
victim; or if the offense is an offense other than aggravated 10818  
murder or murder for which a term of life imprisonment may be 10819  
imposed, it shall impose upon the offender a term of life 10820  
imprisonment without parole. 10821

(3) (a) Except as otherwise provided in division (A) (3) (b), 10822  
(c), (d), or (e) or (A) (4) of this section, if the offense for 10823  
which the sentence is being imposed is an offense other than 10824  
aggravated murder, murder, or rape and other than an offense for 10825  
which a term of life imprisonment may be imposed, it shall 10826  
impose an indefinite prison term consisting of a minimum term 10827  
fixed by the court ~~from among the range of terms available as a~~ 10828  
~~definite term for the offense as described in this division~~, but 10829  
not less than two years, and a maximum term of life 10830  
imprisonment. Except as otherwise specified in this division, 10831  
the minimum term shall be fixed by the court from among the 10832  
range of terms available as a definite term for the offense. If 10833  
the offense is a felony of the first or second degree committed 10834  
on or after the effective date of this amendment or a felony of 10835  
the third degree that is described in division (A) (3) (a) of 10836  
section 2929.14 of the Revised Code and committed on or after 10837  
that effective date, the minimum term shall be fixed by the 10838  
court from among the range of terms available as a minimum term 10839  
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 10840  
of that section. 10841

(b) Except as otherwise provided in division (A) (4) of 10842  
this section, if the offense for which the sentence is being 10843  
imposed is kidnapping that is a felony of the first degree, it 10844  
shall impose an indefinite prison term as follows: 10845

(i) If the kidnapping is committed on or after January 1, 10846  
2008, and the victim of the offense is less than thirteen years 10847  
of age, except as otherwise provided in this division, it shall 10848  
impose an indefinite prison term consisting of a minimum term of 10849  
fifteen years and a maximum term of life imprisonment. If the 10850  
kidnapping is committed on or after January 1, 2008, the victim 10851  
of the offense is less than thirteen years of age, and the 10852

offender released the victim in a safe place unharmed, it shall 10853  
impose an indefinite prison term consisting of a minimum term of 10854  
ten years and a maximum term of life imprisonment. 10855

(ii) If the kidnapping is committed prior to January 1, 10856  
2008, or division (A) (3) (b) (i) of this section does not apply, 10857  
it shall impose an indefinite term consisting of a minimum term 10858  
fixed by the court that is not less than ten years and a maximum 10859  
term of life imprisonment. 10860

(c) Except as otherwise provided in division (A) (4) of 10861  
this section, if the offense for which the sentence is being 10862  
imposed is kidnapping that is a felony of the second degree, it 10863  
shall impose an indefinite prison term consisting of a minimum 10864  
term fixed by the court that is not less than eight years, and a 10865  
maximum term of life imprisonment. 10866

(d) Except as otherwise provided in division (A) (4) of 10867  
this section, if the offense for which the sentence is being 10868  
imposed is rape for which a term of life imprisonment is not 10869  
imposed under division (A) (2) of this section or division (B) of 10870  
section 2907.02 of the Revised Code, it shall impose an 10871  
indefinite prison term as follows: 10872

(i) If the rape is committed on or after January 2, 2007, 10873  
in violation of division (A) (1) (b) of section 2907.02 of the 10874  
Revised Code, it shall impose an indefinite prison term 10875  
consisting of a minimum term of twenty-five years and a maximum 10876  
term of life imprisonment. 10877

(ii) If the rape is committed prior to January 2, 2007, or 10878  
the rape is committed on or after January 2, 2007, other than in 10879  
violation of division (A) (1) (b) of section 2907.02 of the 10880  
Revised Code, it shall impose an indefinite prison term 10881

consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment.

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term

consisting of a minimum term of fifteen years and a maximum of 10911  
life imprisonment. 10912

(4) For any offense for which the sentence is being 10913  
imposed, if the offender previously has been convicted of or 10914  
pleaded guilty to a violent sex offense and also to a sexually 10915  
violent predator specification that was included in the 10916  
indictment, count in the indictment, or information charging 10917  
that offense, or previously has been convicted of or pleaded 10918  
guilty to a designated homicide, assault, or kidnapping offense 10919  
and also to both a sexual motivation specification and a 10920  
sexually violent predator specification that were included in 10921  
the indictment, count in the indictment, or information charging 10922  
that offense, it shall impose upon the offender a term of life 10923  
imprisonment without parole. 10924

(B) (1) Notwithstanding section 2929.13, division (A) or 10925  
(D) of section 2929.14, or another section of the Revised Code 10926  
other than division (B) of section 2907.02 or divisions (B) and 10927  
(C) of section 2929.14 of the Revised Code that authorizes or 10928  
requires a specified prison term or a mandatory prison term for 10929  
a person who is convicted of or pleads guilty to a felony or 10930  
that specifies the manner and place of service of a prison term 10931  
or term of imprisonment, if a person is convicted of or pleads 10932  
guilty to a violation of division (A) (1) (b) of section 2907.02 10933  
of the Revised Code committed on or after January 2, 2007, if 10934  
division (A) of this section does not apply regarding the 10935  
person, and if the court does not impose a sentence of life 10936  
without parole when authorized pursuant to division (B) of 10937  
section 2907.02 of the Revised Code, the court shall impose upon 10938  
the person an indefinite prison term consisting of one of the 10939  
following: 10940

(a) Except as otherwise required in division (B) (1) (b) or 10941  
(c) of this section, a minimum term of ten years and a maximum 10942  
term of life imprisonment. 10943

(b) If the victim was less than ten years of age, a 10944  
minimum term of fifteen years and a maximum of life 10945  
imprisonment. 10946

(c) If the offender purposely compels the victim to submit 10947  
by force or threat of force, or if the offender previously has 10948  
been convicted of or pleaded guilty to violating division (A) (1) 10949  
(b) of section 2907.02 of the Revised Code or to violating an 10950  
existing or former law of this state, another state, or the 10951  
United States that is substantially similar to division (A) (1) 10952  
(b) of that section, or if the offender during or immediately 10953  
after the commission of the offense caused serious physical harm 10954  
to the victim, a minimum term of twenty-five years and a maximum 10955  
of life imprisonment. 10956

(2) Notwithstanding section 2929.13, division (A) or (D) 10957  
of section 2929.14, or another section of the Revised Code other 10958  
than divisions (B) and (C) of section 2929.14 of the Revised 10959  
Code that authorizes or requires a specified prison term or a 10960  
mandatory prison term for a person who is convicted of or pleads 10961  
guilty to a felony or that specifies the manner and place of 10962  
service of a prison term or term of imprisonment and except as 10963  
otherwise provided in division (B) of section 2907.02 of the 10964  
Revised Code, if a person is convicted of or pleads guilty to 10965  
attempted rape committed on or after January 2, 2007, and if 10966  
division (A) of this section does not apply regarding the 10967  
person, the court shall impose upon the person an indefinite 10968  
prison term consisting of one of the following: 10969

(a) If the person also is convicted of or pleads guilty to 10970

a specification of the type described in section 2941.1418 of 10971  
the Revised Code, the court shall impose upon the person an 10972  
indefinite prison term consisting of a minimum term of five 10973  
years and a maximum term of twenty-five years. 10974

(b) If the person also is convicted of or pleads guilty to 10975  
a specification of the type described in section 2941.1419 of 10976  
the Revised Code, the court shall impose upon the person an 10977  
indefinite prison term consisting of a minimum term of ten years 10978  
and a maximum term of life imprisonment. 10979

(c) If the person also is convicted of or pleads guilty to 10980  
a specification of the type described in section 2941.1420 of 10981  
the Revised Code, the court shall impose upon the person an 10982  
indefinite prison term consisting of a minimum term of fifteen 10983  
years and a maximum term of life imprisonment. 10984

(3) Notwithstanding section 2929.13, division (A) or (D) 10985  
of section 2929.14, or another section of the Revised Code other 10986  
than divisions (B) and (C) of section 2929.14 of the Revised 10987  
Code that authorizes or requires a specified prison term or a 10988  
mandatory prison term for a person who is convicted of or pleads 10989  
guilty to a felony or that specifies the manner and place of 10990  
service of a prison term or term of imprisonment, if a person is 10991  
convicted of or pleads guilty to an offense described in 10992  
division (B) (3) (a), (b), (c), or (d) of this section committed 10993  
on or after January 1, 2008, if the person also is convicted of 10994  
or pleads guilty to a sexual motivation specification that was 10995  
included in the indictment, count in the indictment, or 10996  
information charging that offense, and if division (A) of this 10997  
section does not apply regarding the person, the court shall 10998  
impose upon the person an indefinite prison term consisting of 10999  
one of the following: 11000

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when the victim of the offense is less than thirteen years of age and division (B) (3) (a) of this section does not apply;

(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of death or life imprisonment without parole is not imposed for the offense, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;

(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.

(C) (1) If the offender is sentenced to a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board

terminates its control in accordance with section 2971.04 of the Revised Code. 11031  
11032

(2) Except as provided in division (C)(3) of this section, 11033  
an offender sentenced to a prison term or term of life 11034  
imprisonment without parole pursuant to division (A) of this 11035  
section shall serve the entire prison term or term of life 11036  
imprisonment in a state correctional institution. The offender 11037  
is not eligible for judicial release under section 2929.20 of 11038  
the Revised Code. 11039

(3) For a prison term imposed pursuant to division (A)(3), 11040  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 11041  
(b), (c), or (d) of this section, the court, in accordance with 11042  
section 2971.05 of the Revised Code, may terminate the prison 11043  
term or modify the requirement that the offender serve the 11044  
entire term in a state correctional institution if all of the 11045  
following apply: 11046

(a) The offender has served at least the minimum term 11047  
imposed as part of that prison term. 11048

(b) The parole board, pursuant to section 2971.04 of the 11049  
Revised Code, has terminated its control over the offender's 11050  
service of that prison term. 11051

(c) The court has held a hearing and found, by clear and 11052  
convincing evidence, one of the following: 11053

(i) In the case of termination of the prison term, that 11054  
the offender is unlikely to commit a sexually violent offense in 11055  
the future; 11056

(ii) In the case of modification of the requirement, that 11057  
the offender does not represent a substantial risk of physical 11058  
harm to others. 11059

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation

specification and a sexually violent predator specification that 11090  
were included in the indictment, count in the indictment, or 11091  
information charging that offense, the conviction of or plea of 11092  
guilty to the offense and the sexually violent predator 11093  
specification automatically classifies the offender as a tier 11094  
III sex offender/child-victim offender for purposes of Chapter 11095  
2950. of the Revised Code. 11096

(2) If an offender is convicted of or pleads guilty to 11097  
committing on or after January 2, 2007, a violation of division 11098  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 11099  
offender is sentenced under section 2971.03 of the Revised Code 11100  
or a sentence of life without parole is imposed under division 11101  
(B) of section 2907.02 of the Revised Code, the conviction of or 11102  
plea of guilty to the offense automatically classifies the 11103  
offender as a tier III sex offender/child-victim offender for 11104  
purposes of Chapter 2950. of the Revised Code. 11105

(3) If a person is convicted of or pleads guilty to 11106  
committing on or after January 2, 2007, attempted rape and also 11107  
is convicted of or pleads guilty to a specification of the type 11108  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 11109  
Revised Code, the conviction of or plea of guilty to the offense 11110  
and the specification automatically classify the offender as a 11111  
tier III sex offender/child-victim offender for purposes of 11112  
Chapter 2950. of the Revised Code. 11113

(4) If a person is convicted of or pleads guilty to one of 11114  
the offenses described in division (B) (3) (a), (b), (c), or (d) 11115  
of this section and a sexual motivation specification related to 11116  
the offense and the victim of the offense is less than thirteen 11117  
years of age, the conviction of or plea of guilty to the offense 11118  
automatically classifies the offender as a tier III sex 11119

offender/child-victim offender for purposes of Chapter 2950. of 11120  
the Revised Code. 11121

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 11122  
3719.161 of the Revised Code is guilty of a felony of the fifth 11123  
degree. If the offender previously has been convicted of a 11124  
violation of section 3719.16 or 3719.161 of the Revised Code or 11125  
a drug abuse offense, a violation of section 3719.16 or 3719.161 11126  
of the Revised Code is a felony of the fourth degree. If the 11127  
violation involves the sale, offer to sell, or possession of a 11128  
schedule I or II controlled substance, with the exception of 11129  
marihuana, and if the offender, as a result of the violation, is 11130  
a major drug offender, division (D) of this section applies. 11131

(B) Whoever violates division (C) or (D) of section 11132  
3719.172 of the Revised Code is guilty of a felony of the fifth 11133  
degree. If the offender previously has been convicted of a 11134  
violation of division (C) or (D) of section 3719.172 of the 11135  
Revised Code or a drug abuse offense, a violation of division 11136  
(C) or (D) of section 3719.172 of the Revised Code is a felony 11137  
of the fourth degree. If the violation involves the sale, offer 11138  
to sell, or possession of a schedule I or II controlled 11139  
substance, with the exception of marihuana, and if the offender, 11140  
as a result of the violation, is a major drug offender, division 11141  
(D) of this section applies. 11142

(C) Whoever violates section 3719.07 or 3719.08 of the 11143  
Revised Code is guilty of a misdemeanor of the first degree. If 11144  
the offender previously has been convicted of a violation of 11145  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 11146  
offense, a violation of section 3719.07 or 3719.08 of the 11147  
Revised Code is a felony of the fifth degree. If the violation 11148  
involves the sale, offer to sell, or possession of a schedule I 11149

or II controlled substance, with the exception of marihuana, and 11150  
if the offender, as a result of the violation, is a major drug 11151  
offender, division (D) of this section applies. 11152

(D) (1) If an offender is convicted of or pleads guilty to 11153  
a felony violation of section 3719.07, 3719.08, 3719.16, or 11154  
3719.161 or of division (C) or (D) of section 3719.172 of the 11155  
Revised Code, if the violation involves the sale, offer to sell, 11156  
or possession of a schedule I or II controlled substance, with 11157  
the exception of marihuana, and if the court imposing sentence 11158  
upon the offender finds that the offender as a result of the 11159  
violation is a major drug offender and is guilty of a 11160  
specification of the type described in section 2941.1410 of the 11161  
Revised Code, the court, in lieu of the prison term authorized 11162  
or required by division (A), (B), or (C) of this section and 11163  
sections 2929.13 and 2929.14 of the Revised Code and in addition 11164  
to any other sanction imposed for the offense under sections 11165  
2929.11 to 2929.18 of the Revised Code, shall impose upon the 11166  
offender, in accordance with division (B) (3) ~~(a)~~ of section 11167  
2929.14 of the Revised Code, the mandatory prison term specified 11168  
in that division ~~and may impose an additional prison term under~~ 11169  
~~division (B) (3) (b) of that section.~~ 11170

(2) Notwithstanding any contrary provision of section 11171  
3719.21 of the Revised Code, the clerk of the court shall pay 11172  
any fine imposed for a felony violation of section 3719.07, 11173  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 11174  
section 3719.172 of the Revised Code pursuant to division (A) of 11175  
section 2929.18 of the Revised Code in accordance with and 11176  
subject to the requirements of division (F) of section 2925.03 11177  
of the Revised Code. The agency that receives the fine shall use 11178  
the fine as specified in division (F) of section 2925.03 of the 11179  
Revised Code. 11180

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 5120.021.** (A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior

to July 1, 1996, and all persons upon whom a court, on or after 11210  
July 1, 1996, and in accordance with law existing prior to July 11211  
1, 1996, imposed a term of imprisonment for an offense that was 11212  
committed prior to July 1, 1996. 11213

(B) (1) The provisions of Chapter 5120. of the Revised 11214  
Code, as they exist on or after July 1, 1996, and that address 11215  
the duration or potential duration of incarceration or 11216  
supervised release, apply to all persons upon whom a court 11217  
imposed a stated prison term for an offense committed on or 11218  
after July 1, 1996. 11219

(2) The provisions of Chapter 5120. of the Revised Code, 11220  
as they exist on or after the effective date of this amendment, 11221  
apply to an offender who is released from confinement in a state 11222  
correctional institution on or after that date. 11223

(C) Nothing in this section limits or affects the 11224  
applicability of any provision in Chapter 5120. of the Revised 11225  
Code, as amended or enacted on or after July 1, 1996, that 11226  
pertains to an issue other than the duration or potential 11227  
duration of incarceration or supervised release, to persons in 11228  
custody or under the supervision of the department of 11229  
rehabilitation and correction. 11230

**Sec. 5120.038.** (A) As used in this section, "GPS-monitored 11231  
offender" means an offender who, on or after the effective date 11232  
of this section, is released from confinement in a state 11233  
correctional institution under a conditional pardon, parole, 11234  
other form of authorized release, or transitional control that 11235  
includes global positioning system monitoring as a condition of 11236  
the person's release, or who, on or after that date, is placed 11237  
under post-release control that includes global positioning 11238  
system monitoring as a condition under the post-release control. 11239

(B) (1) On and after the effective date of this section, 11240  
each global positioning system monitor that is used to monitor a 11241  
GPS-monitored offender shall specify and monitor restrictions 11242  
for the offender. The restrictions shall include for the 11243  
offender inclusionary zones and, to the extent necessary, 11244  
exclusionary zones, and may include for the offender a curfew 11245  
specifying times of required presence in the inclusionary zone 11246  
and any other reasonable restrictions. 11247

(2) Each contract that the department of rehabilitation 11248  
and correction enters into on or after the effective date of 11249  
this section with a third-party contract administrator for 11250  
global position system monitoring of GPS-monitored offenders 11251  
shall require all of the following: 11252

(a) That the global positioning system used by the 11253  
administrator include a crime scene correlation program that can 11254  
interface by link with the database established under division 11255  
(D) of this section and to which access can be obtained by a 11256  
link included in that database; 11257

(b) That the crime scene correlation program included in 11258  
the administrator's system will allow local law enforcement 11259  
representatives to obtain, without need for a subpoena or 11260  
warrant, real-time access or active global positioning system 11261  
access to information contained in the program about a GPS- 11262  
monitored offender's location at that time and, to the extent 11263  
that it is available, at other previous points in time 11264  
identified by the representative or designee, about the location 11265  
of recent criminal activity in or near the offender's 11266  
inclusionary or exclusionary zones, and about any possible 11267  
connection between the offender's location and that recent 11268  
criminal activity; 11269

(c) That the administrator allow access to the crime scene correlation program included in the administrator's system to law enforcement representatives as described in division (D) of this section. 11270  
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(C) (1) On and after the effective date of this section, any third-party contract administrator used for global positioning system monitoring of a GPS-monitored offender shall comply in the monitoring of the offender with system requirements of the department of rehabilitation and correction that exist on that date for global positioning system monitoring of such offenders. 11274  
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(2) If, on the effective date of this section, the department of rehabilitation and correction has not established system requirements of the type described in division (C) (1) of this section, within a reasonable period of time after that effective date, the department shall establish system requirements for global positioning system monitoring of GPS-monitored offenders. After establishment of the requirements, the department, and any third-party contract administrator used for global positioning system monitoring, shall comply with the established system requirements in the monitoring of a GPS-monitored offender. 11281  
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(D) (1) Not later than twelve months after the effective date of this section, the department of rehabilitation and correction shall establish and operate on the internet a statewide database that contains the information specified in division (D) (3) of this section for GPS-monitored offenders. At any point in time, the database shall contain the specified information for each GPS-monitored offender who then is subject to global positioning system monitoring. The database shall 11292  
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enable local law enforcement representatives to remotely search 11300  
by electronic means the content of the database, and shall 11301  
contain a link to the crime scene correlation program described 11302  
in division (B) (2) of this section for third-party contract 11303  
administrators required by that division to include such a 11304  
program in their systems. The database is not a public record 11305  
subject to inspection or copying under section 149.43 of the 11306  
Revised Code and shall be available only to local law 11307  
enforcement representatives as described in this division. 11308  
Information obtained by local law enforcement representatives 11309  
through use of this database is not open to inspection or 11310  
copying under section 149.43 of the Revised Code. 11311

(2) (a) If the database established under division (D) (1) 11312  
of this section includes a link to a crime scene correlation 11313  
program described in division (B) (2) of this section that is 11314  
included in the global positioning system used by a third-party 11315  
contract administrator, a local law enforcement representative 11316  
may use that link to obtain information contained in the program 11317  
about a GPS-monitored offender and recent criminal activity, as 11318  
described in division (B) (2) of this section. 11319

(b) Separate from the authority described in division (D) 11320  
(2) (a) of this section, if a local law enforcement 11321  
representative, through use of the database established under 11322  
division (D) (1) of this section or in any other manner learns 11323  
the identity of, and contact information for, an employee of the 11324  
department who is monitoring a GPS-monitored offender or the 11325  
identity of, and contact information for, a third-party contract 11326  
administrator that is being used for global positioning system 11327  
monitoring of a GPS-monitored offender, the representative or 11328  
another law enforcement officer designated by the representative 11329  
may contact the employee or the administrator and, without need 11330

for a subpoena or warrant, request real-time access or active 11331  
global positioning system access to information about the 11332  
offender's location at that time and at other previous points in 11333  
time identified by the representative or designee. Upon receipt 11334  
of a request as described in this division, the employee of the 11335  
department or the third-party contract administrator, without 11336  
need for a subpoena or warrant, shall provide the representative 11337  
or designee with the requested information regarding the 11338  
offender's location at that time and, to the extent that it is 11339  
available, at the other identified previous points in time. A 11340  
request under this division also may request information that 11341  
the employee or administrator has obtained about the location of 11342  
recent criminal activity in or near the GPS-monitored offender's 11343  
inclusionary or exclusionary zones, and about any possible 11344  
connection between the offender's location and that recent 11345  
criminal activity, and, upon receipt of such a request, the 11346  
employee or administrator, without need for a subpoena or 11347  
warrant, shall provide the representative or designee with that 11348  
information to the extent that it is available. 11349

(3) The information contained in the database required 11350  
under division (D)(1) of this section shall include, for each 11351  
GPS-monitored offender to be included within the database, all 11352  
of the following: 11353

(a) The offender's name; 11354

(b) The offense or offenses for which the offender is 11355  
subject to global positioning system monitoring and the 11356  
offender's other criminal history; 11357

(c) The offender's residence address; 11358

(d) The monitoring parameters and restrictions for the 11359

offender, including all inclusionary zones, exclusionary zones, 11360  
and inclusionary zone curfews for the offender and all other 11361  
restrictions placed on the offender; 11362

(e) If an employee of the department is monitoring the 11363  
offender, the identity of, and contact information for, the 11364  
employee, and if a third-party contract administrator is being 11365  
used for global positioning system monitoring of the offender, 11366  
the identity of, and contact information for, the third-party 11367  
contract administrator; 11368

(f) All previous violations of the monitoring parameters 11369  
and restrictions applicable to the offender under the global 11370  
positioning system monitoring that then is in effect for the 11371  
offender. 11372

**Sec. 5120.113.** (A) For each inmate committed to the 11373  
department of rehabilitation and correction, except as provided 11374  
in division (B) of this section, the department shall prepare a 11375  
written reentry plan for the inmate to help guide the inmate's 11376  
rehabilitation program during imprisonment, to assist in the 11377  
inmate's reentry into the community, and to assess the inmate's 11378  
needs upon release. 11379

(B) Division (A) of this section does not apply to an 11380  
inmate who has been sentenced to life imprisonment without 11381  
parole or who has been sentenced to death. Division (A) of this 11382  
section does not apply to any inmate who is expected to be 11383  
imprisoned for thirty days or less, but the department may 11384  
prepare a written reentry plan of the type described in that 11385  
division if the department determines that the plan is needed. 11386

(C) The department may collect, if available, any social 11387  
and other information that will aid in the preparation of 11388

reentry plans under this section. 11389

(D) In the event the department does not prepare a written 11390  
reentry plan as specified in division (A) of this section, or 11391  
makes a decision to not prepare a written reentry plan under 11392  
division (B) of this section or to not collect information under 11393  
division (C) of this section, that fact does not give rise to a 11394  
claim for damages against the state, the department, the 11395  
director of the department, or any employee of the department. 11396

(E) (1) As used in this division, "target offender" means a 11397  
parolee, a releasee, or a prisoner otherwise released from a 11398  
state correctional institution with respect to whom both of the 11399  
following apply: 11400

(a) The department of rehabilitation and correction or the 11401  
adult parole authority intends to require the parolee, releasee, 11402  
or prisoner to reside in a halfway house, reentry center, or 11403  
community residential center that has been licensed by the 11404  
division of parole and community services pursuant to division 11405  
(C) of section 2967.14 of the Revised Code during a part or for 11406  
the entire period of the prisoner's or parolee's conditional 11407  
release or of the releasee's term of post-release control. 11408

(b) No halfway house, reentry center, or community 11409  
residential center that has been licensed as described in 11410  
division (E) (1) of this section will accept the prisoner, 11411  
parolee, or releasee to reside in the facility. 11412

(2) Not later than twenty-four months after the effective 11413  
date of this amendment, the department, through the adult parole 11414  
authority, shall establish and implement a reentry program for 11415  
all target offenders. The program shall include a facility. The 11416  
program and facility shall satisfy all the standards that the 11417

division of parole and community services adopts in accordance 11418  
with Chapter 119. of the Revised Code for the licensure of 11419  
halfway houses, reentry centers, and community residential 11420  
centers. Upon the establishment and implementation of the 11421  
program and facility, the department or authority shall require 11422  
that all target offenders reside in the program's facility 11423  
during a part or for the entire period of the target offender's 11424  
conditional release or term of post-release control. 11425

**Sec. 5120.53.** (A) If a treaty between the United States 11426  
and a foreign country provides for the transfer or exchange, 11427  
from one of the signatory countries to the other signatory 11428  
country, of convicted offenders who are citizens or nationals of 11429  
the other signatory country, the governor, subject to and in 11430  
accordance with the terms of the treaty, may authorize the 11431  
director of rehabilitation and correction to allow the transfer 11432  
or exchange of convicted offenders and to take any action 11433  
necessary to initiate participation in the treaty. If the 11434  
governor grants the director the authority described in this 11435  
division, the director may take the necessary action to initiate 11436  
participation in the treaty and, subject to and in accordance 11437  
with division (B) of this section and the terms of the treaty, 11438  
may allow the transfer or exchange to a foreign country that has 11439  
signed the treaty of any convicted offender who is a citizen or 11440  
national of that signatory country. 11441

(B) (1) No convicted offender who is serving a term of 11442  
imprisonment in this state for aggravated murder, murder, or a 11443  
felony of the first or second degree, who is serving a mandatory 11444  
prison term imposed under section 2925.03 or 2925.11 of the 11445  
Revised Code in circumstances in which the court was required to 11446  
impose as the mandatory prison term the maximum definite prison 11447  
term or longest minimum prison term authorized for the degree of 11448

offense committed, who is serving a term of imprisonment in this 11449  
state imposed for an offense committed prior to ~~the effective~~ 11450  
~~date of this amendment~~ July 1, 1996, that was an aggravated 11451  
felony of the first or second degree or that was aggravated 11452  
trafficking in violation of division (A) (9) or (10) of section 11453  
2925.03 of the Revised Code, or who has been sentenced to death 11454  
in this state shall be transferred or exchanged to another 11455  
country pursuant to a treaty of the type described in division 11456  
(A) of this section. 11457

(2) If a convicted offender is serving a term of 11458  
imprisonment in this state and the offender is a citizen or 11459  
national of a foreign country that has signed a treaty of the 11460  
type described in division (A) of this section, if the governor 11461  
has granted the director of rehabilitation and correction the 11462  
authority described in that division, and if the transfer or 11463  
exchange of the offender is not barred by division (B) (1) of 11464  
this section, the director or the director's designee may 11465  
approve the offender for transfer or exchange pursuant to the 11466  
treaty if the director or the designee, after consideration of 11467  
the factors set forth in the rules adopted by the department 11468  
under division (D) of this section and all other relevant 11469  
factors, determines that the transfer or exchange of the 11470  
offender is appropriate. 11471

(C) Notwithstanding any provision of the Revised Code 11472  
regarding the parole eligibility of, or the duration or 11473  
calculation of a sentence of imprisonment imposed upon, an 11474  
offender, if a convicted offender is serving a term of 11475  
imprisonment in this state and the offender is a citizen or 11476  
national of a foreign country that has signed a treaty of the 11477  
type described in division (A) of this section, if the offender 11478  
is serving an indefinite term of imprisonment, if the offender 11479

is barred from being transferred or exchanged pursuant to the 11480  
treaty due to the indefinite nature of the offender's term of 11481  
imprisonment, and if in accordance with division (B)(2) of this 11482  
section the director of rehabilitation and correction or the 11483  
director's designee approves the offender for transfer or 11484  
exchange pursuant to the treaty, the parole board, pursuant to 11485  
rules adopted by the director, shall set a date certain for the 11486  
release of the offender. To the extent possible, the date 11487  
certain that is set shall be reasonably proportionate to the 11488  
indefinite term of imprisonment that the offender is serving. 11489  
The date certain that is set for the release of the offender 11490  
shall be considered only for purposes of facilitating the 11491  
international transfer or exchange of the offender, shall not be 11492  
viable or actionable for any other purpose, and shall not create 11493  
any expectation or guarantee of release. If an offender for whom 11494  
a date certain for release is set under this division is not 11495  
transferred to or exchanged with the foreign country pursuant to 11496  
the treaty, the date certain is null and void, and the 11497  
offender's release shall be determined pursuant to the laws and 11498  
rules of this state pertaining to parole eligibility and the 11499  
duration and calculation of an indefinite sentence of 11500  
imprisonment. 11501

(D) If the governor, pursuant to division (A) of this 11502  
section, authorizes the director of rehabilitation and 11503  
correction to allow any transfer or exchange of convicted 11504  
offenders as described in that division, the director shall 11505  
adopt rules under Chapter 119. of the Revised Code to implement 11506  
the provisions of this section. The rules shall include a rule 11507  
that requires the director or the director's designee, in 11508  
determining whether to approve a convicted offender who is 11509  
serving a term of imprisonment in this state for transfer or 11510

exchange pursuant to a treaty of the type described in division 11511  
(A) of this section, to consider all of the following factors: 11512

(1) The nature of the offense for which the offender is 11513  
serving the term of imprisonment in this state; 11514

(2) The likelihood that, if the offender is transferred or 11515  
exchanged to a foreign country pursuant to the treaty, the 11516  
offender will serve a shorter period of time in imprisonment in 11517  
the foreign country than the offender would serve if the 11518  
offender is not transferred or exchanged to the foreign country 11519  
pursuant to the treaty; 11520

(3) The likelihood that, if the offender is transferred or 11521  
exchanged to a foreign country pursuant to the treaty, the 11522  
offender will return or attempt to return to this state after 11523  
the offender has been released from imprisonment in the foreign 11524  
country; 11525

(4) The degree of any shock to the conscience of justice 11526  
and society that will be experienced in this state if the 11527  
offender is transferred or exchanged to a foreign country 11528  
pursuant to the treaty; 11529

(5) All other factors that the department determines are 11530  
relevant to the determination. 11531

**Sec. 5120.66.** (A) Within ninety days after November 23, 11532  
2005, but not before January 1, 2006, the department of 11533  
rehabilitation and correction shall establish and operate on the 11534  
internet a database that contains all of the following: 11535

(1) For each inmate in the custody of the department under 11536  
a sentence imposed for a conviction of or plea of guilty to any 11537  
offense, all of the following information: 11538

- (a) The inmate's name; 11539
- (b) For each offense for which the inmate was sentenced to 11540  
a prison term or term of imprisonment and is in the department's 11541  
custody, the name of the offense, the Revised Code section of 11542  
which the offense is a violation, the gender of each victim of 11543  
the offense if those facts are known, whether each victim of the 11544  
offense was an adult or child if those facts are known, whether 11545  
any victim of the offense was a law enforcement officer if that 11546  
fact is known, the range of the possible prison terms or term of 11547  
imprisonment that could have been imposed for the offense, the 11548  
actual prison term or term of imprisonment imposed for the 11549  
offense, the county in which the offense was committed, the date 11550  
on which the inmate began serving the prison term or term of 11551  
imprisonment imposed for the offense, and ~~either the~~ whichever 11552  
of the following is applicable: 11553
- (i) The date on which the inmate will be eligible for 11554  
parole relative to the offense if the prison term or term of 11555  
imprisonment is an indefinite term or life term ~~or the~~ with 11556  
parole eligibility; 11557
- (ii) The date on which the term ends if the prison term is 11558  
a definite term; 11559
- (iii) The date on which the inmate will be eligible for 11560  
presumptive release under section 2967.271 of the Revised Code, 11561  
if the inmate is serving a non-life felony indefinite prison 11562  
term. 11563
- (c) All of the following information that is applicable 11564  
regarding the inmate: 11565
- (i) If known to the department prior to the conduct of any 11566  
hearing for judicial release of the defendant pursuant to 11567

section 2929.20 of the Revised Code in relation to any prison 11568  
term or term of imprisonment the inmate is serving for any 11569  
offense or any hearing for release of the defendant pursuant to 11570  
section 2967.19 of the Revised Code in relation to any such 11571  
term, notice of the fact that the inmate will be having a 11572  
hearing regarding a possible grant of judicial release or 11573  
release, the date of the hearing, and the right of any person 11574  
pursuant to division (J) of section 2929.20 or division (H) of 11575  
section 2967.19 of the Revised Code, whichever is applicable, to 11576  
submit to the court a written statement regarding the possible 11577  
judicial release or release. The department also shall post 11578  
notice of the submission to a sentencing court of any 11579  
recommendation for early release of the inmate pursuant to 11580  
section 2967.19 of the Revised Code, as required by division (E) 11581  
of that section. 11582

(ii) If the inmate is serving a prison term pursuant to 11583  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11584  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11585  
Code, prior to the conduct of any hearing pursuant to section 11586  
2971.05 of the Revised Code to determine whether to modify the 11587  
requirement that the inmate serve the entire prison term in a 11588  
state correctional facility in accordance with division (C) of 11589  
that section, whether to continue, revise, or revoke any 11590  
existing modification of that requirement, or whether to 11591  
terminate the prison term in accordance with division (D) of 11592  
that section, notice of the fact that the inmate will be having 11593  
a hearing regarding those determinations and the date of the 11594  
hearing; 11595

(iii) At least sixty days before the adult parole 11596  
authority recommends a pardon or commutation of sentence for the 11597  
inmate ~~or~~, at least sixty days prior to a hearing before the 11598

adult parole authority regarding a grant of parole to the inmate 11599  
in relation to any prison term or term of imprisonment the 11600  
inmate is serving for any offense, or at least sixty days prior 11601  
to a hearing before the department regarding a determination of 11602  
whether the inmate must be released under division (C) or (D) (2) 11603  
of section 2967.271 of the Revised Code if the inmate is serving 11604  
a non-life felony indefinite prison term, notice of the fact 11605  
that the inmate might be under consideration for a pardon or 11606  
commutation of sentence or will be having a hearing regarding a 11607  
possible grant of parole or release, the date of any hearing 11608  
regarding a possible grant of parole or release, and the right 11609  
of any person to submit a written statement regarding the 11610  
pending action; 11611

(iv) At least sixty days before the inmate is transferred 11612  
to transitional control under section 2967.26 of the Revised 11613  
Code in relation to any prison term or term of imprisonment the 11614  
inmate is serving for any offense, notice of the pendency of the 11615  
transfer, the date of the possible transfer, and the right of 11616  
any person to submit a statement regarding the possible 11617  
transfer; 11618

(v) Prompt notice of the inmate's escape from any facility 11619  
in which the inmate was incarcerated and of the capture of the 11620  
inmate after an escape; 11621

(vi) Notice of the inmate's death while in confinement; 11622

(vii) Prior to the release of the inmate from confinement, 11623  
notice of the fact that the inmate will be released, of the date 11624  
of the release, and, if applicable, of the standard terms and 11625  
conditions of the release; 11626

(viii) Notice of the inmate's judicial release pursuant to 11627

section 2929.20 of the Revised Code or release pursuant to 11628  
section 2967.19 of the Revised Code. 11629

(2) Information as to where a person can send written 11630  
statements of the types referred to in divisions (A) (1) (c) (i), 11631  
(iii), and (iv) of this section. 11632

(B) (1) The department shall update the database required 11633  
under division (A) of this section every twenty-four hours to 11634  
ensure that the information it contains is accurate and current. 11635

(2) The database required under division (A) of this 11636  
section is a public record open for inspection under section 11637  
149.43 of the Revised Code. The department shall make the 11638  
database searchable by inmate name and by the county and zip 11639  
code where the offender intends to reside after release from a 11640  
state correctional institution if this information is known to 11641  
the department. 11642

(3) The database required under division (A) of this 11643  
section may contain information regarding inmates who are listed 11644  
in the database in addition to the information described in that 11645  
division. 11646

(4) No information included on the database required under 11647  
division (A) of this section shall identify or enable the 11648  
identification of any victim of any offense committed by an 11649  
inmate. 11650

(C) The failure of the department to comply with the 11651  
requirements of division (A) or (B) of this section does not 11652  
give any rights or any grounds for appeal or post-conviction 11653  
relief to any inmate. 11654

(D) This section, and the related provisions of sections 11655  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 11656

enacted in the act in which this section was enacted, shall be 11657  
known as "Laura's Law." 11658

(E) As used in this section, "non-life felony indefinite 11659  
prison term" has the same meaning as in section 2929.01 of the 11660  
Revised Code. 11661

**Sec. 5149.04.** (A) Persons paroled, conditionally pardoned, 11662  
or released to community supervision shall be under jurisdiction 11663  
of the adult parole authority and shall be supervised by the 11664  
field services section through its staff of parole and field 11665  
officers in such manner as to insure as nearly as possible the 11666  
offender's rehabilitation while at the same time providing 11667  
maximum protection to the general public. All state and local 11668  
officials shall furnish such information to officers of the 11669  
section as they may request in the performance of their duties. 11670

(B) The superintendent, or superintendents, of the field 11671  
services section shall be a person, or persons, especially 11672  
qualified by training and experience in the field of 11673  
corrections. The superintendent, or superintendents, shall 11674  
supervise the work of the section and shall formulate and 11675  
execute an effective program of offender supervision. The 11676  
superintendent, or superintendents, shall collect and preserve 11677  
any records and statistics with respect to offenders that are 11678  
required by the chief of the authority. The section also shall 11679  
include other personnel who are necessary for the performance of 11680  
the section's duties. 11681

No person shall be appointed as a superintendent who is 11682  
not qualified by education or experience in correctional work 11683  
including law enforcement, probation, or parole work, in law, in 11684  
social work, or in a combination of the three categories. 11685

(C) The superintendent, or superintendents, of the field services section, with the approval of the chief of the authority, may establish district offices for the section and may assign necessary parole and field officers and clerical staff to the district offices.

(D) The field services section in the exercise of its supervision over offenders and persons conditionally pardoned shall carry out all lawful orders, terms, and conditions prescribed by the authority, the chief of the division of parole and community services, or the governor.

(E) (1) As used in division (E) of this section:

(a) "Case-load" means the maximum number of persons paroled, conditionally pardoned, or released to community supervision who should be under the supervision of any parole or field officer, based on the aggregate of the work load of the officer for each of those persons.

(b) "Parole or field officer" means a parole or field officer of the field services section.

(c) "Work-load" means the minimum number of hours that a parole or field officer is expected to dedicate to each person paroled, conditionally pardoned, or released to community supervision who is under the officer's supervision, based on the person's risk classification.

(2) Not later than one year after the effective date of this amendment, the adult parole authority shall establish supervision standards for parole and field officers. The standards shall include a specification of a case-load and a work-load for parole and field officers. The case-load and work-load specified in the standards shall comport with industry

standards set forth by the American probation and parole 11715  
association. 11716

(3) Not later than two years after establishing the 11717  
standards required under division (E)(2) of this section, the 11718  
department of rehabilitation and correction shall ensure that 11719  
the field services section has enough parole and field officers 11720  
to comply with the standards and that the officers have been 11721  
trained to the extent required to comply with the standards. 11722

**Section 2.** That existing sections 109.42, 121.22, 149.43, 11723  
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 11724  
2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 11725  
2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 11726  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 11727  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 11728  
2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 11729  
2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, 11730  
and 5149.04 of the Revised Code are hereby repealed. 11731

**Section 3.** The General Assembly, applying the principle 11732  
stated in division (B) of section 1.52 of the Revised Code that 11733  
amendments are to be harmonized if reasonably capable of 11734  
simultaneous operation, finds that the following sections, 11735  
presented in this act as composites of the sections as amended 11736  
by the acts indicated, are the resulting versions of the 11737  
sections in effect prior to the effective date of the sections 11738  
as presented in this act: 11739

Section 121.22 of the Revised Code as amended by both Sub. 11740  
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 11741

Section 2903.06 of the Revised Code as amended by both 11742  
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 11743

Section 2925.03 of the Revised Code as amended by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly.	11744 11745 11746
Section 2925.11 of the Revised Code as amended by Sub. H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly.	11747 11748 11749
Section 2929.19 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	11750 11751 11752
Section 2953.08 of the Revised Code as amended by Sub. H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 129th General Assembly.	11753 11754 11755
Section 2967.03 of the Revised Code as amended by Am. Sub. H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 129th General Assembly.	11756 11757 11758
Section 2967.191 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	11759 11760 11761
Section 5120.66 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General Assembly.	11762 11763 11764