

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Sub. S. B. No. 201**

**Senators Bacon, O'Brien**

**Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland, Coley,  
Balderson, Burke, Dolan, Eklund, Hackett, Hottinger, Huffman, LaRose, Lehner,  
Oelslager, Peterson, Schiavoni, Terhar, Williams, Wilson, Yuko**

---

**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, 2967.19, 2967.191, 2967.193, 2967.26, 9  
2967.28, 2971.03, 3719.99, 5120.53, and 5120.66 10  
and to enact sections 2901.011, 2929.144, and 11  
2967.271 of the Revised Code to provide for 12  
indefinite prison terms for first or second 13  
degree felonies and specified third degree 14  
felonies, with presumptive release of offenders 15  
sentenced to such a term at the end of the 16  
minimum term; to generally allow the Department 17  
of Rehabilitation and Correction with approval 18  
of the sentencing court to reduce the minimum 19  
term for exceptional conduct or adjustment to 20  
incarceration; to allow the Department to rebut 21  
the release presumption and keep the offender in 22

prison up to the maximum term if it makes 23  
specified findings; and to name the act's 24  
provisions the Reagan Tokes Law. 25

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

**Section 1.** That sections 109.42, 121.22, 149.43, 2903.06, 26  
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 27  
2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 28  
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 29  
2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 30  
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 31  
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 32  
3719.99, 5120.53, and 5120.66 be amended and sections 2901.011, 33  
2929.144, and 2967.271 of the Revised Code be enacted to read as 34  
follows: 35

**Sec. 109.42.** (A) The attorney general shall prepare and 36  
have printed a pamphlet that contains a compilation of all 37  
statutes relative to victim's rights in which the attorney 38  
general lists and explains the statutes in the form of a 39  
victim's bill of rights. The attorney general shall distribute 40  
the pamphlet to all sheriffs, marshals, municipal corporation 41  
and township police departments, constables, and other law 42  
enforcement agencies, to all prosecuting attorneys, city 43  
directors of law, village solicitors, and other similar chief 44  
legal officers of municipal corporations, and to organizations 45  
that represent or provide services for victims of crime. The 46  
victim's bill of rights set forth in the pamphlet shall contain 47  
a description of all of the rights of victims that are provided 48  
for in Chapter 2930. or in any other section of the Revised Code 49

and shall include, but not be limited to, all of the following: 50

(1) The right of a victim or a victim's representative to 51  
attend a proceeding before a grand jury, in a juvenile case, or 52  
in a criminal case pursuant to a subpoena without being 53  
discharged from the victim's or representative's employment, 54  
having the victim's or representative's employment terminated, 55  
having the victim's or representative's pay decreased or 56  
withheld, or otherwise being punished, penalized, or threatened 57  
as a result of time lost from regular employment because of the 58  
victim's or representative's attendance at the proceeding 59  
pursuant to the subpoena, as set forth in section 2151.211, 60  
2930.18, 2939.121, or 2945.451 of the Revised Code; 61

(2) The potential availability pursuant to section 62  
2151.359 or 2152.61 of the Revised Code of a forfeited 63  
recognizance to pay damages caused by a child when the 64  
delinquency of the child or child's violation of probation or 65  
community control is found to be proximately caused by the 66  
failure of the child's parent or guardian to subject the child 67  
to reasonable parental authority or to faithfully discharge the 68  
conditions of probation or community control; 69

(3) The availability of awards of reparations pursuant to 70  
sections 2743.51 to 2743.72 of the Revised Code for injuries 71  
caused by criminal offenses; 72

(4) The right of the victim in certain criminal or 73  
juvenile cases or a victim's representative to receive, pursuant 74  
to section 2930.06 of the Revised Code, notice of the date, 75  
time, and place of the trial or delinquency proceeding in the 76  
case or, if there will not be a trial or delinquency proceeding, 77  
information from the prosecutor, as defined in section 2930.01 78  
of the Revised Code, regarding the disposition of the case; 79

(5) The right of the victim in certain criminal or 80  
juvenile cases or a victim's representative to receive, pursuant 81  
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 82  
notice of the name of the person charged with the violation, the 83  
case or docket number assigned to the charge, and a telephone 84  
number or numbers that can be called to obtain information about 85  
the disposition of the case; 86

(6) The right of the victim in certain criminal or 87  
juvenile cases or of the victim's representative pursuant to 88  
section 2930.13 or 2930.14 of the Revised Code, subject to any 89  
reasonable terms set by the court as authorized under section 90  
2930.14 of the Revised Code, to make a statement about the 91  
victimization and, if applicable, a statement relative to the 92  
sentencing or disposition of the offender; 93

(7) The opportunity to obtain a court order, pursuant to 94  
section 2945.04 of the Revised Code, to prevent or stop the 95  
commission of the offense of intimidation of a crime victim or 96  
witness or an offense against the person or property of the 97  
complainant, or of the complainant's ward or child; 98

(8) The right of the victim in certain criminal or 99  
juvenile cases or a victim's representative pursuant to sections 100  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 101  
Code to receive notice of a pending motion for judicial release, 102  
release pursuant to section 2967.19 of the Revised Code, or 103  
other early release of the person who committed the offense 104  
against the victim, to make an oral or written statement at the 105  
court hearing on the motion, and to be notified of the court's 106  
decision on the motion; 107

(9) The right of the victim in certain criminal or 108  
juvenile cases or a victim's representative pursuant to section 109

2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised Code to receive notice of any pending commutation, pardon, parole, transitional control, discharge, other form of authorized release, post-release control, or supervised release for the person who committed the offense against the victim or any application for release of that person and to send a written statement relative to the victimization and the pending action to the adult parole authority or the release authority of the department of youth services;

(10) The right of the victim to bring a civil action pursuant to sections 2969.01 to 2969.06 of the Revised Code to obtain money from the offender's profit fund;

(11) The right, pursuant to section 3109.09 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully damages property through the commission of an act that would be a theft offense, as defined in section 2913.01 of the Revised Code, if committed by an adult;

(12) The right, pursuant to section 3109.10 of the Revised Code, to maintain a civil action to recover compensatory damages not exceeding ten thousand dollars and costs from the parent of a minor who willfully and maliciously assaults a person;

(13) The possibility of receiving restitution from an offender or a delinquent child pursuant to section 2152.20, 2929.18, or 2929.28 of the Revised Code;

(14) The right of the victim in certain criminal or juvenile cases or a victim's representative, pursuant to section 2930.16 of the Revised Code, to receive notice of the escape from confinement or custody of the person who committed the

offense, to receive that notice from the custodial agency of the 139  
person at the victim's last address or telephone number provided 140  
to the custodial agency, and to receive notice that, if either 141  
the victim's address or telephone number changes, it is in the 142  
victim's interest to provide the new address or telephone number 143  
to the custodial agency; 144

(15) The right of a victim of domestic violence to seek 145  
the issuance of a civil protection order pursuant to section 146  
3113.31 of the Revised Code, the right of a victim of a 147  
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 148  
2911.211, or 2919.22 of the Revised Code, a violation of a 149  
substantially similar municipal ordinance, or an offense of 150  
violence who is a family or household member of the offender at 151  
the time of the offense to seek the issuance of a temporary 152  
protection order pursuant to section 2919.26 of the Revised 153  
Code, and the right of both types of victims to be accompanied 154  
by a victim advocate during court proceedings; 155

(16) The right of a victim of a sexually oriented offense 156  
or of a child-victim oriented offense that is committed by a 157  
person who is convicted of, pleads guilty to, or is adjudicated 158  
a delinquent child for committing the offense and who is in a 159  
category specified in division (B) of section 2950.10 of the 160  
Revised Code to receive, pursuant to that section, notice that 161  
the person has registered with a sheriff under section 2950.04, 162  
2950.041, or 2950.05 of the Revised Code and notice of the 163  
person's name, the person's residence that is registered, and 164  
the offender's school, institution of higher education, or place 165  
of employment address or addresses that are registered, the 166  
person's photograph, and a summary of the manner in which the 167  
victim must make a request to receive the notice. As used in 168  
this division, "sexually oriented offense" and "child-victim 169

oriented offense" have the same meanings as in section 2950.01 170  
of the Revised Code. 171

(17) The right of a victim of certain sexually violent 172  
offenses committed by an offender who also is convicted of or 173  
pleads guilty to a sexually violent predator specification and 174  
who is sentenced to a prison term pursuant to division (A) (3) of 175  
section 2971.03 of the Revised Code, of a victim of a violation 176  
of division (A) (1) (b) of section 2907.02 of the Revised Code 177  
committed on or after January 2, 2007, by an offender who is 178  
sentenced for the violation pursuant to division (B) (1) (a), (b), 179  
or (c) of section 2971.03 of the Revised Code, of a victim of an 180  
attempted rape committed on or after January 2, 2007, by an 181  
offender who also is convicted of or pleads guilty to a 182  
specification of the type described in section 2941.1418, 183  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 184  
the violation pursuant to division (B) (2) (a), (b), or (c) of 185  
section 2971.03 of the Revised Code, and of a victim of an 186  
offense that is described in division (B) (3) (a), (b), (c), or 187  
(d) of section 2971.03 of the Revised Code and is committed by 188  
an offender who is sentenced pursuant to one of those divisions 189  
to receive, pursuant to section 2930.16 of the Revised Code, 190  
notice of a hearing to determine whether to modify the 191  
requirement that the offender serve the entire prison term in a 192  
state correctional facility, whether to continue, revise, or 193  
revoke any existing modification of that requirement, or whether 194  
to terminate the prison term. As used in this division, 195  
"sexually violent offense" and "sexually violent predator 196  
specification" have the same meanings as in section 2971.01 of 197  
the Revised Code. 198

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 199  
prosecuting attorney, assistant prosecuting attorney, city 200

director of law, assistant city director of law, village 201  
solicitor, assistant village solicitor, or similar chief legal 202  
officer of a municipal corporation or an assistant of any of 203  
those officers who prosecutes an offense committed in this 204  
state, upon first contact with the victim of the offense, the 205  
victim's family, or the victim's dependents, shall give the 206  
victim, the victim's family, or the victim's dependents a copy 207  
of the pamphlet prepared pursuant to division (A) of this 208  
section and explain, upon request, the information in the 209  
pamphlet to the victim, the victim's family, or the victim's 210  
dependents. 211

(b) Subject to division (B) (1) (c) of this section, a law 212  
enforcement agency that investigates an offense or delinquent 213  
act committed in this state shall give the victim of the offense 214  
or delinquent act, the victim's family, or the victim's 215  
dependents a copy of the pamphlet prepared pursuant to division 216  
(A) of this section at one of the following times: 217

(i) Upon first contact with the victim, the victim's 218  
family, or the victim's dependents; 219

(ii) If the offense or delinquent act is an offense of 220  
violence, if the circumstances of the offense or delinquent act 221  
and the condition of the victim, the victim's family, or the 222  
victim's dependents indicate that the victim, the victim's 223  
family, or the victim's dependents will not be able to 224  
understand the significance of the pamphlet upon first contact 225  
with the agency, and if the agency anticipates that it will have 226  
an additional contact with the victim, the victim's family, or 227  
the victim's dependents, upon the agency's second contact with 228  
the victim, the victim's family, or the victim's dependents. 229

If the agency does not give the victim, the victim's 230

family, or the victim's dependents a copy of the pamphlet upon 231  
first contact with them and does not have a second contact with 232  
the victim, the victim's family, or the victim's dependents, the 233  
agency shall mail a copy of the pamphlet to the victim, the 234  
victim's family, or the victim's dependents at their last known 235  
address. 236

(c) In complying on and after December 9, 1994, with the 237  
duties imposed by division (B) (1) (a) or (b) of this section, an 238  
official or a law enforcement agency shall use copies of the 239  
pamphlet that are in the official's or agency's possession on 240  
December 9, 1994, until the official or agency has distributed 241  
all of those copies. After the official or agency has 242  
distributed all of those copies, the official or agency shall 243  
use only copies of the pamphlet that contain at least the 244  
information described in divisions (A) (1) to (17) of this 245  
section. 246

(2) The failure of a law enforcement agency or of a 247  
prosecuting attorney, assistant prosecuting attorney, city 248  
director of law, assistant city director of law, village 249  
solicitor, assistant village solicitor, or similar chief legal 250  
officer of a municipal corporation or an assistant to any of 251  
those officers to give, as required by division (B) (1) of this 252  
section, the victim of an offense or delinquent act, the 253  
victim's family, or the victim's dependents a copy of the 254  
pamphlet prepared pursuant to division (A) of this section does 255  
not give the victim, the victim's family, the victim's 256  
dependents, or a victim's representative any rights under 257  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 258  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 259  
other provision of the Revised Code and does not affect any 260  
right under those sections. 261

(3) A law enforcement agency, a prosecuting attorney or 262  
assistant prosecuting attorney, or a city director of law, 263  
assistant city director of law, village solicitor, assistant 264  
village solicitor, or similar chief legal officer of a municipal 265  
corporation that distributes a copy of the pamphlet prepared 266  
pursuant to division (A) of this section shall not be required 267  
to distribute a copy of an information card or other printed 268  
material provided by the clerk of the court of claims pursuant 269  
to section 2743.71 of the Revised Code. 270

(C) The cost of printing and distributing the pamphlet 271  
prepared pursuant to division (A) of this section shall be paid 272  
out of the reparations fund, created pursuant to section 273  
2743.191 of the Revised Code, in accordance with division (D) of 274  
that section. 275

(D) As used in this section: 276

(1) "Victim's representative" has the same meaning as in 277  
section 2930.01 of the Revised Code; 278

(2) "Victim advocate" has the same meaning as in section 279  
2919.26 of the Revised Code. 280

**Sec. 121.22.** (A) This section shall be liberally construed 281  
to require public officials to take official action and to 282  
conduct all deliberations upon official business only in open 283  
meetings unless the subject matter is specifically excepted by 284  
law. 285

(B) As used in this section: 286

(1) "Public body" means any of the following: 287

(a) Any board, commission, committee, council, or similar 288  
decision-making body of a state agency, institution, or 289

authority, and any legislative authority or board, commission, 290  
committee, council, agency, authority, or similar decision- 291  
making body of any county, township, municipal corporation, 292  
school district, or other political subdivision or local public 293  
institution; 294

(b) Any committee or subcommittee of a body described in 295  
division (B) (1) (a) of this section; 296

(c) A court of jurisdiction of a sanitary district 297  
organized wholly for the purpose of providing a water supply for 298  
domestic, municipal, and public use when meeting for the purpose 299  
of the appointment, removal, or reappointment of a member of the 300  
board of directors of such a district pursuant to section 301  
6115.10 of the Revised Code, if applicable, or for any other 302  
matter related to such a district other than litigation 303  
involving the district. As used in division (B) (1) (c) of this 304  
section, "court of jurisdiction" has the same meaning as "court" 305  
in section 6115.01 of the Revised Code. 306

(2) "Meeting" means any prearranged discussion of the 307  
public business of the public body by a majority of its members. 308

(3) "Regulated individual" means either of the following: 309

(a) A student in a state or local public educational 310  
institution; 311

(b) A person who is, voluntarily or involuntarily, an 312  
inmate, patient, or resident of a state or local institution 313  
because of criminal behavior, mental illness, an intellectual 314  
disability, disease, disability, age, or other condition 315  
requiring custodial care. 316

(4) "Public office" has the same meaning as in section 317  
149.011 of the Revised Code. 318

(C) All meetings of any public body are declared to be 319  
public meetings open to the public at all times. A member of a 320  
public body shall be present in person at a meeting open to the 321  
public to be considered present or to vote at the meeting and 322  
for purposes of determining whether a quorum is present at the 323  
meeting. 324

The minutes of a regular or special meeting of any public 325  
body shall be promptly prepared, filed, and maintained and shall 326  
be open to public inspection. The minutes need only reflect the 327  
general subject matter of discussions in executive sessions 328  
authorized under division (G) or (J) of this section. 329

(D) This section does not apply to any of the following: 330

(1) A grand jury; 331

(2) An audit conference conducted by the auditor of state 332  
or independent certified public accountants with officials of 333  
the public office that is the subject of the audit; 334

(3) The adult parole authority when its hearings are 335  
conducted at a correctional institution for the sole purpose of 336  
interviewing inmates to determine parole or pardon and the 337  
department of rehabilitation and correction when its hearings 338  
are conducted at a correctional institution for the sole purpose 339  
of making determinations under section 2967.271 of the Revised 340  
Code regarding the release or maintained incarceration of an 341  
offender to whom that section applies; 342

(4) The organized crime investigations commission 343  
established under section 177.01 of the Revised Code; 344

(5) Meetings of a child fatality review board established 345  
under section 307.621 of the Revised Code, meetings related to a 346  
review conducted pursuant to guidelines established by the 347

director of health under section 3701.70 of the Revised Code, 348  
and meetings conducted pursuant to sections 5153.171 to 5153.173 349  
of the Revised Code; 350

(6) The state medical board when determining whether to 351  
suspend a certificate without a prior hearing pursuant to 352  
division (G) of either section 4730.25 or 4731.22 of the Revised 353  
Code; 354

(7) The board of nursing when determining whether to 355  
suspend a license or certificate without a prior hearing 356  
pursuant to division (B) of section 4723.281 of the Revised 357  
Code; 358

(8) The state board of pharmacy when determining whether 359  
to suspend a license without a prior hearing pursuant to 360  
division (D) of section 4729.16 of the Revised Code; 361

(9) The state chiropractic board when determining whether 362  
to suspend a license without a hearing pursuant to section 363  
4734.37 of the Revised Code; 364

(10) The executive committee of the emergency response 365  
commission when determining whether to issue an enforcement 366  
order or request that a civil action, civil penalty action, or 367  
criminal action be brought to enforce Chapter 3750. of the 368  
Revised Code; 369

(11) The board of directors of the nonprofit corporation 370  
formed under section 187.01 of the Revised Code or any committee 371  
thereof, and the board of directors of any subsidiary of that 372  
corporation or a committee thereof; 373

(12) An audit conference conducted by the audit staff of 374  
the department of job and family services with officials of the 375  
public office that is the subject of that audit under section 376

5101.37 of the Revised Code;	377
(13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code;	378 379 380 381 382
(14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code;	383 384 385 386
(15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code.	387 388 389 390
(E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant:	391 392 393 394 395 396 397 398 399
(1) Marketing plans;	400
(2) Specific business strategy;	401
(3) Production techniques and trade secrets;	402
(4) Financial projections;	403
(5) Personal financial statements of the applicant or	404

members of the applicant's immediate family, including, but not 405  
limited to, tax records or other similar information not open to 406  
public inspection. 407

The vote by the authority or board to accept or reject the 408  
application, as well as all proceedings of the authority or 409  
board not subject to this division, shall be open to the public 410  
and governed by this section. 411

(F) Every public body, by rule, shall establish a 412  
reasonable method whereby any person may determine the time and 413  
place of all regularly scheduled meetings and the time, place, 414  
and purpose of all special meetings. A public body shall not 415  
hold a special meeting unless it gives at least twenty-four 416  
hours' advance notice to the news media that have requested 417  
notification, except in the event of an emergency requiring 418  
immediate official action. In the event of an emergency, the 419  
member or members calling the meeting shall notify the news 420  
media that have requested notification immediately of the time, 421  
place, and purpose of the meeting. 422

The rule shall provide that any person, upon request and 423  
payment of a reasonable fee, may obtain reasonable advance 424  
notification of all meetings at which any specific type of 425  
public business is to be discussed. Provisions for advance 426  
notification may include, but are not limited to, mailing the 427  
agenda of meetings to all subscribers on a mailing list or 428  
mailing notices in self-addressed, stamped envelopes provided by 429  
the person. 430

(G) Except as provided in divisions (G) (8) and (J) of this 431  
section, the members of a public body may hold an executive 432  
session only after a majority of a quorum of the public body 433  
determines, by a roll call vote, to hold an executive session 434

and only at a regular or special meeting for the sole purpose of 435  
the consideration of any of the following matters: 436

(1) To consider the appointment, employment, dismissal, 437  
discipline, promotion, demotion, or compensation of a public 438  
employee or official, or the investigation of charges or 439  
complaints against a public employee, official, licensee, or 440  
regulated individual, unless the public employee, official, 441  
licensee, or regulated individual requests a public hearing. 442  
Except as otherwise provided by law, no public body shall hold 443  
an executive session for the discipline of an elected official 444  
for conduct related to the performance of the elected official's 445  
official duties or for the elected official's removal from 446  
office. If a public body holds an executive session pursuant to 447  
division (G) (1) of this section, the motion and vote to hold 448  
that executive session shall state which one or more of the 449  
approved purposes listed in division (G) (1) of this section are 450  
the purposes for which the executive session is to be held, but 451  
need not include the name of any person to be considered at the 452  
meeting. 453

(2) To consider the purchase of property for public 454  
purposes, the sale of property at competitive bidding, or the 455  
sale or other disposition of unneeded, obsolete, or unfit-for- 456  
use property in accordance with section 505.10 of the Revised 457  
Code, if premature disclosure of information would give an 458  
unfair competitive or bargaining advantage to a person whose 459  
personal, private interest is adverse to the general public 460  
interest. No member of a public body shall use division (G) (2) 461  
of this section as a subterfuge for providing covert information 462  
to prospective buyers or sellers. A purchase or sale of public 463  
property is void if the seller or buyer of the public property 464  
has received covert information from a member of a public body 465

that has not been disclosed to the general public in sufficient 466  
time for other prospective buyers and sellers to prepare and 467  
submit offers. 468

If the minutes of the public body show that all meetings 469  
and deliberations of the public body have been conducted in 470  
compliance with this section, any instrument executed by the 471  
public body purporting to convey, lease, or otherwise dispose of 472  
any right, title, or interest in any public property shall be 473  
conclusively presumed to have been executed in compliance with 474  
this section insofar as title or other interest of any bona fide 475  
purchasers, lessees, or transferees of the property is 476  
concerned. 477

(3) Conferences with an attorney for the public body 478  
concerning disputes involving the public body that are the 479  
subject of pending or imminent court action; 480

(4) Preparing for, conducting, or reviewing negotiations 481  
or bargaining sessions with public employees concerning their 482  
compensation or other terms and conditions of their employment; 483

(5) Matters required to be kept confidential by federal 484  
law or regulations or state statutes; 485

(6) Details relative to the security arrangements and 486  
emergency response protocols for a public body or a public 487  
office, if disclosure of the matters discussed could reasonably 488  
be expected to jeopardize the security of the public body or 489  
public office; 490

(7) In the case of a county hospital operated pursuant to 491  
Chapter 339. of the Revised Code, a joint township hospital 492  
operated pursuant to Chapter 513. of the Revised Code, or a 493  
municipal hospital operated pursuant to Chapter 749. of the 494

Revised Code, to consider trade secrets, as defined in section 495  
1333.61 of the Revised Code; 496

(8) To consider confidential information related to the 497  
marketing plans, specific business strategy, production 498  
techniques, trade secrets, or personal financial statements of 499  
an applicant for economic development assistance, or to 500  
negotiations with other political subdivisions respecting 501  
requests for economic development assistance, provided that both 502  
of the following conditions apply: 503

(a) The information is directly related to a request for 504  
economic development assistance that is to be provided or 505  
administered under any provision of Chapter 715., 725., 1724., 506  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 507  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 508  
5709.81 of the Revised Code, or that involves public 509  
infrastructure improvements or the extension of utility services 510  
that are directly related to an economic development project. 511

(b) A unanimous quorum of the public body determines, by a 512  
roll call vote, that the executive session is necessary to 513  
protect the interests of the applicant or the possible 514  
investment or expenditure of public funds to be made in 515  
connection with the economic development project. 516

If a public body holds an executive session to consider 517  
any of the matters listed in divisions (G)(2) to (8) of this 518  
section, the motion and vote to hold that executive session 519  
shall state which one or more of the approved matters listed in 520  
those divisions are to be considered at the executive session. 521

A public body specified in division (B)(1)(c) of this 522  
section shall not hold an executive session when meeting for the 523

purposes specified in that division. 524

(H) A resolution, rule, or formal action of any kind is 525  
invalid unless adopted in an open meeting of the public body. A 526  
resolution, rule, or formal action adopted in an open meeting 527  
that results from deliberations in a meeting not open to the 528  
public is invalid unless the deliberations were for a purpose 529  
specifically authorized in division (G) or (J) of this section 530  
and conducted at an executive session held in compliance with 531  
this section. A resolution, rule, or formal action adopted in an 532  
open meeting is invalid if the public body that adopted the 533  
resolution, rule, or formal action violated division (F) of this 534  
section. 535

(I) (1) Any person may bring an action to enforce this 536  
section. An action under division (I) (1) of this section shall 537  
be brought within two years after the date of the alleged 538  
violation or threatened violation. Upon proof of a violation or 539  
threatened violation of this section in an action brought by any 540  
person, the court of common pleas shall issue an injunction to 541  
compel the members of the public body to comply with its 542  
provisions. 543

(2) (a) If the court of common pleas issues an injunction 544  
pursuant to division (I) (1) of this section, the court shall 545  
order the public body that it enjoins to pay a civil forfeiture 546  
of five hundred dollars to the party that sought the injunction 547  
and shall award to that party all court costs and, subject to 548  
reduction as described in division (I) (2) of this section, 549  
reasonable attorney's fees. The court, in its discretion, may 550  
reduce an award of attorney's fees to the party that sought the 551  
injunction or not award attorney's fees to that party if the 552  
court determines both of the following: 553

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

(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 583  
unless an applicant requests a public hearing: 584

(a) Interviewing an applicant for financial assistance 585  
under sections 5901.01 to 5901.15 of the Revised Code; 586

(b) Discussing applications, statements, and other 587  
documents described in division (B) of section 5901.09 of the 588  
Revised Code; 589

(c) Reviewing matters relating to an applicant's request 590  
for financial assistance under sections 5901.01 to 5901.15 of 591  
the Revised Code. 592

(2) A veterans service commission shall not exclude an 593  
applicant for, recipient of, or former recipient of financial 594  
assistance under sections 5901.01 to 5901.15 of the Revised 595  
Code, and shall not exclude representatives selected by the 596  
applicant, recipient, or former recipient, from a meeting that 597  
the commission conducts as an executive session that pertains to 598  
the applicant's, recipient's, or former recipient's application 599  
for financial assistance. 600

(3) A veterans service commission shall vote on the grant 601  
or denial of financial assistance under sections 5901.01 to 602  
5901.15 of the Revised Code only in an open meeting of the 603  
commission. The minutes of the meeting shall indicate the name, 604  
address, and occupation of the applicant, whether the assistance 605  
was granted or denied, the amount of the assistance if 606  
assistance is granted, and the votes for and against the 607  
granting of assistance. 608

**Sec. 149.43.** (A) As used in this section: 609

(1) "Public record" means records kept by any public 610  
office, including, but not limited to, state, county, city, 611

village, township, and school district units, and records 612  
pertaining to the delivery of educational services by an 613  
alternative school in this state kept by the nonprofit or for- 614  
profit entity operating the alternative school pursuant to 615  
section 3313.533 of the Revised Code. "Public record" does not 616  
mean any of the following: 617

(a) Medical records; 618

(b) Records pertaining to probation and parole proceedings 619  
~~or~~, to proceedings related to the imposition of community 620  
control sanctions and post-release control sanctions, or to 621  
proceedings related to determinations under section 2967.271 of 622  
the Revised Code regarding the release or maintained 623  
incarceration of an offender to whom that section applies; 624

(c) Records pertaining to actions under section 2151.85 625  
and division (C) of section 2919.121 of the Revised Code and to 626  
appeals of actions arising under those sections; 627

(d) Records pertaining to adoption proceedings, including 628  
the contents of an adoption file maintained by the department of 629  
health under sections 3705.12 to 3705.124 of the Revised Code; 630

(e) Information in a record contained in the putative 631  
father registry established by section 3107.062 of the Revised 632  
Code, regardless of whether the information is held by the 633  
department of job and family services or, pursuant to section 634  
3111.69 of the Revised Code, the office of child support in the 635  
department or a child support enforcement agency; 636

(f) Records specified in division (A) of section 3107.52 637  
of the Revised Code; 638

(g) Trial preparation records; 639

(h) Confidential law enforcement investigatory records;	640
(i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;	641 642
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	643 644
(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;	645 646 647 648
(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;	649 650 651 652
(m) Intellectual property records;	653
(n) Donor profile records;	654
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	655 656
(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;	657 658 659 660 661 662 663
(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	664 665 666 667

section 1333.61 of the Revised Code;	668
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	669 670
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided to the board or director, statements made by board members during meetings of the board or by persons participating in the director's review, and all work products of the board or director, and in the case of a child fatality review board, child fatality review data submitted by the board to the department of health or a national child death review database, other than the report prepared pursuant to division (A) of section 307.626 of the Revised Code;	671 672 673 674 675 676 677 678 679 680 681 682
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting attorney acting pursuant to section 5153.171 of the Revised Code other than the information released under that section;	683 684 685 686 687
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.04 of the Revised Code or contracts under that section with a private or government entity to administer;	688 689 690 691 692 693
(v) Records the release of which is prohibited by state or federal law;	694 695
(w) Proprietary information of or relating to any person	696

that is submitted to or compiled by the Ohio venture capital 697  
authority created under section 150.01 of the Revised Code; 698

(x) Financial statements and data any person submits for 699  
any purpose to the Ohio housing finance agency or the 700  
controlling board in connection with applying for, receiving, or 701  
accounting for financial assistance from the agency, and 702  
information that identifies any individual who benefits directly 703  
or indirectly from financial assistance from the agency; 704

(y) Records listed in section 5101.29 of the Revised Code; 705

(z) Discharges recorded with a county recorder under 706  
section 317.24 of the Revised Code, as specified in division (B) 707  
(2) of that section; 708

(aa) Usage information including names and addresses of 709  
specific residential and commercial customers of a municipally 710  
owned or operated public utility; 711

(bb) Records described in division (C) of section 187.04 712  
of the Revised Code that are not designated to be made available 713  
to the public as provided in that division; 714

(cc) Information and records that are made confidential, 715  
privileged, and not subject to disclosure under divisions (B) 716  
and (C) of section 2949.221 of the Revised Code; 717

(dd) Personal information, as defined in section 149.45 of 718  
the Revised Code; 719

(ee) The confidential name, address, and other personally 720  
identifiable information of a program participant in the address 721  
confidentiality program established under sections 111.41 to 722  
111.47 of the Revised Code, including the contents of any 723  
application for absent voter's ballots, absent voter's ballot 724

identification envelope statement of voter, or provisional 725  
ballot affirmation completed by a program participant who has a 726  
confidential voter registration record, and records or portions 727  
of records pertaining to that program that identify the number 728  
of program participants that reside within a precinct, ward, 729  
township, municipal corporation, county, or any other geographic 730  
area smaller than the state. As used in this division, 731  
"confidential address" and "program participant" have the 732  
meaning defined in section 111.41 of the Revised Code. 733

(ff) Orders for active military service of an individual 734  
serving or with previous service in the armed forces of the 735  
United States, including a reserve component, or the Ohio 736  
organized militia, except that, such order becomes a public 737  
record on the day that is fifteen years after the published date 738  
or effective date of the call to order. 739

(2) "Confidential law enforcement investigatory record" 740  
means any record that pertains to a law enforcement matter of a 741  
criminal, quasi-criminal, civil, or administrative nature, but 742  
only to the extent that the release of the record would create a 743  
high probability of disclosure of any of the following: 744

(a) The identity of a suspect who has not been charged 745  
with the offense to which the record pertains, or of an 746  
information source or witness to whom confidentiality has been 747  
reasonably promised; 748

(b) Information provided by an information source or 749  
witness to whom confidentiality has been reasonably promised, 750  
which information would reasonably tend to disclose the source's 751  
or witness's identity; 752

(c) Specific confidential investigatory techniques or 753

procedures or specific investigatory work product; 754

(d) Information that would endanger the life or physical 755  
safety of law enforcement personnel, a crime victim, a witness, 756  
or a confidential information source. 757

(3) "Medical record" means any document or combination of 758  
documents, except births, deaths, and the fact of admission to 759  
or discharge from a hospital, that pertains to the medical 760  
history, diagnosis, prognosis, or medical condition of a patient 761  
and that is generated and maintained in the process of medical 762  
treatment. 763

(4) "Trial preparation record" means any record that 764  
contains information that is specifically compiled in reasonable 765  
anticipation of, or in defense of, a civil or criminal action or 766  
proceeding, including the independent thought processes and 767  
personal trial preparation of an attorney. 768

(5) "Intellectual property record" means a record, other 769  
than a financial or administrative record, that is produced or 770  
collected by or for faculty or staff of a state institution of 771  
higher learning in the conduct of or as a result of study or 772  
research on an educational, commercial, scientific, artistic, 773  
technical, or scholarly issue, regardless of whether the study 774  
or research was sponsored by the institution alone or in 775  
conjunction with a governmental body or private concern, and 776  
that has not been publicly released, published, or patented. 777

(6) "Donor profile record" means all records about donors 778  
or potential donors to a public institution of higher education 779  
except the names and reported addresses of the actual donors and 780  
the date, amount, and conditions of the actual donation. 781

(7) "Peace officer, parole officer, probation officer, 782

bailiff, prosecuting attorney, assistant prosecuting attorney, 783  
correctional employee, community-based correctional facility 784  
employee, youth services employee, firefighter, EMT, 785  
investigator of the bureau of criminal identification and 786  
investigation, or federal law enforcement officer residential 787  
and familial information" means any information that discloses 788  
any of the following about a peace officer, parole officer, 789  
probation officer, bailiff, prosecuting attorney, assistant 790  
prosecuting attorney, correctional employee, community-based 791  
correctional facility employee, youth services employee, 792  
firefighter, EMT, investigator of the bureau of criminal 793  
identification and investigation, or federal law enforcement 794  
officer: 795

(a) The address of the actual personal residence of a 796  
peace officer, parole officer, probation officer, bailiff, 797  
assistant prosecuting attorney, correctional employee, 798  
community-based correctional facility employee, youth services 799  
employee, firefighter, EMT, an investigator of the bureau of 800  
criminal identification and investigation, or federal law 801  
enforcement officer, except for the state or political 802  
subdivision in which the peace officer, parole officer, 803  
probation officer, bailiff, assistant prosecuting attorney, 804  
correctional employee, community-based correctional facility 805  
employee, youth services employee, firefighter, EMT, 806  
investigator of the bureau of criminal identification and 807  
investigation, or federal law enforcement officer resides; 808

(b) Information compiled from referral to or participation 809  
in an employee assistance program; 810

(c) The social security number, the residential telephone 811  
number, any bank account, debit card, charge card, or credit 812

card number, or the emergency telephone number of, or any 813  
medical information pertaining to, a peace officer, parole 814  
officer, probation officer, bailiff, prosecuting attorney, 815  
assistant prosecuting attorney, correctional employee, 816  
community-based correctional facility employee, youth services 817  
employee, firefighter, EMT, investigator of the bureau of 818  
criminal identification and investigation, or federal law 819  
enforcement officer; 820

(d) The name of any beneficiary of employment benefits, 821  
including, but not limited to, life insurance benefits, provided 822  
to a peace officer, parole officer, probation officer, bailiff, 823  
prosecuting attorney, assistant prosecuting attorney, 824  
correctional employee, community-based correctional facility 825  
employee, youth services employee, firefighter, EMT, 826  
investigator of the bureau of criminal identification and 827  
investigation, or federal law enforcement officer by the peace 828  
officer's, parole officer's, probation officer's, bailiff's, 829  
prosecuting attorney's, assistant prosecuting attorney's, 830  
correctional employee's, community-based correctional facility 831  
employee's, youth services employee's, firefighter's, EMT's, 832  
investigator of the bureau of criminal identification and 833  
investigation's, or federal law enforcement officer's employer; 834

(e) The identity and amount of any charitable or 835  
employment benefit deduction made by the peace officer's, parole 836  
officer's, probation officer's, bailiff's, prosecuting 837  
attorney's, assistant prosecuting attorney's, correctional 838  
employee's, community-based correctional facility employee's, 839  
youth services employee's, firefighter's, EMT's, investigator of 840  
the bureau of criminal identification and investigation's, or 841  
federal law enforcement officer's employer from the peace 842  
officer's, parole officer's, probation officer's, bailiff's, 843

prosecuting attorney's, assistant prosecuting attorney's, 844  
correctional employee's, community-based correctional facility 845  
employee's, youth services employee's, firefighter's, EMT's, 846  
investigator of the bureau of criminal identification and 847  
investigation's, or federal law enforcement officer's 848  
compensation unless the amount of the deduction is required by 849  
state or federal law; 850

(f) The name, the residential address, the name of the 851  
employer, the address of the employer, the social security 852  
number, the residential telephone number, any bank account, 853  
debit card, charge card, or credit card number, or the emergency 854  
telephone number of the spouse, a former spouse, or any child of 855  
a peace officer, parole officer, probation officer, bailiff, 856  
prosecuting attorney, assistant prosecuting attorney, 857  
correctional employee, community-based correctional facility 858  
employee, youth services employee, firefighter, EMT, 859  
investigator of the bureau of criminal identification and 860  
investigation, or federal law enforcement officer; 861

(g) A photograph of a peace officer who holds a position 862  
or has an assignment that may include undercover or plain 863  
clothes positions or assignments as determined by the peace 864  
officer's appointing authority. 865

As used in divisions (A) (7) and (B) (9) of this section, 866  
"peace officer" has the same meaning as in section 109.71 of the 867  
Revised Code and also includes the superintendent and troopers 868  
of the state highway patrol; it does not include the sheriff of 869  
a county or a supervisory employee who, in the absence of the 870  
sheriff, is authorized to stand in for, exercise the authority 871  
of, and perform the duties of the sheriff. 872

As used in divisions (A) (7) and (B) (9) of this section, 873

"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 custody of the department of youth services.

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

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

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

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

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that

pertains to the recreational activities of a person under the	903
age of eighteen years, and that discloses any of the following:	904
(a) The address or telephone number of a person under the	905
age of eighteen or the address or telephone number of that	906
person's parent, guardian, custodian, or emergency contact	907
person;	908
(b) The social security number, birth date, or	909
photographic image of a person under the age of eighteen;	910
(c) Any medical record, history, or information pertaining	911
to a person under the age of eighteen;	912
(d) Any additional information sought or required about a	913
person under the age of eighteen for the purpose of allowing	914
that person to participate in any recreational activity	915
conducted or sponsored by a public office or to use or obtain	916
admission privileges to any recreational facility owned or	917
operated by a public office.	918
(9) "Community control sanction" has the same meaning as	919
in section 2929.01 of the Revised Code.	920
(10) "Post-release control sanction" has the same meaning	921
as in section 2967.01 of the Revised Code.	922
(11) "Redaction" means obscuring or deleting any	923
information that is exempt from the duty to permit public	924
inspection or copying from an item that otherwise meets the	925
definition of a "record" in section 149.011 of the Revised Code.	926
(12) "Designee" and "elected official" have the same	927
meanings as in section 109.43 of the Revised Code.	928
(B) (1) Upon request and subject to division (B) (8) of this	929
section, all public records responsive to the request shall be	930

promptly prepared and made available for inspection to any 931  
person at all reasonable times during regular business hours. 932  
Subject to division (B) (8) of this section, upon request, a 933  
public office or person responsible for public records shall 934  
make copies of the requested public record available at cost and 935  
within a reasonable period of time. If a public record contains 936  
information that is exempt from the duty to permit public 937  
inspection or to copy the public record, the public office or 938  
the person responsible for the public record shall make 939  
available all of the information within the public record that 940  
is not exempt. When making that public record available for 941  
public inspection or copying that public record, the public 942  
office or the person responsible for the public record shall 943  
notify the requester of any redaction or make the redaction 944  
plainly visible. A redaction shall be deemed a denial of a 945  
request to inspect or copy the redacted information, except if 946  
federal or state law authorizes or requires a public office to 947  
make the redaction. 948

(2) To facilitate broader access to public records, a 949  
public office or the person responsible for public records shall 950  
organize and maintain public records in a manner that they can 951  
be made available for inspection or copying in accordance with 952  
division (B) of this section. A public office also shall have 953  
available a copy of its current records retention schedule at a 954  
location readily available to the public. If a requester makes 955  
an ambiguous or overly broad request or has difficulty in making 956  
a request for copies or inspection of public records under this 957  
section such that the public office or the person responsible 958  
for the requested public record cannot reasonably identify what 959  
public records are being requested, the public office or the 960  
person responsible for the requested public record may deny the 961

request but shall provide the requester with an opportunity to 962  
revise the request by informing the requester of the manner in 963  
which records are maintained by the public office and accessed 964  
in the ordinary course of the public office's or person's 965  
duties. 966

(3) If a request is ultimately denied, in part or in 967  
whole, the public office or the person responsible for the 968  
requested public record shall provide the requester with an 969  
explanation, including legal authority, setting forth why the 970  
request was denied. If the initial request was provided in 971  
writing, the explanation also shall be provided to the requester 972  
in writing. The explanation shall not preclude the public office 973  
or the person responsible for the requested public record from 974  
relying upon additional reasons or legal authority in defending 975  
an action commenced under division (C) of this section. 976

(4) Unless specifically required or authorized by state or 977  
federal law or in accordance with division (B) of this section, 978  
no public office or person responsible for public records may 979  
limit or condition the availability of public records by 980  
requiring disclosure of the requester's identity or the intended 981  
use of the requested public record. Any requirement that the 982  
requester disclose the requester's identity or the intended use 983  
of the requested public record constitutes a denial of the 984  
request. 985

(5) A public office or person responsible for public 986  
records may ask a requester to make the request in writing, may 987  
ask for the requester's identity, and may inquire about the 988  
intended use of the information requested, but may do so only 989  
after disclosing to the requester that a written request is not 990  
mandatory and that the requester may decline to reveal the 991

requester's identity or the intended use and when a written 992  
request or disclosure of the identity or intended use would 993  
benefit the requester by enhancing the ability of the public 994  
office or person responsible for public records to identify, 995  
locate, or deliver the public records sought by the requester. 996

(6) If any person chooses to obtain a copy of a public 997  
record in accordance with division (B) of this section, the 998  
public office or person responsible for the public record may 999  
require that person to pay in advance the cost involved in 1000  
providing the copy of the public record in accordance with the 1001  
choice made by the person seeking the copy under this division. 1002  
The public office or the person responsible for the public 1003  
record shall permit that person to choose to have the public 1004  
record duplicated upon paper, upon the same medium upon which 1005  
the public office or person responsible for the public record 1006  
keeps it, or upon any other medium upon which the public office 1007  
or person responsible for the public record determines that it 1008  
reasonably can be duplicated as an integral part of the normal 1009  
operations of the public office or person responsible for the 1010  
public record. When the person seeking the copy makes a choice 1011  
under this division, the public office or person responsible for 1012  
the public record shall provide a copy of it in accordance with 1013  
the choice made by the person seeking the copy. Nothing in this 1014  
section requires a public office or person responsible for the 1015  
public record to allow the person seeking a copy of the public 1016  
record to make the copies of the public record. 1017

(7) (a) Upon a request made in accordance with division (B) 1018  
of this section and subject to division (B) (6) of this section, 1019  
a public office or person responsible for public records shall 1020  
transmit a copy of a public record to any person by United 1021  
States mail or by any other means of delivery or transmission 1022

within a reasonable period of time after receiving the request 1023  
for the copy. The public office or person responsible for the 1024  
public record may require the person making the request to pay 1025  
in advance the cost of postage if the copy is transmitted by 1026  
United States mail or the cost of delivery if the copy is 1027  
transmitted other than by United States mail, and to pay in 1028  
advance the costs incurred for other supplies used in the 1029  
mailing, delivery, or transmission. 1030

(b) Any public office may adopt a policy and procedures 1031  
that it will follow in transmitting, within a reasonable period 1032  
of time after receiving a request, copies of public records by 1033  
United States mail or by any other means of delivery or 1034  
transmission pursuant to division (B) (7) of this section. A 1035  
public office that adopts a policy and procedures under division 1036  
(B) (7) of this section shall comply with them in performing its 1037  
duties under that division. 1038

(c) In any policy and procedures adopted under division 1039  
(B) (7) of this section: 1040

(i) A public office may limit the number of records 1041  
requested by a person that the office will physically deliver by 1042  
United States mail or by another delivery service to ten per 1043  
month, unless the person certifies to the office in writing that 1044  
the person does not intend to use or forward the requested 1045  
records, or the information contained in them, for commercial 1046  
purposes; 1047

(ii) A public office that chooses to provide some or all 1048  
of its public records on a web site that is fully accessible to 1049  
and searchable by members of the public at all times, other than 1050  
during acts of God outside the public office's control or 1051  
maintenance, and that charges no fee to search, access, 1052

download, or otherwise receive records provided on the web site, 1053  
may limit to ten per month the number of records requested by a 1054  
person that the office will deliver in a digital format, unless 1055  
the requested records are not provided on the web site and 1056  
unless the person certifies to the office in writing that the 1057  
person does not intend to use or forward the requested records, 1058  
or the information contained in them, for commercial purposes. 1059

(iii) For purposes of division (B) (7) of this section, 1060  
"commercial" shall be narrowly construed and does not include 1061  
reporting or gathering news, reporting or gathering information 1062  
to assist citizen oversight or understanding of the operation or 1063  
activities of government, or nonprofit educational research. 1064

(8) A public office or person responsible for public 1065  
records is not required to permit a person who is incarcerated 1066  
pursuant to a criminal conviction or a juvenile adjudication to 1067  
inspect or to obtain a copy of any public record concerning a 1068  
criminal investigation or prosecution or concerning what would 1069  
be a criminal investigation or prosecution if the subject of the 1070  
investigation or prosecution were an adult, unless the request 1071  
to inspect or to obtain a copy of the record is for the purpose 1072  
of acquiring information that is subject to release as a public 1073  
record under this section and the judge who imposed the sentence 1074  
or made the adjudication with respect to the person, or the 1075  
judge's successor in office, finds that the information sought 1076  
in the public record is necessary to support what appears to be 1077  
a justiciable claim of the person. 1078

(9) (a) Upon written request made and signed by a 1079  
journalist on or after December 16, 1999, a public office, or 1080  
person responsible for public records, having custody of the 1081  
records of the agency employing a specified peace officer, 1082

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 shall disclose to the journalist the address of the actual personal residence of the 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 and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to

journalist requests for customer information maintained by a 1114  
municipally owned or operated public utility, other than social 1115  
security numbers and any private financial information such as 1116  
credit reports, payment methods, credit card numbers, and bank 1117  
account information. 1118

(c) As used in division (B) (9) of this section, 1119  
"journalist" means a person engaged in, connected with, or 1120  
employed by any news medium, including a newspaper, magazine, 1121  
press association, news agency, or wire service, a radio or 1122  
television station, or a similar medium, for the purpose of 1123  
gathering, processing, transmitting, compiling, editing, or 1124  
disseminating information for the general public. 1125

(C) (1) If a person allegedly is aggrieved by the failure 1126  
of a public office or the person responsible for public records 1127  
to promptly prepare a public record and to make it available to 1128  
the person for inspection in accordance with division (B) of 1129  
this section or by any other failure of a public office or the 1130  
person responsible for public records to comply with an 1131  
obligation in accordance with division (B) of this section, the 1132  
person allegedly aggrieved may do only one of the following, and 1133  
not both: 1134

(a) File a complaint with the clerk of the court of claims 1135  
or the clerk of the court of common pleas under section 2743.75 1136  
of the Revised Code; 1137

(b) Commence a mandamus action to obtain a judgment that 1138  
orders the public office or the person responsible for the 1139  
public record to comply with division (B) of this section, that 1140  
awards court costs and reasonable attorney's fees to the person 1141  
that instituted the mandamus action, and, if applicable, that 1142  
includes an order fixing statutory damages under division (C) (2) 1143

of this section. The mandamus action may be commenced in the 1144  
court of common pleas of the county in which division (B) of 1145  
this section allegedly was not complied with, in the supreme 1146  
court pursuant to its original jurisdiction under Section 2 of 1147  
Article IV, Ohio Constitution, or in the court of appeals for 1148  
the appellate district in which division (B) of this section 1149  
allegedly was not complied with pursuant to its original 1150  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1151

(2) If a requester transmits a written request by hand 1152  
delivery or certified mail to inspect or receive copies of any 1153  
public record in a manner that fairly describes the public 1154  
record or class of public records to the public office or person 1155  
responsible for the requested public records, except as 1156  
otherwise provided in this section, the requester shall be 1157  
entitled to recover the amount of statutory damages set forth in 1158  
this division if a court determines that the public office or 1159  
the person responsible for public records failed to comply with 1160  
an obligation in accordance with division (B) of this section. 1161

The amount of statutory damages shall be fixed at one 1162  
hundred dollars for each business day during which the public 1163  
office or person responsible for the requested public records 1164  
failed to comply with an obligation in accordance with division 1165  
(B) of this section, beginning with the day on which the 1166  
requester files a mandamus action to recover statutory damages, 1167  
up to a maximum of one thousand dollars. The award of statutory 1168  
damages shall not be construed as a penalty, but as compensation 1169  
for injury arising from lost use of the requested information. 1170  
The existence of this injury shall be conclusively presumed. The 1171  
award of statutory damages shall be in addition to all other 1172  
remedies authorized by this section. 1173

The court may reduce an award of statutory damages or not 1174  
award statutory damages if the court determines both of the 1175  
following: 1176

(a) That, based on the ordinary application of statutory 1177  
law and case law as it existed at the time of the conduct or 1178  
threatened conduct of the public office or person responsible 1179  
for the requested public records that allegedly constitutes a 1180  
failure to comply with an obligation in accordance with division 1181  
(B) of this section and that was the basis of the mandamus 1182  
action, a well-informed public office or person responsible for 1183  
the requested public records reasonably would believe that the 1184  
conduct or threatened conduct of the public office or person 1185  
responsible for the requested public records did not constitute 1186  
a failure to comply with an obligation in accordance with 1187  
division (B) of this section; 1188

(b) That a well-informed public office or person 1189  
responsible for the requested public records reasonably would 1190  
believe that the conduct or threatened conduct of the public 1191  
office or person responsible for the requested public records 1192  
would serve the public policy that underlies the authority that 1193  
is asserted as permitting that conduct or threatened conduct. 1194

(3) In a mandamus action filed under division (C)(1) of 1195  
this section, the following apply: 1196

(a) (i) If the court orders the public office or the person 1197  
responsible for the public record to comply with division (B) of 1198  
this section, the court shall determine and award to the relator 1199  
all court costs, which shall be construed as remedial and not 1200  
punitive. 1201

(ii) If the court makes a determination described in 1202

division (C) (3) (b) (iii) of this section, the court shall 1203  
determine and award to the relator all court costs, which shall 1204  
be construed as remedial and not punitive. 1205

(b) If the court renders a judgment that orders the public 1206  
office or the person responsible for the public record to comply 1207  
with division (B) of this section or if the court determines any 1208  
of the following, the court may award reasonable attorney's fees 1209  
to the relator, subject to the provisions of division (C) (4) of 1210  
this section: 1211

(i) The public office or the person responsible for the 1212  
public records failed to respond affirmatively or negatively to 1213  
the public records request in accordance with the time allowed 1214  
under division (B) of this section. 1215

(ii) The public office or the person responsible for the 1216  
public records promised to permit the relator to inspect or 1217  
receive copies of the public records requested within a 1218  
specified period of time but failed to fulfill that promise 1219  
within that specified period of time. 1220

(iii) The public office or the person responsible for the 1221  
public records acted in bad faith when the office or person 1222  
voluntarily made the public records available to the relator for 1223  
the first time after the relator commenced the mandamus action, 1224  
but before the court issued any order concluding whether or not 1225  
the public office or person was required to comply with division 1226  
(B) of this section. No discovery may be conducted on the issue 1227  
of the alleged bad faith of the public office or person 1228  
responsible for the public records. This division shall not be 1229  
construed as creating a presumption that the public office or 1230  
the person responsible for the public records acted in bad faith 1231  
when the office or person voluntarily made the public records 1232

available to the relator for the first time after the relator 1233  
commenced the mandamus action, but before the court issued any 1234  
order described in this division. 1235

(c) The court shall not award attorney's fees to the 1236  
relator if the court determines both of the following: 1237

(i) That, based on the ordinary application of statutory 1238  
law and case law as it existed at the time of the conduct or 1239  
threatened conduct of the public office or person responsible 1240  
for the requested public records that allegedly constitutes a 1241  
failure to comply with an obligation in accordance with division 1242  
(B) of this section and that was the basis of the mandamus 1243  
action, a well-informed public office or person responsible for 1244  
the requested public records reasonably would believe that the 1245  
conduct or threatened conduct of the public office or person 1246  
responsible for the requested public records did not constitute 1247  
a failure to comply with an obligation in accordance with 1248  
division (B) of this section; 1249

(ii) That a well-informed public office or person 1250  
responsible for the requested public records reasonably would 1251  
believe that the conduct or threatened conduct of the public 1252  
office or person responsible for the requested public records 1253  
would serve the public policy that underlies the authority that 1254  
is asserted as permitting that conduct or threatened conduct. 1255

(4) All of the following apply to any award of reasonable 1256  
attorney's fees awarded under division (C) (3) (b) of this 1257  
section: 1258

(a) The fees shall be construed as remedial and not 1259  
punitive. 1260

(b) The fees awarded shall not exceed the total of the 1261

reasonable attorney's fees incurred before the public record was 1262  
made available to the relator and the fees described in division 1263  
(C) (4) (c) of this section. 1264

(c) Reasonable attorney's fees shall include reasonable 1265  
fees incurred to produce proof of the reasonableness and amount 1266  
of the fees and to otherwise litigate entitlement to the fees. 1267

(d) The court may reduce the amount of fees awarded if the 1268  
court determines that, given the factual circumstances involved 1269  
with the specific public records request, an alternative means 1270  
should have been pursued to more effectively and efficiently 1271  
resolve the dispute that was subject to the mandamus action 1272  
filed under division (C) (1) of this section. 1273

(5) If the court does not issue a writ of mandamus under 1274  
division (C) of this section and the court determines at that 1275  
time that the bringing of the mandamus action was frivolous 1276  
conduct as defined in division (A) of section 2323.51 of the 1277  
Revised Code, the court may award to the public office all court 1278  
costs, expenses, and reasonable attorney's fees, as determined 1279  
by the court. 1280

(D) Chapter 1347. of the Revised Code does not limit the 1281  
provisions of this section. 1282

(E) (1) To ensure that all employees of public offices are 1283  
appropriately educated about a public office's obligations under 1284  
division (B) of this section, all elected officials or their 1285  
appropriate designees shall attend training approved by the 1286  
attorney general as provided in section 109.43 of the Revised 1287  
Code. In addition, all public offices shall adopt a public 1288  
records policy in compliance with this section for responding to 1289  
public records requests. In adopting a public records policy 1290

under this division, a public office may obtain guidance from 1291  
the model public records policy developed and provided to the 1292  
public office by the attorney general under section 109.43 of 1293  
the Revised Code. Except as otherwise provided in this section, 1294  
the policy may not limit the number of public records that the 1295  
public office will make available to a single person, may not 1296  
limit the number of public records that it will make available 1297  
during a fixed period of time, and may not establish a fixed 1298  
period of time before it will respond to a request for 1299  
inspection or copying of public records, unless that period is 1300  
less than eight hours. 1301

(2) The public office shall distribute the public records 1302  
policy adopted by the public office under division (E)(1) of 1303  
this section to the employee of the public office who is the 1304  
records custodian or records manager or otherwise has custody of 1305  
the records of that office. The public office shall require that 1306  
employee to acknowledge receipt of the copy of the public 1307  
records policy. The public office shall create a poster that 1308  
describes its public records policy and shall post the poster in 1309  
a conspicuous place in the public office and in all locations 1310  
where the public office has branch offices. The public office 1311  
may post its public records policy on the internet web site of 1312  
the public office if the public office maintains an internet web 1313  
site. A public office that has established a manual or handbook 1314  
of its general policies and procedures for all employees of the 1315  
public office shall include the public records policy of the 1316  
public office in the manual or handbook. 1317

(F)(1) The bureau of motor vehicles may adopt rules 1318  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1319  
the number of bulk commercial special extraction requests made 1320  
by a person for the same records or for updated records during a 1321

calendar year. The rules may include provisions for charges to 1322  
be made for bulk commercial special extraction requests for the 1323  
actual cost of the bureau, plus special extraction costs, plus 1324  
ten per cent. The bureau may charge for expenses for redacting 1325  
information, the release of which is prohibited by law. 1326

(2) As used in division (F) (1) of this section: 1327

(a) "Actual cost" means the cost of depleted supplies, 1328  
records storage media costs, actual mailing and alternative 1329  
delivery costs, or other transmitting costs, and any direct 1330  
equipment operating and maintenance costs, including actual 1331  
costs paid to private contractors for copying services. 1332

(b) "Bulk commercial special extraction request" means a 1333  
request for copies of a record for information in a format other 1334  
than the format already available, or information that cannot be 1335  
extracted without examination of all items in a records series, 1336  
class of records, or database by a person who intends to use or 1337  
forward the copies for surveys, marketing, solicitation, or 1338  
resale for commercial purposes. "Bulk commercial special 1339  
extraction request" does not include a request by a person who 1340  
gives assurance to the bureau that the person making the request 1341  
does not intend to use or forward the requested copies for 1342  
surveys, marketing, solicitation, or resale for commercial 1343  
purposes. 1344

(c) "Commercial" means profit-seeking production, buying, 1345  
or selling of any good, service, or other product. 1346

(d) "Special extraction costs" means the cost of the time 1347  
spent by the lowest paid employee competent to perform the task, 1348  
the actual amount paid to outside private contractors employed 1349  
by the bureau, or the actual cost incurred to create computer 1350

programs to make the special extraction. "Special extraction 1351  
costs" include any charges paid to a public agency for computer 1352  
or records services. 1353

(3) For purposes of divisions (F)(1) and (2) of this 1354  
section, "surveys, marketing, solicitation, or resale for 1355  
commercial purposes" shall be narrowly construed and does not 1356  
include reporting or gathering news, reporting or gathering 1357  
information to assist citizen oversight or understanding of the 1358  
operation or activities of government, or nonprofit educational 1359  
research. 1360

(G) A request by a defendant, counsel of a defendant, or 1361  
any agent of a defendant in a criminal action that public 1362  
records related to that action be made available under this 1363  
section shall be considered a demand for discovery pursuant to 1364  
the Criminal Rules, except to the extent that the Criminal Rules 1365  
plainly indicate a contrary intent. The defendant, counsel of 1366  
the defendant, or agent of the defendant making a request under 1367  
this division shall serve a copy of the request on the 1368  
prosecuting attorney, director of law, or other chief legal 1369  
officer responsible for prosecuting the action. 1370

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1371  
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1372  
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1373  
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1374  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1375  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1376  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 1377  
2971.03, 3719.99, 5120.53, and 5120.66 and the enactment of 1378  
sections 2901.011, 2929.144, and 2967.271 of the Revised Code by 1379  
... B... of the 132nd general assembly constitute the Reagan 1380

<u>Tokes Law.</u>	1381
<b>Sec. 2903.06.</b> (A) No person, while operating or	1382
participating in the operation of a motor vehicle, motorcycle,	1383
snowmobile, locomotive, watercraft, or aircraft, shall cause the	1384
death of another or the unlawful termination of another's	1385
pregnancy in any of the following ways:	1386
(1) (a) As the proximate result of committing a violation	1387
of division (A) of section 4511.19 of the Revised Code or of a	1388
substantially equivalent municipal ordinance;	1389
(b) As the proximate result of committing a violation of	1390
division (A) of section 1547.11 of the Revised Code or of a	1391
substantially equivalent municipal ordinance;	1392
(c) As the proximate result of committing a violation of	1393
division (A) (3) of section 4561.15 of the Revised Code or of a	1394
substantially equivalent municipal ordinance.	1395
(2) In one of the following ways:	1396
(a) Recklessly;	1397
(b) As the proximate result of committing, while operating	1398
or participating in the operation of a motor vehicle or	1399
motorcycle in a construction zone, a reckless operation offense,	1400
provided that this division applies only if the person whose	1401
death is caused or whose pregnancy is unlawfully terminated is	1402
in the construction zone at the time of the offender's	1403
commission of the reckless operation offense in the construction	1404
zone and does not apply as described in division (F) of this	1405
section.	1406
(3) In one of the following ways:	1407
(a) Negligently;	1408

(b) As the proximate result of committing, while operating 1409  
or participating in the operation of a motor vehicle or 1410  
motorcycle in a construction zone, a speeding offense, provided 1411  
that this division applies only if the person whose death is 1412  
caused or whose pregnancy is unlawfully terminated is in the 1413  
construction zone at the time of the offender's commission of 1414  
the speeding offense in the construction zone and does not apply 1415  
as described in division (F) of this section. 1416

(4) As the proximate result of committing a violation of 1417  
any provision of any section contained in Title XLV of the 1418  
Revised Code that is a minor misdemeanor or of a municipal 1419  
ordinance that, regardless of the penalty set by ordinance for 1420  
the violation, is substantially equivalent to any provision of 1421  
any section contained in Title XLV of the Revised Code that is a 1422  
minor misdemeanor. 1423

(B) (1) Whoever violates division (A) (1) or (2) of this 1424  
section is guilty of aggravated vehicular homicide and shall be 1425  
punished as provided in divisions (B) (2) and (3) of this 1426  
section. 1427

(2) (a) Except as otherwise provided in division (B) (2) (b) 1428  
or (c) of this section, aggravated vehicular homicide committed 1429  
in violation of division (A) (1) of this section is a felony of 1430  
the second degree and the court shall impose a mandatory prison 1431  
term on the offender as described in division (E) of this 1432  
section. 1433

(b) Except as otherwise provided in division (B) (2) (c) of 1434  
this section, aggravated vehicular homicide committed in 1435  
violation of division (A) (1) of this section is a felony of the 1436  
first degree, and the court shall impose a mandatory prison term 1437  
on the offender as described in division (E) of this section, if 1438

any of the following apply: 1439

(i) At the time of the offense, the offender was driving 1440  
under a suspension or cancellation imposed under Chapter 4510. 1441  
or any other provision of the Revised Code or was operating a 1442  
motor vehicle or motorcycle, did not have a valid driver's 1443  
license, commercial driver's license, temporary instruction 1444  
permit, probationary license, or nonresident operating 1445  
privilege, and was not eligible for renewal of the offender's 1446  
driver's license or commercial driver's license without 1447  
examination under section 4507.10 of the Revised Code. 1448

(ii) The offender previously has been convicted of or 1449  
pleaded guilty to a violation of this section. 1450

(iii) The offender previously has been convicted of or 1451  
pleaded guilty to any traffic-related homicide, manslaughter, or 1452  
assault offense. 1453

(c) Aggravated vehicular homicide committed in violation 1454  
of division (A) (1) of this section is a felony of the first 1455  
degree, and the court shall sentence the offender to a mandatory 1456  
prison term as provided in section 2929.142 of the Revised Code 1457  
and described in division (E) of this section if any of the 1458  
following apply: 1459

(i) The offender previously has been convicted of or 1460  
pleaded guilty to three or more prior violations of section 1461  
4511.19 of the Revised Code or of a substantially equivalent 1462  
municipal ordinance within the previous ten years. 1463

(ii) The offender previously has been convicted of or 1464  
pleaded guilty to three or more prior violations of division (A) 1465  
of section 1547.11 of the Revised Code or of a substantially 1466  
equivalent municipal ordinance within the previous ten years. 1467

(iii) The offender previously has been convicted of or 1468  
pleaded guilty to three or more prior violations of division (A) 1469  
(3) of section 4561.15 of the Revised Code or of a substantially 1470  
equivalent municipal ordinance within the previous ten years. 1471

(iv) The offender previously has been convicted of or 1472  
pleaded guilty to three or more prior violations of division (A) 1473  
(1) of this section within the previous ten years. 1474

(v) The offender previously has been convicted of or 1475  
pleaded guilty to three or more prior violations of division (A) 1476  
(1) of section 2903.08 of the Revised Code within the previous 1477  
ten years. 1478

(vi) The offender previously has been convicted of or 1479  
pleaded guilty to three or more prior violations of section 1480  
2903.04 of the Revised Code within the previous ten years in 1481  
circumstances in which division (D) of that section applied 1482  
regarding the violations. 1483

(vii) The offender previously has been convicted of or 1484  
pleaded guilty to three or more violations of any combination of 1485  
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1486  
(v), or (vi) of this section within the previous ten years. 1487

(viii) The offender previously has been convicted of or 1488  
pleaded guilty to a second or subsequent felony violation of 1489  
division (A) of section 4511.19 of the Revised Code. 1490

(d) In addition to any other sanctions imposed pursuant to 1491  
division (B) (2) (a), (b), or (c) of this section for aggravated 1492  
vehicular homicide committed in violation of division (A) (1) of 1493  
this section, the court shall impose upon the offender a class 1494  
one suspension of the offender's driver's license, commercial 1495  
driver's license, temporary instruction permit, probationary 1496

license, or nonresident operating privilege as specified in 1497  
division (A) (1) of section 4510.02 of the Revised Code. 1498

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1499  
Code apply to a suspension imposed under division (B) (2) (d) of 1500  
this section. 1501

(3) Except as otherwise provided in this division, 1502  
aggravated vehicular homicide committed in violation of division 1503  
(A) (2) of this section is a felony of the third degree. 1504  
Aggravated vehicular homicide committed in violation of division 1505  
(A) (2) of this section is a felony of the second degree if, at 1506  
the time of the offense, the offender was driving under a 1507  
suspension or cancellation imposed under Chapter 4510. or any 1508  
other provision of the Revised Code or was operating a motor 1509  
vehicle or motorcycle, did not have a valid driver's license, 1510  
commercial driver's license, temporary instruction permit, 1511  
probationary license, or nonresident operating privilege, and 1512  
was not eligible for renewal of the offender's driver's license 1513  
or commercial driver's license without examination under section 1514  
4507.10 of the Revised Code or if the offender previously has 1515  
been convicted of or pleaded guilty to a violation of this 1516  
section or any traffic-related homicide, manslaughter, or 1517  
assault offense. The court shall impose a mandatory prison term 1518  
on the offender when required by division (E) of this section. 1519

In addition to any other sanctions imposed pursuant to 1520  
this division for a violation of division (A) (2) of this 1521  
section, the court shall impose upon the offender a class two 1522  
suspension of the offender's driver's license, commercial 1523  
driver's license, temporary instruction permit, probationary 1524  
license, or nonresident operating privilege from the range 1525  
specified in division (A) (2) of section 4510.02 of the Revised 1526

Code or, if the offender previously has been convicted of or 1527  
pleaded guilty to a traffic-related murder, felonious assault, 1528  
or attempted murder offense, a class one suspension of the 1529  
offender's driver's license, commercial driver's license, 1530  
temporary instruction permit, probationary license, or 1531  
nonresident operating privilege as specified in division (A)(1) 1532  
of that section. 1533

(C) Whoever violates division (A)(3) of this section is 1534  
guilty of vehicular homicide. Except as otherwise provided in 1535  
this division, vehicular homicide is a misdemeanor of the first 1536  
degree. Vehicular homicide committed in violation of division 1537  
(A)(3) of this section is a felony of the fourth degree if, at 1538  
the time of the offense, the offender was driving under a 1539  
suspension or cancellation imposed under Chapter 4510. or any 1540  
other provision of the Revised Code or was operating a motor 1541  
vehicle or motorcycle, did not have a valid driver's license, 1542  
commercial driver's license, temporary instruction permit, 1543  
probationary license, or nonresident operating privilege, and 1544  
was not eligible for renewal of the offender's driver's license 1545  
or commercial driver's license without examination under section 1546  
4507.10 of the Revised Code or if the offender previously has 1547  
been convicted of or pleaded guilty to a violation of this 1548  
section or any traffic-related homicide, manslaughter, or 1549  
assault offense. The court shall impose a mandatory jail term or 1550  
a mandatory prison term on the offender when required by 1551  
division (E) of this section. 1552

In addition to any other sanctions imposed pursuant to 1553  
this division, the court shall impose upon the offender a class 1554  
four suspension of the offender's driver's license, commercial 1555  
driver's license, temporary instruction permit, probationary 1556  
license, or nonresident operating privilege from the range 1557

specified in division (A) (4) of section 4510.02 of the Revised Code, or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (3) of that section, or, if the offender previously has been convicted of or pleaded guilty to a traffic-related murder, felonious assault, or attempted murder offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of that section.

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

In addition to any other sanctions imposed pursuant to

this division, the court shall impose upon the offender a class 1589  
six suspension of the offender's driver's license, commercial 1590  
driver's license, temporary instruction permit, probationary 1591  
license, or nonresident operating privilege from the range 1592  
specified in division (A) (6) of section 4510.02 of the Revised 1593  
Code or, if the offender previously has been convicted of or 1594  
pleaded guilty to a violation of this section, any traffic- 1595  
related homicide, manslaughter, or assault offense, or a 1596  
traffic-related murder, felonious assault, or attempted murder 1597  
offense, a class four suspension of the offender's driver's 1598  
license, commercial driver's license, temporary instruction 1599  
permit, probationary license, or nonresident operating privilege 1600  
from the range specified in division (A) (4) of that section. 1601

(E) (1) The court shall impose a mandatory prison term on 1602  
an offender who is convicted of or pleads guilty to a violation 1603  
of division (A) (1) of this section. Except as otherwise provided 1604  
in this division, the mandatory prison term shall be a definite 1605  
term from the range of prison terms provided in division (A) (1) 1606  
(b) of section 2929.14 of the Revised Code for a felony of the 1607  
first degree or from division (A) (2) (b) of that section for a 1608  
felony of the second degree, whichever is applicable, except 1609  
that if the violation is committed on or after the effective 1610  
date of this amendment, the court shall impose as the minimum 1611  
prison term for the offense a mandatory prison term that is one 1612  
of the minimum terms prescribed for a felony of the first degree 1613  
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1614  
one of the terms prescribed for a felony of the second degree in 1615  
division (A) (2) (a) of that section, whichever is applicable. If 1616  
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1617  
(viii) of this section applies to an offender who is convicted 1618  
of or pleads guilty to the violation of division (A) (1) of this 1619

section, the court shall impose the mandatory prison term 1620  
pursuant to division (B) of section 2929.142 of the Revised 1621  
Code. The court shall impose a mandatory jail term of at least 1622  
fifteen days on an offender who is convicted of or pleads guilty 1623  
to a misdemeanor violation of division (A) (3) (b) of this section 1624  
and may impose upon the offender a longer jail term as 1625  
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1626

(2) The court shall impose a mandatory prison term on an 1627  
offender who is convicted of or pleads guilty to a violation of 1628  
division (A) (2) or (3) (a) of this section or a felony violation 1629  
of division (A) (3) (b) of this section if either division (E) (2) 1630  
(a) or (b) of this section applies. The mandatory prison term 1631  
shall be a definite term from the range of prison terms provided 1632  
in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1633  
for a felony of the third degree or from division (A) (4) of that 1634  
section for a felony of the fourth degree, whichever is 1635  
applicable, except that if the violation is a felony of the 1636  
third degree committed on or after the effective date of this 1637  
amendment, the court shall impose as the minimum prison term for 1638  
the offense a mandatory prison term that is one of the minimum 1639  
terms prescribed for a felony of the third degree in division 1640  
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1641  
shall impose a mandatory prison term on an offender in a 1642  
category described in this division if either of the following 1643  
applies: 1644

~~(1)~~ (a) The offender previously has been convicted of or 1645  
pleaded guilty to a violation of this section or section 2903.08 1646  
of the Revised Code. 1647

~~(2)~~ (b) At the time of the offense, the offender was 1648  
driving under suspension or cancellation under Chapter 4510. or 1649

any other provision of the Revised Code or was operating a motor 1650  
vehicle or motorcycle, did not have a valid driver's license, 1651  
commercial driver's license, temporary instruction permit, 1652  
probationary license, or nonresident operating privilege, and 1653  
was not eligible for renewal of the offender's driver's license 1654  
or commercial driver's license without examination under section 1655  
4507.10 of the Revised Code. 1656

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1657  
apply in a particular construction zone unless signs of the type 1658  
described in section 2903.081 of the Revised Code are erected in 1659  
that construction zone in accordance with the guidelines and 1660  
design specifications established by the director of 1661  
transportation under section 5501.27 of the Revised Code. The 1662  
failure to erect signs of the type described in section 2903.081 1663  
of the Revised Code in a particular construction zone in 1664  
accordance with those guidelines and design specifications does 1665  
not limit or affect the application of division (A) (1), (A) (2) 1666  
(a), (A) (3) (a), or (A) (4) of this section in that construction 1667  
zone or the prosecution of any person who violates any of those 1668  
divisions in that construction zone. 1669

(G) (1) As used in this section: 1670

(a) "Mandatory prison term" and "mandatory jail term" have 1671  
the same meanings as in section 2929.01 of the Revised Code. 1672

(b) "Traffic-related homicide, manslaughter, or assault 1673  
offense" means a violation of section 2903.04 of the Revised 1674  
Code in circumstances in which division (D) of that section 1675  
applies, a violation of section 2903.06 or 2903.08 of the 1676  
Revised Code, or a violation of section 2903.06, 2903.07, or 1677  
2903.08 of the Revised Code as they existed prior to March 23, 1678  
2000. 1679

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 1680  
1681

(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code. 1682  
1683  
1684

(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed. 1685  
1686  
1687

(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 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. 1688  
1689  
1690  
1691  
1692  
1693  
1694  
1695  
1696  
1697  
1698

(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 1699  
1700

(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. 1701  
1702  
1703  
1704  
1705  
1706  
1707

**Sec. 2903.08.** (A) No person, while operating or 1708

participating in the operation of a motor vehicle, motorcycle, 1709  
snowmobile, locomotive, watercraft, or aircraft, shall cause 1710  
serious physical harm to another person or another's unborn in 1711  
any of the following ways: 1712

(1) (a) As the proximate result of committing a violation 1713  
of division (A) of section 4511.19 of the Revised Code or of a 1714  
substantially equivalent municipal ordinance; 1715

(b) As the proximate result of committing a violation of 1716  
division (A) of section 1547.11 of the Revised Code or of a 1717  
substantially equivalent municipal ordinance; 1718

(c) As the proximate result of committing a violation of 1719  
division (A) (3) of section 4561.15 of the Revised Code or of a 1720  
substantially equivalent municipal ordinance. 1721

(2) In one of the following ways: 1722

(a) As the proximate result of committing, while operating 1723  
or participating in the operation of a motor vehicle or 1724  
motorcycle in a construction zone, a reckless operation offense, 1725  
provided that this division applies only if the person to whom 1726  
the serious physical harm is caused or to whose unborn the 1727  
serious physical harm is caused is in the construction zone at 1728  
the time of the offender's commission of the reckless operation 1729  
offense in the construction zone and does not apply as described 1730  
in division (E) of this section; 1731

(b) Recklessly. 1732

(3) As the proximate result of committing, while operating 1733  
or participating in the operation of a motor vehicle or 1734  
motorcycle in a construction zone, a speeding offense, provided 1735  
that this division applies only if the person to whom the 1736  
serious physical harm is caused or to whose unborn the serious 1737

physical harm is caused is in the construction zone at the time 1738  
of the offender's commission of the speeding offense in the 1739  
construction zone and does not apply as described in division 1740  
(E) of this section. 1741

(B) (1) Whoever violates division (A) (1) of this section is 1742  
guilty of aggravated vehicular assault. Except as otherwise 1743  
provided in this division, aggravated vehicular assault is a 1744  
felony of the third degree. Aggravated vehicular assault is a 1745  
felony of the second degree if any of the following apply: 1746

(a) At the time of the offense, the offender was driving 1747  
under a suspension imposed under Chapter 4510. or any other 1748  
provision of the Revised Code. 1749

(b) The offender previously has been convicted of or 1750  
pleaded guilty to a violation of this section. 1751

(c) The offender previously has been convicted of or 1752  
pleaded guilty to any traffic-related homicide, manslaughter, or 1753  
assault offense. 1754

(d) The offender previously has been convicted of or 1755  
pleaded guilty to three or more prior violations of section 1756  
4511.19 of the Revised Code or a substantially equivalent 1757  
municipal ordinance within the previous ten years. 1758

(e) The offender previously has been convicted of or 1759  
pleaded guilty to three or more prior violations of division (A) 1760  
of section 1547.11 of the Revised Code or of a substantially 1761  
equivalent municipal ordinance within the previous ten years. 1762

(f) The offender previously has been convicted of or 1763  
pleaded guilty to three or more prior violations of division (A) 1764  
(3) of section 4561.15 of the Revised Code or of a substantially 1765  
equivalent municipal ordinance within the previous ten years. 1766

(g) The offender previously has been convicted of or 1767  
pleaded guilty to three or more prior violations of any 1768  
combination of the offenses listed in division (B) (1) (d), (e), 1769  
or (f) of this section. 1770

(h) The offender previously has been convicted of or 1771  
pleaded guilty to a second or subsequent felony violation of 1772  
division (A) of section 4511.19 of the Revised Code. 1773

(2) In addition to any other sanctions imposed pursuant to 1774  
division (B) (1) of this section, except as otherwise provided in 1775  
this division, the court shall impose upon the offender a class 1776  
three suspension of the offender's driver's license, commercial 1777  
driver's license, temporary instruction permit, probationary 1778  
license, or nonresident operating privilege from the range 1779  
specified in division (A) (3) of section 4510.02 of the Revised 1780  
Code. If the offender previously has been convicted of or 1781  
pleaded guilty to a violation of this section, any traffic- 1782  
related homicide, manslaughter, or assault offense, or any 1783  
traffic-related murder, felonious assault, or attempted murder 1784  
offense, the court shall impose either a class two suspension of 1785  
the offender's driver's license, commercial driver's license, 1786  
temporary instruction permit, probationary license, or 1787  
nonresident operating privilege from the range specified in 1788  
division (A) (2) of that section or a class one suspension as 1789  
specified in division (A) (1) of that section. 1790

(C) (1) Whoever violates division (A) (2) or (3) of this 1791  
section is guilty of vehicular assault and shall be punished as 1792  
provided in divisions (C) (2) and (3) of this section. 1793

(2) Except as otherwise provided in this division, 1794  
vehicular assault committed in violation of division (A) (2) of 1795  
this section is a felony of the fourth degree. Vehicular assault 1796

committed in violation of division (A) (2) of this section is a 1797  
felony of the third degree if, at the time of the offense, the 1798  
offender was driving under a suspension imposed under Chapter 1799  
4510. or any other provision of the Revised Code, if the 1800  
offender previously has been convicted of or pleaded guilty to a 1801  
violation of this section or any traffic-related homicide, 1802  
manslaughter, or assault offense, or if, in the same course of 1803  
conduct that resulted in the violation of division (A) (2) of 1804  
this section, the offender also violated section 4549.02, 1805  
4549.021, or 4549.03 of the Revised Code. 1806

In addition to any other sanctions imposed, the court 1807  
shall impose upon the offender a class four suspension of the 1808  
offender's driver's license, commercial driver's license, 1809  
temporary instruction permit, probationary license, or 1810  
nonresident operating privilege from the range specified in 1811  
division (A) (4) of section 4510.02 of the Revised Code or, if 1812  
the offender previously has been convicted of or pleaded guilty 1813  
to a violation of this section, any traffic-related homicide, 1814  
manslaughter, or assault offense, or any traffic-related murder, 1815  
felonious assault, or attempted murder offense, a class three 1816  
suspension of the offender's driver's license, commercial 1817  
driver's license, temporary instruction permit, probationary 1818  
license, or nonresident operating privilege from the range 1819  
specified in division (A) (3) of that section. 1820

(3) Except as otherwise provided in this division, 1821  
vehicular assault committed in violation of division (A) (3) of 1822  
this section is a misdemeanor of the first degree. Vehicular 1823  
assault committed in violation of division (A) (3) of this 1824  
section is a felony of the fourth degree if, at the time of the 1825  
offense, the offender was driving under a suspension imposed 1826  
under Chapter 4510. or any other provision of the Revised Code 1827

or if the offender previously has been convicted of or pleaded 1828  
guilty to a violation of this section or any traffic-related 1829  
homicide, manslaughter, or assault offense. 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 section 4510.02 of the Revised 1844  
Code. 1845

(D) (1) The court shall impose a mandatory prison term, as 1846  
described in division (D) (4) of this section, on an offender who 1847  
is convicted of or pleads guilty to a violation of division (A) 1848  
(1) of this section. 1849

(2) The court shall impose a mandatory prison term, as 1850  
described in division (D) (4) of this section, on an offender who 1851  
is convicted of or pleads guilty to a violation of division (A) 1852  
(2) of this section or a felony violation of division (A) (3) of 1853  
this section if either of the following applies: 1854

(a) The offender previously has been convicted of or 1855  
pleaded guilty to a violation of this section or section 2903.06 1856  
of the Revised Code. 1857

(b) At the time of the offense, the offender was driving 1858  
under suspension under Chapter 4510. or any other provision of 1859  
the Revised Code. 1860

(3) The court shall impose a mandatory jail term of at 1861  
least seven days on an offender who is convicted of or pleads 1862  
guilty to a misdemeanor violation of division (A) (3) of this 1863  
section and may impose upon the offender a longer jail term as 1864  
authorized pursuant to section 2929.24 of the Revised Code. 1865

(4) A mandatory prison term required under division (D) (1) 1866  
or (2) of this section shall be a definite term from the range 1867  
of prison terms provided in division (A) (2) (b) of section 1868  
2929.14 of the Revised Code for a felony of the second degree, 1869  
from division (A) (3) (a) (ii) of that section for a felony of the 1870  
third degree, or from division (A) (4) of that section for a 1871  
felony of the fourth degree, whichever is applicable, except 1872  
that if the violation is a felony of the second or third degree 1873  
committed on or after the effective date of this amendment, the 1874  
court shall impose as the minimum prison term for the offense a 1875  
mandatory prison term that is one of the minimum terms 1876  
prescribed for a felony of the second degree in division (A) (2) 1877  
(a) of section 2929.14 of the Revised Code or that is one of the 1878  
terms prescribed for a felony of the third degree in division 1879  
(A) (3) (a) (i) of section 2929.14 of the Revised Code, whichever 1880  
is applicable. 1881

(E) Divisions (A) (2) (a) and (3) of this section do not 1882  
apply in a particular construction zone unless signs of the type 1883  
described in section 2903.081 of the Revised Code are erected in 1884  
that construction zone in accordance with the guidelines and 1885  
design specifications established by the director of 1886  
transportation under section 5501.27 of the Revised Code. The 1887

failure to erect signs of the type described in section 2903.081 1888  
of the Revised Code in a particular construction zone in 1889  
accordance with those guidelines and design specifications does 1890  
not limit or affect the application of division (A) (1) or (2) (b) 1891  
of this section in that construction zone or the prosecution of 1892  
any person who violates either of those divisions in that 1893  
construction zone. 1894

(F) As used in this section: 1895

(1) "Mandatory prison term" and "mandatory jail term" have 1896  
the same meanings as in section 2929.01 of the Revised Code. 1897

(2) "Traffic-related homicide, manslaughter, or assault 1898  
offense" and "traffic-related murder, felonious assault, or 1899  
attempted murder offense" have the same meanings as in section 1900  
2903.06 of the Revised Code. 1901

(3) "Construction zone" has the same meaning as in section 1902  
5501.27 of the Revised Code. 1903

(4) "Reckless operation offense" and "speeding offense" 1904  
have the same meanings as in section 2903.06 of the Revised 1905  
Code. 1906

(G) For the purposes of this section, when a penalty or 1907  
suspension is enhanced because of a prior or current violation 1908  
of a specified law or a prior or current specified offense, the 1909  
reference to the violation of the specified law or the specified 1910  
offense includes any violation of any substantially equivalent 1911  
municipal ordinance, former law of this state, or current or 1912  
former law of another state or the United States. 1913

**Sec. 2903.11.** (A) No person shall knowingly do either of 1914  
the following: 1915

(1) Cause serious physical harm to another or to another's unborn;	1916 1917
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1918 1919 1920
(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:	1921 1922 1923 1924
(1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct;	1925 1926 1927
(2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome;	1928 1929 1930 1931 1932
(3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender.	1933 1934
(C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code.	1935 1936 1937
(D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first	1938 1939 1940 1941 1942 1943 1944

degree. 1945

(b) Regardless of whether the felonious assault is a 1946  
felony of the first or second degree under division (D) (1) (a) of 1947  
this section, if the offender also is convicted of or pleads 1948  
guilty to a specification as described in section 2941.1423 of 1949  
the Revised Code that was included in the indictment, count in 1950  
the indictment, or information charging the offense, except as 1951  
otherwise provided in this division or unless a longer prison 1952  
term is required under any other provision of law, the court 1953  
shall sentence the offender to a mandatory prison term as 1954  
provided in division (B) (8) of section 2929.14 of the Revised 1955  
Code. If the victim of the offense is a peace officer or an 1956  
investigator of the bureau of criminal identification and 1957  
investigation, and if the victim suffered serious physical harm 1958  
as a result of the commission of the offense, felonious assault 1959  
is a felony of the first degree, and the court, pursuant to 1960  
division (F) of section 2929.13 of the Revised Code, shall 1961  
impose as a mandatory prison term one of the definite prison 1962  
terms prescribed for a felony of the first degree in division 1963  
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1964  
the violation is committed on or after the effective date of 1965  
this amendment, the court shall impose as the minimum prison 1966  
term for the offense a mandatory prison term that is one of the 1967  
minimum terms prescribed for a felony of the first degree in 1968  
division (A) (1) (a) of section 2929.14 of the Revised Code. 1969

(2) In addition to any other sanctions imposed pursuant to 1970  
division (D) (1) of this section for felonious assault committed 1971  
in violation of division (A) (1) or (2) of this section, if the 1972  
offender also is convicted of or pleads guilty to a 1973  
specification of the type described in section 2941.1425 of the 1974  
Revised Code that was included in the indictment, count in the 1975

indictment, or information charging the offense, the court shall 1976  
sentence the offender to a mandatory prison term under division 1977  
(B) (9) of section 2929.14 of the Revised Code. 1978

(3) In addition to any other sanctions imposed pursuant to 1979  
division (D) (1) of this section for felonious assault committed 1980  
in violation of division (A) (2) of this section, if the deadly 1981  
weapon used in the commission of the violation is a motor 1982  
vehicle, the court shall impose upon the offender a class two 1983  
suspension of the offender's driver's license, commercial 1984  
driver's license, temporary instruction permit, probationary 1985  
license, or nonresident operating privilege as specified in 1986  
division (A) (2) of section 4510.02 of the Revised Code. 1987

(E) As used in this section: 1988

(1) "Deadly weapon" and "dangerous ordnance" have the same 1989  
meanings as in section 2923.11 of the Revised Code. 1990

(2) "Motor vehicle" has the same meaning as in section 1991  
4501.01 of the Revised Code. 1992

(3) "Peace officer" has the same meaning as in section 1993  
2935.01 of the Revised Code. 1994

(4) "Sexual conduct" has the same meaning as in section 1995  
2907.01 of the Revised Code, except that, as used in this 1996  
section, it does not include the insertion of an instrument, 1997  
apparatus, or other object that is not a part of the body into 1998  
the vaginal or anal opening of another, unless the offender knew 1999  
at the time of the insertion that the instrument, apparatus, or 2000  
other object carried the offender's bodily fluid. 2001

(5) "Investigator of the bureau of criminal identification 2002  
and investigation" means an investigator of the bureau of 2003  
criminal identification and investigation who is commissioned by 2004

the superintendent of the bureau as a special agent for the 2005  
purpose of assisting law enforcement officers or providing 2006  
emergency assistance to peace officers pursuant to authority 2007  
granted under section 109.541 of the Revised Code. 2008

(6) "Investigator" has the same meaning as in section 2009  
109.541 of the Revised Code. 2010

(F) The provisions of division (D) (2) of this section and 2011  
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 2012  
(6) of section 2929.14, and section 2941.1425 of the Revised 2013  
Code shall be known as "Judy's Law." 2014

**Sec. 2903.12.** (A) No person, while under the influence of 2015  
sudden passion or in a sudden fit of rage, either of which is 2016  
brought on by serious provocation occasioned by the victim that 2017  
is reasonably sufficient to incite the person into using deadly 2018  
force, shall knowingly: 2019

(1) Cause serious physical harm to another or to another's 2020  
unborn; 2021

(2) Cause or attempt to cause physical harm to another or 2022  
to another's unborn by means of a deadly weapon or dangerous 2023  
ordnance, as defined in section 2923.11 of the Revised Code. 2024

(B) Whoever violates this section is guilty of aggravated 2025  
assault. Except as otherwise provided in this division, 2026  
aggravated assault is a felony of the fourth degree. If the 2027  
victim of the offense is a peace officer or an investigator of 2028  
the bureau of criminal identification and investigation, 2029  
aggravated assault is a felony of the third degree. Regardless 2030  
of whether the offense is a felony of the third or fourth degree 2031  
under this division, if the offender also is convicted of or 2032  
pleads guilty to a specification as described in section 2033

2941.1423 of the Revised Code that was included in the 2034  
indictment, count in the indictment, or information charging the 2035  
offense, except as otherwise provided in this division, the 2036  
court shall sentence the offender to a mandatory prison term as 2037  
provided in division (B) (8) of section 2929.14 of the Revised 2038  
Code. If the victim of the offense is a peace officer or an 2039  
investigator of the bureau of criminal identification and 2040  
investigation, and if the victim suffered serious physical harm 2041  
as a result of the commission of the offense, aggravated assault 2042  
is a felony of the third degree, and the court, pursuant to 2043  
division (F) of section 2929.13 of the Revised Code, shall 2044  
impose as a mandatory prison term one of the definite prison 2045  
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2046  
Revised Code for a felony of the third degree. 2047

(C) As used in this section: 2048

(1) "Investigator of the bureau of criminal identification 2049  
and investigation" has the same meaning as in section 2903.11 of 2050  
the Revised Code. 2051

(2) "Peace officer" has the same meaning as in section 2052  
2935.01 of the Revised Code. 2053

**Sec. 2905.01.** (A) No person, by force, threat, or 2054  
deception, or, in the case of a victim under the age of thirteen 2055  
or mentally incompetent, by any means, shall remove another from 2056  
the place where the other person is found or restrain the 2057  
liberty of the other person, for any of the following purposes: 2058

(1) To hold for ransom, or as a shield or hostage; 2059

(2) To facilitate the commission of any felony or flight 2060  
thereafter; 2061

(3) To terrorize, or to inflict serious physical harm on 2062

the victim or another; 2063

(4) To engage in sexual activity, as defined in section 2064  
2907.01 of the Revised Code, with the victim against the 2065  
victim's will; 2066

(5) To hinder, impede, or obstruct a function of 2067  
government, or to force any action or concession on the part of 2068  
governmental authority; 2069

(6) To hold in a condition of involuntary servitude. 2070

(B) No person, by force, threat, or deception, or, in the 2071  
case of a victim under the age of thirteen or mentally 2072  
incompetent, by any means, shall knowingly do any of the 2073  
following, under circumstances that create a substantial risk of 2074  
serious physical harm to the victim or, in the case of a minor 2075  
victim, under circumstances that either create a substantial 2076  
risk of serious physical harm to the victim or cause physical 2077  
harm to the victim: 2078

(1) Remove another from the place where the other person 2079  
is found; 2080

(2) Restrain another of the other person's liberty. 2081

(C) (1) Whoever violates this section is guilty of 2082  
kidnapping. Except as otherwise provided in this division or 2083  
division (C) (2) or (3) of this section, kidnapping is a felony 2084  
of the first degree. Except as otherwise provided in this 2085  
division or division (C) (2) or (3) of this section, if an 2086  
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2087  
of this section releases the victim in a safe place unharmed, 2088  
kidnapping is a felony of the second degree. 2089

(2) If the offender in any case also is convicted of or 2090

pleads guilty to a specification as described in section 2091  
2941.1422 of the Revised Code that was included in the 2092  
indictment, count in the indictment, or information charging the 2093  
offense, the court shall order the offender to make restitution 2094  
as provided in division (B)(8) of section 2929.18 of the Revised 2095  
Code and, except as otherwise provided in division (C)(3) of 2096  
this section, shall sentence the offender to a mandatory prison 2097  
term as provided in division (B)(7) of section 2929.14 of the 2098  
Revised Code. 2099

(3) If the victim of the offense is less than thirteen 2100  
years of age and if the offender also is convicted of or pleads 2101  
guilty to a sexual motivation specification that was included in 2102  
the indictment, count in the indictment, or information charging 2103  
the offense, kidnapping is a felony of the first degree, and, 2104  
notwithstanding the definite or indefinite sentence provided for 2105  
a felony of the first degree in section 2929.14 of the Revised 2106  
Code, the offender shall be sentenced pursuant to section 2107  
2971.03 of the Revised Code as follows: 2108

(a) Except as otherwise provided in division (C)(3)(b) of 2109  
this section, the offender shall be sentenced pursuant to that 2110  
section to an indefinite prison term consisting of a minimum 2111  
term of fifteen years and a maximum term of life imprisonment. 2112

(b) If the offender releases the victim in a safe place 2113  
unharmd, the offender shall be sentenced pursuant to that 2114  
section to an indefinite term consisting of a minimum term of 2115  
ten years and a maximum term of life imprisonment. 2116

(D) As used in this section: 2117

(1) "Involuntary servitude" has the same meaning as in 2118  
section 2905.31 of the Revised Code. 2119

(2) "Sexual motivation specification" has the same meaning 2120  
as in section 2971.01 of the Revised Code. 2121

**Sec. 2905.32.** (A) No person shall knowingly recruit, lure, 2122  
entice, isolate, harbor, transport, provide, obtain, or 2123  
maintain, or knowingly attempt to recruit, lure, entice, 2124  
isolate, harbor, transport, provide, obtain, or maintain, 2125  
another person if any of the following applies: 2126

(1) The offender knows that the other person will be 2127  
subjected to involuntary servitude or be compelled to engage in 2128  
sexual activity for hire, engage in a performance that is 2129  
obscene, sexually oriented, or nudity oriented, or be a model or 2130  
participant in the production of material that is obscene, 2131  
sexually oriented, or nudity oriented. 2132

(2) The other person is less than sixteen years of age or 2133  
is a person with a developmental disability whom the offender 2134  
knows or has reasonable cause to believe is a person with a 2135  
developmental disability, and either the offender knows that the 2136  
other person will be subjected to involuntary servitude or the 2137  
offender's knowing recruitment, luring, enticement, isolation, 2138  
harboring, transportation, provision, obtaining, or maintenance 2139  
of the other person or knowing attempt to recruit, lure, entice, 2140  
isolate, harbor, transport, provide, obtain, or maintain the 2141  
other person is for any of the following purposes: 2142

(a) To engage in sexual activity for hire; 2143

(b) To engage in a performance for hire that is obscene, 2144  
sexually oriented, or nudity oriented; 2145

(c) To be a model or participant for hire in the 2146  
production of material that is obscene, sexually oriented, or 2147  
nudity oriented. 2148

(3) The other person is sixteen or seventeen years of age, 2149  
either the offender knows that the other person will be 2150  
subjected to involuntary servitude or the offender's knowing 2151  
recruitment, luring, enticement, isolation, harboring, 2152  
transportation, provision, obtaining, or maintenance of the 2153  
other person or knowing attempt to recruit, lure, entice, 2154  
isolate, harbor, transport, provide, obtain, or maintain the 2155  
other person is for any purpose described in divisions (A) (2) (a) 2156  
to (c) of this section, and the circumstances described in 2157  
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2158  
of section 2907.03 of the Revised Code apply with respect to the 2159  
offender and the other person. 2160

(B) For a prosecution under division (A) (1) of this 2161  
section, the element "compelled" does not require that the 2162  
compulsion be openly displayed or physically exerted. The 2163  
element "compelled" has been established if the state proves 2164  
that the victim's will was overcome by force, fear, duress, 2165  
intimidation, or fraud. 2166

(C) In a prosecution under this section, proof that the 2167  
defendant engaged in sexual activity with any person, or 2168  
solicited sexual activity with any person, whether or not for 2169  
hire, without more, does not constitute a violation of this 2170  
section. 2171

(D) A prosecution for a violation of this section does not 2172  
preclude a prosecution of a violation of any other section of 2173  
the Revised Code. One or more acts, a series of acts, or a 2174  
course of behavior that can be prosecuted under this section or 2175  
any other section of the Revised Code may be prosecuted under 2176  
this section, the other section of the Revised Code, or both 2177  
sections. However, if an offender is convicted of or pleads 2178

guilty to a violation of this section and also is convicted of 2179  
or pleads guilty to a violation of section 2907.21 of the 2180  
Revised Code based on the same conduct involving the same victim 2181  
that was the basis of the violation of this section, or is 2182  
convicted of or pleads guilty to any other violation of Chapter 2183  
2907. of the Revised Code based on the same conduct involving 2184  
the same victim that was the basis of the violation of this 2185  
section, the two offenses are allied offenses of similar import 2186  
under section 2941.25 of the Revised Code. 2187

(E) Whoever violates this section is guilty of trafficking 2188  
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2189  
violation committed prior to the effective date of this 2190  
amendment, notwithstanding the range of definite terms set forth 2191  
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2192  
the court shall sentence the offender to a definite prison term 2193  
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2194  
For a violation committed on or after the effective date of this 2195  
amendment, notwithstanding the range of minimum terms set forth 2196  
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2197  
the court shall sentence the offender to an indefinite prison 2198  
term pursuant to that division, with a minimum term under that 2199  
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2200  
years. 2201

(F) As used in this section: 2202

(1) "Person with a developmental disability" means a 2203  
person whose ability to resist or consent to an act is 2204  
substantially impaired because of a mental or physical condition 2205  
or because of advanced age. 2206

(2) "Sexual activity for hire," "performance for hire," 2207  
and "model or participant for hire" mean an implicit or explicit 2208

agreement to provide sexual activity, engage in an obscene, 2209  
sexually oriented, or nudity oriented performance, or be a model 2210  
or participant in the production of obscene, sexually oriented, 2211  
or nudity oriented material, whichever is applicable, in 2212  
exchange for anything of value paid to any of the following: 2213

(a) The person engaging in such sexual activity, 2214  
performance, or modeling or participation; 2215

(b) Any person who recruits, lures, entices, isolates, 2216  
harbors, transports, provides, obtains, or maintains, or 2217  
attempts to recruit, lure, entice, isolate, harbor, transport, 2218  
provide, obtain, or maintain the person described in division 2219  
(F) (2) (a) of this section; 2220

(c) Any person associated with a person described in 2221  
division (F) (2) (a) or (b) of this section. 2222

(3) "Material that is obscene, sexually oriented, or 2223  
nudity oriented" and "performance that is obscene, sexually 2224  
oriented, or nudity oriented" have the same meanings as in 2225  
section 2929.01 of the Revised Code. 2226

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2227  
conduct with another who is not the spouse of the offender or 2228  
who is the spouse of the offender but is living separate and 2229  
apart from the offender, when any of the following applies: 2230

(a) For the purpose of preventing resistance, the offender 2231  
substantially impairs the other person's judgment or control by 2232  
administering any drug, intoxicant, or controlled substance to 2233  
the other person surreptitiously or by force, threat of force, 2234  
or deception. 2235

(b) The other person is less than thirteen years of age, 2236  
whether or not the offender knows the age of the other person. 2237

(c) The other person's ability to resist or consent is 2238  
substantially impaired because of a mental or physical condition 2239  
or because of advanced age, and the offender knows or has 2240  
reasonable cause to believe that the other person's ability to 2241  
resist or consent is substantially impaired because of a mental 2242  
or physical condition or because of advanced age. 2243

(2) No person shall engage in sexual conduct with another 2244  
when the offender purposely compels the other person to submit 2245  
by force or threat of force. 2246

(B) Whoever violates this section is guilty of rape, a 2247  
felony of the first degree. If the offender under division (A) 2248  
(1) (a) of this section substantially impairs the other person's 2249  
judgment or control by administering any controlled substance 2250  
described in section 3719.41 of the Revised Code to the other 2251  
person surreptitiously or by force, threat of force, or 2252  
deception, the prison term imposed upon the offender shall be 2253  
one of the definite prison terms prescribed for a felony of the 2254  
first degree in division (A) (1) (b) of section 2929.14 of the 2255  
Revised Code that is not less than five years, except that if 2256  
the violation is committed on or after the effective date of 2257  
this amendment, the court shall impose as the minimum prison 2258  
term for the offense a mandatory prison term that is one of the 2259  
minimum terms prescribed for a felony of the first degree in 2260  
division (A) (1) (a) of section 2929.14 of the Revised Code that 2261  
is not less than five years. Except as otherwise provided in 2262  
this division, notwithstanding sections 2929.11 to 2929.14 of 2263  
the Revised Code, an offender under division (A) (1) (b) of this 2264  
section shall be sentenced to a prison term or term of life 2265  
imprisonment pursuant to section 2971.03 of the Revised Code. If 2266  
an offender is convicted of or pleads guilty to a violation of 2267  
division (A) (1) (b) of this section, if the offender was less 2268

than sixteen years of age at the time the offender committed the 2269  
violation of that division, and if the offender during or 2270  
immediately after the commission of the offense did not cause 2271  
serious physical harm to the victim, the victim was ten years of 2272  
age or older at the time of the commission of the violation, and 2273  
the offender has not previously been convicted of or pleaded 2274  
guilty to a violation of this section or a substantially similar 2275  
existing or former law of this state, another state, or the 2276  
United States, the court shall not sentence the offender to a 2277  
prison term or term of life imprisonment pursuant to section 2278  
2971.03 of the Revised Code, and instead the court shall 2279  
sentence the offender as otherwise provided in this division. If 2280  
an offender under division (A) (1) (b) of this section previously 2281  
has been convicted of or pleaded guilty to violating division 2282  
(A) (1) (b) of this section or to violating an existing or former 2283  
law of this state, another state, or the United States that is 2284  
substantially similar to division (A) (1) (b) of this section, if 2285  
the offender during or immediately after the commission of the 2286  
offense caused serious physical harm to the victim, or if the 2287  
victim under division (A) (1) (b) of this section is less than ten 2288  
years of age, in lieu of sentencing the offender to a prison 2289  
term or term of life imprisonment pursuant to section 2971.03 of 2290  
the Revised Code, the court may impose upon the offender a term 2291  
of life without parole. If the court imposes a term of life 2292  
without parole pursuant to this division, division (F) of 2293  
section 2971.03 of the Revised Code applies, and the offender 2294  
automatically is classified a tier III sex offender/child-victim 2295  
offender, as described in that division. 2296

(C) A victim need not prove physical resistance to the 2297  
offender in prosecutions under this section. 2298

(D) Evidence of specific instances of the victim's sexual 2299

activity, opinion evidence of the victim's sexual activity, and 2300  
reputation evidence of the victim's sexual activity shall not be 2301  
admitted under this section unless it involves evidence of the 2302  
origin of semen, pregnancy, or disease, or the victim's past 2303  
sexual activity with the offender, and only to the extent that 2304  
the court finds that the evidence is material to a fact at issue 2305  
in the case and that its inflammatory or prejudicial nature does 2306  
not outweigh its probative value. 2307

Evidence of specific instances of the defendant's sexual 2308  
activity, opinion evidence of the defendant's sexual activity, 2309  
and reputation evidence of the defendant's sexual activity shall 2310  
not be admitted under this section unless it involves evidence 2311  
of the origin of semen, pregnancy, or disease, the defendant's 2312  
past sexual activity with the victim, or is admissible against 2313  
the defendant under section 2945.59 of the Revised Code, and 2314  
only to the extent that the court finds that the evidence is 2315  
material to a fact at issue in the case and that its 2316  
inflammatory or prejudicial nature does not outweigh its 2317  
probative value. 2318

(E) Prior to taking testimony or receiving evidence of any 2319  
sexual activity of the victim or the defendant in a proceeding 2320  
under this section, the court shall resolve the admissibility of 2321  
the proposed evidence in a hearing in chambers, which shall be 2322  
held at or before preliminary hearing and not less than three 2323  
days before trial, or for good cause shown during the trial. 2324

(F) Upon approval by the court, the victim may be 2325  
represented by counsel in any hearing in chambers or other 2326  
proceeding to resolve the admissibility of evidence. If the 2327  
victim is indigent or otherwise is unable to obtain the services 2328  
of counsel, the court, upon request, may appoint counsel to 2329

represent the victim without cost to the victim. 2330

(G) It is not a defense to a charge under division (A) (2) 2331  
of this section that the offender and the victim were married or 2332  
were cohabiting at the time of the commission of the offense. 2333

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 2334  
with another, not the spouse of the offender, when any of the 2335  
following apply: 2336

(1) The offender knowingly coerces the other person to 2337  
submit by any means that would prevent resistance by a person of 2338  
ordinary resolution. 2339

(2) The offender knows that the other person's ability to 2340  
appraise the nature of or control the other person's own conduct 2341  
is substantially impaired. 2342

(3) The offender knows that the other person submits 2343  
because the other person is unaware that the act is being 2344  
committed. 2345

(4) The offender knows that the other person submits 2346  
because the other person mistakenly identifies the offender as 2347  
the other person's spouse. 2348

(5) The offender is the other person's natural or adoptive 2349  
parent, or a stepparent, or guardian, custodian, or person in 2350  
loco parentis of the other person. 2351

(6) The other person is in custody of law or a patient in 2352  
a hospital or other institution, and the offender has 2353  
supervisory or disciplinary authority over the other person. 2354

(7) The offender is a teacher, administrator, coach, or 2355  
other person in authority employed by or serving in a school for 2356  
which the state board of education prescribes minimum standards 2357

pursuant to division (D) of section 3301.07 of the Revised Code, 2358  
the other person is enrolled in or attends that school, and the 2359  
offender is not enrolled in and does not attend that school. 2360

(8) The other person is a minor, the offender is a 2361  
teacher, administrator, coach, or other person in authority 2362  
employed by or serving in an institution of higher education, 2363  
and the other person is enrolled in or attends that institution. 2364

(9) The other person is a minor, and the offender is the 2365  
other person's athletic or other type of coach, is the other 2366  
person's instructor, is the leader of a scouting troop of which 2367  
the other person is a member, or is a person with temporary or 2368  
occasional disciplinary control over the other person. 2369

(10) The offender is a mental health professional, the 2370  
other person is a mental health client or patient of the 2371  
offender, and the offender induces the other person to submit by 2372  
falsely representing to the other person that the sexual conduct 2373  
is necessary for mental health treatment purposes. 2374

(11) The other person is confined in a detention facility, 2375  
and the offender is an employee of that detention facility. 2376

(12) The other person is a minor, the offender is a 2377  
cleric, and the other person is a member of, or attends, the 2378  
church or congregation served by the cleric. 2379

(13) The other person is a minor, the offender is a peace 2380  
officer, and the offender is more than two years older than the 2381  
other person. 2382

(B) Whoever violates this section is guilty of sexual 2383  
battery. Except as otherwise provided in this division, sexual 2384  
battery is a felony of the third degree. If the other person is 2385  
less than thirteen years of age, sexual battery is a felony of 2386

the second degree, and the court shall impose upon the offender 2387  
a mandatory prison term equal to one of the definite prison 2388  
terms prescribed in division (A)(2)(b) of section 2929.14 of the 2389  
Revised Code for a felony of the second degree, except that if 2390  
the violation is committed on or after the effective date of 2391  
this amendment, the court shall impose as the minimum prison 2392  
term for the offense a mandatory prison term that is one of the 2393  
minimum terms prescribed in division (A)(2)(a) of that section 2394  
for a felony of the second degree. 2395

(C) As used in this section: 2396

(1) "Cleric" has the same meaning as in section 2317.02 of 2397  
the Revised Code. 2398

(2) "Detention facility" has the same meaning as in 2399  
section 2921.01 of the Revised Code. 2400

(3) "Institution of higher education" means a state 2401  
institution of higher education defined in section 3345.011 of 2402  
the Revised Code, a private nonprofit college or university 2403  
located in this state that possesses a certificate of 2404  
authorization issued by the Ohio board of regents pursuant to 2405  
Chapter 1713. of the Revised Code, or a school certified under 2406  
Chapter 3332. of the Revised Code. 2407

(4) "Peace officer" has the same meaning as in section 2408  
2935.01 of the Revised Code. 2409

**Sec. 2907.05.** (A) No person shall have sexual contact with 2410  
another, not the spouse of the offender; cause another, not the 2411  
spouse of the offender, to have sexual contact with the 2412  
offender; or cause two or more other persons to have sexual 2413  
contact when any of the following applies: 2414

(1) The offender purposely compels the other person, or 2415

one of the other persons, to submit by force or threat of force. 2416

(2) For the purpose of preventing resistance, the offender 2417  
substantially impairs the judgment or control of the other 2418  
person or of one of the other persons by administering any drug, 2419  
intoxicant, or controlled substance to the other person 2420  
surreptitiously or by force, threat of force, or deception. 2421

(3) The offender knows that the judgment or control of the 2422  
other person or of one of the other persons is substantially 2423  
impaired as a result of the influence of any drug or intoxicant 2424  
administered to the other person with the other person's consent 2425  
for the purpose of any kind of medical or dental examination, 2426  
treatment, or surgery. 2427

(4) The other person, or one of the other persons, is less 2428  
than thirteen years of age, whether or not the offender knows 2429  
the age of that person. 2430

(5) The ability of the other person to resist or consent 2431  
or the ability of one of the other persons to resist or consent 2432  
is substantially impaired because of a mental or physical 2433  
condition or because of advanced age, and the offender knows or 2434  
has reasonable cause to believe that the ability to resist or 2435  
consent of the other person or of one of the other persons is 2436  
substantially impaired because of a mental or physical condition 2437  
or because of advanced age. 2438

(B) No person shall knowingly touch the genitalia of 2439  
another, when the touching is not through clothing, the other 2440  
person is less than twelve years of age, whether or not the 2441  
offender knows the age of that person, and the touching is done 2442  
with an intent to abuse, humiliate, harass, degrade, or arouse 2443  
or gratify the sexual desire of any person. 2444

(C) Whoever violates this section is guilty of gross sexual imposition. 2445  
2446

(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A) (1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A) (2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A) (2) of this section is a felony of the third degree. 2447  
2448  
2449  
2450  
2451  
2452  
2453  
2454  
2455  
2456

(2) Gross sexual imposition committed in violation of division (A) (4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A) (4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A) (4) or (B) of this section a mandatory prison term ~~equal to one of the prison terms prescribed in section 2929.14 of the Revised Code, as described in division (C) (3) of this section,~~ for a felony of the third degree if either of the following applies: 2457  
2458  
2459  
2460  
2461  
2462  
2463  
2464  
2465  
2466  
2467  
2468

(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation; 2469  
2470

(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of 2471  
2472  
2473  
2474

age. 2475

(3) A mandatory prison term required under division (C) (2) 2476  
of this section shall be a definite term from the range of 2477  
prison terms provided in division (A) (3) (a) (ii) of section 2478  
2929.14 of the Revised Code for a felony of the third degree, 2479  
except that if the violation is a felony of the third degree 2480  
committed on or after the effective date of this amendment, the 2481  
court shall impose as the minimum prison term for the offense a 2482  
mandatory prison term that is one of the minimum terms 2483  
prescribed for a felony of the third degree in division (A) (3) 2484  
(a) (i) of section 2929.14 of the Revised Code. 2485

(D) A victim need not prove physical resistance to the 2486  
offender in prosecutions under this section. 2487

(E) Evidence of specific instances of the victim's sexual 2488  
activity, opinion evidence of the victim's sexual activity, and 2489  
reputation evidence of the victim's sexual activity shall not be 2490  
admitted under this section unless it involves evidence of the 2491  
origin of semen, pregnancy, or disease, or the victim's past 2492  
sexual activity with the offender, and only to the extent that 2493  
the court finds that the evidence is material to a fact at issue 2494  
in the case and that its inflammatory or prejudicial nature does 2495  
not outweigh its probative value. 2496

Evidence of specific instances of the defendant's sexual 2497  
activity, opinion evidence of the defendant's sexual activity, 2498  
and reputation evidence of the defendant's sexual activity shall 2499  
not be admitted under this section unless it involves evidence 2500  
of the origin of semen, pregnancy, or disease, the defendant's 2501  
past sexual activity with the victim, or is admissible against 2502  
the defendant under section 2945.59 of the Revised Code, and 2503  
only to the extent that the court finds that the evidence is 2504

material to a fact at issue in the case and that its 2505  
inflammatory or prejudicial nature does not outweigh its 2506  
probative value. 2507

(F) Prior to taking testimony or receiving evidence of any 2508  
sexual activity of the victim or the defendant in a proceeding 2509  
under this section, the court shall resolve the admissibility of 2510  
the proposed evidence in a hearing in chambers, which shall be 2511  
held at or before preliminary hearing and not less than three 2512  
days before trial, or for good cause shown during the trial. 2513

(G) Upon approval by the court, the victim may be 2514  
represented by counsel in any hearing in chambers or other 2515  
proceeding to resolve the admissibility of evidence. If the 2516  
victim is indigent or otherwise is unable to obtain the services 2517  
of counsel, the court, upon request, may appoint counsel to 2518  
represent the victim without cost to the victim. 2519

**Sec. 2907.07.** (A) No person shall solicit a person who is 2520  
less than thirteen years of age to engage in sexual activity 2521  
with the offender, whether or not the offender knows the age of 2522  
such person. 2523

(B) (1) No person shall solicit another, not the spouse of 2524  
the offender, to engage in sexual conduct with the offender, 2525  
when the offender is eighteen years of age or older and four or 2526  
more years older than the other person, and the other person is 2527  
thirteen years of age or older but less than sixteen years of 2528  
age, whether or not the offender knows the age of the other 2529  
person. 2530

(2) No person shall solicit another, not the spouse of the 2531  
offender, to engage in sexual conduct with the offender, when 2532  
the offender is eighteen years of age or older and four or more 2533

years older than the other person, the other person is sixteen 2534  
or seventeen years of age and a victim of a violation of section 2535  
2905.32 of the Revised Code, and the offender knows or has 2536  
reckless disregard of the age of the other person. 2537

(C) No person shall solicit another by means of a 2538  
telecommunications device, as defined in section 2913.01 of the 2539  
Revised Code, to engage in sexual activity with the offender 2540  
when the offender is eighteen years of age or older and either 2541  
of the following applies: 2542

(1) The other person is less than thirteen years of age, 2543  
and the offender knows that the other person is less than 2544  
thirteen years of age or is reckless in that regard. 2545

(2) The other person is a law enforcement officer posing 2546  
as a person who is less than thirteen years of age, and the 2547  
offender believes that the other person is less than thirteen 2548  
years of age or is reckless in that regard. 2549

(D) No person shall solicit another by means of a 2550  
telecommunications device, as defined in section 2913.01 of the 2551  
Revised Code, to engage in sexual activity with the offender 2552  
when the offender is eighteen years of age or older and either 2553  
of the following applies: 2554

(1) The other person is thirteen years of age or older but 2555  
less than sixteen years of age, the offender knows that the 2556  
other person is thirteen years of age or older but less than 2557  
sixteen years of age or is reckless in that regard, and the 2558  
offender is four or more years older than the other person. 2559

(2) The other person is a law enforcement officer posing 2560  
as a person who is thirteen years of age or older but less than 2561  
sixteen years of age, the offender believes that the other 2562

person is thirteen years of age or older but less than sixteen 2563  
years of age or is reckless in that regard, and the offender is 2564  
four or more years older than the age the law enforcement 2565  
officer assumes in posing as the person who is thirteen years of 2566  
age or older but less than sixteen years of age. 2567

(E) Divisions (C) and (D) of this section apply to any 2568  
solicitation that is contained in a transmission via a 2569  
telecommunications device that either originates in this state 2570  
or is received in this state. 2571

(F) (1) Whoever violates this section is guilty of 2572  
importuning. 2573

(2) Except as otherwise provided in this division, a 2574  
violation of division (A) or (C) of this section is a felony of 2575  
the third degree on a first offense, and, notwithstanding 2576  
division (C) of section 2929.13 of the Revised Code, there is a 2577  
presumption that a prison term shall be imposed as described in 2578  
division (D) of section 2929.13 of the Revised Code. If the 2579  
offender previously has been convicted of a sexually oriented 2580  
offense or a child-victim oriented offense, a violation of 2581  
division (A) or (C) of this section is a felony of the second 2582  
degree, and the court shall impose upon the offender as a 2583  
mandatory prison term one of the definite prison terms 2584  
prescribed in division (A) (2) (b) of section 2929.14 of the 2585  
Revised Code for a felony of the second degree, except that if 2586  
the violation is committed on or after the effective date of 2587  
this amendment, the court shall impose as the minimum prison 2588  
term for the offense a mandatory prison term that is one of the 2589  
minimum terms prescribed in division (A) (2) (a) of that section 2590  
for a felony of the second degree. 2591

(3) A violation of division (B) or (D) of this section is 2592

a felony of the fifth degree on a first offense, and, 2593  
notwithstanding division (B) of section 2929.13 of the Revised 2594  
Code, there is a presumption that a prison term shall be imposed 2595  
as described in division (D) of section 2929.13 of the Revised 2596  
Code. If the offender previously has been convicted of a 2597  
sexually oriented offense or a child-victim oriented offense, a 2598  
violation of division (B) or (D) of this section is a felony of 2599  
the fourth degree, and the court shall impose upon the offender 2600  
as a mandatory prison term one of the prison terms prescribed in 2601  
section 2929.14 of the Revised Code for a felony of the fourth 2602  
degree that is not less than twelve months in duration. 2603

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 2604  
custodian, person having custody or control, or person in loco 2605  
parentis of a child under eighteen years of age or a mentally or 2606  
physically handicapped child under twenty-one years of age, 2607  
shall create a substantial risk to the health or safety of the 2608  
child, by violating a duty of care, protection, or support. It 2609  
is not a violation of a duty of care, protection, or support 2610  
under this division when the parent, guardian, custodian, or 2611  
person having custody or control of a child treats the physical 2612  
or mental illness or defect of the child by spiritual means 2613  
through prayer alone, in accordance with the tenets of a 2614  
recognized religious body. 2615

(B) No person shall do any of the following to a child 2616  
under eighteen years of age or a mentally or physically 2617  
handicapped child under twenty-one years of age: 2618

- (1) Abuse the child; 2619
- (2) Torture or cruelly abuse the child; 2620
- (3) Administer corporal punishment or other physical 2621

disciplinary measure, or physically restrain the child in a 2622  
cruel manner or for a prolonged period, which punishment, 2623  
discipline, or restraint is excessive under the circumstances 2624  
and creates a substantial risk of serious physical harm to the 2625  
child; 2626

(4) Repeatedly administer unwarranted disciplinary 2627  
measures to the child, when there is a substantial risk that 2628  
such conduct, if continued, will seriously impair or retard the 2629  
child's mental health or development; 2630

(5) Entice, coerce, permit, encourage, compel, hire, 2631  
employ, use, or allow the child to act, model, or in any other 2632  
way participate in, or be photographed for, the production, 2633  
presentation, dissemination, or advertisement of any material or 2634  
performance that the offender knows or reasonably should know is 2635  
obscene, is sexually oriented matter, or is nudity-oriented 2636  
matter; 2637

(6) Allow the child to be on the same parcel of real 2638  
property and within one hundred feet of, or, in the case of more 2639  
than one housing unit on the same parcel of real property, in 2640  
the same housing unit and within one hundred feet of, any act in 2641  
violation of section 2925.04 or 2925.041 of the Revised Code 2642  
when the person knows that the act is occurring, whether or not 2643  
any person is prosecuted for or convicted of the violation of 2644  
section 2925.04 or 2925.041 of the Revised Code that is the 2645  
basis of the violation of this division. 2646

(C) (1) No person shall operate a vehicle, streetcar, or 2647  
trackless trolley within this state in violation of division (A) 2648  
of section 4511.19 of the Revised Code when one or more children 2649  
under eighteen years of age are in the vehicle, streetcar, or 2650  
trackless trolley. Notwithstanding any other provision of law, a 2651

person may be convicted at the same trial or proceeding of a 2652  
violation of this division and a violation of division (A) of 2653  
section 4511.19 of the Revised Code that constitutes the basis 2654  
of the charge of the violation of this division. For purposes of 2655  
sections 4511.191 to 4511.197 of the Revised Code and all 2656  
related provisions of law, a person arrested for a violation of 2657  
this division shall be considered to be under arrest for 2658  
operating a vehicle while under the influence of alcohol, a drug 2659  
of abuse, or a combination of them or for operating a vehicle 2660  
with a prohibited concentration of alcohol, a controlled 2661  
substance, or a metabolite of a controlled substance in the 2662  
whole blood, blood serum or plasma, breath, or urine. 2663

(2) As used in division (C) (1) of this section: 2664

(a) "Controlled substance" has the same meaning as in 2665  
section 3719.01 of the Revised Code. 2666

(b) "Vehicle," "streetcar," and "trackless trolley" have 2667  
the same meanings as in section 4511.01 of the Revised Code. 2668

(D) (1) Division (B) (5) of this section does not apply to 2669  
any material or performance that is produced, presented, or 2670  
disseminated for a bona fide medical, scientific, educational, 2671  
religious, governmental, judicial, or other proper purpose, by 2672  
or to a physician, psychologist, sociologist, scientist, 2673  
teacher, person pursuing bona fide studies or research, 2674  
librarian, member of the clergy, prosecutor, judge, or other 2675  
person having a proper interest in the material or performance. 2676

(2) Mistake of age is not a defense to a charge under 2677  
division (B) (5) of this section. 2678

(3) In a prosecution under division (B) (5) of this 2679  
section, the trier of fact may infer that an actor, model, or 2680

participant in the material or performance involved is a 2681  
juvenile if the material or performance, through its title, 2682  
text, visual representation, or otherwise, represents or depicts 2683  
the actor, model, or participant as a juvenile. 2684

(4) As used in this division and division (B) (5) of this 2685  
section: 2686

(a) "Material," "performance," "obscene," and "sexual 2687  
activity" have the same meanings as in section 2907.01 of the 2688  
Revised Code. 2689

(b) "Nudity-oriented matter" means any material or 2690  
performance that shows a minor in a state of nudity and that, 2691  
taken as a whole by the average person applying contemporary 2692  
community standards, appeals to prurient interest. 2693

(c) "Sexually oriented matter" means any material or 2694  
performance that shows a minor participating or engaging in 2695  
sexual activity, masturbation, or bestiality. 2696

(E) (1) Whoever violates this section is guilty of 2697  
endangering children. 2698

(2) If the offender violates division (A) or (B) (1) of 2699  
this section, endangering children is one of the following, and, 2700  
in the circumstances described in division (E) (2) (e) of this 2701  
section, that division applies: 2702

(a) Except as otherwise provided in division (E) (2) (b), 2703  
(c), or (d) of this section, a misdemeanor of the first degree; 2704

(b) If the offender previously has been convicted of an 2705  
offense under this section or of any offense involving neglect, 2706  
abandonment, contributing to the delinquency of, or physical 2707  
abuse of a child, except as otherwise provided in division (E) 2708

(2) (c) or (d) of this section, a felony of the fourth degree; 2709

(c) If the violation is a violation of division (A) of 2710  
this section and results in serious physical harm to the child 2711  
involved, a felony of the third degree; 2712

(d) If the violation is a violation of division (B) (1) of 2713  
this section and results in serious physical harm to the child 2714  
involved, a felony of the second degree. 2715

(e) If the violation is a felony violation of division (B) 2716  
(1) of this section and the offender also is convicted of or 2717  
pleads guilty to a specification as described in section 2718  
2941.1422 of the Revised Code that was included in the 2719  
indictment, count in the indictment, or information charging the 2720  
offense, the court shall sentence the offender to a mandatory 2721  
prison term as provided in division (B) (7) of section 2929.14 of 2722  
the Revised Code and shall order the offender to make 2723  
restitution as provided in division (B) (8) of section 2929.18 of 2724  
the Revised Code. 2725

(3) If the offender violates division (B) (2), (3), (4), or 2726  
(6) of this section, except as otherwise provided in this 2727  
division, endangering children is a felony of the third degree. 2728  
If the violation results in serious physical harm to the child 2729  
involved, or if the offender previously has been convicted of an 2730  
offense under this section or of any offense involving neglect, 2731  
abandonment, contributing to the delinquency of, or physical 2732  
abuse of a child, endangering children is a felony of the second 2733  
degree. If the offender violates division (B) (2), (3), or (4) of 2734  
this section and the offender also is convicted of or pleads 2735  
guilty to a specification as described in section 2941.1422 of 2736  
the Revised Code that was included in the indictment, count in 2737  
the indictment, or information charging the offense, the court 2738

shall sentence the offender to a mandatory prison term as 2739  
provided in division (B) (7) of section 2929.14 of the Revised 2740  
Code and shall order the offender to make restitution as 2741  
provided in division (B) (8) of section 2929.18 of the Revised 2742  
Code. If the offender violates division (B) (6) of this section 2743  
and the drug involved is methamphetamine, the court shall impose 2744  
a mandatory prison term on the offender as follows: 2745

(a) If the violation is a violation of division (B) (6) of 2746  
this section that is a felony of the third degree under division 2747  
(E) (3) of this section and the drug involved is methamphetamine, 2748  
except as otherwise provided in this division, the court shall 2749  
impose as a mandatory prison term one of the prison terms 2750  
prescribed for a felony of the third degree that is not less 2751  
than two years. If the violation is a violation of division (B) 2752  
(6) of this section that is a felony of the third degree under 2753  
division (E) (3) of this section, if the drug involved is 2754  
methamphetamine, and if the offender previously has been 2755  
convicted of or pleaded guilty to a violation of division (B) (6) 2756  
of this section, a violation of division (A) of section 2925.04 2757  
of the Revised Code, or a violation of division (A) of section 2758  
2925.041 of the Revised Code, the court shall impose as a 2759  
mandatory prison term one of the prison terms prescribed for a 2760  
felony of the third degree that is not less than five years. 2761

(b) If the violation is a violation of division (B) (6) of 2762  
this section that is a felony of the second degree under 2763  
division (E) (3) of this section and the drug involved is 2764  
methamphetamine, except as otherwise provided in this division, 2765  
the court shall impose as a mandatory prison term one of the 2766  
definite prison terms prescribed for a felony of the second 2767  
degree in division (A) (2) (b) of section 2929.14 of the Revised 2768  
Code that is not less than three years, except that if the 2769

violation is committed on or after the effective date of this 2770  
amendment, the court shall impose as the minimum prison term for 2771  
the offense a mandatory prison term that is one of the minimum 2772  
terms prescribed for a felony of the second degree in division 2773  
(A)(2)(a) of that section that is not less than three years. 2774  
If the violation is a violation of division (B)(6) of this section 2775  
that is a felony of the second degree under division (E)(3) of 2776  
this section, if the drug involved is methamphetamine, and if 2777  
the offender previously has been convicted of or pleaded guilty 2778  
to a violation of division (B)(6) of this section, a violation 2779  
of division (A) of section 2925.04 of the Revised Code, or a 2780  
violation of division (A) of section 2925.041 of the Revised 2781  
Code, the court shall impose as a mandatory prison term one of 2782  
the definite prison terms prescribed for a felony of the second 2783  
degree in division (A)(2)(b) of section 2929.14 of the Revised 2784  
Code that is not less than five years, except that if the 2785  
violation is committed on or after the effective date of this 2786  
amendment, the court shall impose as the minimum prison term for 2787  
the offense a mandatory prison term that is one of the terms 2788  
prescribed for a felony of the second degree in division (A)(2) 2789  
(a) of that section that is not less than five years. 2790

(4) If the offender violates division (B)(5) of this 2791  
section, endangering children is a felony of the second degree. 2792  
If the offender also is convicted of or pleads guilty to a 2793  
specification as described in section 2941.1422 of the Revised 2794  
Code that was included in the indictment, count in the 2795  
indictment, or information charging the offense, the court shall 2796  
sentence the offender to a mandatory prison term as provided in 2797  
division (B)(7) of section 2929.14 of the Revised Code and shall 2798  
order the offender to make restitution as provided in division 2799  
(B)(8) of section 2929.18 of the Revised Code. 2800

(5) If the offender violates division (C) of this section, 2801  
the offender shall be punished as follows: 2802

(a) Except as otherwise provided in division (E) (5) (b) or 2803  
(c) of this section, endangering children in violation of 2804  
division (C) of this section is a misdemeanor of the first 2805  
degree. 2806

(b) If the violation results in serious physical harm to 2807  
the child involved or the offender previously has been convicted 2808  
of an offense under this section or any offense involving 2809  
neglect, abandonment, contributing to the delinquency of, or 2810  
physical abuse of a child, except as otherwise provided in 2811  
division (E) (5) (c) of this section, endangering children in 2812  
violation of division (C) of this section is a felony of the 2813  
fifth degree. 2814

(c) If the violation results in serious physical harm to 2815  
the child involved and if the offender previously has been 2816  
convicted of a violation of division (C) of this section, 2817  
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 2818  
of the Revised Code as it existed prior to March 23, 2000, or 2819  
section 2903.04 of the Revised Code in a case in which the 2820  
offender was subject to the sanctions described in division (D) 2821  
of that section, endangering children in violation of division 2822  
(C) of this section is a felony of the fourth degree. 2823

(d) In addition to any term of imprisonment, fine, or 2824  
other sentence, penalty, or sanction it imposes upon the 2825  
offender pursuant to division (E) (5) (a), (b), or (c) of this 2826  
section or pursuant to any other provision of law and in 2827  
addition to any suspension of the offender's driver's or 2828  
commercial driver's license or permit or nonresident operating 2829  
privilege under Chapter 4506., 4509., 4510., or 4511. of the 2830

Revised Code or under any other provision of law, the court also 2831  
may impose upon the offender a class seven suspension of the 2832  
offender's driver's or commercial driver's license or permit or 2833  
nonresident operating privilege from the range specified in 2834  
division (A) (7) of section 4510.02 of the Revised Code. 2835

(e) In addition to any term of imprisonment, fine, or 2836  
other sentence, penalty, or sanction imposed upon the offender 2837  
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 2838  
or pursuant to any other provision of law for the violation of 2839  
division (C) of this section, if as part of the same trial or 2840  
proceeding the offender also is convicted of or pleads guilty to 2841  
a separate charge charging the violation of division (A) of 2842  
section 4511.19 of the Revised Code that was the basis of the 2843  
charge of the violation of division (C) of this section, the 2844  
offender also shall be sentenced in accordance with section 2845  
4511.19 of the Revised Code for that violation of division (A) 2846  
of section 4511.19 of the Revised Code. 2847

(F) (1) (a) A court may require an offender to perform not 2848  
more than two hundred hours of supervised community service work 2849  
under the authority of an agency, subdivision, or charitable 2850  
organization. The requirement shall be part of the community 2851  
control sanction or sentence of the offender, and the court 2852  
shall impose the community service in accordance with and 2853  
subject to divisions (F) (1) (a) and (b) of this section. The 2854  
court may require an offender whom it requires to perform 2855  
supervised community service work as part of the offender's 2856  
community control sanction or sentence to pay the court a 2857  
reasonable fee to cover the costs of the offender's 2858  
participation in the work, including, but not limited to, the 2859  
costs of procuring a policy or policies of liability insurance 2860  
to cover the period during which the offender will perform the 2861

work. If the court requires the offender to perform supervised 2862  
community service work as part of the offender's community 2863  
control sanction or sentence, the court shall do so in 2864  
accordance with the following limitations and criteria: 2865

(i) The court shall require that the community service 2866  
work be performed after completion of the term of imprisonment 2867  
or jail term imposed upon the offender for the violation of 2868  
division (C) of this section, if applicable. 2869

(ii) The supervised community service work shall be 2870  
subject to the limitations set forth in divisions (B) (1), (2), 2871  
and (3) of section 2951.02 of the Revised Code. 2872

(iii) The community service work shall be supervised in 2873  
the manner described in division (B) (4) of section 2951.02 of 2874  
the Revised Code by an official or person with the 2875  
qualifications described in that division. The official or 2876  
person periodically shall report in writing to the court 2877  
concerning the conduct of the offender in performing the work. 2878

(iv) The court shall inform the offender in writing that 2879  
if the offender does not adequately perform, as determined by 2880  
the court, all of the required community service work, the court 2881  
may order that the offender be committed to a jail or workhouse 2882  
for a period of time that does not exceed the term of 2883  
imprisonment that the court could have imposed upon the offender 2884  
for the violation of division (C) of this section, reduced by 2885  
the total amount of time that the offender actually was 2886  
imprisoned under the sentence or term that was imposed upon the 2887  
offender for that violation and by the total amount of time that 2888  
the offender was confined for any reason arising out of the 2889  
offense for which the offender was convicted and sentenced as 2890  
described in sections 2949.08 and 2967.191 of the Revised Code, 2891

and that, if the court orders that the offender be so committed, 2892  
the court is authorized, but not required, to grant the offender 2893  
credit upon the period of the commitment for the community 2894  
service work that the offender adequately performed. 2895

(b) If a court, pursuant to division (F) (1) (a) of this 2896  
section, orders an offender to perform community service work as 2897  
part of the offender's community control sanction or sentence 2898  
and if the offender does not adequately perform all of the 2899  
required community service work, as determined by the court, the 2900  
court may order that the offender be committed to a jail or 2901  
workhouse for a period of time that does not exceed the term of 2902  
imprisonment that the court could have imposed upon the offender 2903  
for the violation of division (C) of this section, reduced by 2904  
the total amount of time that the offender actually was 2905  
imprisoned under the sentence or term that was imposed upon the 2906  
offender for that violation and by the total amount of time that 2907  
the offender was confined for any reason arising out of the 2908  
offense for which the offender was convicted and sentenced as 2909  
described in sections 2949.08 and 2967.191 of the Revised Code. 2910  
The court may order that a person committed pursuant to this 2911  
division shall receive hour-for-hour credit upon the period of 2912  
the commitment for the community service work that the offender 2913  
adequately performed. No commitment pursuant to this division 2914  
shall exceed the period of the term of imprisonment that the 2915  
sentencing court could have imposed upon the offender for the 2916  
violation of division (C) of this section, reduced by the total 2917  
amount of time that the offender actually was imprisoned under 2918  
that sentence or term and by the total amount of time that the 2919  
offender was confined for any reason arising out of the offense 2920  
for which the offender was convicted and sentenced as described 2921  
in sections 2949.08 and 2967.191 of the Revised Code. 2922

(2) Division (F) (1) of this section does not limit or 2923  
affect the authority of the court to suspend the sentence 2924  
imposed upon a misdemeanor offender and place the offender under 2925  
a community control sanction pursuant to section 2929.25 of the 2926  
Revised Code, to require a misdemeanor or felony offender to 2927  
perform supervised community service work in accordance with 2928  
division (B) of section 2951.02 of the Revised Code, or to place 2929  
a felony offender under a community control sanction. 2930

(G) (1) If a court suspends an offender's driver's or 2931  
commercial driver's license or permit or nonresident operating 2932  
privilege under division (E) (5) (d) of this section, the period 2933  
of the suspension shall be consecutive to, and commence after, 2934  
the period of suspension of the offender's driver's or 2935  
commercial driver's license or permit or nonresident operating 2936  
privilege that is imposed under Chapter 4506., 4509., 4510., or 2937  
4511. of the Revised Code or under any other provision of law in 2938  
relation to the violation of division (C) of this section that 2939  
is the basis of the suspension under division (E) (5) (d) of this 2940  
section or in relation to the violation of division (A) of 2941  
section 4511.19 of the Revised Code that is the basis for that 2942  
violation of division (C) of this section. 2943

(2) An offender is not entitled to request, and the court 2944  
shall not grant to the offender, limited driving privileges if 2945  
the offender's license, permit, or privilege has been suspended 2946  
under division (E) (5) (d) of this section and the offender, 2947  
within the preceding six years, has been convicted of or pleaded 2948  
guilty to three or more violations of one or more of the 2949  
following: 2950

(a) Division (C) of this section; 2951

(b) Any equivalent offense, as defined in section 4511.181 2952

of the Revised Code. 2953

(H) (1) If a person violates division (C) of this section 2954  
and if, at the time of the violation, there were two or more 2955  
children under eighteen years of age in the motor vehicle 2956  
involved in the violation, the offender may be convicted of a 2957  
violation of division (C) of this section for each of the 2958  
children, but the court may sentence the offender for only one 2959  
of the violations. 2960

(2) (a) If a person is convicted of or pleads guilty to a 2961  
violation of division (C) of this section but the person is not 2962  
also convicted of and does not also plead guilty to a separate 2963  
charge charging the violation of division (A) of section 4511.19 2964  
of the Revised Code that was the basis of the charge of the 2965  
violation of division (C) of this section, both of the following 2966  
apply: 2967

(i) For purposes of the provisions of section 4511.19 of 2968  
the Revised Code that set forth the penalties and sanctions for 2969  
a violation of division (A) of section 4511.19 of the Revised 2970  
Code, the conviction of or plea of guilty to the violation of 2971  
division (C) of this section shall not constitute a violation of 2972  
division (A) of section 4511.19 of the Revised Code; 2973

(ii) For purposes of any provision of law that refers to a 2974  
conviction of or plea of guilty to a violation of division (A) 2975  
of section 4511.19 of the Revised Code and that is not described 2976  
in division (H) (2) (a) (i) of this section, the conviction of or 2977  
plea of guilty to the violation of division (C) of this section 2978  
shall constitute a conviction of or plea of guilty to a 2979  
violation of division (A) of section 4511.19 of the Revised 2980  
Code. 2981

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

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

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

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

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

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

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

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided

in divisions (D) (2) to (6) of this section. 3010

(2) Except as otherwise provided in divisions (D) (3) to 3011  
(5) of this section, a violation of division (C) of this section 3012  
is a misdemeanor of the fourth degree, and a violation of 3013  
division (A) or (B) of this section is a misdemeanor of the 3014  
first degree. 3015

(3) Except as otherwise provided in division (D) (4) of 3016  
this section, if the offender previously has pleaded guilty to 3017  
or been convicted of domestic violence, a violation of an 3018  
existing or former municipal ordinance or law of this or any 3019  
other state or the United States that is substantially similar 3020  
to domestic violence, a violation of section 2903.14, 2909.06, 3021  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3022  
the victim of the violation was a family or household member at 3023  
the time of the violation, a violation of an existing or former 3024  
municipal ordinance or law of this or any other state or the 3025  
United States that is substantially similar to any of those 3026  
sections if the victim of the violation was a family or 3027  
household member at the time of the commission of the violation, 3028  
or any offense of violence if the victim of the offense was a 3029  
family or household member at the time of the commission of the 3030  
offense, a violation of division (A) or (B) of this section is a 3031  
felony of the fourth degree, and, if the offender knew that the 3032  
victim of the violation was pregnant at the time of the 3033  
violation, the court shall impose a mandatory prison term on the 3034  
offender pursuant to division (D) (6) of this section, and a 3035  
violation of division (C) of this section is a misdemeanor of 3036  
the second degree. 3037

(4) If the offender previously has pleaded guilty to or 3038  
been convicted of two or more offenses of domestic violence or 3039

two or more violations or offenses of the type described in 3040  
division (D) (3) of this section involving a person who was a 3041  
family or household member at the time of the violations or 3042  
offenses, a violation of division (A) or (B) of this section is 3043  
a felony of the third degree, and, if the offender knew that the 3044  
victim of the violation was pregnant at the time of the 3045  
violation, the court shall impose a mandatory prison term on the 3046  
offender pursuant to division (D) (6) of this section, and a 3047  
violation of division (C) of this section is a misdemeanor of 3048  
the first degree. 3049

(5) Except as otherwise provided in division (D) (3) or (4) 3050  
of this section, if the offender knew that the victim of the 3051  
violation was pregnant at the time of the violation, a violation 3052  
of division (A) or (B) of this section is a felony of the fifth 3053  
degree, and the court shall impose a mandatory prison term on 3054  
the offender pursuant to division (D) (6) of this section, and a 3055  
violation of division (C) of this section is a misdemeanor of 3056  
the third degree. 3057

(6) If division (D) (3), (4), or (5) of this section 3058  
requires the court that sentences an offender for a violation of 3059  
division (A) or (B) of this section to impose a mandatory prison 3060  
term on the offender pursuant to this division, the court shall 3061  
impose the mandatory prison term as follows: 3062

(a) If the violation of division (A) or (B) of this 3063  
section is a felony of the fourth or fifth degree, except as 3064  
otherwise provided in division (D) (6) (b) or (c) of this section, 3065  
the court shall impose a mandatory prison term on the offender 3066  
of at least six months. 3067

(b) If the violation of division (A) or (B) of this 3068  
section is a felony of the fifth degree and the offender, in 3069

committing the violation, caused serious physical harm to the 3070  
pregnant woman's unborn or caused the termination of the 3071  
pregnant woman's pregnancy, the court shall impose a mandatory 3072  
prison term on the offender of twelve months. 3073

(c) If the violation of division (A) or (B) of this 3074  
section is a felony of the fourth degree and the offender, in 3075  
committing the violation, caused serious physical harm to the 3076  
pregnant woman's unborn or caused the termination of the 3077  
pregnant woman's pregnancy, the court shall impose a mandatory 3078  
prison term on the offender of at least twelve months. 3079

(d) If the violation of division (A) or (B) of this 3080  
section is a felony of the third degree, except as otherwise 3081  
provided in division (D)(6)(e) of this section and 3082  
notwithstanding the range of definite prison terms prescribed in 3083  
division (A)(3) of section 2929.14 of the Revised Code for a 3084  
felony of the third degree, the court shall impose a mandatory 3085  
prison term on the offender of either a definite term of six 3086  
months or one of the prison terms prescribed in division (A)(3) 3087  
(b) of section 2929.14 of the Revised Code for felonies of the 3088  
third degree. 3089

(e) If the violation of division (A) or (B) of this 3090  
section is a felony of the third degree and the offender, in 3091  
committing the violation, caused serious physical harm to the 3092  
pregnant woman's unborn or caused the termination of the 3093  
pregnant woman's pregnancy, notwithstanding the range of 3094  
definite prison terms prescribed in division (A)(3) of section 3095  
2929.14 of the Revised Code for a felony of the third degree, 3096  
the court shall impose a mandatory prison term on the offender 3097  
of either a definite term of one year or one of the prison terms 3098  
prescribed in division (A)(3)(b) of section 2929.14 of the 3099

Revised Code for felonies of the third degree. 3100

(E) Notwithstanding any provision of law to the contrary, 3101  
no court or unit of state or local government shall charge any 3102  
fee, cost, deposit, or money in connection with the filing of 3103  
charges against a person alleging that the person violated this 3104  
section or a municipal ordinance substantially similar to this 3105  
section or in connection with the prosecution of any charges so 3106  
filed. 3107

(F) As used in this section and sections 2919.251 and 3108  
2919.26 of the Revised Code: 3109

(1) "Family or household member" means any of the 3110  
following: 3111

(a) Any of the following who is residing or has resided 3112  
with the offender: 3113

(i) A spouse, a person living as a spouse, or a former 3114  
spouse of the offender; 3115

(ii) A parent, a foster parent, or a child of the 3116  
offender, or another person related by consanguinity or affinity 3117  
to the offender; 3118

(iii) A parent or a child of a spouse, person living as a 3119  
spouse, or former spouse of the offender, or another person 3120  
related by consanguinity or affinity to a spouse, person living 3121  
as a spouse, or former spouse of the offender. 3122

(b) The natural parent of any child of whom the offender 3123  
is the other natural parent or is the putative other natural 3124  
parent. 3125

(2) "Person living as a spouse" means a person who is 3126  
living or has lived with the offender in a common law marital 3127

relationship, who otherwise is cohabiting with the offender, or 3128  
who otherwise has cohabited with the offender within five years 3129  
prior to the date of the alleged commission of the act in 3130  
question. 3131

(3) "Pregnant woman's unborn" has the same meaning as 3132  
"such other person's unborn," as set forth in section 2903.09 of 3133  
the Revised Code, as it relates to the pregnant woman. Division 3134  
(C) of that section applies regarding the use of the term in 3135  
this section, except that the second and third sentences of 3136  
division (C) (1) of that section shall be construed for purposes 3137  
of this section as if they included a reference to this section 3138  
in the listing of Revised Code sections they contain. 3139

(4) "Termination of the pregnant woman's pregnancy" has 3140  
the same meaning as "unlawful termination of another's 3141  
pregnancy," as set forth in section 2903.09 of the Revised Code, 3142  
as it relates to the pregnant woman. Division (C) of that 3143  
section applies regarding the use of the term in this section, 3144  
except that the second and third sentences of division (C) (1) of 3145  
that section shall be construed for purposes of this section as 3146  
if they included a reference to this section in the listing of 3147  
Revised Code sections they contain. 3148

**Sec. 2921.321.** (A) No person shall knowingly cause, or 3149  
attempt to cause, physical harm to a police dog or horse in 3150  
either of the following circumstances: 3151

(1) The police dog or horse is assisting a law enforcement 3152  
officer in the performance of the officer's official duties at 3153  
the time the physical harm is caused or attempted. 3154

(2) The police dog or horse is not assisting a law 3155  
enforcement officer in the performance of the officer's official 3156

duties at the time the physical harm is caused or attempted, but 3157  
the offender has actual knowledge that the dog or horse is a 3158  
police dog or horse. 3159

(B) No person shall recklessly do any of the following: 3160

(1) Taunt, torment, or strike a police dog or horse; 3161

(2) Throw an object or substance at a police dog or horse; 3162

(3) Interfere with or obstruct a police dog or horse, or 3163  
interfere with or obstruct a law enforcement officer who is 3164  
being assisted by a police dog or horse, in a manner that does 3165  
any of the following: 3166

(a) Inhibits or restricts the law enforcement officer's 3167  
control of the police dog or horse; 3168

(b) Deprives the law enforcement officer of control of the 3169  
police dog or horse; 3170

(c) Releases the police dog or horse from its area of 3171  
control; 3172

(d) Enters the area of control of the police dog or horse 3173  
without the consent of the law enforcement officer, including 3174  
placing food or any other object or substance into that area; 3175

(e) Inhibits or restricts the ability of the police dog or 3176  
horse to assist a law enforcement officer. 3177

(4) Engage in any conduct that is likely to cause serious 3178  
physical injury or death to a police dog or horse; 3179

(5) If the person is the owner, keeper, or harbinger of a 3180  
dog, fail to reasonably restrain the dog from taunting, 3181  
tormenting, chasing, approaching in a menacing fashion or 3182  
apparent attitude of attack, or attempting to bite or otherwise 3183

endanger a police dog or horse that at the time of the conduct 3184  
is assisting a law enforcement officer in the performance of the 3185  
officer's duties or that the person knows is a police dog or 3186  
horse. 3187

(C) No person shall knowingly cause, or attempt to cause, 3188  
physical harm to an assistance dog in either of the following 3189  
circumstances: 3190

(1) The dog is assisting or serving a blind, deaf or 3191  
hearing impaired, or mobility impaired person at the time the 3192  
physical harm is caused or attempted. 3193

(2) The dog is not assisting or serving a blind, deaf or 3194  
hearing impaired, or mobility impaired person at the time the 3195  
physical harm is caused or attempted, but the offender has 3196  
actual knowledge that the dog is an assistance dog. 3197

(D) No person shall recklessly do any of the following: 3198

(1) Taunt, torment, or strike an assistance dog; 3199

(2) Throw an object or substance at an assistance dog; 3200

(3) Interfere with or obstruct an assistance dog, or 3201  
interfere with or obstruct a blind, deaf or hearing impaired, or 3202  
mobility impaired person who is being assisted or served by an 3203  
assistance dog, in a manner that does any of the following: 3204

(a) Inhibits or restricts the assisted or served person's 3205  
control of the dog; 3206

(b) Deprives the assisted or served person of control of 3207  
the dog; 3208

(c) Releases the dog from its area of control; 3209

(d) Enters the area of control of the dog without the 3210

consent of the assisted or served person, including placing food 3211  
or any other object or substance into that area; 3212

(e) Inhibits or restricts the ability of the dog to assist 3213  
the assisted or served person. 3214

(4) Engage in any conduct that is likely to cause serious 3215  
physical injury or death to an assistance dog; 3216

(5) If the person is the owner, keeper, or harbinger of a 3217  
dog, fail to reasonably restrain the dog from taunting, 3218  
tormenting, chasing, approaching in a menacing fashion or 3219  
apparent attitude of attack, or attempting to bite or otherwise 3220  
endanger an assistance dog that at the time of the conduct is 3221  
assisting or serving a blind, deaf or hearing impaired, or 3222  
mobility impaired person or that the person knows is an 3223  
assistance dog. 3224

(E) (1) Whoever violates division (A) of this section is 3225  
guilty of assaulting a police dog or horse, and shall be 3226  
punished as provided in divisions (E) (1) (a) and (b) of this 3227  
section. 3228

(a) Except as otherwise provided in this division, 3229  
assaulting a police dog or horse is a misdemeanor of the second 3230  
degree. If the violation results in the death of the police dog 3231  
or horse, assaulting a police dog or horse is a felony of the 3232  
third degree and the court shall impose as a mandatory prison 3233  
term one of the definite prison terms prescribed in division (A) 3234  
(3) (b) of section 2929.14 of the Revised Code for a felony of 3235  
the third degree. If the violation results in serious physical 3236  
harm to the police dog or horse other than its death, assaulting 3237  
a police dog or horse is a felony of the fourth degree. If the 3238  
violation results in physical harm to the police dog or horse 3239

other than death or serious physical harm, assaulting a police 3240  
dog or horse is a misdemeanor of the first degree. 3241

(b) In addition to any other sanction imposed for 3242  
assaulting a police dog or horse, if the violation of division 3243  
(A) of this section results in the death of the police dog or 3244  
horse, the sentencing court shall impose as a financial sanction 3245  
a mandatory fine under division (B)(10) of section 2929.18 of 3246  
the Revised Code. The fine shall be paid to the law enforcement 3247  
agency that was served by the police dog or horse that was 3248  
killed, and shall be used by that agency only for one or more of 3249  
the following purposes: 3250

(i) If the dog or horse was not owned by the agency, the 3251  
payment to the owner of the dog or horse of the cost of the dog 3252  
or horse and the cost of the training of the dog or horse to 3253  
qualify it as a police dog or horse, if that cost has not 3254  
previously been paid by the agency; 3255

(ii) After payment of the costs described in division (E) 3256  
(1)(b)(i) of this section, if applicable, payment of the cost of 3257  
replacing the dog or horse that was killed; 3258

(iii) After payment of the costs described in division (E) 3259  
(1)(b)(i) of this section, if applicable, payment of the cost of 3260  
training the replacement dog or horse to qualify it as a police 3261  
dog or horse; 3262

(iv) After payment of the costs described in division (E) 3263  
(1)(b)(i) of this section, if applicable, payment of the cost of 3264  
further training of the replacement dog or horse that is needed 3265  
to train it to the level of training that had been achieved by 3266  
the dog or horse that was killed. 3267

(2) Whoever violates division (B) of this section is 3268

guilty of harassing a police dog or horse. Except as otherwise 3269  
provided in this division, harassing a police dog or horse is a 3270  
misdemeanor of the second degree. If the violation results in 3271  
the death of the police dog or horse, harassing a police dog or 3272  
horse is a felony of the third degree. If the violation results 3273  
in serious physical harm to the police dog or horse, but does 3274  
not result in its death, harassing a police dog or horse, is a 3275  
felony of the fourth degree. If the violation results in 3276  
physical harm to the police dog or horse, but does not result in 3277  
its death or in serious physical harm to it, harassing a police 3278  
dog or horse is a misdemeanor of the first degree. 3279

(3) Whoever violates division (C) of this section is 3280  
guilty of assaulting an assistance dog. Except as otherwise 3281  
provided in this division, assaulting an assistance dog is a 3282  
misdemeanor of the second degree. If the violation results in 3283  
the death of the assistance dog, assaulting an assistance dog is 3284  
a felony of the third degree. If the violation results in 3285  
serious physical harm to the assistance dog other than its 3286  
death, assaulting an assistance dog is a felony of the fourth 3287  
degree. If the violation results in physical harm to the 3288  
assistance dog other than death or serious physical harm, 3289  
assaulting an assistance dog is a misdemeanor of the first 3290  
degree. 3291

(4) Whoever violates division (D) of this section is 3292  
guilty of harassing an assistance dog. Except as otherwise 3293  
provided in this division, harassing an assistance dog is a 3294  
misdemeanor of the second degree. If the violation results in 3295  
the death of the assistance dog, harassing an assistance dog is 3296  
a felony of the third degree. If the violation results in 3297  
serious physical harm to the assistance dog, but does not result 3298  
in its death, harassing an assistance dog is a felony of the 3299

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

(5) In addition to any other sanction or penalty imposed 3304  
for the offense under this section, Chapter 2929., or any other 3305  
provision of the Revised Code, whoever violates division (A), 3306  
(B), (C), or (D) of this section is responsible for the payment 3307  
of all of the following: 3308

(a) Any veterinary bill or bill for medication incurred as 3309  
a result of the violation by the police department regarding a 3310  
violation of division (A) or (B) of this section or by the 3311  
blind, deaf or hearing impaired, or mobility impaired person 3312  
assisted or served by the assistance dog regarding a violation 3313  
of division (C) or (D) of this section; 3314

(b) The cost of any damaged equipment that results from 3315  
the violation; 3316

(c) If the violation did not result in the death of the 3317  
police dog or horse or the assistance dog that was the subject 3318  
of the violation and if, as a result of that dog or horse being 3319  
the subject of the violation, the dog or horse needs further 3320  
training or retraining to be able to continue in the capacity of 3321  
a police dog or horse or an assistance dog, the cost of any 3322  
further training or retraining of that dog or horse by a law 3323  
enforcement officer or by the blind, deaf or hearing impaired, 3324  
or mobility impaired person assisted or served by the assistance 3325  
dog; 3326

(d) If the violation resulted in the death of the 3327  
assistance dog that was the subject of the violation or resulted 3328

in serious physical harm to the police dog or horse or the 3329  
assistance dog or horse that was the subject of the violation to 3330  
the extent that the dog or horse needs to be replaced on either 3331  
a temporary or a permanent basis, the cost of replacing that dog 3332  
or horse and of any further training of a new police dog or 3333  
horse or a new assistance dog by a law enforcement officer or by 3334  
the blind, deaf or hearing impaired, or mobility impaired person 3335  
assisted or served by the assistance dog, which replacement or 3336  
training is required because of the death of or the serious 3337  
physical harm to the dog or horse that was the subject of the 3338  
violation. 3339

(F) This section does not apply to a licensed veterinarian 3340  
whose conduct is in accordance with Chapter 4741. of the Revised 3341  
Code. 3342

(G) This section only applies to an offender who knows or 3343  
should know at the time of the violation that the police dog or 3344  
horse or assistance dog that is the subject of a violation under 3345  
this section is a police dog or horse or an assistance dog. 3346

(H) As used in this section: 3347

(1) "Physical harm" means any injury, illness, or other 3348  
physiological impairment, regardless of its gravity or duration. 3349

(2) "Police dog or horse" means a dog or horse that has 3350  
been trained, and may be used, to assist law enforcement 3351  
officers in the performance of their official duties. 3352

(3) "Serious physical harm" means any of the following: 3353

(a) Any physical harm that carries a substantial risk of 3354  
death; 3355

(b) Any physical harm that causes permanent maiming or 3356

that involves some temporary, substantial maiming; 3357

(c) Any physical harm that causes acute pain of a duration 3358  
that results in substantial suffering. 3359

(4) "Assistance dog," "blind," and "mobility impaired 3360  
person" have the same meanings as in section 955.011 of the 3361  
Revised Code. 3362

**Sec. 2921.36.** (A) No person shall knowingly convey, or 3363  
attempt to convey, onto the grounds of a detention facility or 3364  
of an institution, office building, or other place that is under 3365  
the control of the department of mental health and addiction 3366  
services, the department of developmental disabilities, the 3367  
department of youth services, or the department of 3368  
rehabilitation and correction any of the following items: 3369

(1) Any deadly weapon or dangerous ordnance, as defined in 3370  
section 2923.11 of the Revised Code, or any part of or 3371  
ammunition for use in such a deadly weapon or dangerous 3372  
ordnance; 3373

(2) Any drug of abuse, as defined in section 3719.011 of 3374  
the Revised Code; 3375

(3) Any intoxicating liquor, as defined in section 4301.01 3376  
of the Revised Code. 3377

(B) Division (A) of this section does not apply to any 3378  
person who conveys or attempts to convey an item onto the 3379  
grounds of a detention facility or of an institution, office 3380  
building, or other place under the control of the department of 3381  
mental health and addiction services, the department of 3382  
developmental disabilities, the department of youth services, or 3383  
the department of rehabilitation and correction pursuant to the 3384  
written authorization of the person in charge of the detention 3385

facility or the institution, office building, or other place and 3386  
in accordance with the written rules of the detention facility 3387  
or the institution, office building, or other place. 3388

(C) No person shall knowingly deliver, or attempt to 3389  
deliver, to any person who is confined in a detention facility, 3390  
to a child confined in a youth services facility, to a prisoner 3391  
who is temporarily released from confinement for a work 3392  
assignment, or to any patient in an institution under the 3393  
control of the department of mental health and addiction 3394  
services or the department of developmental disabilities any 3395  
item listed in division (A) (1), (2), or (3) of this section. 3396

(D) No person shall knowingly deliver, or attempt to 3397  
deliver, cash to any person who is confined in a detention 3398  
facility, to a child confined in a youth services facility, or 3399  
to a prisoner who is temporarily released from confinement for a 3400  
work assignment. 3401

(E) No person shall knowingly deliver, or attempt to 3402  
deliver, to any person who is confined in a detention facility, 3403  
to a child confined in a youth services facility, or to a 3404  
prisoner who is temporarily released from confinement for a work 3405  
assignment a cellular telephone, two-way radio, or other 3406  
electronic communications device. 3407

(F) (1) It is an affirmative defense to a charge under 3408  
division (A) (1) of this section that the weapon or dangerous 3409  
ordnance in question was being transported in a motor vehicle 3410  
for any lawful purpose, that it was not on the actor's person, 3411  
and, if the weapon or dangerous ordnance in question was a 3412  
firearm, that it was unloaded and was being carried in a closed 3413  
package, box, or case or in a compartment that can be reached 3414  
only by leaving the vehicle. 3415

(2) It is an affirmative defense to a charge under 3416  
division (C) of this section that the actor was not otherwise 3417  
prohibited by law from delivering the item to the confined 3418  
person, the child, the prisoner, or the patient and that either 3419  
of the following applies: 3420

(a) The actor was permitted by the written rules of the 3421  
detention facility or the institution, office building, or other 3422  
place to deliver the item to the confined person or the patient. 3423

(b) The actor was given written authorization by the 3424  
person in charge of the detention facility or the institution, 3425  
office building, or other place to deliver the item to the 3426  
confined person or the patient. 3427

(G) (1) Whoever violates division (A) (1) of this section or 3428  
commits a violation of division (C) of this section involving an 3429  
item listed in division (A) (1) of this section is guilty of 3430  
illegal conveyance of weapons onto the grounds of a specified 3431  
governmental facility, a felony of the third degree. If the 3432  
offender is an officer or employee of the department of 3433  
rehabilitation and correction, the court shall impose a 3434  
mandatory prison term from the range of definite prison terms 3435  
prescribed in division (A) (3) (b) of section 2929.14 of the 3436  
Revised Code for a felony of the third degree. 3437

(2) Whoever violates division (A) (2) of this section or 3438  
commits a violation of division (C) of this section involving 3439  
any drug of abuse is guilty of illegal conveyance of drugs of 3440  
abuse onto the grounds of a specified governmental facility, a 3441  
felony of the third degree. If the offender is an officer or 3442  
employee of the department of rehabilitation and correction or 3443  
of the department of youth services, the court shall impose a 3444  
mandatory prison term from the range of definite prison terms 3445

prescribed in division (A) (3) (b) of section 2929.14 of the 3446  
Revised Code for a felony of the third degree. 3447

(3) Whoever violates division (A) (3) of this section or 3448  
commits a violation of division (C) of this section involving 3449  
any intoxicating liquor is guilty of illegal conveyance of 3450  
intoxicating liquor onto the grounds of a specified governmental 3451  
facility, a misdemeanor of the second degree. 3452

(4) Whoever violates division (D) of this section is 3453  
guilty of illegal conveyance of cash onto the grounds of a 3454  
detention facility, a misdemeanor of the first degree. If the 3455  
offender previously has been convicted of or pleaded guilty to a 3456  
violation of division (D) of this section, illegal conveyance of 3457  
cash onto the grounds of a detention facility is a felony of the 3458  
fifth degree. 3459

(5) Whoever violates division (E) of this section is 3460  
guilty of illegal conveyance of a communications device onto the 3461  
grounds of a specified governmental facility, a misdemeanor of 3462  
the first degree, or if the offender previously has been 3463  
convicted of or pleaded guilty to a violation of division (E) of 3464  
this section, a felony of the fifth degree. 3465

**Sec. 2923.132.** (A) As used in this section: 3466

(1) (a) "Violent career criminal" means a person who within 3467  
the preceding eight years, subject to extension as provided in 3468  
division (A) (1) (b) of this section, has been convicted of or 3469  
pleaded guilty to two or more violent felony offenses that are 3470  
separated by intervening sentences and are not so closely 3471  
related to each other and connected in time and place that they 3472  
constitute a course of criminal conduct. 3473

(b) Except as provided in division (A) (1) (c) of this 3474

section, the eight-year period described in division (A) (1) (a) 3475  
of this section shall be extended by a period of time equal to 3476  
any period of time during which the person, within that eight- 3477  
year period, was confined as a result of having been accused of 3478  
an offense, having been convicted of or pleaded guilty to an 3479  
offense, or having been accused of violating or found to have 3480  
violated any community control sanction, post-release control 3481  
sanction, or term or condition of supervised release. 3482

(c) Division (A) (1) (b) of this section shall not apply to 3483  
extend the eight-year period described in division (A) (1) (a) of 3484  
this section by any period of time during which a person is 3485  
confined if the person is acquitted of the charges or the 3486  
charges are dismissed in final disposition of the case or during 3487  
which a person is confined as a result of having been accused of 3488  
violating any sanction, term, or condition described in division 3489  
(A) (1) (b) of this section if the person subsequently is not 3490  
found to have violated that sanction, term, or condition. 3491

(2) "Violent felony offense" means any of the following: 3492

(a) A violation of section 2903.01, 2903.02, 2903.03, 3493  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3494  
2911.01, 2911.02, or 2911.11 of the Revised Code; 3495

(b) A violation of division (A) (1) or (2) of section 3496  
2911.12 of the Revised Code; 3497

(c) A felony violation of section 2907.02, 2907.03, 3498  
2907.04, or 2907.05 of the Revised Code; 3499

(d) A felony violation of section 2909.24 of the Revised 3500  
Code or a violation of section 2919.25 of the Revised Code that 3501  
is a felony of the third degree; 3502

(e) A felony violation of any existing or former ordinance 3503

or law of this state, another state, or the United States that 3504  
is or was substantially equivalent to any offense listed or 3505  
described in divisions (A) (2) (a) to (e) of this section; 3506

(f) A conspiracy or attempt to commit, or complicity in 3507  
committing, any of the offenses listed or described in divisions 3508  
(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 3509  
complicity is a felony of the first or second degree. 3510

(3) "Dangerous ordnance" and "firearm" have the same 3511  
meanings as in section 2923.11 of the Revised Code. 3512

(4) "Community control sanction" has the same meaning as 3513  
in section 2929.01 of the Revised Code. 3514

(5) "Post-release control sanction" has the same meaning 3515  
as in section 2967.01 of the Revised Code. 3516

(6) "Supervised release" has the same meaning as in 3517  
section 2950.01 of the Revised Code. 3518

(B) No violent career criminal shall knowingly use any 3519  
firearm or dangerous ordnance. 3520

(C) Whoever violates this section is guilty of unlawful 3521  
use of a weapon by a violent career criminal, a felony of the 3522  
first degree, ~~and~~. For an offense committed prior to the 3523  
effective date of this amendment, notwithstanding the range of 3524  
definite prison terms set forth in division (A) (1) (b) of section 3525  
2929.14 of the Revised Code, the court shall impose upon the 3526  
offender a mandatory prison term that is a definite prison term 3527  
of two, three, four, five, six, seven, eight, nine, ten, or 3528  
eleven years. For an offense committed on or after the effective 3529  
date of this amendment, notwithstanding the range of minimum 3530  
prison terms set forth in division (A) (1) (a) of section 2929.14 3531  
of the Revised Code, the court shall impose upon the offender an 3532

indefinite prison term pursuant to that division, with a minimum 3533  
term under that sentence that is a mandatory prison term of two, 3534  
three, four, five, six, seven, eight, nine, ten, or eleven 3535  
years. 3536

**Sec. 2925.01.** As used in this chapter: 3537

(A) "Administer," "controlled substance," "controlled 3538  
substance analog," "dispense," "distribute," "hypodermic," 3539  
"manufacturer," "official written order," "person," 3540  
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 3541  
"schedule III," "schedule IV," "schedule V," and "wholesaler" 3542  
have the same meanings as in section 3719.01 of the Revised 3543  
Code. 3544

(B) "Drug dependent person" and "drug of abuse" have the 3545  
same meanings as in section 3719.011 of the Revised Code. 3546

(C) "Drug," "dangerous drug," "licensed health 3547  
professional authorized to prescribe drugs," and "prescription" 3548  
have the same meanings as in section 4729.01 of the Revised 3549  
Code. 3550

(D) "Bulk amount" of a controlled substance means any of 3551  
the following: 3552

(1) For any compound, mixture, preparation, or substance 3553  
included in schedule I, schedule II, or schedule III, with the 3554  
exception of controlled substance analogs, marihuana, cocaine, 3555  
L.S.D., heroin, and hashish and except as provided in division 3556  
(D) (2) or (5) of this section, whichever of the following is 3557  
applicable: 3558

(a) An amount equal to or exceeding ten grams or twenty- 3559  
five unit doses of a compound, mixture, preparation, or 3560  
substance that is or contains any amount of a schedule I opiate 3561

or opium derivative; 3562

(b) An amount equal to or exceeding ten grams of a 3563  
compound, mixture, preparation, or substance that is or contains 3564  
any amount of raw or gum opium; 3565

(c) An amount equal to or exceeding thirty grams or ten 3566  
unit doses of a compound, mixture, preparation, or substance 3567  
that is or contains any amount of a schedule I hallucinogen 3568  
other than tetrahydrocannabinol or lysergic acid amide, or a 3569  
schedule I stimulant or depressant; 3570

(d) An amount equal to or exceeding twentygrams or five 3571  
times the maximum daily dose in the usual dose range specified 3572  
in a standard pharmaceutical reference manual of a compound, 3573  
mixture, preparation, or substance that is or contains any 3574  
amount of a schedule II opiate or opium derivative; 3575

(e) An amount equal to or exceeding five grams or ten unit 3576  
doses of a compound, mixture, preparation, or substance that is 3577  
or contains any amount of phencyclidine; 3578

(f) An amount equal to or exceeding one hundred twenty 3579  
grams or thirty times the maximum daily dose in the usual dose 3580  
range specified in a standard pharmaceutical reference manual of 3581  
a compound, mixture, preparation, or substance that is or 3582  
contains any amount of a schedule II stimulant that is in a 3583  
final dosage form manufactured by a person authorized by the 3584  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3585  
U.S.C.A. 301, as amended, and the federal drug abuse control 3586  
laws, as defined in section 3719.01 of the Revised Code, that is 3587  
or contains any amount of a schedule II depressant substance or 3588  
a schedule II hallucinogenic substance; 3589

(g) An amount equal to or exceeding three grams of a 3590

compound, mixture, preparation, or substance that is or contains 3591  
any amount of a schedule II stimulant, or any of its salts or 3592  
isomers, that is not in a final dosage form manufactured by a 3593  
person authorized by the Federal Food, Drug, and Cosmetic Act 3594  
and the federal drug abuse control laws. 3595

(2) An amount equal to or exceeding one hundred twenty 3596  
grams or thirty times the maximum daily dose in the usual dose 3597  
range specified in a standard pharmaceutical reference manual of 3598  
a compound, mixture, preparation, or substance that is or 3599  
contains any amount of a schedule III or IV substance other than 3600  
an anabolic steroid or a schedule III opiate or opium 3601  
derivative; 3602

(3) An amount equal to or exceeding twenty grams or five 3603  
times the maximum daily dose in the usual dose range specified 3604  
in a standard pharmaceutical reference manual of a compound, 3605  
mixture, preparation, or substance that is or contains any 3606  
amount of a schedule III opiate or opium derivative; 3607

(4) An amount equal to or exceeding two hundred fifty 3608  
milliliters or two hundred fifty grams of a compound, mixture, 3609  
preparation, or substance that is or contains any amount of a 3610  
schedule V substance; 3611

(5) An amount equal to or exceeding two hundred solid 3612  
dosage units, sixteen grams, or sixteen milliliters of a 3613  
compound, mixture, preparation, or substance that is or contains 3614  
any amount of a schedule III anabolic steroid. 3615

(E) "Unit dose" means an amount or unit of a compound, 3616  
mixture, or preparation containing a controlled substance that 3617  
is separately identifiable and in a form that indicates that it 3618  
is the amount or unit by which the controlled substance is 3619

separately administered to or taken by an individual. 3620

(F) "Cultivate" includes planting, watering, fertilizing, 3621  
or tilling. 3622

(G) "Drug abuse offense" means any of the following: 3623

(1) A violation of division (A) of section 2913.02 that 3624  
constitutes theft of drugs, or a violation of section 2925.02, 3625  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3626  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3627  
or 2925.37 of the Revised Code; 3628

(2) A violation of an existing or former law of this or 3629  
any other state or of the United States that is substantially 3630  
equivalent to any section listed in division (G)(1) of this 3631  
section; 3632

(3) An offense under an existing or former law of this or 3633  
any other state, or of the United States, of which planting, 3634  
cultivating, harvesting, processing, making, manufacturing, 3635  
producing, shipping, transporting, delivering, acquiring, 3636  
possessing, storing, distributing, dispensing, selling, inducing 3637  
another to use, administering to another, using, or otherwise 3638  
dealing with a controlled substance is an element; 3639

(4) A conspiracy to commit, attempt to commit, or 3640  
complicity in committing or attempting to commit any offense 3641  
under division (G)(1), (2), or (3) of this section. 3642

(H) "Felony drug abuse offense" means any drug abuse 3643  
offense that would constitute a felony under the laws of this 3644  
state, any other state, or the United States. 3645

(I) "Harmful intoxicant" does not include beer or 3646  
intoxicating liquor but means any of the following: 3647

(1) Any compound, mixture, preparation, or substance the 3648  
gas, fumes, or vapor of which when inhaled can induce 3649  
intoxication, excitement, giddiness, irrational behavior, 3650  
depression, stupefaction, paralysis, unconsciousness, 3651  
asphyxiation, or other harmful physiological effects, and 3652  
includes, but is not limited to, any of the following: 3653

(a) Any volatile organic solvent, plastic cement, model 3654  
cement, fingernail polish remover, lacquer thinner, cleaning 3655  
fluid, gasoline, or other preparation containing a volatile 3656  
organic solvent; 3657

(b) Any aerosol propellant; 3658

(c) Any fluorocarbon refrigerant; 3659

(d) Any anesthetic gas. 3660

(2) Gamma Butyrolactone; 3661

(3) 1,4 Butanediol. 3662

(J) "Manufacture" means to plant, cultivate, harvest, 3663  
process, make, prepare, or otherwise engage in any part of the 3664  
production of a drug, by propagation, extraction, chemical 3665  
synthesis, or compounding, or any combination of the same, and 3666  
includes packaging, repackaging, labeling, and other activities 3667  
incident to production. 3668

(K) "Possess" or "possession" means having control over a 3669  
thing or substance, but may not be inferred solely from mere 3670  
access to the thing or substance through ownership or occupation 3671  
of the premises upon which the thing or substance is found. 3672

(L) "Sample drug" means a drug or pharmaceutical 3673  
preparation that would be hazardous to health or safety if used 3674  
without the supervision of a licensed health professional 3675

authorized to prescribe drugs, or a drug of abuse, and that, at 3676  
one time, had been placed in a container plainly marked as a 3677  
sample by a manufacturer. 3678

(M) "Standard pharmaceutical reference manual" means the 3679  
current edition, with cumulative changes if any, of references 3680  
that are approved by the state board of pharmacy. 3681

(N) "Juvenile" means a person under eighteen years of age. 3682

(O) "Counterfeit controlled substance" means any of the 3683  
following: 3684

(1) Any drug that bears, or whose container or label 3685  
bears, a trademark, trade name, or other identifying mark used 3686  
without authorization of the owner of rights to that trademark, 3687  
trade name, or identifying mark; 3688

(2) Any unmarked or unlabeled substance that is 3689  
represented to be a controlled substance manufactured, 3690  
processed, packed, or distributed by a person other than the 3691  
person that manufactured, processed, packed, or distributed it; 3692

(3) Any substance that is represented to be a controlled 3693  
substance but is not a controlled substance or is a different 3694  
controlled substance; 3695

(4) Any substance other than a controlled substance that a 3696  
reasonable person would believe to be a controlled substance 3697  
because of its similarity in shape, size, and color, or its 3698  
markings, labeling, packaging, distribution, or the price for 3699  
which it is sold or offered for sale. 3700

(P) An offense is "committed in the vicinity of a school" 3701  
if the offender commits the offense on school premises, in a 3702  
school building, or within one thousand feet of the boundaries 3703

of any school premises, regardless of whether the offender knows 3704  
the offense is being committed on school premises, in a school 3705  
building, or within one thousand feet of the boundaries of any 3706  
school premises. 3707

(Q) "School" means any school operated by a board of 3708  
education, any community school established under Chapter 3314. 3709  
of the Revised Code, or any nonpublic school for which the state 3710  
board of education prescribes minimum standards under section 3711  
3301.07 of the Revised Code, whether or not any instruction, 3712  
extracurricular activities, or training provided by the school 3713  
is being conducted at the time a criminal offense is committed. 3714

(R) "School premises" means either of the following: 3715

(1) The parcel of real property on which any school is 3716  
situated, whether or not any instruction, extracurricular 3717  
activities, or training provided by the school is being 3718  
conducted on the premises at the time a criminal offense is 3719  
committed; 3720

(2) Any other parcel of real property that is owned or 3721  
leased by a board of education of a school, the governing 3722  
authority of a community school established under Chapter 3314. 3723  
of the Revised Code, or the governing body of a nonpublic school 3724  
for which the state board of education prescribes minimum 3725  
standards under section 3301.07 of the Revised Code and on which 3726  
some of the instruction, extracurricular activities, or training 3727  
of the school is conducted, whether or not any instruction, 3728  
extracurricular activities, or training provided by the school 3729  
is being conducted on the parcel of real property at the time a 3730  
criminal offense is committed. 3731

(S) "School building" means any building in which any of 3732

the instruction, extracurricular activities, or training 3733  
provided by a school is conducted, whether or not any 3734  
instruction, extracurricular activities, or training provided by 3735  
the school is being conducted in the school building at the time 3736  
a criminal offense is committed. 3737

(T) "Disciplinary counsel" means the disciplinary counsel 3738  
appointed by the board of commissioners on grievances and 3739  
discipline of the supreme court under the Rules for the 3740  
Government of the Bar of Ohio. 3741

(U) "Certified grievance committee" means a duly 3742  
constituted and organized committee of the Ohio state bar 3743  
association or of one or more local bar associations of the 3744  
state of Ohio that complies with the criteria set forth in Rule 3745  
V, section 6 of the Rules for the Government of the Bar of Ohio. 3746

(V) "Professional license" means any license, permit, 3747  
certificate, registration, qualification, admission, temporary 3748  
license, temporary permit, temporary certificate, or temporary 3749  
registration that is described in divisions (W) (1) to (36) of 3750  
this section and that qualifies a person as a professionally 3751  
licensed person. 3752

(W) "Professionally licensed person" means any of the 3753  
following: 3754

(1) A person who has obtained a license as a manufacturer 3755  
of controlled substances or a wholesaler of controlled 3756  
substances under Chapter 3719. of the Revised Code; 3757

(2) A person who has received a certificate or temporary 3758  
certificate as a certified public accountant or who has 3759  
registered as a public accountant under Chapter 4701. of the 3760  
Revised Code and who holds an Ohio permit issued under that 3761

chapter;	3762
(3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code;	3763 3764 3765
(4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter;	3766 3767 3768
(5) A person licensed under Chapter 4707. of the Revised Code;	3769 3770
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	3771 3772 3773
(7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code;	3774 3775 3776
(8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code;	3777 3778 3779 3780 3781 3782 3783 3784 3785 3786 3787
(9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited	3788 3789 3790

teaching license, a dental hygienist's license, or a dental  
hygienist's teacher's certificate under Chapter 4715. of the  
Revised Code;

(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;

(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;

(12) A person who has been licensed to practice optometry  
or to engage in optical dispensing under Chapter 4725. of the  
Revised Code;

(13) A person licensed to act as a pawnbroker under  
Chapter 4727. of the Revised Code;

(14) A person licensed to act as a precious metals dealer  
under Chapter 4728. of the Revised Code;

(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;

(16) A person who is authorized to practice as a physician  
assistant under Chapter 4730. of the Revised Code;

(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	3819
limited branch of medicine under that chapter;	3820
(18) A person licensed as a psychologist or school	3821
psychologist under Chapter 4732. of the Revised Code;	3822
(19) A person registered to practice the profession of	3823
engineering or surveying under Chapter 4733. of the Revised	3824
Code;	3825
(20) A person who has been issued a license to practice	3826
chiropractic under Chapter 4734. of the Revised Code;	3827
(21) A person licensed to act as a real estate broker or	3828
real estate salesperson under Chapter 4735. of the Revised Code;	3829
(22) A person registered as a registered sanitarian under	3830
Chapter 4736. of the Revised Code;	3831
(23) A person licensed to operate or maintain a junkyard	3832
under Chapter 4737. of the Revised Code;	3833
(24) A person who has been issued a motor vehicle salvage	3834
dealer's license under Chapter 4738. of the Revised Code;	3835
(25) A person who has been licensed to act as a steam	3836
engineer under Chapter 4739. of the Revised Code;	3837
(26) A person who has been issued a license or temporary	3838
permit to practice veterinary medicine or any of its branches,	3839
or who is registered as a graduate animal technician under	3840
Chapter 4741. of the Revised Code;	3841
(27) A person who has been issued a hearing aid dealer's	3842
or fitter's license or trainee permit under Chapter 4747. of the	3843
Revised Code;	3844
(28) A person who has been issued a class A, class B, or	3845

class C license or who has been registered as an investigator or	3846
security guard employee under Chapter 4749. of the Revised Code;	3847
(29) A person licensed and registered to practice as a	3848
nursing home administrator under Chapter 4751. of the Revised	3849
Code;	3850
(30) A person licensed to practice as a speech-language	3851
pathologist or audiologist under Chapter 4753. of the Revised	3852
Code;	3853
(31) A person issued a license as an occupational	3854
therapist or physical therapist under Chapter 4755. of the	3855
Revised Code;	3856
(32) A person who is licensed as a licensed professional	3857
clinical counselor, licensed professional counselor, social	3858
worker, independent social worker, independent marriage and	3859
family therapist, or marriage and family therapist, or	3860
registered as a social work assistant under Chapter 4757. of the	3861
Revised Code;	3862
(33) A person issued a license to practice dietetics under	3863
Chapter 4759. of the Revised Code;	3864
(34) A person who has been issued a license or limited	3865
permit to practice respiratory therapy under Chapter 4761. of	3866
the Revised Code;	3867
(35) A person who has been issued a real estate appraiser	3868
certificate under Chapter 4763. of the Revised Code;	3869
(36) A person who has been admitted to the bar by order of	3870
the supreme court in compliance with its prescribed and	3871
published rules.	3872
(X) "Cocaine" means any of the following:	3873

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 3874  
3875

(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; 3876  
3877  
3878  
3879

(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. 3880  
3881  
3882  
3883  
3884  
3885

(Y) "L.S.D." means lysergic acid diethylamide. 3886

(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. 3887  
3888  
3889

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 3890  
3891  
3892

(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. 3893  
3894  
3895  
3896  
3897  
3898  
3899

(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 3900  
3901  
3902

Code, that a prison term is a necessary sanction for a felony in 3903  
order to comply with the purposes and principles of sentencing 3904  
under section 2929.11 of the Revised Code. 3905

(DD) "Major drug offender" has the same meaning as in 3906  
section 2929.01 of the Revised Code. 3907

(EE) "Minor drug possession offense" means either of the 3908  
following: 3909

(1) A violation of section 2925.11 of the Revised Code as 3910  
it existed prior to July 1, 1996; 3911

(2) A violation of section 2925.11 of the Revised Code as 3912  
it exists on and after July 1, 1996, that is a misdemeanor or a 3913  
felony of the fifth degree. 3914

(FF) "Mandatory prison term" has the same meaning as in 3915  
section 2929.01 of the Revised Code. 3916

(GG) "Adulterate" means to cause a drug to be adulterated 3917  
as described in section 3715.63 of the Revised Code. 3918

(HH) "Public premises" means any hotel, restaurant, 3919  
tavern, store, arena, hall, or other place of public 3920  
accommodation, business, amusement, or resort. 3921

(II) "Methamphetamine" means methamphetamine, any salt, 3922  
isomer, or salt of an isomer of methamphetamine, or any 3923  
compound, mixture, preparation, or substance containing 3924  
methamphetamine or any salt, isomer, or salt of an isomer of 3925  
methamphetamine. 3926

(JJ) "Lawful prescription" means a prescription that is 3927  
issued for a legitimate medical purpose by a licensed health 3928  
professional authorized to prescribe drugs, that is not altered 3929  
or forged, and that was not obtained by means of deception or by 3930

the commission of any theft offense. 3931

(KK) "Deception" and "theft offense" have the same 3932  
meanings as in section 2913.01 of the Revised Code. 3933

(LL) "First degree felony mandatory prison term" means one 3934  
of the definite prison terms prescribed in division (A) (1) (b) of 3935  
section 2929.14 of the Revised Code for a felony of the first 3936  
degree, except that if the violation for which sentence is being 3937  
imposed is committed on or after the effective date of this 3938  
amendment, it means one of the minimum prison terms prescribed 3939  
in division (A) (1) (a) of that section for a felony of the first 3940  
degree. 3941

(MM) "Second degree felony mandatory prison term" means 3942  
one of the definite prison terms prescribed in division (A) (2) 3943  
(b) of section 2929.14 of the Revised Code for a felony of the 3944  
second degree, except that if the violation for which sentence 3945  
is being imposed is committed on or after the effective date of 3946  
this amendment, it means one of the minimum prison terms 3947  
prescribed in division (A) (2) (a) of that section for a felony of 3948  
the second degree. 3949

(NN) "Maximum first degree felony mandatory prison term" 3950  
means the maximum definite prison term prescribed in division 3951  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 3952  
the first degree, except that if the violation for which 3953  
sentence is being imposed is committed on or after the effective 3954  
date of this amendment, it means the longest minimum prison term 3955  
prescribed in division (A) (1) (a) of that section for a felony of 3956  
the first degree. 3957

(OO) "Maximum second degree felony mandatory prison term" 3958  
means the maximum definite prison term prescribed in division 3959

(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 3960  
the second degree, except that if the violation for which 3961  
sentence is being imposed is committed on or after the effective 3962  
date of this amendment, it means the longest minimum prison term 3963  
prescribed in division (A) (2) (a) of that section for a felony of 3964  
the second degree. 3965

**Sec. 2925.02.** (A) No person shall knowingly do any of the 3966  
following: 3967

(1) By force, threat, or deception, administer to another 3968  
or induce or cause another to use a controlled substance; 3969

(2) By any means, administer or furnish to another or 3970  
induce or cause another to use a controlled substance with 3971  
purpose to cause serious physical harm to the other person, or 3972  
with purpose to cause the other person to become drug dependent; 3973

(3) By any means, administer or furnish to another or 3974  
induce or cause another to use a controlled substance, and 3975  
thereby cause serious physical harm to the other person, or 3976  
cause the other person to become drug dependent; 3977

(4) By any means, do any of the following: 3978

(a) Furnish or administer a controlled substance to a 3979  
juvenile who is at least two years the offender's junior, when 3980  
the offender knows the age of the juvenile or is reckless in 3981  
that regard; 3982

(b) Induce or cause a juvenile who is at least two years 3983  
the offender's junior to use a controlled substance, when the 3984  
offender knows the age of the juvenile or is reckless in that 3985  
regard; 3986

(c) Induce or cause a juvenile who is at least two years 3987

the offender's junior to commit a felony drug abuse offense, 3988  
when the offender knows the age of the juvenile or is reckless 3989  
in that regard; 3990

(d) Use a juvenile, whether or not the offender knows the 3991  
age of the juvenile, to perform any surveillance activity that 3992  
is intended to prevent the detection of the offender or any 3993  
other person in the commission of a felony drug abuse offense or 3994  
to prevent the arrest of the offender or any other person for 3995  
the commission of a felony drug abuse offense. 3996

(5) By any means, furnish or administer a controlled 3997  
substance to a pregnant woman or induce or cause a pregnant 3998  
woman to use a controlled substance, when the offender knows 3999  
that the woman is pregnant or is reckless in that regard. 4000

(B) Division (A) (1), (3), (4), or (5) of this section does 4001  
not apply to manufacturers, wholesalers, licensed health 4002  
professionals authorized to prescribe drugs, pharmacists, owners 4003  
of pharmacies, and other persons whose conduct is in accordance 4004  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4005  
4741. of the Revised Code. 4006

(C) Whoever violates this section is guilty of corrupting 4007  
another with drugs. The penalty for the offense shall be 4008  
determined as follows: 4009

(1) If the offense is a violation of division (A) (1), (2), 4010  
(3), or (4) of this section and the drug involved is any 4011  
compound, mixture, preparation, or substance included in 4012  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4013  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4014  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4015  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4016

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4017  
offender shall be punished as follows: 4018

(a) Except as otherwise provided in division (C) (1) (b) of 4019  
this section, corrupting another with drugs committed in those 4020  
circumstances is a felony of the second degree and, subject to 4021  
division (E) of this section, the court shall impose as a 4022  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4023  
~~felony of the second degree~~ a second degree felony mandatory 4024  
prison term. 4025

(b) If the offense was committed in the vicinity of a 4026  
school, corrupting another with drugs committed in those 4027  
circumstances is a felony of the first degree, and, subject to 4028  
division (E) of this section, the court shall impose as a 4029  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4030  
~~felony of the first degree~~ a first degree felony mandatory 4031  
prison term. 4032

(2) If the offense is a violation of division (A) (1), (2), 4033  
(3), or (4) of this section and the drug involved is any 4034  
compound, mixture, preparation, or substance included in 4035  
schedule III, IV, or V, the offender shall be punished as 4036  
follows: 4037

(a) Except as otherwise provided in division (C) (2) (b) of 4038  
this section, corrupting another with drugs committed in those 4039  
circumstances is a felony of the second degree and there is a 4040  
presumption for a prison term for the offense. 4041

(b) If the offense was committed in the vicinity of a 4042  
school, corrupting another with drugs committed in those 4043  
circumstances is a felony of the second degree and the court 4044  
shall impose as a mandatory prison term ~~one of the prison terms~~ 4045

~~prescribed for a felony of the second degree~~ a second degree 4046  
felony mandatory prison term. 4047

(3) If the offense is a violation of division (A) (1), (2), 4048  
(3), or (4) of this section and the drug involved is marihuana, 4049  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4050  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4051  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4052  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4053  
offender shall be punished as follows: 4054

(a) Except as otherwise provided in division (C) (3) (b) of 4055  
this section, corrupting another with drugs committed in those 4056  
circumstances is a felony of the fourth degree and division (C) 4057  
of section 2929.13 of the Revised Code applies in determining 4058  
whether to impose a prison term on the offender. 4059

(b) If the offense was committed in the vicinity of a 4060  
school, corrupting another with drugs committed in those 4061  
circumstances is a felony of the third degree and division (C) 4062  
of section 2929.13 of the Revised Code applies in determining 4063  
whether to impose a prison term on the offender. 4064

(4) If the offense is a violation of division (A) (5) of 4065  
this section and the drug involved is any compound, mixture, 4066  
preparation, or substance included in schedule I or II, with the 4067  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4068  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4069  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4070  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4071  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4072  
felony of the first degree and, subject to division (E) of this 4073  
section, the court shall impose as a mandatory prison term ~~one~~ 4074  
~~of the prison terms prescribed for a felony of the first degree~~ 4075

a first degree felony mandatory prison term. 4076

(5) If the offense is a violation of division (A) (5) of 4077  
this section and the drug involved is any compound, mixture, 4078  
preparation, or substance included in schedule III, IV, or V, 4079  
corrupting another with drugs is a felony of the second degree 4080  
and the court shall impose as a mandatory prison term ~~one of the~~ 4081  
~~prison terms prescribed for a felony of the second degree~~ a 4082  
second degree felony mandatory prison term. 4083

(6) If the offense is a violation of division (A) (5) of 4084  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4085  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4086  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4087  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4088  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4089  
corrupting another with drugs is a felony of the third degree 4090  
and division (C) of section 2929.13 of the Revised Code applies 4091  
in determining whether to impose a prison term on the offender. 4092

(D) In addition to any prison term authorized or required 4093  
by division (C) or (E) of this section and sections 2929.13 and 4094  
2929.14 of the Revised Code and in addition to any other 4095  
sanction imposed for the offense under this section or sections 4096  
2929.11 to 2929.18 of the Revised Code, the court that sentences 4097  
an offender who is convicted of or pleads guilty to a violation 4098  
of division (A) of this section may suspend for not more than 4099  
five years the offender's driver's or commercial driver's 4100  
license or permit. However, if the offender pleaded guilty to or 4101  
was convicted of a violation of section 4511.19 of the Revised 4102  
Code or a substantially similar municipal ordinance or the law 4103  
of another state or the United States arising out of the same 4104  
set of circumstances as the violation, the court shall suspend 4105

the offender's driver's or commercial driver's license or permit 4106  
for not more than five years. The court also shall do all of the 4107  
following that are applicable regarding the offender: 4108

(1) (a) If the violation is a felony of the first, second, 4109  
or third degree, the court shall impose upon the offender the 4110  
mandatory fine specified for the offense under division (B) (1) 4111  
of section 2929.18 of the Revised Code unless, as specified in 4112  
that division, the court determines that the offender is 4113  
indigent. 4114

(b) Notwithstanding any contrary provision of section 4115  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4116  
to division (D) (1) (a) of this section and any fine imposed for a 4117  
violation of this section pursuant to division (A) of section 4118  
2929.18 of the Revised Code shall be paid by the clerk of the 4119  
court in accordance with and subject to the requirements of, and 4120  
shall be used as specified in, division (F) of section 2925.03 4121  
of the Revised Code. 4122

(c) If a person is charged with any violation of this 4123  
section that is a felony of the first, second, or third degree, 4124  
posts bail, and forfeits the bail, the forfeited bail shall be 4125  
paid by the clerk of the court pursuant to division (D) (1) (b) of 4126  
this section as if it were a fine imposed for a violation of 4127  
this section. 4128

(2) If the offender is a professionally licensed person, 4129  
in addition to any other sanction imposed for a violation of 4130  
this section, the court immediately shall comply with section 4131  
2925.38 of the Revised Code. 4132

(E) Notwithstanding the prison term otherwise authorized 4133  
or required for the offense under division (C) of this section 4134

and sections 2929.13 and 2929.14 of the Revised Code, if the 4135  
violation of division (A) of this section involves the sale, 4136  
offer to sell, or possession of a schedule I or II controlled 4137  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4138  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4139  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4140  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4141  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4142  
if the court imposing sentence upon the offender finds that the 4143  
offender as a result of the violation is a major drug offender 4144  
and is guilty of a specification of the type described in 4145  
section 2941.1410 of the Revised Code, the court, in lieu of the 4146  
prison term that otherwise is authorized or required, shall 4147  
impose upon the offender the mandatory prison term specified in 4148  
division (B) (3) (a) of section 2929.14 of the Revised Code. 4149

(F) (1) If the sentencing court suspends the offender's 4150  
driver's or commercial driver's license or permit under division 4151  
(D) of this section, the offender, at any time after the 4152  
expiration of two years from the day on which the offender's 4153  
sentence was imposed or from the day on which the offender 4154  
finally was released from a prison term under the sentence, 4155  
whichever is later, may file a motion with the sentencing court 4156  
requesting termination of the suspension. Upon the filing of the 4157  
motion and the court's finding of good cause for the 4158  
determination, the court may terminate the suspension. 4159

(2) Any offender who received a mandatory suspension of 4160  
the offender's driver's or commercial driver's license or permit 4161  
under this section prior to ~~the effective date of this amendment~~ 4162  
September 13, 2016, may file a motion with the sentencing court 4163  
requesting the termination of the suspension. However, an 4164  
offender who pleaded guilty to or was convicted of a violation 4165

of section 4511.19 of the Revised Code or a substantially 4166  
similar municipal ordinance or law of another state or the 4167  
United States that arose out of the same set of circumstances as 4168  
the violation for which the offender's license or permit was 4169  
suspended under this section shall not file such a motion. 4170

Upon the filing of a motion under division (F)(2) of this 4171  
section, the sentencing court, in its discretion, may terminate 4172  
the suspension. 4173

**Sec. 2925.03.** (A) No person shall knowingly do any of the 4174  
following: 4175

(1) Sell or offer to sell a controlled substance or a 4176  
controlled substance analog; 4177

(2) Prepare for shipment, ship, transport, deliver, 4178  
prepare for distribution, or distribute a controlled substance 4179  
or a controlled substance analog, when the offender knows or has 4180  
reasonable cause to believe that the controlled substance or a 4181  
controlled substance analog is intended for sale or resale by 4182  
the offender or another person. 4183

(B) This section does not apply to any of the following: 4184

(1) Manufacturers, licensed health professionals 4185  
authorized to prescribe drugs, pharmacists, owners of 4186  
pharmacies, and other persons whose conduct is in accordance 4187  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4188  
4741. of the Revised Code; 4189

(2) If the offense involves an anabolic steroid, any 4190  
person who is conducting or participating in a research project 4191  
involving the use of an anabolic steroid if the project has been 4192  
approved by the United States food and drug administration; 4193

(3) Any person who sells, offers for sale, prescribes, 4194  
dispenses, or administers for livestock or other nonhuman 4195  
species an anabolic steroid that is expressly intended for 4196  
administration through implants to livestock or other nonhuman 4197  
species and approved for that purpose under the "Federal Food, 4198  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4199  
as amended, and is sold, offered for sale, prescribed, 4200  
dispensed, or administered for that purpose in accordance with 4201  
that act. 4202

(C) Whoever violates division (A) of this section is 4203  
guilty of one of the following: 4204

(1) If the drug involved in the violation is any compound, 4205  
mixture, preparation, or substance included in schedule I or 4206  
schedule II, with the exception of marihuana, cocaine, L.S.D., 4207  
heroin, hashish, and controlled substance analogs, whoever 4208  
violates division (A) of this section is guilty of aggravated 4209  
trafficking in drugs. The penalty for the offense shall be 4210  
determined as follows: 4211

(a) Except as otherwise provided in division (C) (1) (b), 4212  
(c), (d), (e), or (f) of this section, aggravated trafficking in 4213  
drugs is a felony of the fourth degree, and division (C) of 4214  
section 2929.13 of the Revised Code applies in determining 4215  
whether to impose a prison term on the offender. 4216

(b) Except as otherwise provided in division (C) (1) (c), 4217  
(d), (e), or (f) of this section, if the offense was committed 4218  
in the vicinity of a school or in the vicinity of a juvenile, 4219  
aggravated trafficking in drugs is a felony of the third degree, 4220  
and division (C) of section 2929.13 of the Revised Code applies 4221  
in determining whether to impose a prison term on the offender. 4222

(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, aggravated trafficking in drugs is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If aggravated trafficking in drugs is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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, aggravated 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.

(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, aggravated 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 is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated 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

prison term. 4254

(e) If the amount of the drug involved equals or exceeds 4255  
fifty times the bulk amount but is less than one hundred times 4256  
the bulk amount and regardless of whether the offense was 4257  
committed in the vicinity of a school or in the vicinity of a 4258  
juvenile, aggravated trafficking in drugs is a felony of the 4259  
first degree, and the court shall impose as a mandatory prison 4260  
~~term one of the prison terms prescribed for a felony of the~~ 4261  
~~first degree a first degree felony mandatory prison term.~~ 4262

(f) If the amount of the drug involved equals or exceeds 4263  
one hundred times the bulk amount and regardless of whether the 4264  
offense was committed in the vicinity of a school or in the 4265  
vicinity of a juvenile, aggravated trafficking in drugs is a 4266  
felony of the first degree, the offender is a major drug 4267  
offender, and the court shall impose as a mandatory prison term 4268  
~~the maximum prison term prescribed for a felony of the first~~ 4269  
~~degree a maximum first degree felony mandatory prison term.~~ 4270

(2) If the drug involved in the violation is any compound, 4271  
mixture, preparation, or substance included in schedule III, IV, 4272  
or V, whoever violates division (A) of this section is guilty of 4273  
trafficking in drugs. The penalty for the offense shall be 4274  
determined as follows: 4275

(a) Except as otherwise provided in division (C) (2) (b), 4276  
(c), (d), or (e) of this section, trafficking in drugs is a 4277  
felony of the fifth degree, and division (B) of section 2929.13 4278  
of the Revised Code applies in determining whether to impose a 4279  
prison term on the offender. 4280

(b) Except as otherwise provided in division (C) (2) (c), 4281  
(d), or (e) of this section, if the offense was committed in the 4282

vicinity of a school or in the vicinity of a juvenile, 4283  
trafficking in drugs is a felony of the fourth degree, and 4284  
division (C) of section 2929.13 of the Revised Code applies in 4285  
determining whether to impose a prison term on the offender. 4286

(c) Except as otherwise provided in this division, if the 4287  
amount of the drug involved equals or exceeds the bulk amount 4288  
but is less than five times the bulk amount, trafficking in 4289  
drugs is a felony of the fourth degree, and division (B) of 4290  
section 2929.13 of the Revised Code applies in determining 4291  
whether to impose a prison term for the offense. If the amount 4292  
of the drug involved is within that range and if the offense was 4293  
committed in the vicinity of a school or in the vicinity of a 4294  
juvenile, trafficking in drugs is a felony of the third degree, 4295  
and there is a presumption for a prison term for the offense. 4296

(d) Except as otherwise provided in this division, if the 4297  
amount of the drug involved equals or exceeds five times the 4298  
bulk amount but is less than fifty times the bulk amount, 4299  
trafficking in drugs is a felony of the third degree, and there 4300  
is a presumption for a prison term for the offense. If the 4301  
amount of the drug involved is within that range and if the 4302  
offense was committed in the vicinity of a school or in the 4303  
vicinity of a juvenile, trafficking in drugs is a felony of the 4304  
second degree, and there is a presumption for a prison term for 4305  
the offense. 4306

(e) Except as otherwise provided in this division, if the 4307  
amount of the drug involved equals or exceeds fifty times the 4308  
bulk amount, trafficking in drugs is a felony of the second 4309  
degree, and the court shall impose as a mandatory prison term 4310  
~~one of the prison terms prescribed for a felony of the second-~~ 4311  
~~degree~~ a second degree felony mandatory prison term. If the 4312

amount of the drug involved equals or exceeds fifty times the 4313  
bulk amount and if the offense was committed in the vicinity of 4314  
a school or in the vicinity of a juvenile, trafficking in drugs 4315  
is a felony of the first degree, and the court shall impose as a 4316  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4317  
~~felony of the first degree~~ a first degree felony mandatory 4318  
prison term. 4319

(3) If the drug involved in the violation is marihuana or 4320  
a compound, mixture, preparation, or substance containing 4321  
marihuana other than hashish, whoever violates division (A) of 4322  
this section is guilty of trafficking in marihuana. The penalty 4323  
for the offense shall be determined as follows: 4324

(a) Except as otherwise provided in division (C) (3) (b), 4325  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4326  
marihuana is a felony of the fifth degree, and division (B) of 4327  
section 2929.13 of the Revised Code applies in determining 4328  
whether to impose a prison term on the offender. 4329

(b) Except as otherwise provided in division (C) (3) (c), 4330  
(d), (e), (f), (g), or (h) of this section, if the offense was 4331  
committed in the vicinity of a school or in the vicinity of a 4332  
juvenile, trafficking in marihuana is a felony of the fourth 4333  
degree, and division (B) of section 2929.13 of the Revised Code 4334  
applies in determining whether to impose a prison term on the 4335  
offender. 4336

(c) Except as otherwise provided in this division, if the 4337  
amount of the drug involved equals or exceeds two hundred grams 4338  
but is less than one thousand grams, trafficking in marihuana is 4339  
a felony of the fourth degree, and division (B) of section 4340  
2929.13 of the Revised Code applies in determining whether to 4341  
impose a prison term on the offender. If the amount of the drug 4342

involved is within that range and if the offense was committed 4343  
in the vicinity of a school or in the vicinity of a juvenile, 4344  
trafficking in marihuana is a felony of the third degree, and 4345  
division (C) of section 2929.13 of the Revised Code applies in 4346  
determining whether to impose a prison term on the offender. 4347

(d) Except as otherwise provided in this division, if the 4348  
amount of the drug involved equals or exceeds one thousand grams 4349  
but is less than five thousand grams, trafficking in marihuana 4350  
is a felony of the third degree, and division (C) of section 4351  
2929.13 of the Revised Code applies in determining whether to 4352  
impose a prison term on the offender. If the amount of the drug 4353  
involved is within that range and if the offense was committed 4354  
in the vicinity of a school or in the vicinity of a juvenile, 4355  
trafficking in marihuana is a felony of the second degree, and 4356  
there is a presumption that a prison term shall be imposed for 4357  
the offense. 4358

(e) Except as otherwise provided in this division, if the 4359  
amount of the drug involved equals or exceeds five thousand 4360  
grams but is less than twenty thousand grams, trafficking in 4361  
marihuana is a felony of the third degree, and there is a 4362  
presumption that a prison term shall be imposed for the offense. 4363  
If the amount of the drug involved is within that range and if 4364  
the offense was committed in the vicinity of a school or in the 4365  
vicinity of a juvenile, trafficking in marihuana is a felony of 4366  
the second degree, and there is a presumption that a prison term 4367  
shall be imposed for the offense. 4368

(f) Except as otherwise provided in this division, if the 4369  
amount of the drug involved equals or exceeds twenty thousand 4370  
grams but is less than forty thousand grams, trafficking in 4371  
marihuana is a felony of the second degree, and the court shall 4372

impose as a mandatory prison term a second degree felony 4373  
mandatory prison term of five, six, seven, or eight years. If 4374  
the amount of the drug involved is within that range and if the 4375  
offense was committed in the vicinity of a school or in the 4376  
vicinity of a juvenile, trafficking in marihuana is a felony of 4377  
the first degree, and the court shall impose as a mandatory 4378  
prison term ~~the maximum prison term prescribed for a felony of~~ 4379  
~~the first degree~~ a maximum first degree felony mandatory prison 4380  
term. 4381

(g) Except as otherwise provided in this division, if the 4382  
amount of the drug involved equals or exceeds forty thousand 4383  
grams, trafficking in marihuana is a felony of the second 4384  
degree, and the court shall impose as a mandatory prison term 4385  
~~the maximum prison term prescribed for a felony of the second~~ 4386  
~~degree~~ a maximum second degree felony mandatory prison term. If 4387  
the amount of the drug involved equals or exceeds forty thousand 4388  
grams and if the offense was committed in the vicinity of a 4389  
school or in the vicinity of a juvenile, trafficking in 4390  
marihuana is a felony of the first degree, and the court shall 4391  
impose as a mandatory prison term ~~the maximum prison term~~ 4392  
~~prescribed for a felony of the first degree~~ a maximum first 4393  
degree felony mandatory prison term. 4394

(h) Except as otherwise provided in this division, if the 4395  
offense involves a gift of twenty grams or less of marihuana, 4396  
trafficking in marihuana is a minor misdemeanor upon a first 4397  
offense and a misdemeanor of the third degree upon a subsequent 4398  
offense. If the offense involves a gift of twenty grams or less 4399  
of marihuana and if the offense was committed in the vicinity of 4400  
a school or in the vicinity of a juvenile, trafficking in 4401  
marihuana is a misdemeanor of the third degree. 4402

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

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

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine 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 cocaine 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 ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a

felony of the third degree, and, except as otherwise provided in 4433  
this division, there is a presumption for a prison term for the 4434  
offense. If trafficking in cocaine is a felony of the third 4435  
degree under this division and if the offender two or more times 4436  
previously has been convicted of or pleaded guilty to a felony 4437  
drug abuse offense, the court shall impose as a mandatory prison 4438  
term one of the prison terms prescribed for a felony of the 4439  
third degree. If the amount of the drug involved is within that 4440  
range and if the offense was committed in the vicinity of a 4441  
school or in the vicinity of a juvenile, trafficking in cocaine 4442  
is a felony of the second degree, and the court shall impose as 4443  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4444  
~~felony of the second degree~~ a second degree felony mandatory 4445  
prison term. 4446

(e) Except as otherwise provided in this division, if the 4447  
amount of the drug involved equals or exceeds twenty grams but 4448  
is less than twenty-seven grams of cocaine, trafficking in 4449  
cocaine is a felony of the second degree, and the court shall 4450  
impose as a mandatory prison term ~~one of the prison terms~~ 4451  
~~prescribed for a felony of the second degree~~ a second degree 4452  
felony mandatory prison term. If the amount of the drug involved 4453  
is within that range and if the offense was committed in the 4454  
vicinity of a school or in the vicinity of a juvenile, 4455  
trafficking in cocaine is a felony of the first degree, and the 4456  
court shall impose as a mandatory prison term ~~one of the prison~~ 4457  
~~terms prescribed for a felony of the first degree~~ a first degree 4458  
felony mandatory prison term. 4459

(f) If the amount of the drug involved equals or exceeds 4460  
twenty-seven grams but is less than one hundred grams of cocaine 4461  
and regardless of whether the offense was committed in the 4462  
vicinity of a school or in the vicinity of a juvenile, 4463

trafficking in cocaine is a felony of the first degree, and the 4464  
court shall impose as a mandatory prison term ~~one of the prison~~ 4465  
~~terms prescribed for a felony of the first degree~~ a first degree 4466  
felony mandatory prison term. 4467

(g) If the amount of the drug involved equals or exceeds 4468  
one hundred grams of cocaine and regardless of whether the 4469  
offense was committed in the vicinity of a school or in the 4470  
vicinity of a juvenile, trafficking in cocaine is a felony of 4471  
the first degree, the offender is a major drug offender, and the 4472  
court shall impose as a mandatory prison term ~~the maximum prison~~ 4473  
~~term prescribed for a felony of the first degree~~ a maximum first 4474  
degree felony mandatory prison term. 4475

(5) If the drug involved in the violation is L.S.D. or a 4476  
compound, mixture, preparation, or substance containing L.S.D., 4477  
whoever violates division (A) of this section is guilty of 4478  
trafficking in L.S.D. The penalty for the offense shall be 4479  
determined as follows: 4480

(a) Except as otherwise provided in division (C) (5) (b), 4481  
(c), (d), (e), (f), or (g) of this section, trafficking in 4482  
L.S.D. is a felony of the fifth degree, and division (B) of 4483  
section 2929.13 of the Revised Code applies in determining 4484  
whether to impose a prison term on the offender. 4485

(b) Except as otherwise provided in division (C) (5) (c), 4486  
(d), (e), (f), or (g) of this section, if the offense was 4487  
committed in the vicinity of a school or in the vicinity of a 4488  
juvenile, trafficking in L.S.D. is a felony of the fourth 4489  
degree, and division (C) of section 2929.13 of the Revised Code 4490  
applies in determining whether to impose a prison term on the 4491  
offender. 4492

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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 L.S.D. 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 fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 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 L.S.D. 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 4524  
prison term. 4525

(e) Except as otherwise provided in this division, if the 4526  
amount of the drug involved equals or exceeds two hundred fifty 4527  
unit doses but is less than one thousand unit doses of L.S.D. in 4528  
a solid form or equals or exceeds twenty-five grams but is less 4529  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4530  
extract, or liquid distillate form, trafficking in L.S.D. is a 4531  
felony of the second degree, and the court shall impose as a 4532  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4533  
~~felony of the second degree~~ a second degree felony mandatory 4534  
prison term. If the amount of the drug involved is within that 4535  
range and if the offense was committed in the vicinity of a 4536  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4537  
is a felony of the first degree, and the court shall impose as a 4538  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4539  
~~felony of the first degree~~ a first degree felony mandatory 4540  
prison term. 4541

(f) If the amount of the drug involved equals or exceeds 4542  
one thousand unit doses but is less than five thousand unit 4543  
doses of L.S.D. in a solid form or equals or exceeds one hundred 4544  
grams but is less than five hundred grams of L.S.D. in a liquid 4545  
concentrate, liquid extract, or liquid distillate form and 4546  
regardless of whether the offense was committed in the vicinity 4547  
of a school or in the vicinity of a juvenile, trafficking in 4548  
L.S.D. is a felony of the first degree, and the court shall 4549  
impose as a mandatory prison term ~~one of the prison terms~~ 4550  
~~prescribed for a felony of the first degree~~ a first degree 4551  
felony mandatory prison term. 4552

(g) If the amount of the drug involved equals or exceeds 4553

five thousand unit doses of L.S.D. in a solid form or equals or 4554  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4555  
liquid extract, or liquid distillate form and regardless of 4556  
whether the offense was committed in the vicinity of a school or 4557  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4558  
of the first degree, the offender is a major drug offender, and 4559  
the court shall impose as a mandatory prison term ~~the maximum~~ 4560  
~~prison term prescribed for a felony of the first degree~~ a 4561  
maximum first degree felony mandatory prison term. 4562

(6) If the drug involved in the violation is heroin or a 4563  
compound, mixture, preparation, or substance containing heroin, 4564  
whoever violates division (A) of this section is guilty of 4565  
trafficking in heroin. The penalty for the offense shall be 4566  
determined as follows: 4567

(a) Except as otherwise provided in division (C) (6) (b), 4568  
(c), (d), (e), (f), or (g) of this section, trafficking in 4569  
heroin is a felony of the fifth degree, and division (B) of 4570  
section 2929.13 of the Revised Code applies in determining 4571  
whether to impose a prison term on the offender. 4572

(b) Except as otherwise provided in division (C) (6) (c), 4573  
(d), (e), (f), or (g) of this section, if the offense was 4574  
committed in the vicinity of a school or in the vicinity of a 4575  
juvenile, trafficking in heroin is a felony of the fourth 4576  
degree, and division (C) of section 2929.13 of the Revised Code 4577  
applies in determining whether to impose a prison term on the 4578  
offender. 4579

(c) Except as otherwise provided in this division, if the 4580  
amount of the drug involved equals or exceeds ten unit doses but 4581  
is less than fifty unit doses or equals or exceeds one gram but 4582  
is less than five grams, trafficking in heroin is a felony of 4583

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 heroin 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 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 4615  
five hundred unit doses but is less than one thousand unit doses 4616  
or equals or exceeds fifty grams but is less than one hundred 4617  
grams and regardless of whether the offense was committed in the 4618  
vicinity of a school or in the vicinity of a juvenile, 4619  
trafficking in heroin is a felony of the first degree, and the 4620  
court shall impose as a mandatory prison term ~~one of the prison-~~ 4621  
~~terms prescribed for a felony of the first degree~~ a first degree 4622  
felony mandatory prison term. 4623

(g) If the amount of the drug involved equals or exceeds 4624  
one thousand unit doses or equals or exceeds one hundred grams 4625  
and regardless of whether the offense was committed in the 4626  
vicinity of a school or in the vicinity of a juvenile, 4627  
trafficking in heroin is a felony of the first degree, the 4628  
offender is a major drug offender, and the court shall impose as 4629  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4630  
~~felony of the first degree~~ a maximum first degree felony 4631  
mandatory prison term. 4632

(7) If the drug involved in the violation is hashish or a 4633  
compound, mixture, preparation, or substance containing hashish, 4634  
whoever violates division (A) of this section is guilty of 4635  
trafficking in hashish. The penalty for the offense shall be 4636  
determined as follows: 4637

(a) Except as otherwise provided in division (C) (7) (b), 4638  
(c), (d), (e), (f), or (g) of this section, trafficking in 4639  
hashish is a felony of the fifth degree, and division (B) of 4640  
section 2929.13 of the Revised Code applies in determining 4641  
whether to impose a prison term on the offender. 4642

(b) Except as otherwise provided in division (C) (7) (c), 4643  
(d), (e), (f), or (g) of this section, if the offense was 4644

committed in the vicinity of a school or in the vicinity of a 4645  
juvenile, trafficking in hashish is a felony of the fourth 4646  
degree, and division (B) of section 2929.13 of the Revised Code 4647  
applies in determining whether to impose a prison term on the 4648  
offender. 4649

(c) Except as otherwise provided in this division, if the 4650  
amount of the drug involved equals or exceeds ten grams but is 4651  
less than fifty grams of hashish in a solid form or equals or 4652  
exceeds two grams but is less than ten grams of hashish in a 4653  
liquid concentrate, liquid extract, or liquid distillate form, 4654  
trafficking in hashish is a felony of the fourth degree, and 4655  
division (B) of section 2929.13 of the Revised Code applies in 4656  
determining whether to impose a prison term on the offender. If 4657  
the amount of the drug involved is within that range and if the 4658  
offense was committed in the vicinity of a school or in the 4659  
vicinity of a juvenile, trafficking in hashish is a felony of 4660  
the third degree, and division (C) of section 2929.13 of the 4661  
Revised Code applies in determining whether to impose a prison 4662  
term on the offender. 4663

(d) Except as otherwise provided in this division, if the 4664  
amount of the drug involved equals or exceeds fifty grams but is 4665  
less than two hundred fifty grams of hashish in a solid form or 4666  
equals or exceeds ten grams but is less than fifty grams of 4667  
hashish in a liquid concentrate, liquid extract, or liquid 4668  
distillate form, trafficking in hashish is a felony of the third 4669  
degree, and division (C) of section 2929.13 of the Revised Code 4670  
applies in determining whether to impose a prison term on the 4671  
offender. If the amount of the drug involved is within that 4672  
range and if the offense was committed in the vicinity of a 4673  
school or in the vicinity of a juvenile, trafficking in hashish 4674  
is a felony of the second degree, and there is a presumption 4675

that a prison term shall be imposed for the offense. 4676

(e) Except as otherwise provided in this division, if the 4677  
amount of the drug involved equals or exceeds two hundred fifty 4678  
grams but is less than one thousand grams of hashish in a solid 4679  
form or equals or exceeds fifty grams but is less than two 4680  
hundred grams of hashish in a liquid concentrate, liquid 4681  
extract, or liquid distillate form, trafficking in hashish is a 4682  
felony of the third degree, and there is a presumption that a 4683  
prison term shall be imposed for the offense. If the amount of 4684  
the drug involved is within that range and if the offense was 4685  
committed in the vicinity of a school or in the vicinity of a 4686  
juvenile, trafficking in hashish is a felony of the second 4687  
degree, and there is a presumption that a prison term shall be 4688  
imposed for the offense. 4689

(f) Except as otherwise provided in this division, if the 4690  
amount of the drug involved equals or exceeds one thousand grams 4691  
but is less than two thousand grams of hashish in a solid form 4692  
or equals or exceeds two hundred grams but is less than four 4693  
hundred grams of hashish in a liquid concentrate, liquid 4694  
extract, or liquid distillate form, trafficking in hashish is a 4695  
felony of the second degree, and the court shall impose as a 4696  
mandatory prison term a second degree felony mandatory prison 4697  
term of five, six, seven, or eight years. If the amount of the 4698  
drug involved is within that range and if the offense was 4699  
committed in the vicinity of a school or in the vicinity of a 4700  
juvenile, trafficking in hashish is a felony of the first 4701  
degree, and the court shall impose as a mandatory prison term 4702  
~~the maximum prison term prescribed for a felony of the first-~~ 4703  
~~degree a maximum first degree felony mandatory prison term.~~ 4704

(g) Except as otherwise provided in this division, if the 4705

amount of the drug involved equals or exceeds two thousand grams 4706  
of hashish in a solid form or equals or exceeds four hundred 4707  
grams of hashish in a liquid concentrate, liquid extract, or 4708  
liquid distillate form, trafficking in hashish is a felony of 4709  
the second degree, and the court shall impose as a mandatory 4710  
prison term ~~the maximum prison term prescribed for a felony of~~ 4711  
~~the second degree~~ a maximum second degree felony mandatory 4712  
prison term. If the amount of the drug involved equals or 4713  
exceeds two thousand grams of hashish in a solid form or equals 4714  
or exceeds four hundred grams of hashish in a liquid 4715  
concentrate, liquid extract, or liquid distillate form and if 4716  
the offense was committed in the vicinity of a school or in the 4717  
vicinity of a juvenile, trafficking in hashish is a felony of 4718  
the first degree, and the court shall impose as a mandatory 4719  
prison term ~~the maximum prison term prescribed for a felony of~~ 4720  
~~the first degree~~ a maximum first degree felony mandatory prison 4721  
term. 4722

(8) If the drug involved in the violation is a controlled 4723  
substance analog or compound, mixture, preparation, or substance 4724  
that contains a controlled substance analog, whoever violates 4725  
division (A) of this section is guilty of trafficking in a 4726  
controlled substance analog. The penalty for the offense shall 4727  
be determined as follows: 4728

(a) Except as otherwise provided in division (C) (8) (b), 4729  
(c), (d), (e), (f), or (g) of this section, trafficking in a 4730  
controlled substance analog is a felony of the fifth degree, and 4731  
division (C) of section 2929.13 of the Revised Code applies in 4732  
determining whether to impose a prison term on the offender. 4733

(b) Except as otherwise provided in division (C) (8) (c), 4734  
(d), (e), (f), or (g) of this section, if the offense was 4735

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog 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 a controlled substance analog 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 twenty grams but is less than thirty grams, trafficking in a controlled substance analog 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 a controlled substance analog 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 thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall

impose as a mandatory prison term ~~one of the prison terms~~ 4766  
~~prescribed for a felony of the second degree~~ a second degree 4767  
felony mandatory prison term. If the amount of the drug involved 4768  
is within that range and if the offense was committed in the 4769  
vicinity of a school or in the vicinity of a juvenile, 4770  
trafficking in a controlled substance analog is a felony of the 4771  
first degree, and the court shall impose as a mandatory prison 4772  
term ~~one of the prison terms prescribed for a felony of the~~ 4773  
~~first degree~~ a first degree felony mandatory prison term. 4774

(f) If the amount of the drug involved equals or exceeds 4775  
forty grams but is less than fifty grams and regardless of 4776  
whether the offense was committed in the vicinity of a school or 4777  
in the vicinity of a juvenile, trafficking in a controlled 4778  
substance analog is a felony of the first degree, and the court 4779  
shall impose as a mandatory prison term ~~one of the prison terms~~ 4780  
~~prescribed for a felony of the first degree~~ a first degree 4781  
felony mandatory prison term. 4782

(g) If the amount of the drug involved equals or exceeds 4783  
fifty grams and regardless of whether the offense was committed 4784  
in the vicinity of a school or in the vicinity of a juvenile, 4785  
trafficking in a controlled substance analog is a felony of the 4786  
first degree, the offender is a major drug offender, and the 4787  
court shall impose as a mandatory prison term ~~the maximum prison~~ 4788  
~~term prescribed for a felony of the first degree~~ a maximum first 4789  
degree felony mandatory prison term. 4790

(D) In addition to any prison term authorized or required 4791  
by division (C) of this section and sections 2929.13 and 2929.14 4792  
of the Revised Code, and in addition to any other sanction 4793  
imposed for the offense under this section or sections 2929.11 4794  
to 2929.18 of the Revised Code, the court that sentences an 4795

offender who is convicted of or pleads guilty to a violation of 4796  
division (A) of this section may suspend the driver's or 4797  
commercial driver's license or permit of the offender in 4798  
accordance with division (G) of this section. However, if the 4799  
offender pleaded guilty to or was convicted of a violation of 4800  
section 4511.19 of the Revised Code or a substantially similar 4801  
municipal ordinance or the law of another state or the United 4802  
States arising out of the same set of circumstances as the 4803  
violation, the court shall suspend the offender's driver's or 4804  
commercial driver's license or permit in accordance with 4805  
division (G) of this section. If applicable, the court also 4806  
shall do the following: 4807

(1) If the violation of division (A) of this section is a 4808  
felony of the first, second, or third degree, the court shall 4809  
impose upon the offender the mandatory fine specified for the 4810  
offense under division (B) (1) of section 2929.18 of the Revised 4811  
Code unless, as specified in that division, the court determines 4812  
that the offender is indigent. Except as otherwise provided in 4813  
division (H) (1) of this section, a mandatory fine or any other 4814  
fine imposed for a violation of this section is subject to 4815  
division (F) of this section. If a person is charged with a 4816  
violation of this section that is a felony of the first, second, 4817  
or third degree, posts bail, and forfeits the bail, the clerk of 4818  
the court shall pay the forfeited bail pursuant to divisions (D) 4819  
(1) and (F) of this section, as if the forfeited bail was a fine 4820  
imposed for a violation of this section. If any amount of the 4821  
forfeited bail remains after that payment and if a fine is 4822  
imposed under division (H) (1) of this section, the clerk of the 4823  
court shall pay the remaining amount of the forfeited bail 4824  
pursuant to divisions (H) (2) and (3) of this section, as if that 4825  
remaining amount was a fine imposed under division (H) (1) of 4826

this section. 4827

(2) If the offender is a professionally licensed person, 4828  
the court immediately shall comply with section 2925.38 of the 4829  
Revised Code. 4830

(E) When a person is charged with the sale of or offer to 4831  
sell a bulk amount or a multiple of a bulk amount of a 4832  
controlled substance, the jury, or the court trying the accused, 4833  
shall determine the amount of the controlled substance involved 4834  
at the time of the offense and, if a guilty verdict is returned, 4835  
shall return the findings as part of the verdict. In any such 4836  
case, it is unnecessary to find and return the exact amount of 4837  
the controlled substance involved, and it is sufficient if the 4838  
finding and return is to the effect that the amount of the 4839  
controlled substance involved is the requisite amount, or that 4840  
the amount of the controlled substance involved is less than the 4841  
requisite amount. 4842

(F) (1) Notwithstanding any contrary provision of section 4843  
3719.21 of the Revised Code and except as provided in division 4844  
(H) of this section, the clerk of the court shall pay any 4845  
mandatory fine imposed pursuant to division (D) (1) of this 4846  
section and any fine other than a mandatory fine that is imposed 4847  
for a violation of this section pursuant to division (A) or (B) 4848  
(5) of section 2929.18 of the Revised Code to the county, 4849  
township, municipal corporation, park district, as created 4850  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 4851  
state law enforcement agencies in this state that primarily were 4852  
responsible for or involved in making the arrest of, and in 4853  
prosecuting, the offender. However, the clerk shall not pay a 4854  
mandatory fine so imposed to a law enforcement agency unless the 4855  
agency has adopted a written internal control policy under 4856

division (F) (2) of this section that addresses the use of the 4857  
fine moneys that it receives. Each agency shall use the 4858  
mandatory fines so paid to subsidize the agency's law 4859  
enforcement efforts that pertain to drug offenses, in accordance 4860  
with the written internal control policy adopted by the 4861  
recipient agency under division (F) (2) of this section. 4862

(2) Prior to receiving any fine moneys under division (F) 4863  
(1) of this section or division (B) of section 2925.42 of the 4864  
Revised Code, a law enforcement agency shall adopt a written 4865  
internal control policy that addresses the agency's use and 4866  
disposition of all fine moneys so received and that provides for 4867  
the keeping of detailed financial records of the receipts of 4868  
those fine moneys, the general types of expenditures made out of 4869  
those fine moneys, and the specific amount of each general type 4870  
of expenditure. The policy shall not provide for or permit the 4871  
identification of any specific expenditure that is made in an 4872  
ongoing investigation. All financial records of the receipts of 4873  
those fine moneys, the general types of expenditures made out of 4874  
those fine moneys, and the specific amount of each general type 4875  
of expenditure by an agency are public records open for 4876  
inspection under section 149.43 of the Revised Code. 4877  
Additionally, a written internal control policy adopted under 4878  
this division is such a public record, and the agency that 4879  
adopted it shall comply with it. 4880

(3) As used in division (F) of this section: 4881

(a) "Law enforcement agencies" includes, but is not 4882  
limited to, the state board of pharmacy and the office of a 4883  
prosecutor. 4884

(b) "Prosecutor" has the same meaning as in section 4885  
2935.01 of the Revised Code. 4886

(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

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

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

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13

and 2929.14 of the Revised Code, in addition to any other 4917  
penalty or sanction imposed for the offense under this section 4918  
or sections 2929.11 to 2929.18 of the Revised Code, and in 4919  
addition to the forfeiture of property in connection with the 4920  
offense as prescribed in Chapter 2981. of the Revised Code, the 4921  
court that sentences an offender who is convicted of or pleads 4922  
guilty to a violation of division (A) of this section may impose 4923  
upon the offender an additional fine specified for the offense 4924  
in division (B) (4) of section 2929.18 of the Revised Code. A 4925  
fine imposed under division (H) (1) of this section is not 4926  
subject to division (F) of this section and shall be used solely 4927  
for the support of one or more eligible community addiction 4928  
services providers in accordance with divisions (H) (2) and (3) 4929  
of this section. 4930

(2) The court that imposes a fine under division (H) (1) of 4931  
this section shall specify in the judgment that imposes the fine 4932  
one or more eligible community addiction services providers for 4933  
the support of which the fine money is to be used. No community 4934  
addiction services provider shall receive or use money paid or 4935  
collected in satisfaction of a fine imposed under division (H) 4936  
(1) of this section unless the services provider is specified in 4937  
the judgment that imposes the fine. No community addiction 4938  
services provider shall be specified in the judgment unless the 4939  
services provider is an eligible community addiction services 4940  
provider and, except as otherwise provided in division (H) (2) of 4941  
this section, unless the services provider is located in the 4942  
county in which the court that imposes the fine is located or in 4943  
a county that is immediately contiguous to the county in which 4944  
that court is located. If no eligible community addiction 4945  
services provider is located in any of those counties, the 4946  
judgment may specify an eligible community addiction services 4947

provider that is located anywhere within this state. 4948

(3) Notwithstanding any contrary provision of section 4949  
3719.21 of the Revised Code, the clerk of the court shall pay 4950  
any fine imposed under division (H) (1) of this section to the 4951  
eligible community addiction services provider specified 4952  
pursuant to division (H) (2) of this section in the judgment. The 4953  
eligible community addiction services provider that receives the 4954  
fine moneys shall use the moneys only for the alcohol and drug 4955  
addiction services identified in the application for 4956  
certification of services under section 5119.36 of the Revised 4957  
Code or in the application for a license under section 5119.391 4958  
of the Revised Code filed with the department of mental health 4959  
and addiction services by the community addiction services 4960  
provider specified in the judgment. 4961

(4) Each community addiction services provider that 4962  
receives in a calendar year any fine moneys under division (H) 4963  
(3) of this section shall file an annual report covering that 4964  
calendar year with the court of common pleas and the board of 4965  
county commissioners of the county in which the services 4966  
provider is located, with the court of common pleas and the 4967  
board of county commissioners of each county from which the 4968  
services provider received the moneys if that county is 4969  
different from the county in which the services provider is 4970  
located, and with the attorney general. The community addiction 4971  
services provider shall file the report no later than the first 4972  
day of March in the calendar year following the calendar year in 4973  
which the services provider received the fine moneys. The report 4974  
shall include statistics on the number of persons served by the 4975  
community addiction services provider, identify the types of 4976  
alcohol and drug addiction services provided to those persons, 4977  
and include a specific accounting of the purposes for which the 4978

fine moneys received were used. No information contained in the 4979  
report shall identify, or enable a person to determine the 4980  
identity of, any person served by the community addiction 4981  
services provider. Each report received by a court of common 4982  
pleas, a board of county commissioners, or the attorney general 4983  
is a public record open for inspection under section 149.43 of 4984  
the Revised Code. 4985

(5) As used in divisions (H) (1) to (5) of this section: 4986

(a) "Community addiction services provider" and "alcohol 4987  
and drug addiction services" have the same meanings as in 4988  
section 5119.01 of the Revised Code. 4989

(b) "Eligible community addiction services provider" means 4990  
a community addiction services provider, as defined in section 4991  
5119.01 of the Revised Code, or a community addiction services 4992  
provider that maintains a methadone treatment program licensed 4993  
under section 5119.391 of the Revised Code. 4994

(I) As used in this section, "drug" includes any substance 4995  
that is represented to be a drug. 4996

(J) It is an affirmative defense to a charge of 4997  
trafficking in a controlled substance analog under division (C) 4998  
(8) of this section that the person charged with violating that 4999  
offense sold or offered to sell, or prepared for shipment, 5000  
shipped, transported, delivered, prepared for distribution, or 5001  
distributed an item described in division (HH) (2) (a), (b), or 5002  
(c) of section 3719.01 of the Revised Code. 5003

**Sec. 2925.04.** (A) No person shall knowingly cultivate 5004  
marihuana or knowingly manufacture or otherwise engage in any 5005  
part of the production of a controlled substance. 5006

(B) This section does not apply to any person listed in 5007

division (B) (1), (2), or (3) of section 2925.03 of the Revised 5008  
Code to the extent and under the circumstances described in 5009  
those divisions. 5010

(C) (1) Whoever commits a violation of division (A) of this 5011  
section that involves any drug other than marihuana is guilty of 5012  
illegal manufacture of drugs, and whoever commits a violation of 5013  
division (A) of this section that involves marihuana is guilty 5014  
of illegal cultivation of marihuana. 5015

(2) Except as otherwise provided in this division, if the 5016  
drug involved in the violation of division (A) of this section 5017  
is any compound, mixture, preparation, or substance included in 5018  
schedule I or II, with the exception of methamphetamine or 5019  
marihuana, illegal manufacture of drugs is a felony of the 5020  
second degree, and, subject to division (E) of this section, the 5021  
court shall impose as a mandatory prison term ~~one of the prison~~ 5022  
~~terms prescribed for a felony of the second degree~~ a second 5023  
degree felony mandatory prison term. 5024

If the drug involved in the violation is any compound, 5025  
mixture, preparation, or substance included in schedule I or II, 5026  
with the exception of methamphetamine or marihuana, and if the 5027  
offense was committed in the vicinity of a juvenile or in the 5028  
vicinity of a school, illegal manufacture of drugs is a felony 5029  
of the first degree, and, subject to division (E) of this 5030  
section, the court shall impose as a mandatory prison term ~~one~~ 5031  
~~of the prison terms prescribed for a felony of the first degree~~ 5032  
a first degree felony mandatory prison term. 5033

(3) If the drug involved in the violation of division (A) 5034  
of this section is methamphetamine, the penalty for the 5035  
violation shall be determined as follows: 5036

(a) Except as otherwise provided in division (C) (3) (b) of 5037  
this section, if the drug involved in the violation is 5038  
methamphetamine, illegal manufacture of drugs is a felony of the 5039  
second degree, and, subject to division (E) of this section, the 5040  
court shall impose a mandatory prison term on the offender 5041  
determined in accordance with this division. Except as otherwise 5042  
provided in this division, the court shall impose as a mandatory 5043  
prison term ~~one of the prison terms prescribed for a felony of~~ 5044  
~~the second degree~~ a second degree felony mandatory prison term 5045  
that is not less than three years. If the offender previously 5046  
has been convicted of or pleaded guilty to a violation of 5047  
division (A) of this section, a violation of division (B) (6) of 5048  
section 2919.22 of the Revised Code, or a violation of division 5049  
(A) of section 2925.041 of the Revised Code, the court shall 5050  
impose as a mandatory prison term ~~one of the prison terms~~ 5051  
~~prescribed for a felony of the second degree~~ a second degree 5052  
felony mandatory prison term that is not less than five years. 5053

(b) If the drug involved in the violation is 5054  
methamphetamine and if the offense was committed in the vicinity 5055  
of a juvenile, in the vicinity of a school, or on public 5056  
premises, illegal manufacture of drugs is a felony of the first 5057  
degree, and, subject to division (E) of this section, the court 5058  
shall impose a mandatory prison term on the offender determined 5059  
in accordance with this division. Except as otherwise provided 5060  
in this division, the court shall impose as a mandatory prison 5061  
term ~~one of the prison terms prescribed for a felony of the~~ 5062  
~~first degree~~ a first degree felony mandatory prison term that is 5063  
not less than four years. If the offender previously has been 5064  
convicted of or pleaded guilty to a violation of division (A) of 5065  
this section, a violation of division (B) (6) of section 2919.22 5066  
of the Revised Code, or a violation of division (A) of section 5067

2925.041 of the Revised Code, the court shall impose as a 5068  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5069  
~~felony of the first degree~~ a first degree felony mandatory 5070  
prison term that is not less than five years. 5071

(4) If the drug involved in the violation of division (A) 5072  
of this section is any compound, mixture, preparation, or 5073  
substance included in schedule III, IV, or V, illegal 5074  
manufacture of drugs is a felony of the third degree or, if the 5075  
offense was committed in the vicinity of a school or in the 5076  
vicinity of a juvenile, a felony of the second degree, and there 5077  
is a presumption for a prison term for the offense. 5078

(5) If the drug involved in the violation is marihuana, 5079  
the penalty for the offense shall be determined as follows: 5080

(a) Except as otherwise provided in division (C) (5) (b), 5081  
(c), (d), (e), or (f) of this section, illegal cultivation of 5082  
marihuana is a minor misdemeanor or, if the offense was 5083  
committed in the vicinity of a school or in the vicinity of a 5084  
juvenile, a misdemeanor of the fourth degree. 5085

(b) If the amount of marihuana involved equals or exceeds 5086  
one hundred grams but is less than two hundred grams, illegal 5087  
cultivation of marihuana is a misdemeanor of the fourth degree 5088  
or, if the offense was committed in the vicinity of a school or 5089  
in the vicinity of a juvenile, a misdemeanor of the third 5090  
degree. 5091

(c) If the amount of marihuana involved equals or exceeds 5092  
two hundred grams but is less than one thousand grams, illegal 5093  
cultivation of marihuana is a felony of the fifth degree or, if 5094  
the offense was committed in the vicinity of a school or in the 5095  
vicinity of a juvenile, a felony of the fourth degree, and 5096

division (B) of section 2929.13 of the Revised Code applies in 5097  
determining whether to impose a prison term on the offender. 5098

(d) If the amount of marihuana involved equals or exceeds 5099  
one thousand grams but is less than five thousand grams, illegal 5100  
cultivation of marihuana is a felony of the third degree or, if 5101  
the offense was committed in the vicinity of a school or in the 5102  
vicinity of a juvenile, a felony of the second degree, and 5103  
division (C) of section 2929.13 of the Revised Code applies in 5104  
determining whether to impose a prison term on the offender. 5105

(e) If the amount of marihuana involved equals or exceeds 5106  
five thousand grams but is less than twenty thousand grams, 5107  
illegal cultivation of marihuana is a felony of the third degree 5108  
or, if the offense was committed in the vicinity of a school or 5109  
in the vicinity of a juvenile, a felony of the second degree, 5110  
and there is a presumption for a prison term for the offense. 5111

(f) Except as otherwise provided in this division, if the 5112  
amount of marihuana involved equals or exceeds twenty thousand 5113  
grams, illegal cultivation of marihuana is a felony of the 5114  
second degree, and the court shall impose as a mandatory prison 5115  
~~term the maximum prison term prescribed for a felony of the~~ 5116  
~~second degree a maximum second degree felony mandatory prison~~ 5117  
term. If the amount of the drug involved equals or exceeds 5118  
twenty thousand grams and if the offense was committed in the 5119  
vicinity of a school or in the vicinity of a juvenile, illegal 5120  
cultivation of marihuana is a felony of the first degree, and 5121  
the court shall impose as a mandatory prison term ~~the maximum~~ 5122  
~~prison term prescribed for a felony of the first degree a~~ 5123  
maximum first degree felony mandatory prison term. 5124

(D) In addition to any prison term authorized or required 5125  
by division (C) or (E) of this section and sections 2929.13 and 5126

2929.14 of the Revised Code and in addition to any other 5127  
sanction imposed for the offense under this section or sections 5128  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5129  
an offender who is convicted of or pleads guilty to a violation 5130  
of division (A) of this section may suspend the offender's 5131  
driver's or commercial driver's license or permit in accordance 5132  
with division (G) of section 2925.03 of the Revised Code. 5133  
However, if the offender pleaded guilty to or was convicted of a 5134  
violation of section 4511.19 of the Revised Code or a 5135  
substantially similar municipal ordinance or the law of another 5136  
state or the United States arising out of the same set of 5137  
circumstances as the violation, the court shall suspend the 5138  
offender's driver's or commercial driver's license or permit in 5139  
accordance with division (G) of section 2925.03 of the Revised 5140  
Code. If applicable, the court also shall do the following: 5141

(1) If the violation of division (A) of this section is a 5142  
felony of the first, second, or third degree, the court shall 5143  
impose upon the offender the mandatory fine specified for the 5144  
offense under division (B)(1) of section 2929.18 of the Revised 5145  
Code unless, as specified in that division, the court determines 5146  
that the offender is indigent. The clerk of the court shall pay 5147  
a mandatory fine or other fine imposed for a violation of this 5148  
section pursuant to division (A) of section 2929.18 of the 5149  
Revised Code in accordance with and subject to the requirements 5150  
of division (F) of section 2925.03 of the Revised Code. The 5151  
agency that receives the fine shall use the fine as specified in 5152  
division (F) of section 2925.03 of the Revised Code. If a person 5153  
is charged with a violation of this section that is a felony of 5154  
the first, second, or third degree, posts bail, and forfeits the 5155  
bail, the clerk shall pay the forfeited bail as if the forfeited 5156  
bail were a fine imposed for a violation of this section. 5157

(2) If the offender is a professionally licensed person, 5158  
the court immediately shall comply with section 2925.38 of the 5159  
Revised Code. 5160

(E) Notwithstanding the prison term otherwise authorized 5161  
or required for the offense under division (C) of this section 5162  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5163  
violation of division (A) of this section involves the sale, 5164  
offer to sell, or possession of a schedule I or II controlled 5165  
substance, with the exception of marihuana, and if the court 5166  
imposing sentence upon the offender finds that the offender as a 5167  
result of the violation is a major drug offender and is guilty 5168  
of a specification of the type described in section 2941.1410 of 5169  
the Revised Code, the court, in lieu of the prison term 5170  
otherwise authorized or required, shall impose upon the offender 5171  
the mandatory prison term specified in division (B) (3) of 5172  
section 2929.14 of the Revised Code. 5173

(F) It is an affirmative defense, as provided in section 5174  
2901.05 of the Revised Code, to a charge under this section for 5175  
a fifth degree felony violation of illegal cultivation of 5176  
marihuana that the marihuana that gave rise to the charge is in 5177  
an amount, is in a form, is prepared, compounded, or mixed with 5178  
substances that are not controlled substances in a manner, or is 5179  
possessed or cultivated under any other circumstances that 5180  
indicate that the marihuana was solely for personal use. 5181

Notwithstanding any contrary provision of division (F) of 5182  
this section, if, in accordance with section 2901.05 of the 5183  
Revised Code, a person who is charged with a violation of 5184  
illegal cultivation of marihuana that is a felony of the fifth 5185  
degree sustains the burden of going forward with evidence of and 5186  
establishes by a preponderance of the evidence the affirmative 5187

defense described in this division, the person may be prosecuted 5188  
for and may be convicted of or plead guilty to a misdemeanor 5189  
violation of illegal cultivation of marihuana. 5190

(G) Arrest or conviction for a minor misdemeanor violation 5191  
of this section does not constitute a criminal record and need 5192  
not be reported by the person so arrested or convicted in 5193  
response to any inquiries about the person's criminal record, 5194  
including any inquiries contained in an application for 5195  
employment, a license, or any other right or privilege or made 5196  
in connection with the person's appearance as a witness. 5197

(H) (1) If the sentencing court suspends the offender's 5198  
driver's or commercial driver's license or permit under this 5199  
section in accordance with division (G) of section 2925.03 of 5200  
the Revised Code, the offender may request termination of, and 5201  
the court may terminate, the suspension of the offender in 5202  
accordance with that division. 5203

(2) Any offender who received a mandatory suspension of 5204  
the offender's driver's or commercial driver's license or permit 5205  
under this section prior to ~~the effective date of this amendment~~ 5206  
September 13, 2016, may file a motion with the sentencing court 5207  
requesting the termination of the suspension. However, an 5208  
offender who pleaded guilty to or was convicted of a violation 5209  
of section 4511.19 of the Revised Code or a substantially 5210  
similar municipal ordinance or law of another state or the 5211  
United States that arose out of the same set of circumstances as 5212  
the violation for which the offender's license or permit was 5213  
suspended under this section shall not file such a motion. 5214

Upon the filing of a motion under division (H) (2) of this 5215  
section, the sentencing court, in its discretion, may terminate 5216  
the suspension. 5217

**Sec. 2925.041.** (A) No person shall knowingly assemble or 5218  
possess one or more chemicals that may be used to manufacture a 5219  
controlled substance in schedule I or II with the intent to 5220  
manufacture a controlled substance in schedule I or II in 5221  
violation of section 2925.04 of the Revised Code. 5222

(B) In a prosecution under this section, it is not 5223  
necessary to allege or prove that the offender assembled or 5224  
possessed all chemicals necessary to manufacture a controlled 5225  
substance in schedule I or II. The assembly or possession of a 5226  
single chemical that may be used in the manufacture of a 5227  
controlled substance in schedule I or II, with the intent to 5228  
manufacture a controlled substance in either schedule, is 5229  
sufficient to violate this section. 5230

(C) Whoever violates this section is guilty of illegal 5231  
assembly or possession of chemicals for the manufacture of 5232  
drugs. Except as otherwise provided in this division, illegal 5233  
assembly or possession of chemicals for the manufacture of drugs 5234  
is a felony of the third degree, and, except as otherwise 5235  
provided in division (C)(1) or (2) of this section, division (C) 5236  
of section 2929.13 of the Revised Code applies in determining 5237  
whether to impose a prison term on the offender. If the offense 5238  
was committed in the vicinity of a juvenile or in the vicinity 5239  
of a school, illegal assembly or possession of chemicals for the 5240  
manufacture of drugs is a felony of the second degree, and, 5241  
except as otherwise provided in division (C)(1) or (2) of this 5242  
section, division (C) of section 2929.13 of the Revised Code 5243  
applies in determining whether to impose a prison term on the 5244  
offender. If the violation of division (A) of this section is a 5245  
felony of the third degree under this division and if the 5246  
chemical or chemicals assembled or possessed in violation of 5247  
division (A) of this section may be used to manufacture 5248

methamphetamine, there either is a presumption for a prison term 5249  
for the offense or the court shall impose a mandatory prison 5250  
term on the offender, determined as follows: 5251

(1) Except as otherwise provided in this division, there 5252  
is a presumption for a prison term for the offense. If the 5253  
offender two or more times previously has been convicted of or 5254  
pleaded guilty to a felony drug abuse offense, except as 5255  
otherwise provided in this division, the court shall impose as a 5256  
mandatory prison term one of the prison terms prescribed for a 5257  
felony of the third degree that is not less than two years. If 5258  
the offender two or more times previously has been convicted of 5259  
or pleaded guilty to a felony drug abuse offense and if at least 5260  
one of those previous convictions or guilty pleas was to a 5261  
violation of division (A) of this section, a violation of 5262  
division (B) (6) of section 2919.22 of the Revised Code, or a 5263  
violation of division (A) of section 2925.04 of the Revised 5264  
Code, the court shall impose as a mandatory prison term one of 5265  
the prison terms prescribed for a felony of the third degree 5266  
that is not less than five years. 5267

(2) If the violation of division (A) of this section is a 5268  
felony of the second degree under division (C) of this section 5269  
and the chemical or chemicals assembled or possessed in 5270  
committing the violation may be used to manufacture 5271  
methamphetamine, the court shall impose as a mandatory prison 5272  
term ~~one of the prison terms prescribed for a felony of the~~ 5273  
~~second degree~~ a second degree felony mandatory prison term that 5274  
is not less than three years. If the violation of division (A) 5275  
of this section is a felony of the second degree under division 5276  
(C) of this section, if the chemical or chemicals assembled or 5277  
possessed in committing the violation may be used to manufacture 5278  
methamphetamine, and if the offender previously has been 5279

convicted of or pleaded guilty to a violation of division (A) of 5280  
this section, a violation of division (B) (6) of section 2919.22 5281  
of the Revised Code, or a violation of division (A) of section 5282  
2925.04 of the Revised Code, the court shall impose as a 5283  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5284  
~~felony of the second degree~~ a second degree felony mandatory 5285  
prison term that is not less than five years. 5286

(D) In addition to any prison term authorized by division 5287  
(C) of this section and sections 2929.13 and 2929.14 of the 5288  
Revised Code and in addition to any other sanction imposed for 5289  
the offense under this section or sections 2929.11 to 2929.18 of 5290  
the Revised Code, the court that sentences an offender who is 5291  
convicted of or pleads guilty to a violation of this section may 5292  
suspend the offender's driver's or commercial driver's license 5293  
or permit in accordance with division (G) of section 2925.03 of 5294  
the Revised Code. However, if the offender pleaded guilty to or 5295  
was convicted of a violation of section 4511.19 of the Revised 5296  
Code or a substantially similar municipal ordinance or the law 5297  
of another state or the United States arising out of the same 5298  
set of circumstances as the violation, the court shall suspend 5299  
the offender's driver's or commercial driver's license or permit 5300  
in accordance with division (G) of section 2925.03 of the 5301  
Revised Code. If applicable, the court also shall do the 5302  
following: 5303

(1) The court shall impose upon the offender the mandatory 5304  
fine specified for the offense under division (B) (1) of section 5305  
2929.18 of the Revised Code unless, as specified in that 5306  
division, the court determines that the offender is indigent. 5307  
The clerk of the court shall pay a mandatory fine or other fine 5308  
imposed for a violation of this section under division (A) of 5309  
section 2929.18 of the Revised Code in accordance with and 5310

subject to the requirements of division (F) of section 2925.03 5311  
of the Revised Code. The agency that receives the fine shall use 5312  
the fine as specified in division (F) of section 2925.03 of the 5313  
Revised Code. If a person charged with a violation of this 5314  
section posts bail and forfeits the bail, the clerk shall pay 5315  
the forfeited bail as if the forfeited bail were a fine imposed 5316  
for a violation of this section. 5317

(2) If the offender is a professionally licensed person or 5318  
a person who has been admitted to the bar by order of the 5319  
supreme court in compliance with its prescribed and published 5320  
rules, the court shall comply with section 2925.38 of the 5321  
Revised Code. 5322

(E) (1) If the sentencing court suspends the offender's 5323  
driver's or commercial driver's license or permit under this 5324  
section in accordance with division (G) of section 2925.03 of 5325  
the Revised Code, the offender may request termination of, and 5326  
the court may terminate, the suspension of the offender in 5327  
accordance with that division. 5328

(2) Any offender who received a mandatory suspension of 5329  
the offender's driver's or commercial driver's license or permit 5330  
under this section prior to ~~the effective date of this amendment~~ 5331  
September 13, 2016, may file a motion with the sentencing court 5332  
requesting the termination of the suspension. However, an 5333  
offender who pleaded guilty to or was convicted of a violation 5334  
of section 4511.19 of the Revised Code or a substantially 5335  
similar municipal ordinance or law of another state or the 5336  
United States that arose out of the same set of circumstances as 5337  
the violation for which the offender's license or permit was 5338  
suspended under this section shall not file such a motion. 5339

Upon the filing of a motion under division (E) (2) of this 5340

section, the sentencing court, in its discretion, may terminate 5341  
the suspension. 5342

**Sec. 2925.05.** (A) No person shall knowingly provide money 5343  
or other items of value to another person with the purpose that 5344  
the recipient of the money or items of value use them to obtain 5345  
any controlled substance for the purpose of violating section 5346  
2925.04 of the Revised Code or for the purpose of selling or 5347  
offering to sell the controlled substance in the following 5348  
amount: 5349

(1) If the drug to be sold or offered for sale is any 5350  
compound, mixture, preparation, or substance included in 5351  
schedule I or II, with the exception of marihuana, cocaine, 5352  
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5353  
amount of the drug that equals or exceeds the bulk amount of the 5354  
drug; 5355

(2) If the drug to be sold or offered for sale is 5356  
marihuana or a compound, mixture, preparation, or substance 5357  
other than hashish containing marihuana, an amount of the 5358  
marihuana that equals or exceeds two hundred grams; 5359

(3) If the drug to be sold or offered for sale is cocaine 5360  
or a compound, mixture, preparation, or substance containing 5361  
cocaine, an amount of the cocaine that equals or exceeds five 5362  
grams; 5363

(4) If the drug to be sold or offered for sale is L.S.D. 5364  
or a compound, mixture, preparation, or substance containing 5365  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5366  
doses if the L.S.D. is in a solid form or equals or exceeds one 5367  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5368  
or liquid distillate form; 5369

(5) If the drug to be sold or offered for sale is heroin 5370  
or a compound, mixture, preparation, or substance containing 5371  
heroin, an amount of the heroin that equals or exceeds ten unit 5372  
doses or equals or exceeds one gram; 5373

(6) If the drug to be sold or offered for sale is hashish 5374  
or a compound, mixture, preparation, or substance containing 5375  
hashish, an amount of the hashish that equals or exceeds ten 5376  
grams if the hashish is in a solid form or equals or exceeds two 5377  
grams if the hashish is in a liquid concentrate, liquid extract, 5378  
or liquid distillate form. 5379

(B) This section does not apply to any person listed in 5380  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5381  
Code to the extent and under the circumstances described in 5382  
those divisions. 5383

(C) (1) If the drug involved in the violation is any 5384  
compound, mixture, preparation, or substance included in 5385  
schedule I or II, with the exception of marihuana, whoever 5386  
violates division (A) of this section is guilty of aggravated 5387  
funding of drug trafficking, a felony of the first degree, and, 5388  
subject to division (E) of this section, the court shall impose 5389  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5390  
~~for a felony of the first degree~~ a first degree felony mandatory 5391  
prison term. 5392

(2) If the drug involved in the violation is any compound, 5393  
mixture, preparation, or substance included in schedule III, IV, 5394  
or V, whoever violates division (A) of this section is guilty of 5395  
funding of drug trafficking, a felony of the second degree, and 5396  
the court shall impose as a mandatory prison term ~~one of the~~ 5397  
~~prison terms prescribed for a felony of the second degree~~ a 5398  
second degree felony mandatory prison term. 5399

(3) If the drug involved in the violation is marihuana, 5400  
whoever violates division (A) of this section is guilty of 5401  
funding of marihuana trafficking, a felony of the third degree, 5402  
and, except as otherwise provided in this division, there is a 5403  
presumption for a prison term for the offense. If funding of 5404  
marihuana trafficking is a felony of the third degree under this 5405  
division and if the offender two or more times previously has 5406  
been convicted of or pleaded guilty to a felony drug abuse 5407  
offense, the court shall impose as a mandatory prison term one 5408  
of the prison terms prescribed for a felony of the third degree. 5409

(D) In addition to any prison term authorized or required 5410  
by division (C) or (E) of this section and sections 2929.13 and 5411  
2929.14 of the Revised Code and in addition to any other 5412  
sanction imposed for the offense under this section or sections 5413  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5414  
an offender who is convicted of or pleads guilty to a violation 5415  
of division (A) of this section may suspend the offender's 5416  
driver's or commercial driver's license or permit in accordance 5417  
with division (G) of section 2925.03 of the Revised Code. 5418  
However, if the offender pleaded guilty to or was convicted of a 5419  
violation of section 4511.19 of the Revised Code or a 5420  
substantially similar municipal ordinance or the law of another 5421  
state or the United States arising out of the same set of 5422  
circumstances as the violation, the court shall suspend the 5423  
offender's driver's or commercial driver's license or permit in 5424  
accordance with division (G) of section 2925.03 of the Revised 5425  
Code. If applicable, the court also shall do the following: 5426

(1) The court shall impose the mandatory fine specified 5427  
for the offense under division (B)(1) of section 2929.18 of the 5428  
Revised Code unless, as specified in that division, the court 5429  
determines that the offender is indigent. The clerk of the court 5430

shall pay a mandatory fine or other fine imposed for a violation 5431  
of this section pursuant to division (A) of section 2929.18 of 5432  
the Revised Code in accordance with and subject to the 5433  
requirements of division (F) of section 2925.03 of the Revised 5434  
Code. The agency that receives the fine shall use the fine in 5435  
accordance with division (F) of section 2925.03 of the Revised 5436  
Code. If a person is charged with a violation of this section, 5437  
posts bail, and forfeits the bail, the forfeited bail shall be 5438  
paid as if the forfeited bail were a fine imposed for a 5439  
violation of this section. 5440

(2) If the offender is a professionally licensed person, 5441  
the court immediately shall comply with section 2925.38 of the 5442  
Revised Code. 5443

(E) Notwithstanding the prison term otherwise authorized 5444  
or required for the offense under division (C) of this section 5445  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5446  
violation of division (A) of this section involves the sale, 5447  
offer to sell, or possession of a schedule I or II controlled 5448  
substance, with the exception of marihuana, and if the court 5449  
imposing sentence upon the offender finds that the offender as a 5450  
result of the violation is a major drug offender and is guilty 5451  
of a specification of the type described in section 2941.1410 of 5452  
the Revised Code, the court, in lieu of the prison term 5453  
otherwise authorized or required, shall impose upon the offender 5454  
the mandatory prison term specified in division (B) (3) of 5455  
section 2929.14 of the Revised Code. 5456

(F) (1) If the sentencing court suspends the offender's 5457  
driver's or commercial driver's license or permit under this 5458  
section in accordance with division (G) of section 2925.03 of 5459  
the Revised Code, the offender may request termination of, and 5460

the court may terminate, the suspension in accordance with that 5461  
division. 5462

(2) Any offender who received a mandatory suspension of 5463  
the offender's driver's or commercial driver's license or permit 5464  
under this section prior to ~~the effective date of this amendment~~ 5465  
September 13, 2016, may file a motion with the sentencing court 5466  
requesting the termination of the suspension. However, an 5467  
offender who pleaded guilty to or was convicted of a violation 5468  
of section 4511.19 of the Revised Code or a substantially 5469  
similar municipal ordinance or law of another state or the 5470  
United States that arose out of the same set of circumstances as 5471  
the violation for which the offender's license or permit was 5472  
suspended under this section shall not file such a motion. 5473

Upon the filing of a motion under division (F) (2) of this 5474  
section, the sentencing court, in its discretion, may terminate 5475  
the suspension. 5476

**Sec. 2925.11.** (A) No person shall knowingly obtain, 5477  
possess, or use a controlled substance or a controlled substance 5478  
analog. 5479

(B) (1) This section does not apply to any of the 5480  
following: 5481

(a) Manufacturers, licensed health professionals 5482  
authorized to prescribe drugs, pharmacists, owners of 5483  
pharmacies, and other persons whose conduct was in accordance 5484  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5485  
4741. of the Revised Code; 5486

(b) If the offense involves an anabolic steroid, any 5487  
person who is conducting or participating in a research project 5488  
involving the use of an anabolic steroid if the project has been 5489

approved by the United States food and drug administration;	5490
(c) Any person who sells, offers for sale, prescribes,	5491
dispenses, or administers for livestock or other nonhuman	5492
species an anabolic steroid that is expressly intended for	5493
administration through implants to livestock or other nonhuman	5494
species and approved for that purpose under the "Federal Food,	5495
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	5496
as amended, and is sold, offered for sale, prescribed,	5497
dispensed, or administered for that purpose in accordance with	5498
that act;	5499
(d) Any person who obtained the controlled substance	5500
pursuant to a lawful prescription issued by a licensed health	5501
professional authorized to prescribe drugs.	5502
(2) (a) As used in division (B) (2) of this section:	5503
(i) "Community addiction services provider" has the same	5504
meaning as in section 5119.01 of the Revised Code.	5505
(ii) "Community control sanction" and "drug treatment	5506
program" have the same meanings as in section 2929.01 of the	5507
Revised Code.	5508
(iii) "Health care facility" has the same meaning as in	5509
section 2919.16 of the Revised Code.	5510
(iv) "Minor drug possession offense" means a violation of	5511
this section that is a misdemeanor or a felony of the fifth	5512
degree.	5513
(v) "Post-release control sanction" has the same meaning	5514
as in section 2967.28 of the Revised Code.	5515
(vi) "Peace officer" has the same meaning as in section	5516
2935.01 of the Revised Code.	5517

(vii) "Public agency" has the same meaning as in section 5518  
2930.01 of the Revised Code. 5519

(viii) "Qualified individual" means a person who is not on 5520  
community control or post-release control and is a person acting 5521  
in good faith who seeks or obtains medical assistance for 5522  
another person who is experiencing a drug overdose, a person who 5523  
experiences a drug overdose and who seeks medical assistance for 5524  
that overdose, or a person who is the subject of another person 5525  
seeking or obtaining medical assistance for that overdose as 5526  
described in division (B) (2) (b) of this section. 5527

(ix) "Seek or obtain medical assistance" includes, but is 5528  
not limited to making a 9-1-1 call, contacting in person or by 5529  
telephone call an on-duty peace officer, or transporting or 5530  
presenting a person to a health care facility. 5531

(b) Subject to division (B) (2) (f) of this section, a 5532  
qualified individual shall not be arrested, charged, prosecuted, 5533  
convicted, or penalized pursuant to this chapter for a minor 5534  
drug possession offense if all of the following apply: 5535

(i) The evidence of the obtaining, possession, or use of 5536  
the controlled substance or controlled substance analog that 5537  
would be the basis of the offense was obtained as a result of 5538  
the qualified individual seeking the medical assistance or 5539  
experiencing an overdose and needing medical assistance. 5540

(ii) Subject to division (B) (2) (g) of this section, within 5541  
thirty days after seeking or obtaining the medical assistance, 5542  
the qualified individual seeks and obtains a screening and 5543  
receives a referral for treatment from a community addiction 5544  
services provider or a properly credentialed addiction treatment 5545  
professional. 5546

(iii) Subject to division (B) (2) (g) of this section, the 5547  
qualified individual who obtains a screening and receives a 5548  
referral for treatment under division (B) (2) (b) (ii) of this 5549  
section, upon the request of any prosecuting attorney, submits 5550  
documentation to the prosecuting attorney that verifies that the 5551  
qualified individual satisfied the requirements of that 5552  
division. The documentation shall be limited to the date and 5553  
time of the screening obtained and referral received. 5554

(c) If a person is found to be in violation of any 5555  
community control sanction and if the violation is a result of 5556  
either of the following, the court shall first consider ordering 5557  
the person's participation or continued participation in a drug 5558  
treatment program or mitigating the penalty specified in section 5559  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5560  
applicable, after which the court has the discretion either to 5561  
order the person's participation or continued participation in a 5562  
drug treatment program or to impose the penalty with the 5563  
mitigating factor specified in any of those applicable sections: 5564

(i) Seeking or obtaining medical assistance in good faith 5565  
for another person who is experiencing a drug overdose; 5566

(ii) Experiencing a drug overdose and seeking medical 5567  
assistance for that overdose or being the subject of another 5568  
person seeking or obtaining medical assistance for that overdose 5569  
as described in division (B) (2) (b) of this section. 5570

(d) If a person is found to be in violation of any post- 5571  
release control sanction and if the violation is a result of 5572  
either of the following, the court or the parole board shall 5573  
first consider ordering the person's participation or continued 5574  
participation in a drug treatment program or mitigating the 5575  
penalty specified in section 2929.141 or 2967.28 of the Revised 5576

Code, whichever is applicable, after which the court or the 5577  
parole board has the discretion either to order the person's 5578  
participation or continued participation in a drug treatment 5579  
program or to impose the penalty with the mitigating factor 5580  
specified in either of those applicable sections: 5581

(i) Seeking or obtaining medical assistance in good faith 5582  
for another person who is experiencing a drug overdose; 5583

(ii) Experiencing a drug overdose and seeking medical 5584  
assistance for that emergency or being the subject of another 5585  
person seeking or obtaining medical assistance for that overdose 5586  
as described in division (B) (2) (b) of this section. 5587

(e) Nothing in division (B) (2) (b) of this section shall be 5588  
construed to do any of the following: 5589

(i) Limit the admissibility of any evidence in connection 5590  
with the investigation or prosecution of a crime with regards to 5591  
a defendant who does not qualify for the protections of division 5592  
(B) (2) (b) of this section or with regards to any crime other 5593  
than a minor drug possession offense committed by a person who 5594  
qualifies for protection pursuant to division (B) (2) (b) of this 5595  
section for a minor drug possession offense; 5596

(ii) Limit any seizure of evidence or contraband otherwise 5597  
permitted by law; 5598

(iii) Limit or abridge the authority of a peace officer to 5599  
detain or take into custody a person in the course of an 5600  
investigation or to effectuate an arrest for any offense except 5601  
as provided in that division; 5602

(iv) Limit, modify, or remove any immunity from liability 5603  
available pursuant to law in effect prior to ~~the effective date~~ 5604  
~~of this amendment~~ September 13, 2016, to any public agency or to 5605

an employee of any public agency. 5606

(f) Division (B) (2) (b) of this section does not apply to 5607  
any person who twice previously has been granted an immunity 5608  
under division (B) (2) (b) of this section. No person shall be 5609  
granted an immunity under division (B) (2) (b) of this section 5610  
more than two times. 5611

(g) Nothing in this section shall compel any qualified 5612  
individual to disclose protected health information in a way 5613  
that conflicts with the requirements of the "Health Insurance 5614  
Portability and Accountability Act of 1996," 104 Pub. L. No. 5615  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5616  
regulations promulgated by the United States department of 5617  
health and human services to implement the act or the 5618  
requirements of 42 C.F.R. Part 2. 5619

(C) Whoever violates division (A) of this section is 5620  
guilty of one of the following: 5621

(1) If the drug involved in the violation is a compound, 5622  
mixture, preparation, or substance included in schedule I or II, 5623  
with the exception of marihuana, cocaine, L.S.D., heroin, 5624  
hashish, and controlled substance analogs, whoever violates 5625  
division (A) of this section is guilty of aggravated possession 5626  
of drugs. The penalty for the offense shall be determined as 5627  
follows: 5628

(a) Except as otherwise provided in division (C) (1) (b), 5629  
(c), (d), or (e) of this section, aggravated possession of drugs 5630  
is a felony of the fifth degree, and division (B) of section 5631  
2929.13 of the Revised Code applies in determining whether to 5632  
impose a prison term on the offender. 5633

(b) If the amount of the drug involved equals or exceeds 5634

the bulk amount but is less than five times the bulk amount, 5635  
aggravated possession of drugs is a felony of the third degree, 5636  
and there is a presumption for a prison term for the offense. 5637

(c) If the amount of the drug involved equals or exceeds 5638  
five times the bulk amount but is less than fifty times the bulk 5639  
amount, aggravated possession of drugs is a felony of the second 5640  
degree, and the court shall impose as a mandatory prison term 5641  
~~one of the prison terms prescribed for a felony of the second-~~ 5642  
~~degree~~ a second degree felony mandatory prison term. 5643

(d) If the amount of the drug involved equals or exceeds 5644  
fifty times the bulk amount but is less than one hundred times 5645  
the bulk amount, aggravated possession of drugs is a felony of 5646  
the first degree, and the court shall impose as a mandatory 5647  
prison term ~~one of the prison terms prescribed for a felony of~~ 5648  
~~the first degree~~ a first degree felony mandatory prison term. 5649

(e) If the amount of the drug involved equals or exceeds 5650  
one hundred times the bulk amount, aggravated possession of 5651  
drugs is a felony of the first degree, the offender is a major 5652  
drug offender, and the court shall impose as a mandatory prison 5653  
term ~~the maximum prison term prescribed for a felony of the~~ 5654  
~~first degree~~ a maximum first degree felony mandatory prison 5655  
term. 5656

(2) If the drug involved in the violation is a compound, 5657  
mixture, preparation, or substance included in schedule III, IV, 5658  
or V, whoever violates division (A) of this section is guilty of 5659  
possession of drugs. The penalty for the offense shall be 5660  
determined as follows: 5661

(a) Except as otherwise provided in division (C) (2) (b), 5662  
(c), or (d) of this section, possession of drugs is a 5663

misdemeanor of the first degree or, if the offender previously 5664  
has been convicted of a drug abuse offense, a felony of the 5665  
fifth degree. 5666

(b) If the amount of the drug involved equals or exceeds 5667  
the bulk amount but is less than five times the bulk amount, 5668  
possession of drugs is a felony of the fourth degree, and 5669  
division (C) of section 2929.13 of the Revised Code applies in 5670  
determining whether to impose a prison term on the offender. 5671

(c) If the amount of the drug involved equals or exceeds 5672  
five times the bulk amount but is less than fifty times the bulk 5673  
amount, possession of drugs is a felony of the third degree, and 5674  
there is a presumption for a prison term for the offense. 5675

(d) If the amount of the drug involved equals or exceeds 5676  
fifty times the bulk amount, possession of drugs is a felony of 5677  
the second degree, and the court shall impose upon the offender 5678  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5679  
~~for a felony of the second degree~~ a second degree felony 5680  
mandatory prison term. 5681

(3) If the drug involved in the violation is marihuana or 5682  
a compound, mixture, preparation, or substance containing 5683  
marihuana other than hashish, whoever violates division (A) of 5684  
this section is guilty of possession of marihuana. The penalty 5685  
for the offense shall be determined as follows: 5686

(a) Except as otherwise provided in division (C) (3) (b), 5687  
(c), (d), (e), (f), or (g) of this section, possession of 5688  
marihuana is a minor misdemeanor. 5689

(b) If the amount of the drug involved equals or exceeds 5690  
one hundred grams but is less than two hundred grams, possession 5691  
of marihuana is a misdemeanor of the fourth degree. 5692

(c) If the amount of the drug involved equals or exceeds 5693  
two hundred grams but is less than one thousand grams, 5694  
possession of marihuana is a felony of the fifth degree, and 5695  
division (B) of section 2929.13 of the Revised Code applies in 5696  
determining whether to impose a prison term on the offender. 5697

(d) If the amount of the drug involved equals or exceeds 5698  
one thousand grams but is less than five thousand grams, 5699  
possession of marihuana is a felony of the third degree, and 5700  
division (C) of section 2929.13 of the Revised Code applies in 5701  
determining whether to impose a prison term on the offender. 5702

(e) If the amount of the drug involved equals or exceeds 5703  
five thousand grams but is less than twenty thousand grams, 5704  
possession of marihuana is a felony of the third degree, and 5705  
there is a presumption that a prison term shall be imposed for 5706  
the offense. 5707

(f) If the amount of the drug involved equals or exceeds 5708  
twenty thousand grams but is less than forty thousand grams, 5709  
possession of marihuana is a felony of the second degree, and 5710  
the court shall impose as a mandatory prison term a second 5711  
degree felony mandatory prison term of five, six, seven, or 5712  
eight years. 5713

(g) If the amount of the drug involved equals or exceeds 5714  
forty thousand grams, possession of marihuana is a felony of the 5715  
second degree, and the court shall impose as a mandatory prison 5716  
term ~~the maximum prison term prescribed for a felony of the~~ 5717  
~~second degree~~ a maximum second degree felony mandatory prison 5718  
term. 5719

(4) If the drug involved in the violation is cocaine or a 5720  
compound, mixture, preparation, or substance containing cocaine, 5721

whoever violates division (A) of this section is guilty of 5722  
possession of cocaine. The penalty for the offense shall be 5723  
determined as follows: 5724

(a) Except as otherwise provided in division (C) (4) (b), 5725  
(c), (d), (e), or (f) of this section, possession of cocaine is 5726  
a felony of the fifth degree, and division (B) of section 5727  
2929.13 of the Revised Code applies in determining whether to 5728  
impose a prison term on the offender. 5729

(b) If the amount of the drug involved equals or exceeds 5730  
five grams but is less than ten grams of cocaine, possession of 5731  
cocaine is a felony of the fourth degree, and division (B) of 5732  
section 2929.13 of the Revised Code applies in determining 5733  
whether to impose a prison term on the offender. 5734

(c) If the amount of the drug involved equals or exceeds 5735  
ten grams but is less than twenty grams of cocaine, possession 5736  
of cocaine is a felony of the third degree, and, except as 5737  
otherwise provided in this division, there is a presumption for 5738  
a prison term for the offense. If possession of cocaine is a 5739  
felony of the third degree under this division and if the 5740  
offender two or more times previously has been convicted of or 5741  
pleaded guilty to a felony drug abuse offense, the court shall 5742  
impose as a mandatory prison term one of the prison terms 5743  
prescribed for a felony of the third degree. 5744

(d) If the amount of the drug involved equals or exceeds 5745  
twenty grams but is less than twenty-seven grams of cocaine, 5746  
possession of cocaine is a felony of the second degree, and the 5747  
court shall impose as a mandatory prison term ~~one of the prison~~ 5748  
~~terms prescribed for a felony of the second degree~~ a second 5749  
degree felony mandatory prison term. 5750

(e) If the amount of the drug involved equals or exceeds 5751  
twenty-seven grams but is less than one hundred grams of 5752  
cocaine, possession of cocaine is a felony of the first degree, 5753  
and the court shall impose as a mandatory prison term ~~one of the~~ 5754  
~~prison terms prescribed for a felony of the first degree~~ a first 5755  
degree felony mandatory prison term. 5756

(f) If the amount of the drug involved equals or exceeds 5757  
one hundred grams of cocaine, possession of cocaine is a felony 5758  
of the first degree, the offender is a major drug offender, and 5759  
the court shall impose as a mandatory prison term ~~the maximum~~ 5760  
~~prison term prescribed for a felony of the first degree~~ a 5761  
maximum first degree felony mandatory prison term. 5762

(5) If the drug involved in the violation is L.S.D., 5763  
whoever violates division (A) of this section is guilty of 5764  
possession of L.S.D. The penalty for the offense shall be 5765  
determined as follows: 5766

(a) Except as otherwise provided in division (C) (5) (b), 5767  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5768  
felony of the fifth degree, and division (B) of section 2929.13 5769  
of the Revised Code applies in determining whether to impose a 5770  
prison term on the offender. 5771

(b) If the amount of L.S.D. involved equals or exceeds ten 5772  
unit doses but is less than fifty unit doses of L.S.D. in a 5773  
solid form or equals or exceeds one gram but is less than five 5774  
grams of L.S.D. in a liquid concentrate, liquid extract, or 5775  
liquid distillate form, possession of L.S.D. is a felony of the 5776  
fourth degree, and division (C) of section 2929.13 of the 5777  
Revised Code applies in determining whether to impose a prison 5778  
term on the offender. 5779

(c) If the amount of L.S.D. involved equals or exceeds 5780  
fifty unit doses, but is less than two hundred fifty unit doses 5781  
of L.S.D. in a solid form or equals or exceeds five grams but is 5782  
less than twenty-five grams of L.S.D. in a liquid concentrate, 5783  
liquid extract, or liquid distillate form, possession of L.S.D. 5784  
is a felony of the third degree, and there is a presumption for 5785  
a prison term for the offense. 5786

(d) If the amount of L.S.D. involved equals or exceeds two 5787  
hundred fifty unit doses but is less than one thousand unit 5788  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5789  
grams but is less than one hundred grams of L.S.D. in a liquid 5790  
concentrate, liquid extract, or liquid distillate form, 5791  
possession of L.S.D. is a felony of the second degree, and the 5792  
court shall impose as a mandatory prison term ~~one of the prison~~ 5793  
~~terms prescribed for a felony of the second degree~~ a second 5794  
degree felony mandatory prison term. 5795

(e) If the amount of L.S.D. involved equals or exceeds one 5796  
thousand unit doses but is less than five thousand unit doses of 5797  
L.S.D. in a solid form or equals or exceeds one hundred grams 5798  
but is less than five hundred grams of L.S.D. in a liquid 5799  
concentrate, liquid extract, or liquid distillate form, 5800  
possession of L.S.D. is a felony of the first degree, and the 5801  
court shall impose as a mandatory prison term ~~one of the prison~~ 5802  
~~terms prescribed for a felony of the first degree~~ a first degree 5803  
felony mandatory prison term. 5804

(f) If the amount of L.S.D. involved equals or exceeds 5805  
five thousand unit doses of L.S.D. in a solid form or equals or 5806  
exceeds five hundred 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 first degree, the offender is a major drug 5809

offender, and the court shall impose as a mandatory prison term 5810  
~~the maximum prison term prescribed for a felony of the first-~~ 5811  
~~degree~~ a maximum first degree felony mandatory prison term. 5812

(6) If the drug involved in the violation is heroin or a 5813  
compound, mixture, preparation, or substance containing heroin, 5814  
whoever violates division (A) of this section is guilty of 5815  
possession of heroin. The penalty for the offense shall be 5816  
determined as follows: 5817

(a) Except as otherwise provided in division (C) (6) (b), 5818  
(c), (d), (e), or (f) of this section, possession of heroin is a 5819  
felony of the fifth degree, and division (B) of section 2929.13 5820  
of the Revised Code applies in determining whether to impose a 5821  
prison term on the offender. 5822

(b) If the amount of the drug involved equals or exceeds 5823  
ten unit doses but is less than fifty unit doses or equals or 5824  
exceeds one gram but is less than five grams, possession of 5825  
heroin is a felony of the fourth degree, and division (C) of 5826  
section 2929.13 of the Revised Code applies in determining 5827  
whether to impose a prison term on the offender. 5828

(c) If the amount of the drug involved equals or exceeds 5829  
fifty unit doses but is less than one hundred unit doses or 5830  
equals or exceeds five grams but is less than ten grams, 5831  
possession of heroin is a felony of the third degree, and there 5832  
is a presumption for a prison term for the offense. 5833

(d) If the amount of the drug involved equals or exceeds 5834  
one hundred unit doses but is less than five hundred unit doses 5835  
or equals or exceeds ten grams but is less than fifty grams, 5836  
possession of heroin is a felony of the second degree, and the 5837  
court shall impose as a mandatory prison term ~~one of the prison-~~ 5838

~~terms prescribed for a felony of the second degree~~ a second 5839  
~~degree felony mandatory prison term.~~ 5840

(e) If the amount of the drug involved equals or exceeds 5841  
five hundred unit doses but is less than one thousand unit doses 5842  
or equals or exceeds fifty grams but is less than one hundred 5843  
grams, possession of heroin is a felony of the first degree, and 5844  
the court shall impose as a mandatory prison term ~~one of the~~ 5845  
~~prison terms prescribed for a felony of the first degree~~ a first 5846  
degree felony mandatory prison term. 5847

(f) If the amount of the drug involved equals or exceeds 5848  
one thousand unit doses or equals or exceeds one hundred grams, 5849  
possession of heroin is a felony of the first degree, the 5850  
offender is a major drug offender, and the court shall impose as 5851  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5852  
~~felony of the first degree~~ a maximum first degree felony 5853  
mandatory prison term. 5854

(7) If the drug involved in the violation is hashish or a 5855  
compound, mixture, preparation, or substance containing hashish, 5856  
whoever violates division (A) of this section is guilty of 5857  
possession of hashish. The penalty for the offense shall be 5858  
determined as follows: 5859

(a) Except as otherwise provided in division (C) (7) (b), 5860  
(c), (d), (e), (f), or (g) of this section, possession of 5861  
hashish is a minor misdemeanor. 5862

(b) If the amount of the drug involved equals or exceeds 5863  
five grams but is less than ten grams of hashish in a solid form 5864  
or equals or exceeds one gram but is less than two grams of 5865  
hashish in a liquid concentrate, liquid extract, or liquid 5866  
distillate form, possession of hashish is a misdemeanor of the 5867

fourth degree. 5868

(c) If the amount of the drug involved equals or exceeds 5869  
ten grams but is less than fifty grams of hashish in a solid 5870  
form or equals or exceeds two grams but is less than ten grams 5871  
of hashish in a liquid concentrate, liquid extract, or liquid 5872  
distillate form, possession of hashish is a felony of the fifth 5873  
degree, and division (B) of section 2929.13 of the Revised Code 5874  
applies in determining whether to impose a prison term on the 5875  
offender. 5876

(d) If the amount of the drug involved equals or exceeds 5877  
fifty grams but is less than two hundred fifty grams of hashish 5878  
in a solid form or equals or exceeds ten grams but is less than 5879  
fifty grams of hashish in a liquid concentrate, liquid extract, 5880  
or liquid distillate form, possession of hashish is a felony of 5881  
the third degree, and division (C) of section 2929.13 of the 5882  
Revised Code applies in determining whether to impose a prison 5883  
term on the offender. 5884

(e) If the amount of the drug involved equals or exceeds 5885  
two hundred fifty grams but is less than one thousand grams of 5886  
hashish in a solid form or equals or exceeds fifty grams but is 5887  
less than two hundred grams of hashish in a liquid concentrate, 5888  
liquid extract, or liquid distillate form, possession of hashish 5889  
is a felony of the third degree, and there is a presumption that 5890  
a prison term shall be imposed for the offense. 5891

(f) If the amount of the drug involved equals or exceeds 5892  
one thousand grams but is less than two thousand grams of 5893  
hashish in a solid form or equals or exceeds two hundred grams 5894  
but is less than four hundred grams of hashish in a liquid 5895  
concentrate, liquid extract, or liquid distillate form, 5896  
possession of hashish is a felony of the second degree, and the 5897

court shall impose as a mandatory prison term a second degree 5898  
felony mandatory prison term of five, six, seven, or eight 5899  
years. 5900

(g) If the amount of the drug involved equals or exceeds 5901  
two thousand grams of hashish in a solid form or equals or 5902  
exceeds four hundred grams of hashish in a liquid concentrate, 5903  
liquid extract, or liquid distillate form, possession of hashish 5904  
is a felony of the second degree, and the court shall impose as 5905  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5906  
~~felony of the second degree~~ a maximum second degree felony 5907  
mandatory prison term. 5908

(8) If the drug involved is a controlled substance analog 5909  
or compound, mixture, preparation, or substance that contains a 5910  
controlled substance analog, whoever violates division (A) of 5911  
this section is guilty of possession of a controlled substance 5912  
analog. The penalty for the offense shall be determined as 5913  
follows: 5914

(a) Except as otherwise provided in division (C) (8) (b), 5915  
(c), (d), (e), or (f) of this section, possession of a 5916  
controlled substance analog is a felony of the fifth degree, and 5917  
division (B) of section 2929.13 of the Revised Code applies in 5918  
determining whether to impose a prison term on the offender. 5919

(b) If the amount of the drug involved equals or exceeds 5920  
ten grams but is less than twenty grams, possession of a 5921  
controlled substance analog is a felony of the fourth degree, 5922  
and there is a presumption for a prison term for the offense. 5923

(c) If the amount of the drug involved equals or exceeds 5924  
twenty grams but is less than thirty grams, possession of a 5925  
controlled substance analog is a felony of the third degree, and 5926

there is a presumption for a prison term for the offense. 5927

(d) If the amount of the drug involved equals or exceeds 5928  
thirty grams but is less than forty grams, possession of a 5929  
controlled substance analog is a felony of the second degree, 5930  
and the court shall impose as a mandatory prison term ~~one of the~~ 5931  
~~prison terms prescribed for a felony of the second degree~~ a 5932  
second degree felony mandatory prison term. 5933

(e) If the amount of the drug involved equals or exceeds 5934  
forty grams but is less than fifty grams, possession of a 5935  
controlled substance analog is a felony of the first degree, and 5936  
the court shall impose as a mandatory prison term ~~one of the~~ 5937  
~~prison terms prescribed for a felony of the first degree~~ a first 5938  
degree felony mandatory prison term. 5939

(f) If the amount of the drug involved equals or exceeds 5940  
fifty grams, possession of a controlled substance analog is a 5941  
felony of the first degree, the offender is a major drug 5942  
offender, and the court shall impose as a mandatory prison term 5943  
~~the maximum prison term prescribed for a felony of the first~~ 5944  
~~degree~~ a maximum first degree felony mandatory prison term. 5945

(D) Arrest or conviction for a minor misdemeanor violation 5946  
of this section does not constitute a criminal record and need 5947  
not be reported by the person so arrested or convicted in 5948  
response to any inquiries about the person's criminal record, 5949  
including any inquiries contained in any application for 5950  
employment, license, or other right or privilege, or made in 5951  
connection with the person's appearance as a witness. 5952

(E) In addition to any prison term or jail term authorized 5953  
or required by division (C) of this section and sections 5954  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5955

Code and in addition to any other sanction that is imposed for 5956  
the offense under this section, sections 2929.11 to 2929.18, or 5957  
sections 2929.21 to 2929.28 of the Revised Code, the court that 5958  
sentences an offender who is convicted of or pleads guilty to a 5959  
violation of division (A) of this section may suspend the 5960  
offender's driver's or commercial driver's license or permit for 5961  
not more than five years. However, if the offender pleaded 5962  
guilty to or was convicted of a violation of section 4511.19 of 5963  
the Revised Code or a substantially similar municipal ordinance 5964  
or the law of another state or the United States arising out of 5965  
the same set of circumstances as the violation, the court shall 5966  
suspend the offender's driver's or commercial driver's license 5967  
or permit for not more than five years. If applicable, the court 5968  
also shall do the following: 5969

(1) (a) If the violation is a felony of the first, second, 5970  
or third degree, the court shall impose upon the offender the 5971  
mandatory fine specified for the offense under division (B) (1) 5972  
of section 2929.18 of the Revised Code unless, as specified in 5973  
that division, the court determines that the offender is 5974  
indigent. 5975

(b) Notwithstanding any contrary provision of section 5976  
3719.21 of the Revised Code, the clerk of the court shall pay a 5977  
mandatory fine or other fine imposed for a violation of this 5978  
section pursuant to division (A) of section 2929.18 of the 5979  
Revised Code in accordance with and subject to the requirements 5980  
of division (F) of section 2925.03 of the Revised Code. The 5981  
agency that receives the fine shall use the fine as specified in 5982  
division (F) of section 2925.03 of the Revised Code. 5983

(c) If a person is charged with a violation of this 5984  
section that is a felony of the first, second, or third degree, 5985

posts bail, and forfeits the bail, the clerk shall pay the 5986  
forfeited bail pursuant to division (E) (1) (b) of this section as 5987  
if it were a mandatory fine imposed under division (E) (1) (a) of 5988  
this section. 5989

(2) If the offender is a professionally licensed person, 5990  
in addition to any other sanction imposed for a violation of 5991  
this section, the court immediately shall comply with section 5992  
2925.38 of the Revised Code. 5993

(F) It is an affirmative defense, as provided in section 5994  
2901.05 of the Revised Code, to a charge of a fourth degree 5995  
felony violation under this section that the controlled 5996  
substance that gave rise to the charge is in an amount, is in a 5997  
form, is prepared, compounded, or mixed with substances that are 5998  
not controlled substances in a manner, or is possessed under any 5999  
other circumstances, that indicate that the substance was 6000  
possessed solely for personal use. Notwithstanding any contrary 6001  
provision of this section, if, in accordance with section 6002  
2901.05 of the Revised Code, an accused who is charged with a 6003  
fourth degree felony violation of division (C) (2), (4), (5), or 6004  
(6) of this section sustains the burden of going forward with 6005  
evidence of and establishes by a preponderance of the evidence 6006  
the affirmative defense described in this division, the accused 6007  
may be prosecuted for and may plead guilty to or be convicted of 6008  
a misdemeanor violation of division (C) (2) of this section or a 6009  
fifth degree felony violation of division (C) (4), (5), or (6) of 6010  
this section respectively. 6011

(G) When a person is charged with possessing a bulk amount 6012  
or multiple of a bulk amount, division (E) of section 2925.03 of 6013  
the Revised Code applies regarding the determination of the 6014  
amount of the controlled substance involved at the time of the 6015

offense. 6016

(H) It is an affirmative defense to a charge of possession 6017  
of a controlled substance analog under division (C) (8) of this 6018  
section that the person charged with violating that offense 6019  
obtained, possessed, or used an item described in division (HH) 6020  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6021

(I) Any offender who received a mandatory suspension of 6022  
the offender's driver's or commercial driver's license or permit 6023  
under this section prior to ~~the effective date of this amendment~~ 6024  
September 13, 2016, may file a motion with the sentencing court 6025  
requesting the termination of the suspension. However, an 6026  
offender who pleaded guilty to or was convicted of a violation 6027  
of section 4511.19 of the Revised Code or a substantially 6028  
similar municipal ordinance or law of another state or the 6029  
United States that arose out of the same set of circumstances as 6030  
the violation for which the offender's license or permit was 6031  
suspended under this section shall not file such a motion. 6032

Upon the filing of a motion under division (I) of this 6033  
section, the sentencing court, in its discretion, may terminate 6034  
the suspension. 6035

**Sec. 2929.01.** As used in this chapter: 6036

(A) (1) "Alternative residential facility" means, subject 6037  
to division (A) (2) of this section, any facility other than an 6038  
offender's home or residence in which an offender is assigned to 6039  
live and that satisfies all of the following criteria: 6040

(a) It provides programs through which the offender may 6041  
seek or maintain employment or may receive education, training, 6042  
treatment, or habilitation. 6043

(b) It has received the appropriate license or certificate 6044

for any specialized education, training, treatment, 6045  
habilitation, or other service that it provides from the 6046  
government agency that is responsible for licensing or 6047  
certifying that type of education, training, treatment, 6048  
habilitation, or service. 6049

(2) "Alternative residential facility" does not include a 6050  
community-based correctional facility, jail, halfway house, or 6051  
prison. 6052

(B) "Basic probation supervision" means a requirement that 6053  
the offender maintain contact with a person appointed to 6054  
supervise the offender in accordance with sanctions imposed by 6055  
the court or imposed by the parole board pursuant to section 6056  
2967.28 of the Revised Code. "Basic probation supervision" 6057  
includes basic parole supervision and basic post-release control 6058  
supervision. 6059

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6060  
the same meanings as in section 2925.01 of the Revised Code. 6061

(D) "Community-based correctional facility" means a 6062  
community-based correctional facility and program or district 6063  
community-based correctional facility and program developed 6064  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6065

(E) "Community control sanction" means a sanction that is 6066  
not a prison term and that is described in section 2929.15, 6067  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6068  
that is not a jail term and that is described in section 6069  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6070  
control sanction" includes probation if the sentence involved 6071  
was imposed for a felony that was committed prior to July 1, 6072  
1996, or if the sentence involved was imposed for a misdemeanor 6073

that was committed prior to January 1, 2004. 6074

(F) "Controlled substance," "marihuana," "schedule I," and 6075  
"schedule II" have the same meanings as in section 3719.01 of 6076  
the Revised Code. 6077

(G) "Curfew" means a requirement that an offender during a 6078  
specified period of time be at a designated place. 6079

(H) "Day reporting" means a sanction pursuant to which an 6080  
offender is required each day to report to and leave a center or 6081  
other approved reporting location at specified times in order to 6082  
participate in work, education or training, treatment, and other 6083  
approved programs at the center or outside the center. 6084

(I) "Deadly weapon" has the same meaning as in section 6085  
2923.11 of the Revised Code. 6086

(J) "Drug and alcohol use monitoring" means a program 6087  
under which an offender agrees to submit to random chemical 6088  
analysis of the offender's blood, breath, or urine to determine 6089  
whether the offender has ingested any alcohol or other drugs. 6090

(K) "Drug treatment program" means any program under which 6091  
a person undergoes assessment and treatment designed to reduce 6092  
or completely eliminate the person's physical or emotional 6093  
reliance upon alcohol, another drug, or alcohol and another drug 6094  
and under which the person may be required to receive assessment 6095  
and treatment on an outpatient basis or may be required to 6096  
reside at a facility other than the person's home or residence 6097  
while undergoing assessment and treatment. 6098

(L) "Economic loss" means any economic detriment suffered 6099  
by a victim as a direct and proximate result of the commission 6100  
of an offense and includes any loss of income due to lost time 6101  
at work because of any injury caused to the victim, and any 6102

property loss, medical cost, or funeral expense incurred as a 6103  
result of the commission of the offense. "Economic loss" does 6104  
not include non-economic loss or any punitive or exemplary 6105  
damages. 6106

(M) "Education or training" includes study at, or in 6107  
conjunction with a program offered by, a university, college, or 6108  
technical college or vocational study and also includes the 6109  
completion of primary school, secondary school, and literacy 6110  
curricula or their equivalent. 6111

(N) "Firearm" has the same meaning as in section 2923.11 6112  
of the Revised Code. 6113

(O) "Halfway house" means a facility licensed by the 6114  
division of parole and community services of the department of 6115  
rehabilitation and correction pursuant to section 2967.14 of the 6116  
Revised Code as a suitable facility for the care and treatment 6117  
of adult offenders. 6118

(P) "House arrest" means a period of confinement of an 6119  
offender that is in the offender's home or in other premises 6120  
specified by the sentencing court or by the parole board 6121  
pursuant to section 2967.28 of the Revised Code and during which 6122  
all of the following apply: 6123

(1) The offender is required to remain in the offender's 6124  
home or other specified premises for the specified period of 6125  
confinement, except for periods of time during which the 6126  
offender is at the offender's place of employment or at other 6127  
premises as authorized by the sentencing court or by the parole 6128  
board. 6129

(2) The offender is required to report periodically to a 6130  
person designated by the court or parole board. 6131

(3) The offender is subject to any other restrictions and 6132  
requirements that may be imposed by the sentencing court or by 6133  
the parole board. 6134

(Q) "Intensive probation supervision" means a requirement 6135  
that an offender maintain frequent contact with a person 6136  
appointed by the court, or by the parole board pursuant to 6137  
section 2967.28 of the Revised Code, to supervise the offender 6138  
while the offender is seeking or maintaining necessary 6139  
employment and participating in training, education, and 6140  
treatment programs as required in the court's or parole board's 6141  
order. "Intensive probation supervision" includes intensive 6142  
parole supervision and intensive post-release control 6143  
supervision. 6144

(R) "Jail" means a jail, workhouse, minimum security jail, 6145  
or other residential facility used for the confinement of 6146  
alleged or convicted offenders that is operated by a political 6147  
subdivision or a combination of political subdivisions of this 6148  
state. 6149

(S) "Jail term" means the term in a jail that a sentencing 6150  
court imposes or is authorized to impose pursuant to section 6151  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6152  
provision of the Revised Code that authorizes a term in a jail 6153  
for a misdemeanor conviction. 6154

(T) "Mandatory jail term" means the term in a jail that a 6155  
sentencing court is required to impose pursuant to division (G) 6156  
of section 1547.99 of the Revised Code, division (E) of section 6157  
2903.06 or division (D) of section 2903.08 of the Revised Code, 6158  
division (E) or (G) of section 2929.24 of the Revised Code, 6159  
division (B) of section 4510.14 of the Revised Code, or division 6160  
(G) of section 4511.19 of the Revised Code or pursuant to any 6161

other provision of the Revised Code that requires a term in a 6162  
jail for a misdemeanor conviction. 6163

(U) "Delinquent child" has the same meaning as in section 6164  
2152.02 of the Revised Code. 6165

(V) "License violation report" means a report that is made 6166  
by a sentencing court, or by the parole board pursuant to 6167  
section 2967.28 of the Revised Code, to the regulatory or 6168  
licensing board or agency that issued an offender a professional 6169  
license or a license or permit to do business in this state and 6170  
that specifies that the offender has been convicted of or 6171  
pleaded guilty to an offense that may violate the conditions 6172  
under which the offender's professional license or license or 6173  
permit to do business in this state was granted or an offense 6174  
for which the offender's professional license or license or 6175  
permit to do business in this state may be revoked or suspended. 6176

(W) "Major drug offender" means an offender who is 6177  
convicted of or pleads guilty to the possession of, sale of, or 6178  
offer to sell any drug, compound, mixture, preparation, or 6179  
substance that consists of or contains at least one thousand 6180  
grams of hashish; at least one hundred grams of cocaine; at 6181  
least one thousand unit doses or one hundred grams of heroin; at 6182  
least five thousand unit doses of L.S.D. or five hundred grams 6183  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6184  
distillate form; at least fifty grams of a controlled substance 6185  
analog; or at least one hundred times the amount of any other 6186  
schedule I or II controlled substance other than marihuana that 6187  
is necessary to commit a felony of the third degree pursuant to 6188  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6189  
Code that is based on the possession of, sale of, or offer to 6190  
sell the controlled substance. 6191

(X) "Mandatory prison term" means any of the following: 6192

(1) Subject to division (X) (2) of this section, the term 6193  
in prison that must be imposed for the offenses or circumstances 6194  
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 6195  
section 2929.13 and division (B) of section 2929.14 of the 6196  
Revised Code. Except as provided in sections 2925.02, 2925.03, 6197  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6198  
maximum or another specific term is required under section 6199  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6200  
described in this division may be any prison term authorized for 6201  
the level of offense except that if the offense is a felony of 6202  
the first or second degree committed on or after the effective 6203  
date of this amendment or is a felony of the third degree that 6204  
is described in division (A) (3) (a) of section 2929.14 of the 6205  
Revised Code and committed on or after that effective date, a 6206  
mandatory prison term described in this division may be one of 6207  
the terms prescribed in division (A) (1) (a), (2) (a), or (3) (a) (i) 6208  
of section 2929.14 of the Revised Code, whichever is applicable, 6209  
that is authorized as the minimum term for the offense. 6210

(2) The term of sixty or one hundred twenty days in prison 6211  
that a sentencing court is required to impose for a third or 6212  
fourth degree felony OVI offense pursuant to division (G) (2) of 6213  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6214  
of the Revised Code or the term of one, two, three, four, or 6215  
five years in prison that a sentencing court is required to 6216  
impose pursuant to division (G) (2) of section 2929.13 of the 6217  
Revised Code. 6218

(3) The term in prison imposed pursuant to division (A) of 6219  
section 2971.03 of the Revised Code for the offenses and in the 6220  
circumstances described in division (F) (11) of section 2929.13 6221

of the Revised Code or pursuant to division (B) (1) (a), (b), or 6222  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6223  
section 2971.03 of the Revised Code and that term as modified or 6224  
terminated pursuant to section 2971.05 of the Revised Code. 6225

(Y) "Monitored time" means a period of time during which 6226  
an offender continues to be under the control of the sentencing 6227  
court or parole board, subject to no conditions other than 6228  
leading a law-abiding life. 6229

(Z) "Offender" means a person who, in this state, is 6230  
convicted of or pleads guilty to a felony or a misdemeanor. 6231

(AA) "Prison" means a residential facility used for the 6232  
confinement of convicted felony offenders that is under the 6233  
control of the department of rehabilitation and correction but 6234  
does not include a violation sanction center operated under 6235  
authority of section 2967.141 of the Revised Code. 6236

(BB) (1) "Prison term" includes either of the following 6237  
sanctions for an offender: 6238

~~(1)~~ (a) A stated prison term; 6239

~~(2)~~ (b) A term in a prison shortened by, or with the 6240  
approval of, the sentencing court pursuant to section 2929.143, 6241  
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6242  
Code. 6243

(2) With respect to a non-life felony indefinite prison 6244  
term, references in any provision of law to a reduction of, or 6245  
deduction from, the prison term mean a reduction in, or 6246  
deduction from, the minimum term imposed as part of the 6247  
indefinite term. 6248

(CC) "Repeat violent offender" means a person about whom 6249

both of the following apply: 6250

(1) The person is being sentenced for committing or for 6251  
complicity in committing any of the following: 6252

(a) Aggravated murder, murder, any felony of the first or 6253  
second degree that is an offense of violence, or an attempt to 6254  
commit any of these offenses if the attempt is a felony of the 6255  
first or second degree; 6256

(b) An offense under an existing or former law of this 6257  
state, another state, or the United States that is or was 6258  
substantially equivalent to an offense described in division 6259  
(CC) (1) (a) of this section. 6260

(2) The person previously was convicted of or pleaded 6261  
guilty to an offense described in division (CC) (1) (a) or (b) of 6262  
this section. 6263

(DD) "Sanction" means any penalty imposed upon an offender 6264  
who is convicted of or pleads guilty to an offense, as 6265  
punishment for the offense. "Sanction" includes any sanction 6266  
imposed pursuant to any provision of sections 2929.14 to 2929.18 6267  
or 2929.24 to 2929.28 of the Revised Code. 6268

(EE) "Sentence" means the sanction or combination of 6269  
sanctions imposed by the sentencing court on an offender who is 6270  
convicted of or pleads guilty to an offense. 6271

(FF) (1) "Stated prison term" means the prison term, 6272  
mandatory prison term, or combination of all prison terms and 6273  
mandatory prison terms imposed by the sentencing court pursuant 6274  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6275  
under section 2919.25 of the Revised Code. "Stated prison term" 6276  
includes any credit received by the offender for time spent in 6277  
jail awaiting trial, sentencing, or transfer to prison for the 6278

offense and any time spent under house arrest or house arrest 6279  
with electronic monitoring imposed after earning credits 6280  
pursuant to section 2967.193 of the Revised Code. If an offender 6281  
is serving a prison term as a risk reduction sentence under 6282  
sections 2929.143 and 5120.036 of the Revised Code, "stated 6283  
prison term" includes any period of time by which the prison 6284  
term imposed upon the offender is shortened by the offender's 6285  
successful completion of all assessment and treatment or 6286  
programming pursuant to those sections. 6287

(2) As used in the definition of "stated prison term" set 6288  
forth in division (FF)(1) of this section, a prison term is a 6289  
definite prison term imposed under section 2929.14 of the 6290  
Revised Code or any other provision of law, is the minimum and 6291  
maximum prison terms under a non-life felony indefinite prison 6292  
term, or is a term of life imprisonment except to the extent 6293  
that the use of that definition in a section of the Revised Code 6294  
clearly is not intended to include a term of life imprisonment. 6295  
With respect to an offender sentenced to a non-life felony 6296  
indefinite prison term, references in section 2967.191 or 6297  
2967.193 of the Revised Code or any other provision of law to a 6298  
reduction of, or deduction from, the offender's stated prison 6299  
term or to release of the offender before the expiration of the 6300  
offender's stated prison term mean a reduction in, or deduction 6301  
from, the minimum term imposed as part of the indefinite term or 6302  
a release of the offender before the expiration of that minimum 6303  
term, references in section 2929.19 or 2967.28 of the Revised 6304  
Code to a stated prison term with respect to a prison term 6305  
imposed for a violation of a post-release control sanction mean 6306  
the minimum term so imposed, and references in any provision of 6307  
law to an offender's service of the offender's stated prison 6308  
term or the expiration of the offender's stated prison term mean 6309

service or expiration of the minimum term so imposed plus any 6310  
additional period of incarceration under the sentence that is 6311  
required under section 2967.271 of the Revised Code. 6312

(GG) "Victim-offender mediation" means a reconciliation or 6313  
mediation program that involves an offender and the victim of 6314  
the offense committed by the offender and that includes a 6315  
meeting in which the offender and the victim may discuss the 6316  
offense, discuss restitution, and consider other sanctions for 6317  
the offense. 6318

(HH) "Fourth degree felony OVI offense" means a violation 6319  
of division (A) of section 4511.19 of the Revised Code that, 6320  
under division (G) of that section, is a felony of the fourth 6321  
degree. 6322

(II) "Mandatory term of local incarceration" means the 6323  
term of sixty or one hundred twenty days in a jail, a community- 6324  
based correctional facility, a halfway house, or an alternative 6325  
residential facility that a sentencing court may impose upon a 6326  
person who is convicted of or pleads guilty to a fourth degree 6327  
felony OVI offense pursuant to division (G) (1) of section 6328  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6329  
section 4511.19 of the Revised Code. 6330

(JJ) "Designated homicide, assault, or kidnapping 6331  
offense," "violent sex offense," "sexual motivation 6332  
specification," "sexually violent offense," "sexually violent 6333  
predator," and "sexually violent predator specification" have 6334  
the same meanings as in section 2971.01 of the Revised Code. 6335

(KK) "Sexually oriented offense," "child-victim oriented 6336  
offense," and "tier III sex offender/child-victim offender" have 6337  
the same meanings as in section 2950.01 of the Revised Code. 6338

(LL) An offense is "committed in the vicinity of a child" 6339  
if the offender commits the offense within thirty feet of or 6340  
within the same residential unit as a child who is under 6341  
eighteen years of age, regardless of whether the offender knows 6342  
the age of the child or whether the offender knows the offense 6343  
is being committed within thirty feet of or within the same 6344  
residential unit as the child and regardless of whether the 6345  
child actually views the commission of the offense. 6346

(MM) "Family or household member" has the same meaning as 6347  
in section 2919.25 of the Revised Code. 6348

(NN) "Motor vehicle" and "manufactured home" have the same 6349  
meanings as in section 4501.01 of the Revised Code. 6350

(OO) "Detention" and "detention facility" have the same 6351  
meanings as in section 2921.01 of the Revised Code. 6352

(PP) "Third degree felony OVI offense" means a violation 6353  
of division (A) of section 4511.19 of the Revised Code that, 6354  
under division (G) of that section, is a felony of the third 6355  
degree. 6356

(QQ) "Random drug testing" has the same meaning as in 6357  
section 5120.63 of the Revised Code. 6358

(RR) "Felony sex offense" has the same meaning as in 6359  
section 2967.28 of the Revised Code. 6360

(SS) "Body armor" has the same meaning as in section 6361  
2941.1411 of the Revised Code. 6362

(TT) "Electronic monitoring" means monitoring through the 6363  
use of an electronic monitoring device. 6364

(UU) "Electronic monitoring device" means any of the 6365  
following: 6366

(1) Any device that can be operated by electrical or 6367  
battery power and that conforms with all of the following: 6368

(a) The device has a transmitter that can be attached to a 6369  
person, that will transmit a specified signal to a receiver of 6370  
the type described in division (UU) (1) (b) of this section if the 6371  
transmitter is removed from the person, turned off, or altered 6372  
in any manner without prior court approval in relation to 6373  
electronic monitoring or without prior approval of the 6374  
department of rehabilitation and correction in relation to the 6375  
use of an electronic monitoring device for an inmate on 6376  
transitional control or otherwise is tampered with, that can 6377  
transmit continuously and periodically a signal to that receiver 6378  
when the person is within a specified distance from the 6379  
receiver, and that can transmit an appropriate signal to that 6380  
receiver if the person to whom it is attached travels a 6381  
specified distance from that receiver. 6382

(b) The device has a receiver that can receive 6383  
continuously the signals transmitted by a transmitter of the 6384  
type described in division (UU) (1) (a) of this section, can 6385  
transmit continuously those signals by a wireless or landline 6386  
telephone connection to a central monitoring computer of the 6387  
type described in division (UU) (1) (c) of this section, and can 6388  
transmit continuously an appropriate signal to that central 6389  
monitoring computer if the device has been turned off or altered 6390  
without prior court approval or otherwise tampered with. The 6391  
device is designed specifically for use in electronic 6392  
monitoring, is not a converted wireless phone or another 6393  
tracking device that is clearly not designed for electronic 6394  
monitoring, and provides a means of text-based or voice 6395  
communication with the person. 6396

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type described in division (UU) (1) (b) of this section and can monitor continuously the person to whom an electronic monitoring device of the type described in division (UU) (1) (a) of this section is attached.

(2) Any device that is not a device of the type described in division (UU) (1) of this section and that conforms with all of the following:

(a) The device includes a transmitter and receiver that can monitor and determine the location of a subject person at any time, or at a designated point in time, through the use of a central monitoring computer or through other electronic means.

(b) The device includes a transmitter and receiver that can determine at any time, or at a designated point in time, through the use of a central monitoring computer or other electronic means the fact that the transmitter is turned off or altered in any manner without prior approval of the court in relation to the electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with.

(3) Any type of technology that can adequately track or determine the location of a subject person at any time and that is approved by the director of rehabilitation and correction, including, but not limited to, any satellite technology, voice tracking system, or retinal scanning system that is so approved.

(VV) "Non-economic loss" means nonpecuniary harm suffered

by a victim of an offense as a result of or related to the 6426  
commission of the offense, including, but not limited to, pain 6427  
and suffering; loss of society, consortium, companionship, care, 6428  
assistance, attention, protection, advice, guidance, counsel, 6429  
instruction, training, or education; mental anguish; and any 6430  
other intangible loss. 6431

(WW) "Prosecutor" has the same meaning as in section 6432  
2935.01 of the Revised Code. 6433

(XX) "Continuous alcohol monitoring" means the ability to 6434  
automatically test and periodically transmit alcohol consumption 6435  
levels and tamper attempts at least every hour, regardless of 6436  
the location of the person who is being monitored. 6437

(YY) A person is "adjudicated a sexually violent predator" 6438  
if the person is convicted of or pleads guilty to a violent sex 6439  
offense and also is convicted of or pleads guilty to a sexually 6440  
violent predator specification that was included in the 6441  
indictment, count in the indictment, or information charging 6442  
that violent sex offense or if the person is convicted of or 6443  
pleads guilty to a designated homicide, assault, or kidnapping 6444  
offense and also is convicted of or pleads guilty to both a 6445  
sexual motivation specification and a sexually violent predator 6446  
specification that were included in the indictment, count in the 6447  
indictment, or information charging that designated homicide, 6448  
assault, or kidnapping offense. 6449

(ZZ) An offense is "committed in proximity to a school" if 6450  
the offender commits the offense in a school safety zone or 6451  
within five hundred feet of any school building or the 6452  
boundaries of any school premises, regardless of whether the 6453  
offender knows the offense is being committed in a school safety 6454  
zone or within five hundred feet of any school building or the 6455

boundaries of any school premises. 6456

(AAA) "Human trafficking" means a scheme or plan to which 6457  
all of the following apply: 6458

(1) Its object is one or more of the following: 6459

(a) To subject a victim or victims to involuntary 6460  
servitude, as defined in section 2905.31 of the Revised Code or 6461  
to compel a victim or victims to engage in sexual activity for 6462  
hire, to engage in a performance that is obscene, sexually 6463  
oriented, or nudity oriented, or to be a model or participant in 6464  
the production of material that is obscene, sexually oriented, 6465  
or nudity oriented; 6466

(b) To facilitate, encourage, or recruit a victim who is 6467  
less than sixteen years of age or is a person with a 6468  
developmental disability, or victims who are less than sixteen 6469  
years of age or are persons with developmental disabilities, for 6470  
any purpose listed in divisions (A) (2) (a) to (c) of section 6471  
2905.32 of the Revised Code; 6472

(c) To facilitate, encourage, or recruit a victim who is 6473  
sixteen or seventeen years of age, or victims who are sixteen or 6474  
seventeen years of age, for any purpose listed in divisions (A) 6475  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6476  
circumstances described in division (A) (5), (6), (7), (8), (9), 6477  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6478  
apply with respect to the person engaging in the conduct and the 6479  
victim or victims. 6480

(2) It involves at least two felony offenses, whether or 6481  
not there has been a prior conviction for any of the felony 6482  
offenses, to which all of the following apply: 6483

(a) Each of the felony offenses is a violation of section 6484

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6485  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6486  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6487  
is a violation of a law of any state other than this state that 6488  
is substantially similar to any of the sections or divisions of 6489  
the Revised Code identified in this division. 6490

(b) At least one of the felony offenses was committed in 6491  
this state. 6492

(c) The felony offenses are related to the same scheme or 6493  
plan and are not isolated instances. 6494

(BBB) "Material," "nudity," "obscene," "performance," and 6495  
"sexual activity" have the same meanings as in section 2907.01 6496  
of the Revised Code. 6497

(CCC) "Material that is obscene, sexually oriented, or 6498  
nudity oriented" means any material that is obscene, that shows 6499  
a person participating or engaging in sexual activity, 6500  
masturbation, or bestiality, or that shows a person in a state 6501  
of nudity. 6502

(DDD) "Performance that is obscene, sexually oriented, or 6503  
nudity oriented" means any performance that is obscene, that 6504  
shows a person participating or engaging in sexual activity, 6505  
masturbation, or bestiality, or that shows a person in a state 6506  
of nudity. 6507

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6508  
as an ignitable liquid, used to initiate a fire or increase the 6509  
rate of growth or spread of a fire. 6510

(FFF) "Non-life felony indefinite prison term" means a 6511  
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6512  
(i) of section 2929.14 and section 2929.144 of the Revised Code 6513

for a felony of the first or second degree committed on or after 6514  
the effective date of this amendment or a felony of the third 6515  
degree that is described in division (A) (3) (a) of section 6516  
2929.14 of the Revised Code and committed on or after that 6517  
effective date. 6518

**Sec. 2929.14.** (A) Except as provided in division (B) (1), 6519  
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6520  
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6521  
of section 2919.25 of the Revised Code and except in relation to 6522  
an offense for which a sentence of death or life imprisonment is 6523  
to be imposed, if the court imposing a sentence upon an offender 6524  
for a felony elects or is required to impose a prison term on 6525  
the offender pursuant to this chapter, the court shall impose a 6526  
~~definite~~ prison term that shall be one of the following: 6527

(1) (a) For a felony of the first degree committed on or 6528  
after the effective date of this amendment, the prison term 6529  
shall be an indefinite prison term with a stated minimum term 6530  
selected by the court of three, four, five, six, seven, eight, 6531  
nine, ten, or eleven years and a maximum term that is determined 6532  
pursuant to section 2929.144 of the Revised Code, except that if 6533  
the section that criminalizes the conduct constituting the 6534  
felony specifies a different minimum term or penalty for the 6535  
offense, the specific language of that section shall control in 6536  
determining the minimum term or otherwise sentencing the 6537  
offender but the minimum term or sentence imposed under that 6538  
specific language shall be considered for purposes of the 6539  
Revised Code as if it had been imposed under this division. 6540

(b) For a felony of the first degree committed prior to 6541  
the effective date of this amendment, the prison term shall be a 6542  
definite prison term of three, four, five, six, seven, eight, 6543

nine, ten, or eleven years.

6544

(2) (a) For a felony of the second degree committed on or  
after the effective date of this amendment, the prison term  
shall be an indefinite prison term with a stated minimum term  
selected by the court of two, three, four, five, six, seven, or  
eight years and a maximum term that is determined pursuant to  
section 2929.144 of the Revised Code, except that if the section  
that criminalizes the conduct constituting the felony specifies  
a different minimum term or penalty for the offense, the  
specific language of that section shall control in determining  
the minimum term or otherwise sentencing the offender but the  
minimum term or sentence imposed under that specific language  
shall be considered for purposes of the Revised Code as if it  
had been imposed under this division.

6545  
6546  
6547  
6548  
6549  
6550  
6551  
6552  
6553  
6554  
6555  
6556  
6557

(b) For a felony of the second degree committed prior to  
the effective date of this amendment, the prison term shall be a  
definite term of two, three, four, five, six, seven, or eight  
years.

6558  
6559  
6560  
6561

(3) (a) For a felony of the third degree that is a  
violation of section 2903.06, 2903.08, 2907.03, 2907.04,  
2907.05, or 3795.04 of the Revised Code or that is a violation  
of section 2911.02 or 2911.12 of the Revised Code if the  
offender previously has been convicted of or pleaded guilty in  
two or more separate proceedings to two or more violations of  
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised  
Code, the prison term shall be one of the following:

6562  
6563  
6564  
6565  
6566  
6567  
6568  
6569

(i) If the felony of the third degree is committed on or  
after the effective date of this amendment, the prison term  
shall be an indefinite prison term with a stated minimum  
selected by the court of twelve, eighteen, twenty-four, thirty,

6570  
6571  
6572  
6573

thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6574  
and a maximum term that is determined pursuant to section 6575  
2929.144 of the Revised Code, except that if the section that 6576  
criminalizes the conduct constituting the felony specifies a 6577  
different minimum term or penalty for the offense, the specific 6578  
language of that section shall control in determining the 6579  
minimum term or otherwise sentencing the offender but the 6580  
minimum term or sentence imposed under that specific language 6581  
shall be considered for purposes of the Revised Code as if it 6582  
had been imposed under this division. 6583

(ii) If the felony of the third degree is committed prior 6584  
to the effective date of this amendment, the prison term shall 6585  
be a definite term of twelve, eighteen, twenty-four, thirty, 6586  
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6587

(b) For a felony of the third degree that is not an 6588  
offense for which division (A) (3) (a) of this section applies, 6589  
the prison term shall be a definite term of nine, twelve, 6590  
eighteen, twenty-four, thirty, or thirty-six months. 6591

(4) For a felony of the fourth degree, the prison term 6592  
shall be a definite term of six, seven, eight, nine, ten, 6593  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6594  
or eighteen months. 6595

(5) For a felony of the fifth degree, the prison term 6596  
shall be a definite term of six, seven, eight, nine, ten, 6597  
eleven, or twelve months. 6598

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6599  
section, if an offender who is convicted of or pleads guilty to 6600  
a felony also is convicted of or pleads guilty to a 6601  
specification of the type described in section 2941.141, 6602

2941.144, or 2941.145 of the Revised Code, the court shall 6603  
impose on the offender one of the following prison terms: 6604

(i) A prison term of six years if the specification is of 6605  
the type described in division (A) of section 2941.144 of the 6606  
Revised Code that charges the offender with having a firearm 6607  
that is an automatic firearm or that was equipped with a firearm 6608  
muffler or suppressor on or about the offender's person or under 6609  
the offender's control while committing the offense; 6610

(ii) A prison term of three years if the specification is 6611  
of the type described in division (A) of section 2941.145 of the 6612  
Revised Code that charges the offender with having a firearm on 6613  
or about the offender's person or under the offender's control 6614  
while committing the offense and displaying the firearm, 6615  
brandishing the firearm, indicating that the offender possessed 6616  
the firearm, or using it to facilitate the offense; 6617

(iii) A prison term of one year if the specification is of 6618  
the type described in division (A) of section 2941.141 of the 6619  
Revised Code that charges the offender with having a firearm on 6620  
or about the offender's person or under the offender's control 6621  
while committing the offense; 6622

(iv) A prison term of nine years if the specification is 6623  
of the type described in division (D) of section 2941.144 of the 6624  
Revised Code that charges the offender with having a firearm 6625  
that is an automatic firearm or that was equipped with a firearm 6626  
muffler or suppressor on or about the offender's person or under 6627  
the offender's control while committing the offense and 6628  
specifies that the offender previously has been convicted of or 6629  
pleaded guilty to a specification of the type described in 6630  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6631  
the Revised Code; 6632

(v) A prison term of fifty-four months if the 6633  
specification is of the type described in division (D) of 6634  
section 2941.145 of the Revised Code that charges the offender 6635  
with having a firearm on or about the offender's person or under 6636  
the offender's control while committing the offense and 6637  
displaying the firearm, brandishing the firearm, indicating that 6638  
the offender possessed the firearm, or using the firearm to 6639  
facilitate the offense and that the offender previously has been 6640  
convicted of or pleaded guilty to a specification of the type 6641  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6642  
2941.1412 of the Revised Code; 6643

(vi) A prison term of eighteen months if the specification 6644  
is of the type described in division (D) of section 2941.141 of 6645  
the Revised Code that charges the offender with having a firearm 6646  
on or about the offender's person or under the offender's 6647  
control while committing the offense and that the offender 6648  
previously has been convicted of or pleaded guilty to a 6649  
specification of the type described in section 2941.141, 6650  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6651

(b) If a court imposes a prison term on an offender under 6652  
division (B) (1) (a) of this section, the prison term shall not be 6653  
reduced pursuant to section 2967.19, section 2929.20, section 6654  
2967.193, or any other provision of Chapter 2967. or Chapter 6655  
5120. of the Revised Code. Except as provided in division (B) (1) 6656  
(g) of this section, a court shall not impose more than one 6657  
prison term on an offender under division (B) (1) (a) of this 6658  
section for felonies committed as part of the same act or 6659  
transaction. 6660

(c) (i) Except as provided in division (B) (1) (e) of this 6661  
section, if an offender who is convicted of or pleads guilty to 6662

a violation of section 2923.161 of the Revised Code or to a 6663  
felony that includes, as an essential element, purposely or 6664  
knowingly causing or attempting to cause the death of or 6665  
physical harm to another, also is convicted of or pleads guilty 6666  
to a specification of the type described in division (A) of 6667  
section 2941.146 of the Revised Code that charges the offender 6668  
with committing the offense by discharging a firearm from a 6669  
motor vehicle other than a manufactured home, the court, after 6670  
imposing a prison term on the offender for the violation of 6671  
section 2923.161 of the Revised Code or for the other felony 6672  
offense under division (A), (B) (2), or (B) (3) of this section, 6673  
shall impose an additional prison term of five years upon the 6674  
offender that shall not be reduced pursuant to section 2929.20, 6675  
section 2967.19, section 2967.193, or any other provision of 6676  
Chapter 2967. or Chapter 5120. of the Revised Code. 6677

(ii) Except as provided in division (B) (1) (e) of this 6678  
section, if an offender who is convicted of or pleads guilty to 6679  
a violation of section 2923.161 of the Revised Code or to a 6680  
felony that includes, as an essential element, purposely or 6681  
knowingly causing or attempting to cause the death of or 6682  
physical harm to another, also is convicted of or pleads guilty 6683  
to a specification of the type described in division (C) of 6684  
section 2941.146 of the Revised Code that charges the offender 6685  
with committing the offense by discharging a firearm from a 6686  
motor vehicle other than a manufactured home and that the 6687  
offender previously has been convicted of or pleaded guilty to a 6688  
specification of the type described in section 2941.141, 6689  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6690  
the court, after imposing a prison term on the offender for the 6691  
violation of section 2923.161 of the Revised Code or for the 6692  
other felony offense under division (A), (B) (2), or (3) of this 6693

section, shall impose an additional prison term of ninety months 6694  
upon the offender that shall not be reduced pursuant to section 6695  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6696  
2967. or Chapter 5120. of the Revised Code. 6697

(iii) A court shall not impose more than one additional 6698  
prison term on an offender under division (B) (1) (c) of this 6699  
section for felonies committed as part of the same act or 6700  
transaction. If a court imposes an additional prison term on an 6701  
offender under division (B) (1) (c) of this section relative to an 6702  
offense, the court also shall impose a prison term under 6703  
division (B) (1) (a) of this section relative to the same offense, 6704  
provided the criteria specified in that division for imposing an 6705  
additional prison term are satisfied relative to the offender 6706  
and the offense. 6707

(d) If an offender who is convicted of or pleads guilty to 6708  
an offense of violence that is a felony also is convicted of or 6709  
pleads guilty to a specification of the type described in 6710  
section 2941.1411 of the Revised Code that charges the offender 6711  
with wearing or carrying body armor while committing the felony 6712  
offense of violence, the court shall impose on the offender ~~a~~an 6713  
additional prison term of two years. The prison term so imposed, 6714  
subject to divisions (C) to (I) of section 2967.19 of the 6715  
Revised Code, shall not be reduced pursuant to section 2929.20, 6716  
section 2967.19, section 2967.193, or any other provision of 6717  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6718  
shall not impose more than one prison term on an offender under 6719  
division (B) (1) (d) of this section for felonies committed as 6720  
part of the same act or transaction. If a court imposes an 6721  
additional prison term under division (B) (1) (a) or (c) of this 6722  
section, the court is not precluded from imposing an additional 6723  
prison term under division (B) (1) (d) of this section. 6724

(e) The court shall not impose any of the prison terms 6725  
described in division (B) (1) (a) of this section or any of the 6726  
additional prison terms described in division (B) (1) (c) of this 6727  
section upon an offender for a violation of section 2923.12 or 6728  
2923.123 of the Revised Code. The court shall not impose any of 6729  
the prison terms described in division (B) (1) (a) or (b) of this 6730  
section upon an offender for a violation of section 2923.122 6731  
that involves a deadly weapon that is a firearm other than a 6732  
dangerous ordnance, section 2923.16, or section 2923.121 of the 6733  
Revised Code. The court shall not impose any of the prison terms 6734  
described in division (B) (1) (a) of this section or any of the 6735  
additional prison terms described in division (B) (1) (c) of this 6736  
section upon an offender for a violation of section 2923.13 of 6737  
the Revised Code unless all of the following apply: 6738

(i) The offender previously has been convicted of 6739  
aggravated murder, murder, or any felony of the first or second 6740  
degree. 6741

(ii) Less than five years have passed since the offender 6742  
was released from prison or post-release control, whichever is 6743  
later, for the prior offense. 6744

(f) (i) If an offender is convicted of or pleads guilty to 6745  
a felony that includes, as an essential element, causing or 6746  
attempting to cause the death of or physical harm to another and 6747  
also is convicted of or pleads guilty to a specification of the 6748  
type described in division (A) of section 2941.1412 of the 6749  
Revised Code that charges the offender with committing the 6750  
offense by discharging a firearm at a peace officer as defined 6751  
in section 2935.01 of the Revised Code or a corrections officer, 6752  
as defined in section 2941.1412 of the Revised Code, the court, 6753  
after imposing a prison term on the offender for the felony 6754

offense under division (A), (B) (2), or (B) (3) of this section, 6755  
shall impose an additional prison term of seven years upon the 6756  
offender that shall not be reduced pursuant to section 2929.20, 6757  
section 2967.19, section 2967.193, or any other provision of 6758  
Chapter 2967. or Chapter 5120. of the Revised Code. 6759

(ii) If an offender is convicted of or pleads guilty to a 6760  
felony that includes, as an essential element, causing or 6761  
attempting to cause the death of or physical harm to another and 6762  
also is convicted of or pleads guilty to a specification of the 6763  
type described in division (B) of section 2941.1412 of the 6764  
Revised Code that charges the offender with committing the 6765  
offense by discharging a firearm at a peace officer, as defined 6766  
in section 2935.01 of the Revised Code, or a corrections 6767  
officer, as defined in section 2941.1412 of the Revised Code, 6768  
and that the offender previously has been convicted of or 6769  
pleaded guilty to a specification of the type described in 6770  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6771  
the Revised Code, the court, after imposing a prison term on the 6772  
offender for the felony offense under division (A), (B) (2), or 6773  
(3) of this section, shall impose an additional prison term of 6774  
one hundred twenty-six months upon the offender that shall not 6775  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6776  
any other provision of Chapter 2967. or 5120. of the Revised 6777  
Code. 6778

(iii) If an offender is convicted of or pleads guilty to 6779  
two or more felonies that include, as an essential element, 6780  
causing or attempting to cause the death or physical harm to 6781  
another and also is convicted of or pleads guilty to a 6782  
specification of the type described under division (B) (1) (f) of 6783  
this section in connection with two or more of the felonies of 6784  
which the offender is convicted or to which the offender pleads 6785

guilty, the sentencing court shall impose on the offender the 6786  
prison term specified under division (B) (1) (f) of this section 6787  
for each of two of the specifications of which the offender is 6788  
convicted or to which the offender pleads guilty and, in its 6789  
discretion, also may impose on the offender the prison term 6790  
specified under that division for any or all of the remaining 6791  
specifications. If a court imposes an additional prison term on 6792  
an offender under division (B) (1) (f) of this section relative to 6793  
an offense, the court shall not impose a prison term under 6794  
division (B) (1) (a) or (c) of this section relative to the same 6795  
offense. 6796

(g) If an offender is convicted of or pleads guilty to two 6797  
or more felonies, if one or more of those felonies are 6798  
aggravated murder, murder, attempted aggravated murder, 6799  
attempted murder, aggravated robbery, felonious assault, or 6800  
rape, and if the offender is convicted of or pleads guilty to a 6801  
specification of the type described under division (B) (1) (a) of 6802  
this section in connection with two or more of the felonies, the 6803  
sentencing court shall impose on the offender the prison term 6804  
specified under division (B) (1) (a) of this section for each of 6805  
the two most serious specifications of which the offender is 6806  
convicted or to which the offender pleads guilty and, in its 6807  
discretion, also may impose on the offender the prison term 6808  
specified under that division for any or all of the remaining 6809  
specifications. 6810

(2) (a) If division (B) (2) (b) of this section does not 6811  
apply, the court may impose on an offender, in addition to the 6812  
longest prison term authorized or required for the offense or, 6813  
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 6814  
of this section applies, in addition to the longest minimum 6815  
prison term authorized or required for the offense, an 6816

additional definite prison term of one, two, three, four, five, 6817  
six, seven, eight, nine, or ten years if all of the following 6818  
criteria are met: 6819

(i) The offender is convicted of or pleads guilty to a 6820  
specification of the type described in section 2941.149 of the 6821  
Revised Code that the offender is a repeat violent offender. 6822

(ii) The offense of which the offender currently is 6823  
convicted or to which the offender currently pleads guilty is 6824  
aggravated murder and the court does not impose a sentence of 6825  
death or life imprisonment without parole, murder, terrorism and 6826  
the court does not impose a sentence of life imprisonment 6827  
without parole, any felony of the first degree that is an 6828  
offense of violence and the court does not impose a sentence of 6829  
life imprisonment without parole, or any felony of the second 6830  
degree that is an offense of violence and the trier of fact 6831  
finds that the offense involved an attempt to cause or a threat 6832  
to cause serious physical harm to a person or resulted in 6833  
serious physical harm to a person. 6834

(iii) The court imposes the longest prison term for the 6835  
offense or the longest minimum prison term for the offense, 6836  
whichever is applicable, that is not life imprisonment without 6837  
parole. 6838

(iv) The court finds that the prison terms imposed 6839  
pursuant to division (B) (2) (a) (iii) of this section and, if 6840  
applicable, division (B) (1) or (3) of this section are 6841  
inadequate to punish the offender and protect the public from 6842  
future crime, because the applicable factors under section 6843  
2929.12 of the Revised Code indicating a greater likelihood of 6844  
recidivism outweigh the applicable factors under that section 6845  
indicating a lesser likelihood of recidivism. 6846

(v) The court finds that the prison terms imposed pursuant 6847  
to division (B) (2) (a) (iii) of this section and, if applicable, 6848  
division (B) (1) or (3) of this section are demeaning to the 6849  
seriousness of the offense, because one or more of the factors 6850  
under section 2929.12 of the Revised Code indicating that the 6851  
offender's conduct is more serious than conduct normally 6852  
constituting the offense are present, and they outweigh the 6853  
applicable factors under that section indicating that the 6854  
offender's conduct is less serious than conduct normally 6855  
constituting the offense. 6856

(b) The court shall impose on an offender the longest 6857  
prison term authorized or required for the offense or, for 6858  
offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of 6859  
this section applies, the longest minimum prison term authorized 6860  
or required for the offense, and shall impose on the offender an 6861  
additional definite prison term of one, two, three, four, five, 6862  
six, seven, eight, nine, or ten years if all of the following 6863  
criteria are met: 6864

(i) The offender is convicted of or pleads guilty to a 6865  
specification of the type described in section 2941.149 of the 6866  
Revised Code that the offender is a repeat violent offender. 6867

(ii) The offender within the preceding twenty years has 6868  
been convicted of or pleaded guilty to three or more offenses 6869  
described in division (CC) (1) of section 2929.01 of the Revised 6870  
Code, including all offenses described in that division of which 6871  
the offender is convicted or to which the offender pleads guilty 6872  
in the current prosecution and all offenses described in that 6873  
division of which the offender previously has been convicted or 6874  
to which the offender previously pleaded guilty, whether 6875  
prosecuted together or separately. 6876

(iii) The offense or offenses of which the offender 6877  
currently is convicted or to which the offender currently pleads 6878  
guilty is aggravated murder and the court does not impose a 6879  
sentence of death or life imprisonment without parole, murder, 6880  
terrorism and the court does not impose a sentence of life 6881  
imprisonment without parole, any felony of the first degree that 6882  
is an offense of violence and the court does not impose a 6883  
sentence of life imprisonment without parole, or any felony of 6884  
the second degree that is an offense of violence and the trier 6885  
of fact finds that the offense involved an attempt to cause or a 6886  
threat to cause serious physical harm to a person or resulted in 6887  
serious physical harm to a person. 6888

(c) For purposes of division (B) (2) (b) of this section, 6889  
two or more offenses committed at the same time or as part of 6890  
the same act or event shall be considered one offense, and that 6891  
one offense shall be the offense with the greatest penalty. 6892

(d) A sentence imposed under division (B) (2) (a) or (b) of 6893  
this section shall not be reduced pursuant to section 2929.20, 6894  
section 2967.19, or section 2967.193, or any other provision of 6895  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6896  
shall serve an additional prison term imposed under division (B) 6897  
(2) (a) or (b) of this section consecutively to and prior to the 6898  
prison term imposed for the underlying offense. 6899

(e) When imposing a sentence pursuant to division (B) (2) 6900  
(a) or (b) of this section, the court shall state its findings 6901  
explaining the imposed sentence. 6902

(3) Except when an offender commits a violation of section 6903  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6904  
for the violation is life imprisonment or commits a violation of 6905  
section 2903.02 of the Revised Code, if the offender commits a 6906

violation of section 2925.03 or 2925.11 of the Revised Code and 6907  
that section classifies the offender as a major drug offender, 6908  
if the offender commits a felony violation of section 2925.02, 6909  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6910  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6911  
division (E) of section 4729.51, or division (J) of section 6912  
4729.54 of the Revised Code that includes the sale, offer to 6913  
sell, or possession of a schedule I or II controlled substance, 6914  
with the exception of marihuana, and the court imposing sentence 6915  
upon the offender finds that the offender is guilty of a 6916  
specification of the type described in section 2941.1410 of the 6917  
Revised Code charging that the offender is a major drug 6918  
offender, if the court imposing sentence upon an offender for a 6919  
felony finds that the offender is guilty of corrupt activity 6920  
with the most serious offense in the pattern of corrupt activity 6921  
being a felony of the first degree, or if the offender is guilty 6922  
of an attempted violation of section 2907.02 of the Revised Code 6923  
and, had the offender completed the violation of section 2907.02 6924  
of the Revised Code that was attempted, the offender would have 6925  
been subject to a sentence of life imprisonment or life 6926  
imprisonment without parole for the violation of section 2907.02 6927  
of the Revised Code, the court shall impose upon the offender 6928  
for the felony violation a mandatory prison term ~~of the maximum~~ 6929  
~~prison term prescribed for a felony of the first degree~~ 6930  
determined as described in this division that, subject to 6931  
divisions (C) to (I) of section 2967.19 of the Revised Code, 6932  
cannot be reduced pursuant to section 2929.20, section 2967.19, 6933  
or any other provision of Chapter 2967. or 5120. of the Revised 6934  
Code. The mandatory prison term shall be the maximum definite 6935  
prison term prescribed in division (A) (1) (b) of this section for 6936  
a felony of the first degree, except that for offenses for which 6937  
division (A) (1) (a) of this section applies, the mandatory prison 6938

term shall be the longest minimum prison term prescribed in that 6939  
division for the offense. 6940

(4) If the offender is being sentenced for a third or 6941  
fourth degree felony OVI offense under division (G) (2) of 6942  
section 2929.13 of the Revised Code, the sentencing court shall 6943  
impose upon the offender a mandatory prison term in accordance 6944  
with that division. In addition to the mandatory prison term, if 6945  
the offender is being sentenced for a fourth degree felony OVI 6946  
offense, the court, notwithstanding division (A) (4) of this 6947  
section, may sentence the offender to a definite prison term of 6948  
not less than six months and not more than thirty months, and if 6949  
the offender is being sentenced for a third degree felony OVI 6950  
offense, the sentencing court may sentence the offender to an 6951  
additional prison term of any duration specified in division (A) 6952  
(3) of this section. In either case, the additional prison term 6953  
imposed shall be reduced by the sixty or one hundred twenty days 6954  
imposed upon the offender as the mandatory prison term. The 6955  
total of the additional prison term imposed under division (B) 6956  
(4) of this section plus the sixty or one hundred twenty days 6957  
imposed as the mandatory prison term shall equal a definite term 6958  
in the range of six months to thirty months for a fourth degree 6959  
felony OVI offense and shall equal one of the authorized prison 6960  
terms specified in division (A) (3) of this section for a third 6961  
degree felony OVI offense. If the court imposes an additional 6962  
prison term under division (B) (4) of this section, the offender 6963  
shall serve the additional prison term after the offender has 6964  
served the mandatory prison term required for the offense. In 6965  
addition to the mandatory prison term or mandatory and 6966  
additional prison term imposed as described in division (B) (4) 6967  
of this section, the court also may sentence the offender to a 6968  
community control sanction under section 2929.16 or 2929.17 of 6969

the Revised Code, but the offender shall serve all of the prison 6970  
terms so imposed prior to serving the community control 6971  
sanction. 6972

If the offender is being sentenced for a fourth degree 6973  
felony OVI offense under division (G) (1) of section 2929.13 of 6974  
the Revised Code and the court imposes a mandatory term of local 6975  
incarceration, the court may impose a prison term as described 6976  
in division (A) (1) of that section. 6977

(5) If an offender is convicted of or pleads guilty to a 6978  
violation of division (A) (1) or (2) of section 2903.06 of the 6979  
Revised Code and also is convicted of or pleads guilty to a 6980  
specification of the type described in section 2941.1414 of the 6981  
Revised Code that charges that the victim of the offense is a 6982  
peace officer, as defined in section 2935.01 of the Revised 6983  
Code, or an investigator of the bureau of criminal 6984  
identification and investigation, as defined in section 2903.11 6985  
of the Revised Code, the court shall impose on the offender a 6986  
prison term of five years. If a court imposes a prison term on 6987  
an offender under division (B) (5) of this section, the prison 6988  
term, subject to divisions (C) to (I) of section 2967.19 of the 6989  
Revised Code, shall not be reduced pursuant to section 2929.20, 6990  
section 2967.19, section 2967.193, or any other provision of 6991  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6992  
shall not impose more than one prison term on an offender under 6993  
division (B) (5) of this section for felonies committed as part 6994  
of the same act. 6995

(6) If an offender is convicted of or pleads guilty to a 6996  
violation of division (A) (1) or (2) of section 2903.06 of the 6997  
Revised Code and also is convicted of or pleads guilty to a 6998  
specification of the type described in section 2941.1415 of the 6999

Revised Code that charges that the offender previously has been 7000  
convicted of or pleaded guilty to three or more violations of 7001  
division (A) or (B) of section 4511.19 of the Revised Code or an 7002  
equivalent offense, as defined in section 2941.1415 of the 7003  
Revised Code, or three or more violations of any combination of 7004  
those divisions and offenses, the court shall impose on the 7005  
offender a prison term of three years. If a court imposes a 7006  
prison term on an offender under division (B) (6) of this 7007  
section, the prison term, subject to divisions (C) to (I) of 7008  
section 2967.19 of the Revised Code, shall not be reduced 7009  
pursuant to section 2929.20, section 2967.19, section 2967.193, 7010  
or any other provision of Chapter 2967. or Chapter 5120. of the 7011  
Revised Code. A court shall not impose more than one prison term 7012  
on an offender under division (B) (6) of this section for 7013  
felonies committed as part of the same act. 7014

(7) (a) If an offender is convicted of or pleads guilty to 7015  
a felony violation of section 2905.01, 2905.02, 2907.21, 7016  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7017  
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7018  
the Revised Code and also is convicted of or pleads guilty to a 7019  
specification of the type described in section 2941.1422 of the 7020  
Revised Code that charges that the offender knowingly committed 7021  
the offense in furtherance of human trafficking, the court shall 7022  
impose on the offender a mandatory prison term that is one of 7023  
the following: 7024

(i) If the offense is a felony of the first degree, a 7025  
definite prison term of not less than five years and not greater 7026  
than ~~ten~~ eleven years, except that if the offense is a felony of 7027  
the first degree committed on or after the effective date of 7028  
this amendment, the court shall impose as the minimum prison 7029  
term a mandatory term of not less than five years and not 7030

greater than eleven years; 7031

(ii) If the offense is a felony of the second or third 7032  
degree, a definite prison term of not less than three years and 7033  
not greater than the maximum prison term allowed for the offense 7034  
by division (A) ~~(2) (b) or (3)~~ of ~~this section 2929.14 of the~~ 7035  
Revised Code, except that if the offense is a felony of the 7036  
second degree committed on or after the effective date of this 7037  
amendment, the court shall impose as the minimum prison term a 7038  
mandatory term of not less than three years and not greater than 7039  
eight years; 7040

(iii) If the offense is a felony of the fourth or fifth 7041  
degree, a definite prison term that is the maximum prison term 7042  
allowed for the offense by division (A) of section 2929.14 of 7043  
the Revised Code. 7044

(b) Subject to divisions (C) to (I) of section 2967.19 of 7045  
the Revised Code, the prison term imposed under division (B) (7) 7046  
(a) of this section shall not be reduced pursuant to section 7047  
2929.20, section 2967.19, section 2967.193, or any other 7048  
provision of Chapter 2967. of the Revised Code. A court shall 7049  
not impose more than one prison term on an offender under 7050  
division (B) (7) (a) of this section for felonies committed as 7051  
part of the same act, scheme, or plan. 7052

(8) If an offender is convicted of or pleads guilty to a 7053  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7054  
Revised Code and also is convicted of or pleads guilty to a 7055  
specification of the type described in section 2941.1423 of the 7056  
Revised Code that charges that the victim of the violation was a 7057  
woman whom the offender knew was pregnant at the time of the 7058  
violation, notwithstanding the range ~~of prison terms~~ prescribed 7059  
in division (A) of this section as the definite prison term or 7060

minimum prison term for felonies of the same degree as the 7061  
violation, the court shall impose on the offender a mandatory 7062  
prison term that is either a definite prison term of six months 7063  
or one of the prison terms prescribed in division (A) of this 7064  
section 2929.14 of the Revised Code for felonies of the same 7065  
degree as the violation, except that if the violation is a 7066  
felony of the first or second degree committed on or after the 7067  
effective date of this amendment, the court shall impose as the 7068  
minimum prison term under division (A) (1) (a) or (2) (a) of this 7069  
section a mandatory term that is one of the terms prescribed in 7070  
that division, whichever is applicable, for the offense. 7071

(9) (a) If an offender is convicted of or pleads guilty to 7072  
a violation of division (A) (1) or (2) of section 2903.11 of the 7073  
Revised Code and also is convicted of or pleads guilty to a 7074  
specification of the type described in section 2941.1425 of the 7075  
Revised Code, the court shall impose on the offender a mandatory 7076  
prison term of six years if either of the following applies: 7077

(i) The violation is a violation of division (A) (1) of 7078  
section 2903.11 of the Revised Code and the specification 7079  
charges that the offender used an accelerant in committing the 7080  
violation and the serious physical harm to another or to 7081  
another's unborn caused by the violation resulted in a 7082  
permanent, serious disfigurement or permanent, substantial 7083  
incapacity; 7084

(ii) The violation is a violation of division (A) (2) of 7085  
section 2903.11 of the Revised Code and the specification 7086  
charges that the offender used an accelerant in committing the 7087  
violation, that the violation caused physical harm to another or 7088  
to another's unborn, and that the physical harm resulted in a 7089  
permanent, serious disfigurement or permanent, substantial 7090

incapacity. 7091

(b) If a court imposes a prison term on an offender under 7092  
division (B) (9) (a) of this section, the prison term shall not be 7093  
reduced pursuant to section 2929.20, section 2967.19, section 7094  
2967.193, or any other provision of Chapter 2967. or Chapter 7095  
5120. of the Revised Code. A court shall not impose more than 7096  
one prison term on an offender under division (B) (9) of this 7097  
section for felonies committed as part of the same act. 7098

(c) The provisions of divisions (B) (9) and (C) (6) of this 7099  
section and of division (D) (2) of section 2903.11, division (F) 7100  
(20) of section 2929.13, and section 2941.1425 of the Revised 7101  
Code shall be known as "Judy's Law." 7102

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7103  
if a mandatory prison term is imposed upon an offender pursuant 7104  
to division (B) (1) (a) of this section for having a firearm on or 7105  
about the offender's person or under the offender's control 7106  
while committing a felony, if a mandatory prison term is imposed 7107  
upon an offender pursuant to division (B) (1) (c) of this section 7108  
for committing a felony specified in that division by 7109  
discharging a firearm from a motor vehicle, or if both types of 7110  
mandatory prison terms are imposed, the offender shall serve any 7111  
mandatory prison term imposed under either division 7112  
consecutively to any other mandatory prison term imposed under 7113  
either division or under division (B) (1) (d) of this section, 7114  
consecutively to and prior to any prison term imposed for the 7115  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7116  
this section or any other section of the Revised Code, and 7117  
consecutively to any other prison term or mandatory prison term 7118  
previously or subsequently imposed upon the offender. 7119

(b) If a mandatory prison term is imposed upon an offender 7120

pursuant to division (B)(1)(d) of this section for wearing or 7121  
carrying body armor while committing an offense of violence that 7122  
is a felony, the offender shall serve the mandatory term so 7123  
imposed consecutively to any other mandatory prison term imposed 7124  
under that division or under division (B)(1)(a) or (c) of this 7125  
section, consecutively to and prior to any prison term imposed 7126  
for the underlying felony under division (A), (B)(2), or (B)(3) 7127  
of this section or any other section of the Revised Code, and 7128  
consecutively to any other prison term or mandatory prison term 7129  
previously or subsequently imposed upon the offender. 7130

(c) If a mandatory prison term is imposed upon an offender 7131  
pursuant to division (B)(1)(f) of this section, the offender 7132  
shall serve the mandatory prison term so imposed consecutively 7133  
to and prior to any prison term imposed for the underlying 7134  
felony under division (A), (B)(2), or (B)(3) of this section or 7135  
any other section of the Revised Code, and consecutively to any 7136  
other prison term or mandatory prison term previously or 7137  
subsequently imposed upon the offender. 7138

(d) If a mandatory prison term is imposed upon an offender 7139  
pursuant to division (B)(7) or (8) of this section, the offender 7140  
shall serve the mandatory prison term so imposed consecutively 7141  
to any other mandatory prison term imposed under that division 7142  
or under any other provision of law and consecutively to any 7143  
other prison term or mandatory prison term previously or 7144  
subsequently imposed upon the offender. 7145

(2) If an offender who is an inmate in a jail, prison, or 7146  
other residential detention facility violates section 2917.02, 7147  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 7148  
(2) of section 2921.34 of the Revised Code, if an offender who 7149  
is under detention at a detention facility commits a felony 7150

violation of section 2923.131 of the Revised Code, or if an 7151  
offender who is an inmate in a jail, prison, or other 7152  
residential detention facility or is under detention at a 7153  
detention facility commits another felony while the offender is 7154  
an escapee in violation of division (A) (1) or (2) of section 7155  
2921.34 of the Revised Code, any prison term imposed upon the 7156  
offender for one of those violations shall be served by the 7157  
offender consecutively to the prison term or term of 7158  
imprisonment the offender was serving when the offender 7159  
committed that offense and to any other prison term previously 7160  
or subsequently imposed upon the offender. 7161

(3) If a prison term is imposed for a violation of 7162  
division (B) of section 2911.01 of the Revised Code, a violation 7163  
of division (A) of section 2913.02 of the Revised Code in which 7164  
the stolen property is a firearm or dangerous ordnance, or a 7165  
felony violation of division (B) of section 2921.331 of the 7166  
Revised Code, the offender shall serve that prison term 7167  
consecutively to any other prison term or mandatory prison term 7168  
previously or subsequently imposed upon the offender. 7169

(4) If multiple prison terms are imposed on an offender 7170  
for convictions of multiple offenses, the court may require the 7171  
offender to serve the prison terms consecutively if the court 7172  
finds that the consecutive service is necessary to protect the 7173  
public from future crime or to punish the offender and that 7174  
consecutive sentences are not disproportionate to the 7175  
seriousness of the offender's conduct and to the danger the 7176  
offender poses to the public, and if the court also finds any of 7177  
the following: 7178

(a) The offender committed one or more of the multiple 7179  
offenses while the offender was awaiting trial or sentencing, 7180

was under a sanction imposed pursuant to section 2929.16, 7181  
2929.17, or 2929.18 of the Revised Code, or was under post- 7182  
release control for a prior offense. 7183

(b) At least two of the multiple offenses were committed 7184  
as part of one or more courses of conduct, and the harm caused 7185  
by two or more of the multiple offenses so committed was so 7186  
great or unusual that no single prison term for any of the 7187  
offenses committed as part of any of the courses of conduct 7188  
adequately reflects the seriousness of the offender's conduct. 7189

(c) The offender's history of criminal conduct 7190  
demonstrates that consecutive sentences are necessary to protect 7191  
the public from future crime by the offender. 7192

(5) If a mandatory prison term is imposed upon an offender 7193  
pursuant to division (B) (5) or (6) of this section, the offender 7194  
shall serve the mandatory prison term consecutively to and prior 7195  
to any prison term imposed for the underlying violation of 7196  
division (A) (1) or (2) of section 2903.06 of the Revised Code 7197  
pursuant to division (A) of this section or section 2929.142 of 7198  
the Revised Code. If a mandatory prison term is imposed upon an 7199  
offender pursuant to division (B) (5) of this section, and if a 7200  
mandatory prison term also is imposed upon the offender pursuant 7201  
to division (B) (6) of this section in relation to the same 7202  
violation, the offender shall serve the mandatory prison term 7203  
imposed pursuant to division (B) (5) of this section 7204  
consecutively to and prior to the mandatory prison term imposed 7205  
pursuant to division (B) (6) of this section and consecutively to 7206  
and prior to any prison term imposed for the underlying 7207  
violation of division (A) (1) or (2) of section 2903.06 of the 7208  
Revised Code pursuant to division (A) of this section or section 7209  
2929.142 of the Revised Code. 7210

(6) If a mandatory prison term is imposed on an offender 7211  
pursuant to division (B) (9) of this section, the offender shall 7212  
serve the mandatory prison term consecutively to and prior to 7213  
any prison term imposed for the underlying violation of division 7214  
(A) (1) or (2) of section 2903.11 of the Revised Code and 7215  
consecutively to and prior to any other prison term or mandatory 7216  
prison term previously or subsequently imposed on the offender. 7217

(7) When consecutive prison terms are imposed pursuant to 7218  
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7219  
or (2) of this section, subject to division (C) (8) of this 7220  
section, the term to be served is the aggregate of all of the 7221  
terms so imposed. 7222

(8) When a court sentences an offender to a non-life 7223  
felony indefinite prison term, any definite prison term or 7224  
mandatory definite prison term previously or subsequently 7225  
imposed on the offender in addition to that indefinite sentence 7226  
that is required to be served consecutively to that indefinite 7227  
sentence shall be served prior to the indefinite sentence. 7228

(9) If a court is sentencing an offender for a felony of 7229  
the first, second, or third degree, if division (A) (1) (a), (2) 7230  
(a), or (3) (a) (i) of this section applies with respect to the 7231  
sentencing for the offense, and if the court is required under 7232  
the Revised Code section that sets forth the offense or any 7233  
other Revised Code provision to impose a mandatory prison term 7234  
for the offense, the court shall impose the required mandatory 7235  
prison term as the minimum term imposed under division (A) (1) 7236  
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7237  
applicable. 7238

(D) (1) If a court imposes a prison term, other than a term 7239  
of life imprisonment, for a felony of the first degree, for a 7240

felony of the second degree, for a felony sex offense, or for a 7241  
felony of the third degree that is an offense of violence and 7242  
that is not a felony sex offense ~~and in the commission of which~~ 7243  
~~the offender caused or threatened to cause physical harm to a~~ 7244  
~~person,~~ it shall include in the sentence a requirement that the 7245  
offender be subject to a period of post-release control after 7246  
the offender's release from imprisonment, in accordance with 7247  
~~that division~~ section 2967.28 of the Revised Code. If a court 7248  
imposes a sentence including a prison term of a type described 7249  
in this division on or after July 11, 2006, the failure of a 7250  
court to include a post-release control requirement in the 7251  
sentence pursuant to this division does not negate, limit, or 7252  
otherwise affect the mandatory period of post-release control 7253  
that is required for the offender under division (B) of section 7254  
2967.28 of the Revised Code. Section 2929.191 of the Revised 7255  
Code applies if, prior to July 11, 2006, a court imposed a 7256  
sentence including a prison term of a type described in this 7257  
division and failed to include in the sentence pursuant to this 7258  
division a statement regarding post-release control. 7259

(2) If a court imposes a prison term for a felony of the 7260  
third, fourth, or fifth degree that is not subject to division 7261  
(D) (1) of this section, it shall include in the sentence a 7262  
requirement that the offender be subject to a period of post- 7263  
release control after the offender's release from imprisonment, 7264  
in accordance with that division, if the parole board determines 7265  
that a period of post-release control is necessary. Section 7266  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7267  
a court imposed a sentence including a prison term of a type 7268  
described in this division and failed to include in the sentence 7269  
pursuant to this division a statement regarding post-release 7270  
control. 7271

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either the court does not impose a sentence of life without parole when authorized pursuant to division (B) of section 2907.02 of the Revised Code, or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code.

(3) A person is convicted of or pleads guilty to attempted rape committed on or after January 2, 2007, and a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code.

(4) A person is convicted of or pleads guilty to a violation of section 2905.01 of the Revised Code committed on or after January 1, 2008, and that section requires the court to sentence the offender pursuant to section 2971.03 of the Revised Code.

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7301  
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7302  
(d) of section 2929.03, or division (A) or (B) of section 7303  
2929.06 of the Revised Code requires the court to sentence the 7304  
offender pursuant to division (B) (3) of section 2971.03 of the 7305  
Revised Code. 7306

(6) A person is convicted of or pleads guilty to murder 7307  
committed on or after January 1, 2008, and division (B) (2) of 7308  
section 2929.02 of the Revised Code requires the court to 7309  
sentence the offender pursuant to section 2971.03 of the Revised 7310  
Code. 7311

(F) If a person who has been convicted of or pleaded 7312  
guilty to a felony is sentenced to a prison term or term of 7313  
imprisonment under this section, sections 2929.02 to 2929.06 of 7314  
the Revised Code, section 2929.142 of the Revised Code, section 7315  
2971.03 of the Revised Code, or any other provision of law, 7316  
section 5120.163 of the Revised Code applies regarding the 7317  
person while the person is confined in a state correctional 7318  
institution. 7319

(G) If an offender who is convicted of or pleads guilty to 7320  
a felony that is an offense of violence also is convicted of or 7321  
pleads guilty to a specification of the type described in 7322  
section 2941.142 of the Revised Code that charges the offender 7323  
with having committed the felony while participating in a 7324  
criminal gang, the court shall impose upon the offender an 7325  
additional prison term of one, two, or three years. 7326

(H) (1) If an offender who is convicted of or pleads guilty 7327  
to aggravated murder, murder, or a felony of the first, second, 7328  
or third degree that is an offense of violence also is convicted 7329  
of or pleads guilty to a specification of the type described in 7330

section 2941.143 of the Revised Code that charges the offender 7331  
with having committed the offense in a school safety zone or 7332  
towards a person in a school safety zone, the court shall impose 7333  
upon the offender an additional prison term of two years. The 7334  
offender shall serve the additional two years consecutively to 7335  
and prior to the prison term imposed for the underlying offense. 7336

(2) (a) If an offender is convicted of or pleads guilty to 7337  
a felony violation of section 2907.22, 2907.24, 2907.241, or 7338  
2907.25 of the Revised Code and to a specification of the type 7339  
described in section 2941.1421 of the Revised Code and if the 7340  
court imposes a prison term on the offender for the felony 7341  
violation, the court may impose upon the offender an additional 7342  
prison term as follows: 7343

(i) Subject to division (H) (2) (a) (ii) of this section, an 7344  
additional prison term of one, two, three, four, five, or six 7345  
months; 7346

(ii) If the offender previously has been convicted of or 7347  
pleaded guilty to one or more felony or misdemeanor violations 7348  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7349  
the Revised Code and also was convicted of or pleaded guilty to 7350  
a specification of the type described in section 2941.1421 of 7351  
the Revised Code regarding one or more of those violations, an 7352  
additional prison term of one, two, three, four, five, six, 7353  
seven, eight, nine, ten, eleven, or twelve months. 7354

(b) In lieu of imposing an additional prison term under 7355  
division (H) (2) (a) of this section, the court may directly 7356  
impose on the offender a sanction that requires the offender to 7357  
wear a real-time processing, continual tracking electronic 7358  
monitoring device during the period of time specified by the 7359  
court. The period of time specified by the court shall equal the 7360

duration of an additional prison term that the court could have 7361  
imposed upon the offender under division (H) (2) (a) of this 7362  
section. A sanction imposed under this division shall commence 7363  
on the date specified by the court, provided that the sanction 7364  
shall not commence until after the offender has served the 7365  
prison term imposed for the felony violation of section 2907.22, 7366  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7367  
residential sanction imposed for the violation under section 7368  
2929.16 of the Revised Code. A sanction imposed under this 7369  
division shall be considered to be a community control sanction 7370  
for purposes of section 2929.15 of the Revised Code, and all 7371  
provisions of the Revised Code that pertain to community control 7372  
sanctions shall apply to a sanction imposed under this division, 7373  
except to the extent that they would by their nature be clearly 7374  
inapplicable. The offender shall pay all costs associated with a 7375  
sanction imposed under this division, including the cost of the 7376  
use of the monitoring device. 7377

(I) At the time of sentencing, the court may recommend the 7378  
offender for placement in a program of shock incarceration under 7379  
section 5120.031 of the Revised Code or for placement in an 7380  
intensive program prison under section 5120.032 of the Revised 7381  
Code, disapprove placement of the offender in a program of shock 7382  
incarceration or an intensive program prison of that nature, or 7383  
make no recommendation on placement of the offender. In no case 7384  
shall the department of rehabilitation and correction place the 7385  
offender in a program or prison of that nature unless the 7386  
department determines as specified in section 5120.031 or 7387  
5120.032 of the Revised Code, whichever is applicable, that the 7388  
offender is eligible for the placement. 7389

If the court disapproves placement of the offender in a 7390  
program or prison of that nature, the department of 7391

rehabilitation and correction shall not place the offender in 7392  
any program of shock incarceration or intensive program prison. 7393

If the court recommends placement of the offender in a 7394  
program of shock incarceration or in an intensive program 7395  
prison, and if the offender is subsequently placed in the 7396  
recommended program or prison, the department shall notify the 7397  
court of the placement and shall include with the notice a brief 7398  
description of the placement. 7399

If the court recommends placement of the offender in a 7400  
program of shock incarceration or in an intensive program prison 7401  
and the department does not subsequently place the offender in 7402  
the recommended program or prison, the department shall send a 7403  
notice to the court indicating why the offender was not placed 7404  
in the recommended program or prison. 7405

If the court does not make a recommendation under this 7406  
division with respect to an offender and if the department 7407  
determines as specified in section 5120.031 or 5120.032 of the 7408  
Revised Code, whichever is applicable, that the offender is 7409  
eligible for placement in a program or prison of that nature, 7410  
the department shall screen the offender and determine if there 7411  
is an available program of shock incarceration or an intensive 7412  
program prison for which the offender is suited. If there is an 7413  
available program of shock incarceration or an intensive program 7414  
prison for which the offender is suited, the department shall 7415  
notify the court of the proposed placement of the offender as 7416  
specified in section 5120.031 or 5120.032 of the Revised Code 7417  
and shall include with the notice a brief description of the 7418  
placement. The court shall have ten days from receipt of the 7419  
notice to disapprove the placement. 7420

(J) If a person is convicted of or pleads guilty to 7421

aggravated vehicular homicide in violation of division (A) (1) of 7422  
section 2903.06 of the Revised Code and division (B) (2) (c) of 7423  
that section applies, the person shall be sentenced pursuant to 7424  
section 2929.142 of the Revised Code. 7425

(K) (1) The court shall impose an additional mandatory 7426  
prison term of two, three, four, five, six, seven, eight, nine, 7427  
ten, or eleven years on an offender who is convicted of or 7428  
pleads guilty to a violent felony offense if the offender also 7429  
is convicted of or pleads guilty to a specification of the type 7430  
described in section 2941.1424 of the Revised Code that charges 7431  
that the offender is a violent career criminal and had a firearm 7432  
on or about the offender's person or under the offender's 7433  
control while committing the presently charged violent felony 7434  
offense and displayed or brandished the firearm, indicated that 7435  
the offender possessed a firearm, or used the firearm to 7436  
facilitate the offense. The offender shall serve the prison term 7437  
imposed under this division consecutively to and prior to the 7438  
prison term imposed for the underlying offense. The prison term 7439  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7440  
any other provision of Chapter 2967. or 5120. of the Revised 7441  
Code. A court may not impose more than one sentence under 7442  
division (B) (2) (a) of this section and this division for acts 7443  
committed as part of the same act or transaction. 7444

(2) As used in division (K) (1) of this section, "violent 7445  
career criminal" and "violent felony offense" have the same 7446  
meanings as in section 2923.132 of the Revised Code. 7447

**Sec. 2929.142.** (A) Notwithstanding the definite prison 7448  
~~term terms and minimum prison terms specified in division~~ 7449  
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7450  
Code for a felony of the first degree, if an offender is 7451

convicted of or pleads guilty to aggravated vehicular homicide 7452  
in violation of division (A) (1) of section 2903.06 of the 7453  
Revised Code, the court shall impose upon the offender a 7454  
mandatory prison term of ten, eleven, twelve, thirteen, 7455  
fourteen, or fifteen years, determined as specified in division 7456  
(B) of this section, if any of the following apply: 7457

~~(A)~~ (1) The offender previously has been convicted of or 7458  
pleaded guilty to three or more prior violations of section 7459  
4511.19 of the Revised Code or of a substantially equivalent 7460  
municipal ordinance within the previous ten years. 7461

~~(B)~~ (2) The offender previously has been convicted of or 7462  
pleaded guilty to three or more prior violations of division (A) 7463  
of section 1547.11 of the Revised Code or of a substantially 7464  
equivalent municipal ordinance within the previous ten years. 7465

~~(C)~~ (3) The offender previously has been convicted of or 7466  
pleaded guilty to three or more prior violations of division (A) 7467  
(3) of section 4561.15 of the Revised Code or of a substantially 7468  
equivalent municipal ordinance within the previous ten years. 7469

~~(D)~~ (4) The offender previously has been convicted of or 7470  
pleaded guilty to three or more prior violations of division (A) 7471  
(1) of section 2903.06 of the Revised Code. 7472

~~(E)~~ (5) The offender previously has been convicted of or 7473  
pleaded guilty to three or more prior violations of division (A) 7474  
(1) of section 2903.08 of the Revised Code. 7475

~~(F)~~ (6) The offender previously has been convicted of or 7476  
pleaded guilty to three or more prior violations of section 7477  
2903.04 of the Revised Code in circumstances in which division 7478  
(D) of that section applied regarding the violations. 7479

~~(G)~~ (7) The offender previously has been convicted of or 7480

pleaded guilty to three or more violations of any combination of 7481  
the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 7482  
(1), (2), (3), (4), (5), or (6) of this section. 7483

~~(H)~~ (8) The offender previously has been convicted of or 7484  
pleaded guilty to a second or subsequent felony violation of 7485  
division (A) of section 4511.19 of the Revised Code. 7486

(B) The mandatory prison term required under division (A) 7487  
of this section shall be a definite term of ten, eleven, twelve, 7488  
thirteen, fourteen, or fifteen years, except that if the 7489  
aggravated vehicular homicide is committed on or after the 7490  
effective date of this amendment, the court shall impose as the 7491  
minimum prison term for the offense under division (A) (1) (a) of 7492  
section 2929.14 of the Revised Code a mandatory prison term that 7493  
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 7494

**Sec. 2929.144.** (A) As used in this section, "qualifying 7495  
felony of the first, second, or third degree" means a felony of 7496  
the first or second degree committed on or after the effective 7497  
date of this section or a felony of the third degree that is 7498  
described in division (A) (3) (a) of section 2929.14 of the 7499  
Revised Code and committed on or after that date. 7500

(B) The court imposing a prison term on an offender under 7501  
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of 7502  
the Revised Code for a qualifying felony of the first, second, 7503  
or third degree shall determine the maximum prison term that is 7504  
part of the sentence in accordance with the following: 7505

(1) If the offender is being sentenced for one felony and 7506  
the felony is a qualifying felony of the first, second, or third 7507  
degree, the maximum prison term shall be one hundred fifty per 7508  
cent of the minimum term imposed on the offender under division 7509

(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the 7510  
Revised Code. 7511

(2) If the offender is being sentenced for more than one 7512  
felony, if one or more of the felonies is a qualifying felony of 7513  
the first, second, or third degree, and if the court orders that 7514  
some or all of the prison terms imposed are to be served 7515  
consecutively, the court shall add all of the minimum terms 7516  
imposed on the offender under division (A) (1) (a), (2) (a), or (3) 7517  
(a) (i) of section 2929.14 of the Revised Code for a qualifying 7518  
felony of the first, second, or third degree that are to be 7519  
served consecutively and all of the definite terms of the 7520  
felonies that are not qualifying felonies of the first, second, 7521  
or third degree that are to be served consecutively, and the 7522  
maximum term shall be one hundred fifty per cent of the total of 7523  
those terms so added by the court. 7524

(3) If the offender is being sentenced for more than one 7525  
felony, if one or more of the felonies is a qualifying felony of 7526  
the first, second, or third degree, and if the court orders that 7527  
all of the prison terms imposed are to run concurrently, the 7528  
maximum term shall be one hundred fifty per cent of the longest 7529  
of the minimum terms imposed on the offender under division (A) 7530  
(1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 7531  
Code for a qualifying felony of the first, second, or third 7532  
degree for which the sentence is being imposed. 7533

(4) Any mandatory prison term, or portion of a mandatory 7534  
prison term, that is imposed or to be imposed on the offender 7535  
under division (B), (G), or (H) of section 2929.14 of the 7536  
Revised Code or under any other provision of the Revised Code, 7537  
with respect to a conviction of or plea of guilty to a 7538  
specification, and that is in addition to the sentence imposed 7539

for the underlying offense is separate from the sentence being 7540  
imposed for the qualifying first, second, or third degree felony 7541  
committed on or after the effective date of this section and 7542  
shall not be considered or included in determining a maximum 7543  
prison term for the offender under divisions (B)(1) to (3) of 7544  
this section. 7545

(C) The court imposing a prison term on an offender 7546  
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7547  
2929.14 of the Revised Code for a qualifying felony of the 7548  
first, second, or third degree shall sentence the offender, as 7549  
part of the sentence, to the maximum prison term determined 7550  
under division (B) of this section. The court shall impose this 7551  
maximum term at sentencing as part of the sentence it imposes 7552  
under section 2929.14 of the Revised Code, and shall state the 7553  
minimum term it imposes under division (A)(1)(a), (2)(a), or (3) 7554  
(a)(i) of that section, and this maximum term, in the sentencing 7555  
entry. 7556

(D) If a court imposes a prison term on an offender 7557  
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7558  
2929.14 of the Revised Code for a qualifying felony of the 7559  
first, second, or third degree, section 2967.271 of the Revised 7560  
Code applies with respect to the offender's service of the 7561  
prison term. 7562

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 7563  
felony the court is not required to impose a prison term, a 7564  
mandatory prison term, or a term of life imprisonment upon the 7565  
offender, the court may directly impose a sentence that consists 7566  
of one or more community control sanctions authorized pursuant 7567  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7568  
the court is sentencing an offender for a fourth degree felony 7569

OVI offense under division (G) (1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B) (3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must

abide by the law and must not leave the state without the 7601  
permission of the court or the offender's probation officer. The 7602  
court may impose any other conditions of release under a 7603  
community control sanction that the court considers appropriate, 7604  
including, but not limited to, requiring that the offender not 7605  
ingest or be injected with a drug of abuse and submit to random 7606  
drug testing as provided in division (D) of this section to 7607  
determine whether the offender ingested or was injected with a 7608  
drug of abuse and requiring that the results of the drug test 7609  
indicate that the offender did not ingest or was not injected 7610  
with a drug of abuse. 7611

(2) (a) If a court sentences an offender to any community 7612  
control sanction or combination of community control sanctions 7613  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7614  
the Revised Code, the court shall place the offender under the 7615  
general control and supervision of a department of probation in 7616  
the county that serves the court for purposes of reporting to 7617  
the court a violation of any condition of the sanctions, any 7618  
condition of release under a community control sanction imposed 7619  
by the court, a violation of law, or the departure of the 7620  
offender from this state without the permission of the court or 7621  
the offender's probation officer. Alternatively, if the offender 7622  
resides in another county and a county department of probation 7623  
has been established in that county or that county is served by 7624  
a multicounty probation department established under section 7625  
2301.27 of the Revised Code, the court may request the court of 7626  
common pleas of that county to receive the offender into the 7627  
general control and supervision of that county or multicounty 7628  
department of probation for purposes of reporting to the court a 7629  
violation of any condition of the sanctions, any condition of 7630  
release under a community control sanction imposed by the court, 7631

a violation of law, or the departure of the offender from this 7632  
state without the permission of the court or the offender's 7633  
probation officer, subject to the jurisdiction of the trial 7634  
judge over and with respect to the person of the offender, and 7635  
to the rules governing that department of probation. 7636

If there is no department of probation in the county that 7637  
serves the court, the court shall place the offender, regardless 7638  
of the offender's county of residence, under the general control 7639  
and supervision of the adult parole authority for purposes of 7640  
reporting to the court a violation of any of the sanctions, any 7641  
condition of release under a community control sanction imposed 7642  
by the court, a violation of law, or the departure of the 7643  
offender from this state without the permission of the court or 7644  
the offender's probation officer. 7645

(b) If the court imposing sentence upon an offender 7646  
sentences the offender to any community control sanction or 7647  
combination of community control sanctions authorized pursuant 7648  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7649  
if the offender violates any condition of the sanctions, any 7650  
condition of release under a community control sanction imposed 7651  
by the court, violates any law, or departs the state without the 7652  
permission of the court or the offender's probation officer, the 7653  
public or private person or entity that operates or administers 7654  
the sanction or the program or activity that comprises the 7655  
sanction shall report the violation or departure directly to the 7656  
sentencing court, or shall report the violation or departure to 7657  
the county or multicounty department of probation with general 7658  
control and supervision over the offender under division (A) (2) 7659  
(a) of this section or the officer of that department who 7660  
supervises the offender, or, if there is no such department with 7661  
general control and supervision over the offender under that 7662

division, to the adult parole authority. If the public or 7663  
private person or entity that operates or administers the 7664  
sanction or the program or activity that comprises the sanction 7665  
reports the violation or departure to the county or multicounty 7666  
department of probation or the adult parole authority, the 7667  
department's or authority's officers may treat the offender as 7668  
if the offender were on probation and in violation of the 7669  
probation, and shall report the violation of the condition of 7670  
the sanction, any condition of release under a community control 7671  
sanction imposed by the court, the violation of law, or the 7672  
departure from the state without the required permission to the 7673  
sentencing court. 7674

(3) If an offender who is eligible for community control 7675  
sanctions under this section admits to being drug addicted or 7676  
the court has reason to believe that the offender is drug 7677  
addicted, and if the offense for which the offender is being 7678  
sentenced was related to the addiction, the court may require 7679  
that the offender be assessed by a properly credentialed 7680  
professional within a specified period of time and shall require 7681  
the professional to file a written assessment of the offender 7682  
with the court. If a court imposes treatment and recovery 7683  
support services as a community control sanction, the court 7684  
shall direct the level and type of treatment and recovery 7685  
support services after consideration of the written assessment, 7686  
if available at the time of sentencing, and recommendations of 7687  
the professional and other treatment and recovery support 7688  
services providers. 7689

(4) If an assessment completed pursuant to division (A) (3) 7690  
of this section indicates that the offender is addicted to drugs 7691  
or alcohol, the court may include in any community control 7692  
sanction imposed for a violation of section 2925.02, 2925.03, 7693

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7694  
2925.36, or 2925.37 of the Revised Code a requirement that the 7695  
offender participate in alcohol and drug addiction services and 7696  
recovery supports certified under section 5119.36 of the Revised 7697  
Code or offered by a properly credentialed community addiction 7698  
services provider. 7699

(B) (1) If the conditions of a community control sanction 7700  
are violated or if the offender violates a law or leaves the 7701  
state without the permission of the court or the offender's 7702  
probation officer, the sentencing court may impose upon the 7703  
violation one or more of the following penalties: 7704

(a) A longer time under the same sanction if the total 7705  
time under the sanctions does not exceed the five-year limit 7706  
specified in division (A) of this section; 7707

(b) A more restrictive sanction under section 2929.16, 7708  
2929.17, or 2929.18 of the Revised Code; 7709

(c) A prison term on the offender pursuant to section 7710  
2929.14 of the Revised Code and division (B) (3) of this section, 7711  
provided that a prison term imposed under this division is 7712  
subject to the following limitations, as applicable: 7713

(i) If the prison term is imposed for any technical 7714  
violation of the conditions of a community control sanction 7715  
imposed for a felony of the fifth degree or for any violation of 7716  
law committed while under a community control sanction imposed 7717  
for such a felony that consists of a new criminal offense and 7718  
that is not a felony, the prison term shall not exceed ninety 7719  
days. 7720

(ii) If the prison term is imposed for any technical 7721  
violation of the conditions of a community control sanction 7722

imposed for a felony of the fourth degree that is not an offense 7723  
of violence and is not a sexually oriented offense or for any 7724  
violation of law committed while under a community control 7725  
sanction imposed for such a felony that consists of a new 7726  
criminal offense and that is not a felony, the prison term shall 7727  
not exceed one hundred eighty days. 7728

(2) If an offender was acting pursuant to division (B) (2) 7729  
(b) of section 2925.11 of the Revised Code and in so doing 7730  
violated the conditions of a community control sanction based on 7731  
a minor drug possession offense, as defined in section 2925.11 7732  
of the Revised Code, the sentencing court may consider the 7733  
offender's conduct in seeking or obtaining medical assistance 7734  
for another in good faith or for self or may consider the 7735  
offender being the subject of another person seeking or 7736  
obtaining medical assistance in accordance with that division as 7737  
a mitigating factor before imposing any of the penalties 7738  
described in division (B) (1) of this section. 7739

(3) The prison term, if any, imposed upon a violator 7740  
pursuant to this division and division (B) (1) of this section 7741  
shall be within the range of prison terms ~~available for the~~ 7742  
~~offense for which the sanction that was violated was imposed~~ 7743  
described in this division and shall not exceed the prison term 7744  
specified in the notice provided to the offender at the 7745  
sentencing hearing pursuant to division (B) (2) of section 7746  
2929.19 of the Revised Code. The court may reduce the longer 7747  
period of time that the offender is required to spend under the 7748  
longer sanction, the more restrictive sanction, or a prison term 7749  
imposed pursuant to division (B) (1) of this section by the time 7750  
the offender successfully spent under the sanction that was 7751  
initially imposed. Except as otherwise specified in this 7752  
division, the prison term imposed under this division and 7753

division (B) (1) of this section shall be within the range of 7754  
prison terms available as a definite term for the offense for 7755  
which the sanction that was violated was imposed. If the offense 7756  
for which the sanction that was violated was imposed is a felony 7757  
of the first or second degree committed on or after the 7758  
effective date of this amendment or a felony of the third degree 7759  
that is described in division (A) (3) (a) of section 2929.14 of 7760  
the Revised Code and committed on or after that effective date, 7761  
the prison term so imposed under this division shall be within 7762  
the range of prison terms available as a minimum term for the 7763  
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 7764  
section 2929.14 of the Revised Code. 7765

(C) If an offender, for a significant period of time, 7766  
fulfills the conditions of a sanction imposed pursuant to 7767  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7768  
exemplary manner, the court may reduce the period of time under 7769  
the sanction or impose a less restrictive sanction, but the 7770  
court shall not permit the offender to violate any law or permit 7771  
the offender to leave the state without the permission of the 7772  
court or the offender's probation officer. 7773

(D) (1) If a court under division (A) (1) of this section 7774  
imposes a condition of release under a community control 7775  
sanction that requires the offender to submit to random drug 7776  
testing, the department of probation or the adult parole 7777  
authority that has general control and supervision of the 7778  
offender under division (A) (2) (a) of this section may cause the 7779  
offender to submit to random drug testing performed by a 7780  
laboratory or entity that has entered into a contract with any 7781  
of the governmental entities or officers authorized to enter 7782  
into a contract with that laboratory or entity under section 7783  
341.26, 753.33, or 5120.63 of the Revised Code. 7784

(2) If no laboratory or entity described in division (D) 7785  
(1) of this section has entered into a contract as specified in 7786  
that division, the department of probation or the adult parole 7787  
authority that has general control and supervision of the 7788  
offender under division (A)(2)(a) of this section shall cause 7789  
the offender to submit to random drug testing performed by a 7790  
reputable public laboratory to determine whether the individual 7791  
who is the subject of the drug test ingested or was injected 7792  
with a drug of abuse. 7793

(3) A laboratory or entity that has entered into a 7794  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7795  
Revised Code shall perform the random drug tests under division 7796  
(D)(1) of this section in accordance with the applicable 7797  
standards that are included in the terms of that contract. A 7798  
public laboratory shall perform the random drug tests under 7799  
division (D)(2) of this section in accordance with the standards 7800  
set forth in the policies and procedures established by the 7801  
department of rehabilitation and correction pursuant to section 7802  
5120.63 of the Revised Code. An offender who is required under 7803  
division (A)(1) of this section to submit to random drug testing 7804  
as a condition of release under a community control sanction and 7805  
whose test results indicate that the offender ingested or was 7806  
injected with a drug of abuse shall pay the fee for the drug 7807  
test if the department of probation or the adult parole 7808  
authority that has general control and supervision of the 7809  
offender requires payment of a fee. A laboratory or entity that 7810  
performs the random drug testing on an offender under division 7811  
(D)(1) or (2) of this section shall transmit the results of the 7812  
drug test to the appropriate department of probation or the 7813  
adult parole authority that has general control and supervision 7814  
of the offender under division (A)(2)(a) of this section. 7815

**Sec. 2929.19.** (A) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B) (1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) Subject to division (B) (3) of this section, if the sentencing court determines at the sentencing hearing that a prison term is necessary or required, the court shall do all of the following:

(a) Impose a stated prison term and, if the court imposes a mandatory prison term, notify the offender that the prison term is a mandatory prison term;

(b) In addition to any other information, include in the sentencing entry the name and section reference to the offense

or offenses, the sentence or sentences imposed and whether the 7846  
sentence or sentences contain mandatory prison terms, if 7847  
sentences are imposed for multiple counts whether the sentences 7848  
are to be served concurrently or consecutively, and the name and 7849  
section reference of any specification or specifications for 7850  
which sentence is imposed and the sentence or sentences imposed 7851  
for the specification or specifications; 7852

(c) If the prison term is a non-life felony indefinite 7853  
prison term, notify the offender of all of the following: 7854

(i) That it is rebuttably presumed that the offender will 7855  
be released from service of the sentence on the expiration of 7856  
the minimum prison term imposed as part of the sentence or on 7857  
the offender's presumptive earned early release date, as defined 7858  
in section 2967.271 of the Revised Code, whichever is earlier; 7859

(ii) That the department of rehabilitation and correction 7860  
may rebut the presumption described in division (B) (2) (c) (i) of 7861  
this section if, at a hearing held under section 2967.271 of the 7862  
Revised Code, the department makes specified determinations 7863  
regarding the offender's conduct while confined, the offender's 7864  
rehabilitation, the offender's threat to society, the offender's 7865  
restrictive housing, if any, while confined, and the offender's 7866  
security classification; 7867

(iii) That if, as described in division (B) (2) (c) (ii) of 7868  
this section, the department at the hearing makes the specified 7869  
determinations and rebuts the presumption, the department may 7870  
maintain the offender's incarceration after the expiration of 7871  
that minimum term or after that presumptive earned early release 7872  
date for the length of time the department determines to be 7873  
reasonable, subject to the limitation specified in section 7874  
2967.271 of the Revised Code; 7875

(iv) That the department may make the specified 7876  
determinations and maintain the offender's incarceration under 7877  
the provisions described in divisions (B) (2) (c) (i) and (ii) of 7878  
this section more than one time, subject to the limitation 7879  
specified in section 2967.271 of the Revised Code; 7880

(v) That if the offender has not been released prior to 7881  
the expiration of the offender's maximum prison term imposed as 7882  
part of the sentence, the offender must be released upon the 7883  
expiration of that term. 7884

(d) Notify the offender that the offender will be 7885  
supervised under section 2967.28 of the Revised Code after the 7886  
offender leaves prison if the offender is being sentenced, other 7887  
than to a sentence of life imprisonment, for a felony of the 7888  
first degree or second degree, for a felony sex offense, or for 7889  
a felony of the third degree that is an offense of violence and 7890  
is not a felony sex offense and in the commission of which the 7891  
offender caused or threatened to cause physical harm to a 7892  
person. This division applies with respect to all prison terms 7893  
imposed for an offense of a type described in this division, 7894  
including a non-life felony indefinite prison term and including 7895  
a term imposed for any ~~such~~ offense of a type described in this 7896  
division that is a risk reduction sentence, as defined in 7897  
section 2967.28 of the Revised Code. If a court imposes a 7898  
sentence including a prison term of a type described in division 7899  
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 7900  
failure of a court to notify the offender pursuant to division 7901  
(B) (2) ~~(e)~~ (d) of this section that the offender will be 7902  
supervised under section 2967.28 of the Revised Code after the 7903  
offender leaves prison or to include in the judgment of 7904  
conviction entered on the journal a statement to that effect 7905  
does not negate, limit, or otherwise affect the mandatory period 7906

of supervision that is required for the offender under division 7907  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 7908  
the Revised Code applies if, prior to July 11, 2006, a court 7909  
imposed a sentence including a prison term of a type described 7910  
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 7911  
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 7912  
regarding post-release control or to include in the judgment of 7913  
conviction entered on the journal or in the sentence a statement 7914  
regarding post-release control. 7915

~~(d)~~ (e) Notify the offender that the offender may be 7916  
supervised under section 2967.28 of the Revised Code after the 7917  
offender leaves prison if the offender is being sentenced for a 7918  
felony of the third, fourth, or fifth degree that is not subject 7919  
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 7920  
with respect to all prison terms imposed for an offense of a 7921  
type described in this division, including a term imposed for 7922  
any such offense that is a risk reduction sentence, as defined 7923  
in section 2967.28 of the Revised Code. Section 2929.191 of the 7924  
Revised Code applies if, prior to July 11, 2006, a court imposed 7925  
a sentence including a prison term of a type described in 7926  
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 7927  
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 7928  
regarding post-release control or to include in the judgment of 7929  
conviction entered on the journal or in the sentence a statement 7930  
regarding post-release control. 7931

~~(e)~~ (f) Notify the offender that, if a period of 7932  
supervision is imposed following the offender's release from 7933  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 7934  
section, and if the offender violates that supervision or a 7935  
condition of post-release control imposed under division (B) of 7936  
section 2967.131 of the Revised Code, the parole board may 7937

impose a prison term, as part of the sentence, of up to one-half 7938  
of the ~~stated~~-definite prison term originally imposed upon the 7939  
offender as the offender's stated prison term or up to one-half 7940  
of the minimum prison term originally imposed upon the offender 7941  
as part of the offender's stated non-life felony indefinite 7942  
prison term. If a court imposes a sentence including a prison 7943  
term on or after July 11, 2006, the failure of a court to notify 7944  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7945  
that the parole board may impose a prison term as described in 7946  
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 7947  
supervision or a condition of post-release control imposed under 7948  
division (B) of section 2967.131 of the Revised Code or to 7949  
include in the judgment of conviction entered on the journal a 7950  
statement to that effect does not negate, limit, or otherwise 7951  
affect the authority of the parole board to so impose a prison 7952  
term for a violation of that nature if, pursuant to division (D) 7953  
(1) of section 2967.28 of the Revised Code, the parole board 7954  
notifies the offender prior to the offender's release of the 7955  
board's authority to so impose a prison term. Section 2929.191 7956  
of the Revised Code applies if, prior to July 11, 2006, a court 7957  
imposed a sentence including a prison term and failed to notify 7958  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7959  
regarding the possibility of the parole board imposing a prison 7960  
term for a violation of supervision or a condition of post- 7961  
release control. 7962

~~(f)~~ (g) Require that the offender not ingest or be injected 7963  
with a drug of abuse and submit to random drug testing as 7964  
provided in section 341.26, 753.33, or 5120.63 of the Revised 7965  
Code, whichever is applicable to the offender who is serving a 7966  
prison term, and require that the results of the drug test 7967  
administered under any of those sections indicate that the 7968

offender did not ingest or was not injected with a drug of 7969  
abuse. 7970

~~(g)~~(h) (i) Determine, notify the offender of, and include 7971  
in the sentencing entry the number of days that the offender has 7972  
been confined for any reason arising out of the offense for 7973  
which the offender is being sentenced and by which the 7974  
department of rehabilitation and correction must reduce the 7975  
~~stated definite prison term imposed on the offender as the~~ 7976  
offender's stated prison term or, if the offense is an offense 7977  
for which a non-life felony indefinite prison term is imposed 7978  
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7979  
2929.14 of the Revised Code, the minimum and maximum prison 7980  
terms imposed on the offender as part of that non-life felony 7981  
indefinite prison term, under section 2967.191 of the Revised 7982  
Code. The court's calculation shall not include the number of 7983  
days, if any, that the offender previously served in the custody 7984  
of the department of rehabilitation and correction arising out 7985  
of the offense for which the prisoner was convicted and 7986  
sentenced. 7987

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 7988  
(i) of this section, the court shall consider the arguments of 7989  
the parties and conduct a hearing if one is requested. 7990

(iii) The sentencing court retains continuing jurisdiction 7991  
to correct any error not previously raised at sentencing in 7992  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7993  
section. The offender may, at any time after sentencing, file a 7994  
motion in the sentencing court to correct any error made in 7995  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7996  
section, and the court may in its discretion grant or deny that 7997  
motion. If the court changes the number of days in its 7998

determination or redetermination, the court shall cause the 7999  
entry granting that change to be delivered to the department of 8000  
rehabilitation and correction without delay. Sections 2931.15 8001  
and 2953.21 of the Revised Code do not apply to a motion made 8002  
under this section. 8003

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 8004  
(h) (i) of this section is not grounds for setting aside the 8005  
offender's conviction or sentence and does not otherwise render 8006  
the sentence void or voidable. 8007

(3) (a) The court shall include in the offender's sentence 8008  
a statement that the offender is a tier III sex offender/child- 8009  
victim offender, and the court shall comply with the 8010  
requirements of section 2950.03 of the Revised Code if any of 8011  
the following apply: 8012

(i) The offender is being sentenced for a violent sex 8013  
offense or designated homicide, assault, or kidnapping offense 8014  
that the offender committed on or after January 1, 1997, and the 8015  
offender is adjudicated a sexually violent predator in relation 8016  
to that offense. 8017

(ii) The offender is being sentenced for a sexually 8018  
oriented offense that the offender committed on or after January 8019  
1, 1997, and the offender is a tier III sex offender/child- 8020  
victim offender relative to that offense. 8021

(iii) The offender is being sentenced on or after July 31, 8022  
2003, for a child-victim oriented offense, and the offender is a 8023  
tier III sex offender/child-victim offender relative to that 8024  
offense. 8025

(iv) The offender is being sentenced under section 2971.03 8026  
of the Revised Code for a violation of division (A) (1) (b) of 8027

section 2907.02 of the Revised Code committed on or after 8028  
January 2, 2007. 8029

(v) The offender is sentenced to a term of life without 8030  
parole under division (B) of section 2907.02 of the Revised 8031  
Code. 8032

(vi) The offender is being sentenced for attempted rape 8033  
committed on or after January 2, 2007, and a specification of 8034  
the type described in section 2941.1418, 2941.1419, or 2941.1420 8035  
of the Revised Code. 8036

(vii) The offender is being sentenced under division (B) 8037  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8038  
for an offense described in those divisions committed on or 8039  
after January 1, 2008. 8040

(b) Additionally, if any criterion set forth in divisions 8041  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8042  
circumstances described in division (E) of section 2929.14 of 8043  
the Revised Code, the court shall impose sentence on the 8044  
offender as described in that division. 8045

(4) If the sentencing court determines at the sentencing 8046  
hearing that a community control sanction should be imposed and 8047  
the court is not prohibited from imposing a community control 8048  
sanction, the court shall impose a community control sanction. 8049  
The court shall notify the offender that, if the conditions of 8050  
the sanction are violated, if the offender commits a violation 8051  
of any law, or if the offender leaves this state without the 8052  
permission of the court or the offender's probation officer, the 8053  
court may impose a longer time under the same sanction, may 8054  
impose a more restrictive sanction, or may impose a prison term 8055  
on the offender and shall indicate the specific prison term that 8056

may be imposed as a sanction for the violation, as selected by 8057  
the court from the range of prison terms for the offense 8058  
pursuant to section 2929.14 of the Revised Code and as described 8059  
in section 2929.15 of the Revised Code. 8060

(5) Before imposing a financial sanction under section 8061  
2929.18 of the Revised Code or a fine under section 2929.32 of 8062  
the Revised Code, the court shall consider the offender's 8063  
present and future ability to pay the amount of the sanction or 8064  
fine. 8065

(6) If the sentencing court sentences the offender to a 8066  
sanction of confinement pursuant to section 2929.14 or 2929.16 8067  
of the Revised Code that is to be served in a local detention 8068  
facility, as defined in section 2929.36 of the Revised Code, and 8069  
if the local detention facility is covered by a policy adopted 8070  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8071  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8072  
and section 2929.37 of the Revised Code, both of the following 8073  
apply: 8074

(a) The court shall specify both of the following as part 8075  
of the sentence: 8076

(i) If the offender is presented with an itemized bill 8077  
pursuant to section 2929.37 of the Revised Code for payment of 8078  
the costs of confinement, the offender is required to pay the 8079  
bill in accordance with that section. 8080

(ii) If the offender does not dispute the bill described 8081  
in division (B) (6) (a) (i) of this section and does not pay the 8082  
bill by the times specified in section 2929.37 of the Revised 8083  
Code, the clerk of the court may issue a certificate of judgment 8084  
against the offender as described in that section. 8085

(b) The sentence automatically includes any certificate of judgment issued as described in division (B) (6) (a) (ii) of this section.

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B) (2) (a) of this section or to include in the sentencing entry any information required by division (B) (2) (b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

(C) (1) If the offender is being sentenced for a fourth degree felony OVI offense under division (G) (1) of section 2929.13 of the Revised Code, the court shall impose the mandatory term of local incarceration in accordance with that division, shall impose a mandatory fine in accordance with division (B) (3) of section 2929.18 of the Revised Code, and, in addition, may impose additional sanctions as specified in sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised Code. The court shall not impose a prison term on the offender except that the court may impose a prison term upon the offender as provided in division (A) (1) of section 2929.13 of the Revised Code.

(2) If the offender is being sentenced for a third or

fourth degree felony OVI offense under division (G) (2) of 8116  
section 2929.13 of the Revised Code, the court shall impose the 8117  
mandatory prison term in accordance with that division, shall 8118  
impose a mandatory fine in accordance with division (B) (3) of 8119  
section 2929.18 of the Revised Code, and, in addition, may 8120  
impose an additional prison term as specified in section 2929.14 8121  
of the Revised Code. In addition to the mandatory prison term or 8122  
mandatory prison term and additional prison term the court 8123  
imposes, the court also may impose a community control sanction 8124  
on the offender, but the offender shall serve all of the prison 8125  
terms so imposed prior to serving the community control 8126  
sanction. 8127

(D) The sentencing court, pursuant to division (I) (1) of 8128  
section 2929.14 of the Revised Code, may recommend placement of 8129  
the offender in a program of shock incarceration under section 8130  
5120.031 of the Revised Code or an intensive program prison 8131  
under section 5120.032 of the Revised Code, disapprove placement 8132  
of the offender in a program or prison of that nature, or make 8133  
no recommendation. If the court recommends or disapproves 8134  
placement, it shall make a finding that gives its reasons for 8135  
its recommendation or disapproval. 8136

**Sec. 2929.191.** (A) (1) If, prior to July 11, 2006, a court 8137  
imposed a sentence including a prison term of a type described 8138  
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8139  
and failed to notify the offender pursuant to that division that 8140  
the offender will be supervised under section 2967.28 of the 8141  
Revised Code after the offender leaves prison or to include a 8142  
statement to that effect in the judgment of conviction entered 8143  
on the journal or in the sentence pursuant to division (D) (1) of 8144  
section 2929.14 of the Revised Code, at any time before the 8145  
offender is released from imprisonment under that term and at a 8146

hearing conducted in accordance with division (C) of this 8147  
section, the court may prepare and issue a correction to the 8148  
judgment of conviction that includes in the judgment of 8149  
conviction the statement that the offender will be supervised 8150  
under section 2967.28 of the Revised Code after the offender 8151  
leaves prison. 8152

If, prior to July 11, 2006, a court imposed a sentence 8153  
including a prison term of a type described in division (B) (2) 8154  
~~(d)~~(e) of section 2929.19 of the Revised Code and failed to 8155  
notify the offender pursuant to that division that the offender 8156  
may be supervised under section 2967.28 of the Revised Code 8157  
after the offender leaves prison or to include a statement to 8158  
that effect in the judgment of conviction entered on the journal 8159  
or in the sentence pursuant to division (D) (2) of section 8160  
2929.14 of the Revised Code, at any time before the offender is 8161  
released from imprisonment under that term and at a hearing 8162  
conducted in accordance with division (C) of this section, the 8163  
court may prepare and issue a correction to the judgment of 8164  
conviction that includes in the judgment of conviction the 8165  
statement that the offender may be supervised under section 8166  
2967.28 of the Revised Code after the offender leaves prison. 8167

(2) If a court prepares and issues a correction to a 8168  
judgment of conviction as described in division (A) (1) of this 8169  
section before the offender is released from imprisonment under 8170  
the prison term the court imposed prior to July 11, 2006, the 8171  
court shall place upon the journal of the court an entry nunc 8172  
pro tunc to record the correction to the judgment of conviction 8173  
and shall provide a copy of the entry to the offender or, if the 8174  
offender is not physically present at the hearing, shall send a 8175  
copy of the entry to the department of rehabilitation and 8176  
correction for delivery to the offender. If the court sends a 8177

copy of the entry to the department, the department promptly 8178  
shall deliver a copy of the entry to the offender. The court's 8179  
placement upon the journal of the entry nunc pro tunc before the 8180  
offender is released from imprisonment under the term shall be 8181  
considered, and shall have the same effect, as if the court at 8182  
the time of original sentencing had included the statement in 8183  
the sentence and the judgment of conviction entered on the 8184  
journal and had notified the offender that the offender will be 8185  
so supervised regarding a sentence including a prison term of a 8186  
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8187  
the Revised Code or that the offender may be so supervised 8188  
regarding a sentence including a prison term of a type described 8189  
in division (B) (2) ~~(d)~~ (e) of that section. 8190

(B) (1) If, prior to July 11, 2006, a court imposed a 8191  
sentence including a prison term and failed to notify the 8192  
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8193  
the Revised Code regarding the possibility of the parole board 8194  
imposing a prison term for a violation of supervision or a 8195  
condition of post-release control or to include in the judgment 8196  
of conviction entered on the journal a statement to that effect, 8197  
at any time before the offender is released from imprisonment 8198  
under that term and at a hearing conducted in accordance with 8199  
division (C) of this section, the court may prepare and issue a 8200  
correction to the judgment of conviction that includes in the 8201  
judgment of conviction the statement that if a period of 8202  
supervision is imposed following the offender's release from 8203  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8204  
section 2929.19 of the Revised Code, and if the offender 8205  
violates that supervision or a condition of post-release control 8206  
imposed under division (B) of section 2967.131 of the Revised 8207  
Code the parole board may impose as part of the sentence a 8208

prison term of up to one-half of the stated prison term 8209  
originally imposed upon the offender. 8210

(2) If the court prepares and issues a correction to a 8211  
judgment of conviction as described in division (B)(1) of this 8212  
section before the offender is released from imprisonment under 8213  
the term, the court shall place upon the journal of the court an 8214  
entry nunc pro tunc to record the correction to the judgment of 8215  
conviction and shall provide a copy of the entry to the offender 8216  
or, if the offender is not physically present at the hearing, 8217  
shall send a copy of the entry to the department of 8218  
rehabilitation and correction for delivery to the offender. If 8219  
the court sends a copy of the entry to the department, the 8220  
department promptly shall deliver a copy of the entry to the 8221  
offender. The court's placement upon the journal of the entry 8222  
nunc pro tunc before the offender is released from imprisonment 8223  
under the term shall be considered, and shall have the same 8224  
effect, as if the court at the time of original sentencing had 8225  
included the statement in the judgment of conviction entered on 8226  
the journal and had notified the offender pursuant to division 8227  
(B)(2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8228  
the possibility of the parole board imposing a prison term for a 8229  
violation of supervision or a condition of post-release control. 8230

(C) On and after July 11, 2006, a court that wishes to 8231  
prepare and issue a correction to a judgment of conviction of a 8232  
type described in division (A)(1) or (B)(1) of this section 8233  
shall not issue the correction until after the court has 8234  
conducted a hearing in accordance with this division. Before a 8235  
court holds a hearing pursuant to this division, the court shall 8236  
provide notice of the date, time, place, and purpose of the 8237  
hearing to the offender who is the subject of the hearing, the 8238  
prosecuting attorney of the county, and the department of 8239

rehabilitation and correction. The offender has the right to be 8240  
physically present at the hearing, except that, upon the court's 8241  
own motion or the motion of the offender or the prosecuting 8242  
attorney, the court may permit the offender to appear at the 8243  
hearing by video conferencing equipment if available and 8244  
compatible. An appearance by video conferencing equipment 8245  
pursuant to this division has the same force and effect as if 8246  
the offender were physically present at the hearing. At the 8247  
hearing, the offender and the prosecuting attorney may make a 8248  
statement as to whether the court should issue a correction to 8249  
the judgment of conviction. 8250

**Sec. 2929.20.** (A) As used in this section: 8251

(1) (a) Except as provided in division (A) (1) (b) of this 8252  
section, "eligible offender" means any person who, on or after 8253  
April 7, 2009, is serving a stated prison term that includes one 8254  
or more nonmandatory prison terms. 8255

(b) "Eligible offender" does not include any person who, 8256  
on or after April 7, 2009, is serving a stated prison term for 8257  
any of the following criminal offenses that was a felony and was 8258  
committed while the person held a public office in this state: 8259

(i) A violation of section 2921.02, 2921.03, 2921.05, 8260  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8261  
Code; 8262

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8263  
2921.12 of the Revised Code, when the conduct constituting the 8264  
violation was related to the duties of the offender's public 8265  
office or to the offender's actions as a public official holding 8266  
that public office; 8267

(iii) A violation of an existing or former municipal 8268

ordinance or law of this or any other state or the United States 8269  
that is substantially equivalent to any violation listed in 8270  
division (A) (1) (b) (i) of this section; 8271

(iv) A violation of an existing or former municipal 8272  
ordinance or law of this or any other state or the United States 8273  
that is substantially equivalent to any violation listed in 8274  
division (A) (1) (b) (ii) of this section, when the conduct 8275  
constituting the violation was related to the duties of the 8276  
offender's public office or to the offender's actions as a 8277  
public official holding that public office; 8278

(v) A conspiracy to commit, attempt to commit, or 8279  
complicity in committing any offense listed in division (A) (1) 8280  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8281

(vi) A conspiracy to commit, attempt to commit, or 8282  
complicity in committing any offense listed in division (A) (1) 8283  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8284  
if the conduct constituting the offense that was the subject of 8285  
the conspiracy, that would have constituted the offense 8286  
attempted, or constituting the offense in which the offender was 8287  
complicit was or would have been related to the duties of the 8288  
offender's public office or to the offender's actions as a 8289  
public official holding that public office. 8290

(2) "Nonmandatory prison term" means a prison term that is 8291  
not a mandatory prison term. 8292

(3) "Public office" means any elected federal, state, or 8293  
local government office in this state. 8294

(4) "Victim's representative" has the same meaning as in 8295  
section 2930.01 of the Revised Code. 8296

(5) "Imminent danger of death," "medically incapacitated," 8297

and "terminal illness" have the same meanings as in section 8298  
2967.05 of the Revised Code. 8299

(6) "Aggregated nonmandatory prison term or terms" means 8300  
the aggregate of the following: 8301

(a) All nonmandatory definite prison terms; 8302

(b) With respect to any non-life felony indefinite prison 8303  
term, all nonmandatory minimum prison terms imposed as part of 8304  
the non-life felony indefinite prison term or terms. 8305

(B) On the motion of an eligible offender or upon its own 8306  
motion, the sentencing court may reduce the eligible offender's 8307  
aggregated nonmandatory prison term or terms through a judicial 8308  
release under this section. 8309

(C) An eligible offender may file a motion for judicial 8310  
release with the sentencing court within the following 8311  
applicable periods: 8312

(1) If the aggregated nonmandatory prison term or terms is 8313  
less than two years, the eligible offender may file the motion 8314  
at any time after the offender is delivered to a state 8315  
correctional institution or, if the prison term includes a 8316  
mandatory prison term or terms, at any time after the expiration 8317  
of all mandatory prison terms. 8318

(2) If the aggregated nonmandatory prison term or terms is 8319  
at least two years but less than five years, the eligible 8320  
offender may file the motion not earlier than one hundred eighty 8321  
days after the offender is delivered to a state correctional 8322  
institution or, if the prison term includes a mandatory prison 8323  
term or terms, not earlier than one hundred eighty days after 8324  
the expiration of all mandatory prison terms. 8325

(3) If the aggregated nonmandatory prison term or terms is 8326  
five years, the eligible offender may file the motion not 8327  
earlier than the date on which the eligible offender has served 8328  
four years of the offender's stated prison term or, if the 8329  
prison term includes a mandatory prison term or terms, not 8330  
earlier than four years after the expiration of all mandatory 8331  
prison terms. 8332

(4) If the aggregated nonmandatory prison term or terms is 8333  
more than five years but not more than ten years, the eligible 8334  
offender may file the motion not earlier than the date on which 8335  
the eligible offender has served five years of the offender's 8336  
stated prison term or, if the prison term includes a mandatory 8337  
prison term or terms, not earlier than five years after the 8338  
expiration of all mandatory prison terms. 8339

(5) If the aggregated nonmandatory prison term or terms is 8340  
more than ten years, the eligible offender may file the motion 8341  
not earlier than the later of the date on which the offender has 8342  
served one-half of the offender's stated prison term or the date 8343  
specified in division (C) (4) of this section. 8344

(D) Upon receipt of a timely motion for judicial release 8345  
filed by an eligible offender under division (C) of this section 8346  
or upon the sentencing court's own motion made within the 8347  
appropriate time specified in that division, the court may deny 8348  
the motion without a hearing or schedule a hearing on the 8349  
motion. The court shall not grant the motion without a hearing. 8350  
If a court denies a motion without a hearing, the court later 8351  
may consider judicial release for that eligible offender on a 8352  
subsequent motion filed by that eligible offender unless the 8353  
court denies the motion with prejudice. If a court denies a 8354  
motion with prejudice, the court may later consider judicial 8355

release on its own motion. If a court denies a motion after a hearing, the court shall not consider a subsequent motion for that eligible offender. The court shall hold only one hearing for any eligible offender.

A hearing under this section shall be conducted in open court not less than thirty or more than sixty days after the motion is filed, provided that the court may delay the hearing for one hundred eighty additional days. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within sixty days after the motion is filed.

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A) (1) (c) (i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E) (2) of this section, notify the victim of the offense or the victim's representative pursuant to

division (B) of section 2930.16 of the Revised Code; 8386

(2) If the offense was an offense of violence that is a 8387  
felony of the first, second, or third degree, except as 8388  
otherwise provided in this division, notify the victim or the 8389  
victim's representative of the hearing regardless of whether the 8390  
victim or victim's representative has requested the 8391  
notification. The notice of the hearing shall not be given under 8392  
this division to a victim or victim's representative if the 8393  
victim or victim's representative has requested pursuant to 8394  
division (B) (2) of section 2930.03 of the Revised Code that the 8395  
victim or the victim's representative not be provided the 8396  
notice. If notice is to be provided to a victim or victim's 8397  
representative under this division, the prosecuting attorney may 8398  
give the notice by any reasonable means, including regular mail, 8399  
telephone, and electronic mail, in accordance with division (D) 8400  
(1) of section 2930.16 of the Revised Code. If the notice is 8401  
based on an offense committed prior to March 22, 2013, the 8402  
notice also shall include the opt-out information described in 8403  
division (D) (1) of section 2930.16 of the Revised Code. The 8404  
prosecuting attorney, in accordance with division (D) (2) of 8405  
section 2930.16 of the Revised Code, shall keep a record of all 8406  
attempts to provide the notice, and of all notices provided, 8407  
under this division. Division (E) (2) of this section, and the 8408  
notice-related provisions of division (K) of this section, 8409  
division (D) (1) of section 2930.16, division (H) of section 8410  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8411  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8412  
division (A) (2) of section 5149.101 of the Revised Code enacted 8413  
in the act in which division (E) (2) of this section was enacted, 8414  
shall be known as "Roberta's Law." 8415

(F) Upon an offender's successful completion of 8416

rehabilitative activities, the head of the state correctional 8417  
institution may notify the sentencing court of the successful 8418  
completion of the activities. 8419

(G) Prior to the date of the hearing on a motion for 8420  
judicial release under this section, the head of the state 8421  
correctional institution in which the eligible offender is 8422  
confined shall send to the court an institutional summary report 8423  
on the eligible offender's conduct in the institution and in any 8424  
institution from which the eligible offender may have been 8425  
transferred. Upon the request of the prosecuting attorney of the 8426  
county in which the eligible offender was indicted or of any law 8427  
enforcement agency, the head of the state correctional 8428  
institution, at the same time the person sends the institutional 8429  
summary report to the court, also shall send a copy of the 8430  
report to the requesting prosecuting attorney and law 8431  
enforcement agencies. The institutional summary report shall 8432  
cover the eligible offender's participation in school, 8433  
vocational training, work, treatment, and other rehabilitative 8434  
activities and any disciplinary action taken against the 8435  
eligible offender. The report shall be made part of the record 8436  
of the hearing. A presentence investigation report is not 8437  
required for judicial release. 8438

(H) If the court grants a hearing on a motion for judicial 8439  
release under this section, the eligible offender shall attend 8440  
the hearing if ordered to do so by the court. Upon receipt of a 8441  
copy of the journal entry containing the order, the head of the 8442  
state correctional institution in which the eligible offender is 8443  
incarcerated shall deliver the eligible offender to the sheriff 8444  
of the county in which the hearing is to be held. The sheriff 8445  
shall convey the eligible offender to and from the hearing. 8446

(I) At the hearing on a motion for judicial release under 8447  
this section, the court shall afford the eligible offender and 8448  
the eligible offender's attorney an opportunity to present 8449  
written and, if present, oral information relevant to the 8450  
motion. The court shall afford a similar opportunity to the 8451  
prosecuting attorney, the victim or the victim's representative, 8452  
and any other person the court determines is likely to present 8453  
additional relevant information. The court shall consider any 8454  
statement of a victim made pursuant to section 2930.14 or 8455  
2930.17 of the Revised Code, any victim impact statement 8456  
prepared pursuant to section 2947.051 of the Revised Code, and 8457  
any report made under division (G) of this section. The court 8458  
may consider any written statement of any person submitted to 8459  
the court pursuant to division (L) of this section. After ruling 8460  
on the motion, the court shall notify the victim of the ruling 8461  
in accordance with sections 2930.03 and 2930.16 of the Revised 8462  
Code. 8463

(J) (1) A court shall not grant a judicial release under 8464  
this section to an eligible offender who is imprisoned for a 8465  
felony of the first or second degree, or to an eligible offender 8466  
who committed an offense under Chapter 2925. or 3719. of the 8467  
Revised Code and for whom there was a presumption under section 8468  
2929.13 of the Revised Code in favor of a prison term, unless 8469  
the court, with reference to factors under section 2929.12 of 8470  
the Revised Code, finds both of the following: 8471

(a) That a sanction other than a prison term would 8472  
adequately punish the offender and protect the public from 8473  
future criminal violations by the eligible offender because the 8474  
applicable factors indicating a lesser likelihood of recidivism 8475  
outweigh the applicable factors indicating a greater likelihood 8476  
of recidivism; 8477

(b) That a sanction other than a prison term would not 8478  
demean the seriousness of the offense because factors indicating 8479  
that the eligible offender's conduct in committing the offense 8480  
was less serious than conduct normally constituting the offense 8481  
outweigh factors indicating that the eligible offender's conduct 8482  
was more serious than conduct normally constituting the offense. 8483

(2) A court that grants a judicial release to an eligible 8484  
offender under division (J)(1) of this section shall specify on 8485  
the record both findings required in that division and also 8486  
shall list all the factors described in that division that were 8487  
presented at the hearing. 8488

(K) If the court grants a motion for judicial release 8489  
under this section, the court shall order the release of the 8490  
eligible offender, shall place the eligible offender under an 8491  
appropriate community control sanction, under appropriate 8492  
conditions, and under the supervision of the department of 8493  
probation serving the court and shall reserve the right to 8494  
reimpose the sentence that it reduced if the offender violates 8495  
the sanction. If the court reimposes the reduced sentence, it 8496  
may do so either concurrently with, or consecutive to, any new 8497  
sentence imposed upon the eligible offender as a result of the 8498  
violation that is a new offense. Except as provided in division 8499  
(R)(2) of this section, the period of community control shall be 8500  
no longer than five years. The court, in its discretion, may 8501  
reduce the period of community control by the amount of time the 8502  
eligible offender spent in jail or prison for the offense and in 8503  
prison. If the court made any findings pursuant to division (J) 8504  
(1) of this section, the court shall serve a copy of the 8505  
findings upon counsel for the parties within fifteen days after 8506  
the date on which the court grants the motion for judicial 8507  
release. 8508

If the court grants a motion for judicial release, the 8509  
court shall notify the appropriate person at the department of 8510  
rehabilitation and correction, and the department shall post 8511  
notice of the release on the database it maintains pursuant to 8512  
section 5120.66 of the Revised Code. The court also shall notify 8513  
the prosecuting attorney of the county in which the eligible 8514  
offender was indicted that the motion has been granted. Unless 8515  
the victim or the victim's representative has requested pursuant 8516  
to division (B) (2) of section 2930.03 of the Revised Code that 8517  
the victim or victim's representative not be provided the 8518  
notice, the prosecuting attorney shall notify the victim or the 8519  
victim's representative of the judicial release in any manner, 8520  
and in accordance with the same procedures, pursuant to which 8521  
the prosecuting attorney is authorized to provide notice of the 8522  
hearing pursuant to division (E) (2) of this section. If the 8523  
notice is based on an offense committed prior to March 22, 2013, 8524  
the notice to the victim or victim's representative also shall 8525  
include the opt-out information described in division (D) (1) of 8526  
section 2930.16 of the Revised Code. 8527

(L) In addition to and independent of the right of a 8528  
victim to make a statement pursuant to section 2930.14, 2930.17, 8529  
or 2946.051 of the Revised Code and any right of a person to 8530  
present written information or make a statement pursuant to 8531  
division (I) of this section, any person may submit to the 8532  
court, at any time prior to the hearing on the offender's motion 8533  
for judicial release, a written statement concerning the effects 8534  
of the offender's crime or crimes, the circumstances surrounding 8535  
the crime or crimes, the manner in which the crime or crimes 8536  
were perpetrated, and the person's opinion as to whether the 8537  
offender should be released. 8538

(M) The changes to this section that are made on September 8539

30, 2011, apply to any judicial release decision made on or 8540  
after September 30, 2011, for any eligible offender. 8541

(N) Notwithstanding the eligibility requirements specified 8542  
in division (A) of this section and the filing time frames 8543  
specified in division (C) of this section and notwithstanding 8544  
the findings required under division (J) of this section, the 8545  
sentencing court, upon the court's own motion and after 8546  
considering whether the release of the offender into society 8547  
would create undue risk to public safety, may grant a judicial 8548  
release to an offender who is not serving a life sentence at any 8549  
time during the offender's imposed sentence when the director of 8550  
rehabilitation and correction certifies to the sentencing court 8551  
through the chief medical officer for the department of 8552  
rehabilitation and correction that the offender is in imminent 8553  
danger of death, is medically incapacitated, or is suffering 8554  
from a terminal illness. 8555

(O) The director of rehabilitation and correction shall 8556  
not certify any offender under division (N) of this section who 8557  
is serving a death sentence. 8558

(P) A motion made by the court under division (N) of this 8559  
section is subject to the notice, hearing, and other procedural 8560  
requirements specified in divisions (D), (E), (G), (H), (I), 8561  
(K), and (L) of this section, except for the following: 8562

(1) The court may waive the offender's appearance at any 8563  
hearing scheduled by the court if the offender's condition makes 8564  
it impossible for the offender to participate meaningfully in 8565  
the proceeding. 8566

(2) The court may grant the motion without a hearing, 8567  
provided that the prosecuting attorney and victim or victim's 8568

representative to whom notice of the hearing was provided under 8569  
division (E) of this section indicate that they do not wish to 8570  
participate in the hearing or present information relevant to 8571  
the motion. 8572

(Q) The court may request health care records from the 8573  
department of rehabilitation and correction to verify the 8574  
certification made under division (N) of this section. 8575

(R) (1) If the court grants judicial release under division 8576  
(N) of this section, the court shall do all of the following: 8577

(a) Order the release of the offender; 8578

(b) Place the offender under an appropriate community 8579  
control sanction, under appropriate conditions; 8580

(c) Place the offender under the supervision of the 8581  
department of probation serving the court or under the 8582  
supervision of the adult parole authority. 8583

(2) The court, in its discretion, may revoke the judicial 8584  
release if the offender violates the community control sanction 8585  
described in division (R) (1) of this section. The period of that 8586  
community control is not subject to the five-year limitation 8587  
described in division (K) of this section and shall not expire 8588  
earlier than the date on which all of the offender's mandatory 8589  
prison terms expire. 8590

(S) If the health of an offender who is released under 8591  
division (N) of this section improves so that the offender is no 8592  
longer terminally ill, medically incapacitated, or in imminent 8593  
danger of death, the court shall, upon the court's own motion, 8594  
revoke the judicial release. The court shall not grant the 8595  
motion without a hearing unless the offender waives a hearing. 8596  
If a hearing is held, the court shall afford the offender and 8597

the offender's attorney an opportunity to present written and, 8598  
if the offender or the offender's attorney is present, oral 8599  
information relevant to the motion. The court shall afford a 8600  
similar opportunity to the prosecuting attorney, the victim or 8601  
the victim's representative, and any other person the court 8602  
determines is likely to present additional relevant information. 8603  
A court that grants a motion under this division shall specify 8604  
its findings on the record. 8605

**Sec. 2929.61.** (A) Persons charged with a capital offense 8606  
committed prior to January 1, 1974, shall be prosecuted under 8607  
the law as it existed at the time the offense was committed, 8608  
and, if convicted, shall be imprisoned for life, except that 8609  
whenever the statute under which any such person is prosecuted 8610  
provides for a lesser penalty under the circumstances of the 8611  
particular case, such lesser penalty shall be imposed. 8612

(B) Persons charged with an offense, other than a capital 8613  
offense, committed prior to January 1, 1974, shall be prosecuted 8614  
under the law as it existed at the time the offense was 8615  
committed. Persons convicted or sentenced on or after January 1, 8616  
1974, for an offense committed prior to January 1, 1974, shall 8617  
be sentenced according to the penalty for commission of the 8618  
substantially equivalent offense under Amended Substitute House 8619  
Bill 511 of the 109th General Assembly. If the offense for which 8620  
sentence is being imposed does not have a substantial equivalent 8621  
under that act, or if that act provides a more severe penalty 8622  
than that originally prescribed for the offense of which the 8623  
person is convicted, then sentence shall be imposed under the 8624  
law as it existed prior to January 1, 1974. 8625

(C) Persons charged with an offense that is a felony of 8626  
the third or fourth degree and that was committed on or after 8627

January 1, 1974, and before July 1, 1983, shall be prosecuted 8628  
under the law as it existed at the time the offense was 8629  
committed. Persons convicted or sentenced on or after July 1, 8630  
1983, for an offense that is a felony of the third or fourth 8631  
degree and that was committed on or after January 1, 1974, and 8632  
before July 1, 1983, shall be notified by the court sufficiently 8633  
in advance of sentencing that they may choose to be sentenced 8634  
pursuant to either the law in effect at the time of the 8635  
commission of the offense or the law in effect at the time of 8636  
sentencing. This notice shall be written and shall include the 8637  
differences between and possible effects of the alternative 8638  
sentence forms and the effect of the person's refusal to choose. 8639  
The person to be sentenced shall then inform the court in 8640  
writing of ~~his~~ the person's choice, and shall be sentenced 8641  
accordingly. Any person choosing to be sentenced pursuant to the 8642  
law in effect at the time of the commission of an offense that 8643  
is a felony of the third or fourth degree shall then be eligible 8644  
for parole, and this person cannot at a later date have ~~his~~ the 8645  
person's sentence converted to a definite sentence. If the 8646  
person refuses to choose between the two possible sentences, the 8647  
person shall be sentenced pursuant to the law in effect at the 8648  
time of the commission of the offense. 8649

(D) Persons charged with an offense that was a felony of 8650  
the first or second degree at the time it was committed, that 8651  
was committed on or after January 1, 1974, and that was 8652  
committed prior to July 1, 1983, shall be prosecuted for that 8653  
offense and, if convicted, shall be sentenced under the law as 8654  
it existed at the time the offense was committed. 8655

(E) Persons charged with an offense that is a felony of 8656  
the first or second degree that was committed prior to the 8657  
effective date of this amendment or that is a felony of the 8658

third degree that is described in division (A)(3)(a) of section 2929.14 of the Revised Code and was committed prior to that date shall be prosecuted for that offense and, if convicted, shall be sentenced under the law as it existed at the time the offense was committed.

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim in a case who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim in a case who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the prosecutor in the case shall notify the victim of the date on which the defendant will be released, or initially will be eligible for release, from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of the custodial agency of the defendant or alleged juvenile offender and tell the victim how to contact that custodial agency. If the custodial agency is the department of rehabilitation and correction, the prosecutor shall notify the victim of the services offered by the office of victims' services pursuant to section 5120.60 of the Revised Code. If the custodial agency is the department of youth services, the prosecutor shall notify the victim of the services provided by the office of victims' services within the release

authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

(B) (1) Upon the victim's request or in accordance with division (D) of this section, the prosecutor promptly shall notify the victim of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code, of any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code, or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's right to make a statement under those sections. The court shall notify the victim of its ruling in each of those hearings and on each of those applications.

(2) If an offender is sentenced to a prison term pursuant to division (A) (3) or (B) of section 2971.03 of the Revised Code, upon the request of the victim of the crime or in accordance with division (D) of this section, the prosecutor promptly shall notify the victim of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. The court shall notify the victim of any order issued at the conclusion of the

hearing. 8721

(C) Upon the victim's request made at any time before the 8722  
particular notice would be due or in accordance with division 8723  
(D) of this section, the custodial agency of a defendant or 8724  
alleged juvenile offender shall give the victim any of the 8725  
following notices that is applicable: 8726

(1) At least sixty days before the adult parole authority 8727  
recommends a pardon or commutation of sentence for the defendant 8728  
or at least sixty days prior to a hearing before the adult 8729  
parole authority regarding a grant of parole to the defendant, 8730  
notice of the victim's right to submit a statement regarding the 8731  
impact of the defendant's release in accordance with section 8732  
2967.12 of the Revised Code and, if applicable, of the victim's 8733  
right to appear at a full board hearing of the parole board to 8734  
give testimony as authorized by section 5149.101 of the Revised 8735  
Code; and at least sixty days prior to a hearing before the 8736  
department regarding a determination of whether the inmate must 8737  
be released under division (C) or (D) (2) of section 2967.271 of 8738  
the Revised Code if the inmate is serving a non-life felony 8739  
indefinite prison term, notice of the fact that the inmate will 8740  
be having a hearing regarding a possible grant of release, the 8741  
date of any hearing regarding a possible grant of release, and 8742  
the right of any person to submit a written statement regarding 8743  
the pending action; 8744

(2) At least sixty days before the defendant is 8745  
transferred to transitional control under section 2967.26 of the 8746  
Revised Code, notice of the pendency of the transfer and of the 8747  
victim's right under that section to submit a statement 8748  
regarding the impact of the transfer; 8749

(3) At least sixty days before the release authority of 8750

the department of youth services holds a release review, release 8751  
hearing, or discharge review for the alleged juvenile offender, 8752  
notice of the pendency of the review or hearing, of the victim's 8753  
right to make an oral or written statement regarding the impact 8754  
of the crime upon the victim or regarding the possible release 8755  
or discharge, and, if the notice pertains to a hearing, of the 8756  
victim's right to attend and make statements or comments at the 8757  
hearing as authorized by section 5139.56 of the Revised Code; 8758

(4) Prompt notice of the defendant's or alleged juvenile 8759  
offender's escape from a facility of the custodial agency in 8760  
which the defendant was incarcerated or in which the alleged 8761  
juvenile offender was placed after commitment, of the 8762  
defendant's or alleged juvenile offender's absence without leave 8763  
from a mental health or developmental disabilities facility or 8764  
from other custody, and of the capture of the defendant or 8765  
alleged juvenile offender after an escape or absence; 8766

(5) Notice of the defendant's or alleged juvenile 8767  
offender's death while in confinement or custody; 8768

(6) Notice of the filing of a petition by the director of 8769  
rehabilitation and correction pursuant to section 2967.19 of the 8770  
Revised Code requesting the early release under that section of 8771  
the defendant; 8772

(7) Notice of the defendant's or alleged juvenile 8773  
offender's release from confinement or custody and the terms and 8774  
conditions of the release. 8775

(D) (1) If a defendant is incarcerated for the commission 8776  
of aggravated murder, murder, or an offense of violence that is 8777  
a felony of the first, second, or third degree or is under a 8778  
sentence of life imprisonment or if an alleged juvenile offender 8779

has been charged with the commission of an act that would be 8780  
aggravated murder, murder, or an offense of violence that is a 8781  
felony of the first, second, or third degree or be subject to a 8782  
sentence of life imprisonment if committed by an adult, except 8783  
as otherwise provided in this division, the notices described in 8784  
divisions (B) and (C) of this section shall be given regardless 8785  
of whether the victim has requested the notification. The 8786  
notices described in divisions (B) and (C) of this section shall 8787  
not be given under this division to a victim if the victim has 8788  
requested pursuant to division (B)(2) of section 2930.03 of the 8789  
Revised Code that the victim not be provided the notice. 8790  
Regardless of whether the victim has requested that the notices 8791  
described in division (C) of this section be provided or not be 8792  
provided, the custodial agency shall give notice similar to 8793  
those notices to the prosecutor in the case, to the sentencing 8794  
court, to the law enforcement agency that arrested the defendant 8795  
or alleged juvenile offender if any officer of that agency was a 8796  
victim of the offense, and to any member of the victim's 8797  
immediate family who requests notification. If the notice given 8798  
under this division to the victim is based on an offense 8799  
committed prior to March 22, 2013, and if the prosecutor or 8800  
custodial agency has not previously successfully provided any 8801  
notice to the victim under this division or division (B) or (C) 8802  
of this section with respect to that offense and the offender 8803  
who committed it, the notice also shall inform the victim that 8804  
the victim may request that the victim not be provided any 8805  
further notices with respect to that offense and the offender 8806  
who committed it and shall describe the procedure for making 8807  
that request. If the notice given under this division to the 8808  
victim pertains to a hearing regarding a grant of a parole to 8809  
the defendant, the notice also shall inform the victim that the 8810  
victim, a member of the victim's immediate family, or the 8811

victim's representative may request a victim conference, as 8812  
described in division (E) of this section, and shall provide an 8813  
explanation of a victim conference. 8814

The prosecutor or custodial agency may give the notices to 8815  
which this division applies by any reasonable means, including 8816  
regular mail, telephone, and electronic mail. If the prosecutor 8817  
or custodial agency attempts to provide notice to a victim under 8818  
this division but the attempt is unsuccessful because the 8819  
prosecutor or custodial agency is unable to locate the victim, 8820  
is unable to provide the notice by its chosen method because it 8821  
cannot determine the mailing address, telephone number, or 8822  
electronic mail address at which to provide the notice, or, if 8823  
the notice is sent by mail, the notice is returned, the 8824  
prosecutor or custodial agency shall make another attempt to 8825  
provide the notice to the victim. If the second attempt is 8826  
unsuccessful, the prosecutor or custodial agency shall make at 8827  
least one more attempt to provide the notice. If the notice is 8828  
based on an offense committed prior to March 22, 2013, in each 8829  
attempt to provide the notice to the victim, the notice shall 8830  
include the opt-out information described in the preceding 8831  
paragraph. The prosecutor or custodial agency, in accordance 8832  
with division (D) (2) of this section, shall keep a record of all 8833  
attempts to provide the notice, and of all notices provided, 8834  
under this division. 8835

Division (D) (1) of this section, and the notice-related 8836  
provisions of divisions (E) (2) and (K) of section 2929.20, 8837  
division (H) of section 2967.12, division (E) (1) (b) of section 8838  
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 8839  
of section 2967.28, and division (A) (2) of section 5149.101 of 8840  
the Revised Code enacted in the act in which division (D) (1) of 8841  
this section was enacted, shall be known as "Roberta's Law." 8842

(2) Each prosecutor and custodial agency that attempts to 8843  
give any notice to which division (D)(1) of this section applies 8844  
shall keep a record of all attempts to give the notice. The 8845  
record shall indicate the person who was to be the recipient of 8846  
the notice, the date on which the attempt was made, the manner 8847  
in which the attempt was made, and the person who made the 8848  
attempt. If the attempt is successful and the notice is given, 8849  
the record shall indicate that fact. The record shall be kept in 8850  
a manner that allows public inspection of attempts and notices 8851  
given to persons other than victims without revealing the names, 8852  
addresses, or other identifying information relating to victims. 8853  
The record of attempts and notices given to victims is not a 8854  
public record, but the prosecutor or custodial agency shall 8855  
provide upon request a copy of that record to a prosecuting 8856  
attorney, judge, law enforcement agency, or member of the 8857  
general assembly. The record of attempts and notices given to 8858  
persons other than victims is a public record. A record kept 8859  
under this division may be indexed by offender name, or in any 8860  
other manner determined by the prosecutor or the custodial 8861  
agency. Each prosecutor or custodial agency that is required to 8862  
keep a record under this division shall determine the procedures 8863  
for keeping the record and the manner in which it is to be kept, 8864  
subject to the requirements of this division. 8865

(E) The adult parole authority shall adopt rules under 8866  
Chapter 119. of the Revised Code providing for a victim 8867  
conference, upon request of the victim, a member of the victim's 8868  
immediate family, or the victim's representative, prior to a 8869  
parole hearing in the case of a prisoner who is incarcerated for 8870  
the commission of aggravated murder, murder, or an offense of 8871  
violence that is a felony of the first, second, or third degree 8872  
or is under a sentence of life imprisonment. The rules shall 8873

provide for, but not be limited to, all of the following: 8874

(1) Subject to division (E) (3) of this section, attendance 8875  
by the victim, members of the victim's immediate family, the 8876  
victim's representative, and, if practicable, other individuals; 8877

(2) Allotment of up to one hour for the conference; 8878

(3) A specification of the number of persons specified in 8879  
division (E) (1) of this section who may be present at any single 8880  
victim conference, if limited by the department pursuant to 8881  
division (F) of this section. 8882

(F) The department may limit the number of persons 8883  
specified in division (E) (1) of this section who may be present 8884  
at any single victim conference, provided that the department 8885  
shall not limit the number of persons who may be present at any 8886  
single conference to fewer than three. If the department limits 8887  
the number of persons who may be present at any single victim 8888  
conference, the department shall permit and schedule, upon 8889  
request of the victim, a member of the victim's immediate 8890  
family, or the victim's representative, multiple victim 8891  
conferences for the persons specified in division (E) (1) of this 8892  
section. 8893

(G) As used in this section, "victim's immediate family" 8894  
has the same meaning as in section 2967.12 of the Revised Code. 8895

**Sec. 2943.032.** (A) Prior to accepting a guilty plea or a 8896  
plea of no contest to an indictment, information, or complaint 8897  
that charges a felony, the court shall inform the defendant 8898  
personally that, if the defendant pleads guilty or no contest to 8899  
the felony so charged or any other felony, if the court imposes 8900  
a prison term upon the defendant for the felony, and if the 8901  
offender violates the conditions of a post-release control 8902

sanction imposed by the parole board upon the completion of the 8903  
stated prison term, the parole board may impose upon the 8904  
offender a residential sanction that includes a new prison term 8905  
of up to nine months, subject to a maximum cumulative prison 8906  
term for all violations that does not exceed one-half of the 8907  
definite prison term that is the stated prison term originally 8908  
imposed upon the offender or, with respect to a non-life felony 8909  
indefinite prison term, one-half of the minimum prison term 8910  
included as part of the stated non-life felony indefinite prison 8911  
term originally imposed on the offender. 8912

(B) As used in this section, "non-life felony indefinite 8913  
prison term" has the same meaning as in section 2929.01 of the 8914  
Revised Code. 8915

**Sec. 2953.08.** (A) In addition to any other right to appeal 8916  
and except as provided in division (D) of this section, a 8917  
defendant who is convicted of or pleads guilty to a felony may 8918  
appeal as a matter of right the sentence imposed upon the 8919  
defendant on one of the following grounds: 8920

(1) The sentence consisted of or included the maximum 8921  
definite prison term allowed for the offense by division (A) of 8922  
section 2929.14 or section 2929.142 of the Revised Code or, with 8923  
respect to a non-life felony indefinite prison term, the longest 8924  
minimum prison term allowed for the offense by division (A) (1) 8925  
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8926  
Code, the maximum definite prison term or longest minimum prison 8927  
term was not required for the offense pursuant to Chapter 2925. 8928  
or any other provision of the Revised Code, and the court 8929  
imposed the sentence under one of the following circumstances: 8930

(a) The sentence was imposed for only one offense. 8931

(b) The sentence was imposed for two or more offenses 8932  
arising out of a single incident, and the court imposed the 8933  
maximum definite prison term or longest minimum prison term for 8934  
the offense of the highest degree. 8935

(2) The sentence consisted of or included a prison term 8936  
and the offense for which it was imposed is a felony of the 8937  
fourth or fifth degree or is a felony drug offense that is a 8938  
violation of a provision of Chapter 2925. of the Revised Code 8939  
and that is specified as being subject to division (B) of 8940  
section 2929.13 of the Revised Code for purposes of sentencing. 8941  
If the court specifies that it found one or more of the factors 8942  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 8943  
apply relative to the defendant, the defendant is not entitled 8944  
under this division to appeal as a matter of right the sentence 8945  
imposed upon the offender. 8946

(3) The person was convicted of or pleaded guilty to a 8947  
violent sex offense or a designated homicide, assault, or 8948  
kidnapping offense, was adjudicated a sexually violent predator 8949  
in relation to that offense, and was sentenced pursuant to 8950  
division (A) (3) of section 2971.03 of the Revised Code, if the 8951  
minimum term of the indefinite term imposed pursuant to division 8952  
(A) (3) of section 2971.03 of the Revised Code is the longest 8953  
term available for the offense from among the range of definite 8954  
terms listed in section 2929.14 of the Revised Code or, with 8955  
respect to a non-life felony indefinite prison term, the longest 8956  
minimum prison term allowed for the offense by division (A) (1) 8957  
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8958  
Code. As used in this division, "designated homicide, assault, 8959  
or kidnapping offense" and "violent sex offense" have the same 8960  
meanings as in section 2971.01 of the Revised Code. As used in 8961  
this division, "adjudicated a sexually violent predator" has the 8962

same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

(5) The sentence consisted of an additional prison term of ten years imposed pursuant to division (B)(2)(a) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B)(3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

(1) The sentence did not include a prison term despite a presumption favoring a prison term for the offense for which it was imposed, as set forth in section 2929.13 or Chapter 2925. of the Revised Code.

(2) The sentence is contrary to law.

(3) The sentence is a modification under section 2929.20 of the Revised Code of a sentence that was imposed for a felony of the first or second degree.

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave

to appeal a sentence imposed upon the defendant on the basis 8992  
that the sentencing judge has imposed consecutive sentences 8993  
under division (C) (3) of section 2929.14 of the Revised Code and 8994  
that the consecutive sentences exceed the maximum definite 8995  
prison term allowed by division (A) of that section for the most 8996  
serious offense of which the defendant was convicted or, with 8997  
respect to a non-life felony indefinite prison term, exceed the 8998  
longest minimum prison term allowed by division (A) (1) (a), (2) 8999  
(a), or (3) (a) (i) of that section for the most serious such 9000  
offense. Upon the filing of a motion under this division, the 9001  
court of appeals may grant leave to appeal the sentence if the 9002  
court determines that the allegation included as the basis of 9003  
the motion is true. 9004

(2) A defendant may seek leave to appeal an additional 9005  
sentence imposed upon the defendant pursuant to division (B) (2) 9006  
(a) or (b) of section 2929.14 of the Revised Code if the 9007  
additional sentence is for a definite prison term that is longer 9008  
than five years. 9009

(D) (1) A sentence imposed upon a defendant is not subject 9010  
to review under this section if the sentence is authorized by 9011  
law, has been recommended jointly by the defendant and the 9012  
prosecution in the case, and is imposed by a sentencing judge. 9013

(2) Except as provided in division (C) (2) of this section, 9014  
a sentence imposed upon a defendant is not subject to review 9015  
under this section if the sentence is imposed pursuant to 9016  
division (B) (2) (b) of section 2929.14 of the Revised Code. 9017  
Except as otherwise provided in this division, a defendant 9018  
retains all rights to appeal as provided under this chapter or 9019  
any other provision of the Revised Code. A defendant has the 9020  
right to appeal under this chapter or any other provision of the 9021

Revised Code the court's application of division (B) (2) (c) of 9022  
section 2929.14 of the Revised Code. 9023

(3) A sentence imposed for aggravated murder or murder 9024  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9025  
not subject to review under this section. 9026

(E) A defendant, prosecuting attorney, city director of 9027  
law, village solicitor, or chief municipal legal officer shall 9028  
file an appeal of a sentence under this section to a court of 9029  
appeals within the time limits specified in Rule 4(B) of the 9030  
Rules of Appellate Procedure, provided that if the appeal is 9031  
pursuant to division (B) (3) of this section, the time limits 9032  
specified in that rule shall not commence running until the 9033  
court grants the motion that makes the sentence modification in 9034  
question. A sentence appeal under this section shall be 9035  
consolidated with any other appeal in the case. If no other 9036  
appeal is filed, the court of appeals may review only the 9037  
portions of the trial record that pertain to sentencing. 9038

(F) On the appeal of a sentence under this section, the 9039  
record to be reviewed shall include all of the following, as 9040  
applicable: 9041

(1) Any presentence, psychiatric, or other investigative 9042  
report that was submitted to the court in writing before the 9043  
sentence was imposed. An appellate court that reviews a 9044  
presentence investigation report prepared pursuant to section 9045  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9046  
connection with the appeal of a sentence under this section 9047  
shall comply with division (D) (3) of section 2951.03 of the 9048  
Revised Code when the appellate court is not using the 9049  
presentence investigation report, and the appellate court's use 9050  
of a presentence investigation report of that nature in 9051

connection with the appeal of a sentence under this section does 9052  
not affect the otherwise confidential character of the contents 9053  
of that report as described in division (D) (1) of section 9054  
2951.03 of the Revised Code and does not cause that report to 9055  
become a public record, as defined in section 149.43 of the 9056  
Revised Code, following the appellate court's use of the report. 9057

(2) The trial record in the case in which the sentence was 9058  
imposed; 9059

(3) Any oral or written statements made to or by the court 9060  
at the sentencing hearing at which the sentence was imposed; 9061

(4) Any written findings that the court was required to 9062  
make in connection with the modification of the sentence 9063  
pursuant to a judicial release under division (I) of section 9064  
2929.20 of the Revised Code. 9065

(G) (1) If the sentencing court was required to make the 9066  
findings required by division (B) or (D) of section 2929.13 or 9067  
division (I) of section 2929.20 of the Revised Code, or to state 9068  
the findings of the trier of fact required by division (B) (2) (e) 9069  
of section 2929.14 of the Revised Code, relative to the 9070  
imposition or modification of the sentence, and if the 9071  
sentencing court failed to state the required findings on the 9072  
record, the court hearing an appeal under division (A), (B), or 9073  
(C) of this section shall remand the case to the sentencing 9074  
court and instruct the sentencing court to state, on the record, 9075  
the required findings. 9076

(2) The court hearing an appeal under division (A), (B), 9077  
or (C) of this section shall review the record, including the 9078  
findings underlying the sentence or modification given by the 9079  
sentencing court. 9080

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing 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 9110  
substitution by the governor of a lesser for a greater 9111  
punishment. A stated prison term may be commuted without the 9112  
consent of the convict, except when granted upon the acceptance 9113  
and performance by the convict of conditions precedent. After 9114  
commutation, the commuted prison term shall be the only one in 9115  
existence. The commutation may be stated in terms of commuting 9116  
from a named offense to a lesser included offense with a shorter 9117  
prison term, in terms of commuting from a stated prison term in 9118  
months and years to a shorter prison term in months and years, 9119  
or in terms of commuting from any other stated prison term to a 9120  
shorter prison term. 9121

(D) "Reprieve" means the temporary suspension by the 9122  
governor of the execution of a sentence or prison term. The 9123  
governor may grant a reprieve without the consent of and against 9124  
the will of the convict. 9125

(E) "Parole" means, regarding a prisoner who is serving a 9126  
prison term for aggravated murder or murder, who is serving a 9127  
prison term of life imprisonment for rape or for felonious 9128  
sexual penetration as it existed under section 2907.12 of the 9129  
Revised Code prior to September 3, 1996, or who was sentenced 9130  
prior to July 1, 1996, a release of the prisoner from 9131  
confinement in any state correctional institution by the adult 9132  
parole authority that is subject to the eligibility criteria 9133  
specified in this chapter and that is under the terms and 9134  
conditions, and for the period of time, prescribed by the 9135  
authority in its published rules and official minutes or 9136  
required by division (A) of section 2967.131 of the Revised Code 9137  
or another provision of this chapter. 9138

(F) "Head of a state correctional institution" or "head of 9139

the institution" means the resident head of the institution and 9140  
the person immediately in charge of the institution, whether 9141  
designated warden, superintendent, or any other name by which 9142  
the head is known. 9143

(G) "Convict" means a person who has been convicted of a 9144  
felony under the laws of this state, whether or not actually 9145  
confined in a state correctional institution, unless the person 9146  
has been pardoned or has served the person's sentence or prison 9147  
term. 9148

(H) "Prisoner" means a person who is in actual confinement 9149  
in a state correctional institution. 9150

(I) "Parolee" means any inmate who has been released from 9151  
confinement on parole by order of the adult parole authority or 9152  
conditionally pardoned, who is under supervision of the adult 9153  
parole authority and has not been granted a final release, and 9154  
who has not been declared in violation of the inmate's parole by 9155  
the authority or is performing the prescribed conditions of a 9156  
conditional pardon. 9157

(J) "Releasee" means an inmate who has been released from 9158  
confinement pursuant to section 2967.28 of the Revised Code 9159  
under a period of post-release control that includes one or more 9160  
post-release control sanctions. 9161

(K) "Final release" means a remission by the adult parole 9162  
authority of the balance of the sentence or prison term of a 9163  
parolee or prisoner or the termination by the authority of a 9164  
term of post-release control of a releasee. 9165

(L) "Parole violator" or "release violator" means any 9166  
parolee or releasee who has been declared to be in violation of 9167  
the condition of parole or post-release control specified in 9168

division (A) or (B) of section 2967.131 of the Revised Code or 9169  
in violation of any other term, condition, or rule of the 9170  
parolee's or releasee's parole or of the parolee's or releasee's 9171  
post-release control sanctions, the determination of which has 9172  
been made by the adult parole authority and recorded in its 9173  
official minutes. 9174

(M) "Administrative release" means a termination of 9175  
jurisdiction over a particular sentence or prison term by the 9176  
adult parole authority for administrative convenience. 9177

(N) "Post-release control" means a period of supervision 9178  
by the adult parole authority after a prisoner's release from 9179  
imprisonment, other than under a term of life imprisonment, that 9180  
includes one or more post-release control sanctions imposed 9181  
under section 2967.28 of the Revised Code. 9182

(O) "Post-release control sanction" means a sanction that 9183  
is authorized under sections 2929.16 to 2929.18 of the Revised 9184  
Code and that is imposed upon a prisoner upon the prisoner's 9185  
release from a prison term other than a term of life 9186  
imprisonment. 9187

(P) "Community control sanction," "prison term," 9188  
"mandatory prison term," and "stated prison term" have the same 9189  
meanings as in section 2929.01 of the Revised Code. 9190

(Q) "Transitional control" means control of a prisoner 9191  
under the transitional control program established by the 9192  
department of rehabilitation and correction under section 9193  
2967.26 of the Revised Code, if the department establishes a 9194  
program of that nature under that section. 9195

(R) "Random drug testing" has the same meaning as in 9196  
section 5120.63 of the Revised Code. 9197

(S) "Non-life felony indefinite prison term" has the same 9198  
meaning as in section 2929.01 of the Revised Code. 9199

**Sec. 2967.021.** (A) Chapter 2967. of the Revised Code, as 9200  
it existed prior to July 1, 1996, applies to a person upon whom 9201  
a court imposed a term of imprisonment prior to July 1, 1996, 9202  
and a person upon whom a court, on or after July 1, 1996, and in 9203  
accordance with law existing prior to July 1, 1996, imposed a 9204  
term of imprisonment for an offense that was committed prior to 9205  
July 1, 1996. 9206

(B) Chapter 2967. of the Revised Code, as it exists on and 9207  
after July 1, 1996, applies to a person upon whom a court 9208  
imposed a stated prison term for an offense committed on or 9209  
after July 1, 1996, subject to division (C) of this section. 9210

(C) Section 2967.271 of the Revised Code, and other 9211  
provisions of Chapter 2967. of the Revised Code, as they exist 9212  
on and after the effective date of this amendment, apply to a 9213  
person who is sentenced to a non-life felony indefinite prison 9214  
term. 9215

**Sec. 2967.03.** The adult parole authority may exercise its 9216  
functions and duties in relation to the pardon, commutation of 9217  
sentence, or reprieve of a convict upon direction of the 9218  
governor or upon its own initiative. It may exercise its 9219  
functions and duties in relation to the parole of a prisoner who 9220  
is eligible for parole upon the initiative of the head of the 9221  
institution in which the prisoner is confined or upon its own 9222  
initiative. When a prisoner becomes eligible for parole, the 9223  
head of the institution in which the prisoner is confined shall 9224  
notify the authority in the manner prescribed by the authority. 9225  
The authority may investigate and examine, or cause the 9226  
investigation and examination of, prisoners confined in state 9227

correctional institutions concerning their conduct in the 9228  
institutions, their mental and moral qualities and 9229  
characteristics, their knowledge of a trade or profession, their 9230  
former means of livelihood, their family relationships, and any 9231  
other matters affecting their fitness to be at liberty without 9232  
being a threat to society. 9233

The authority may recommend to the governor the pardon, 9234  
commutation of sentence, or reprieve of any convict or prisoner 9235  
or grant a parole to any prisoner for whom parole is authorized, 9236  
if in its judgment there is reasonable ground to believe that 9237  
granting a pardon, commutation, or reprieve to the convict or 9238  
paroling the prisoner would further the interests of justice and 9239  
be consistent with the welfare and security of society. However, 9240  
the authority shall not recommend a pardon or commutation of 9241  
sentence, or grant a parole to, any convict or prisoner until 9242  
the authority has complied with the applicable notice 9243  
requirements of sections 2930.16 and 2967.12 of the Revised Code 9244  
and until it has considered any statement made by a victim or a 9245  
victim's representative that is relevant to the convict's or 9246  
prisoner's case and that was sent to the authority pursuant to 9247  
section 2930.17 of the Revised Code, any other statement made by 9248  
a victim or a victim's representative that is relevant to the 9249  
convict's or prisoner's case and that was received by the 9250  
authority after it provided notice of the pendency of the action 9251  
under sections 2930.16 and 2967.12 of the Revised Code, and any 9252  
written statement of any person submitted to the court pursuant 9253  
to division (I) of section 2967.12 of the Revised Code. If a 9254  
victim, victim's representative, or the victim's spouse, parent, 9255  
sibling, or child appears at a full board hearing of the parole 9256  
board and gives testimony as authorized by section 5149.101 of 9257  
the Revised Code, the authority shall consider the testimony in 9258

determining whether to grant a parole. The trial judge and 9259  
prosecuting attorney of the trial court in which a person was 9260  
convicted shall furnish to the authority, at the request of the 9261  
authority, a summarized statement of the facts proved at the 9262  
trial and of all other facts having reference to the propriety 9263  
of recommending a pardon or commutation or granting a parole, 9264  
together with a recommendation for or against a pardon, 9265  
commutation, or parole, and the reasons for the recommendation. 9266  
The trial judge, the prosecuting attorney, specified law 9267  
enforcement agency members, and a representative of the prisoner 9268  
may appear at a full board hearing of the parole board and give 9269  
testimony in regard to the grant of a parole to the prisoner as 9270  
authorized by section 5149.101 of the Revised Code. All state 9271  
and local officials shall furnish information to the authority, 9272  
when so requested by it in the performance of its duties. 9273

The adult parole authority shall exercise its functions 9274  
and duties in relation to the release of prisoners who are 9275  
serving a ~~stated definite~~ prison term as a stated prison term in 9276  
accordance with section 2967.28 of the Revised Code, and the 9277  
authority and the department of rehabilitation and correction 9278  
shall exercise their functions and duties in relation to the 9279  
release of prisoners who are serving a non-life felony 9280  
indefinite prison term as a stated prison term in accordance 9281  
with sections 2967.271 and 2967.28 of the Revised Code. 9282

**Sec. 2967.13.** (A) Except as provided in division (G) of 9283  
this section, a prisoner serving a sentence of imprisonment for 9284  
life for an offense committed on or after July 1, 1996, is not 9285  
entitled to any earned credit under section 2967.193 of the 9286  
Revised Code and becomes eligible for parole as follows: 9287

(1) If a sentence of imprisonment for life was imposed for 9288

the offense of murder, at the expiration of the prisoner's 9289  
minimum term; 9290

(2) If a sentence of imprisonment for life with parole 9291  
eligibility after serving twenty years of imprisonment was 9292  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9293  
Code, after serving a term of twenty years; 9294

(3) If a sentence of imprisonment for life with parole 9295  
eligibility after serving twenty-five full years of imprisonment 9296  
was imposed pursuant to section 2929.022 or 2929.03 of the 9297  
Revised Code, after serving a term of twenty-five full years; 9298

(4) If a sentence of imprisonment for life with parole 9299  
eligibility after serving thirty full years of imprisonment was 9300  
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9301  
Code, after serving a term of thirty full years; 9302

(5) If a sentence of imprisonment for life was imposed for 9303  
rape, after serving a term of ten full years' imprisonment; 9304

(6) If a sentence of imprisonment for life with parole 9305  
eligibility after serving fifteen years of imprisonment was 9306  
imposed for a violation of section 2927.24 of the Revised Code, 9307  
after serving a term of fifteen years. 9308

(B) Except as provided in division (G) of this section, a 9309  
prisoner serving a sentence of imprisonment for life with parole 9310  
eligibility after serving twenty years of imprisonment or a 9311  
sentence of imprisonment for life with parole eligibility after 9312  
serving twenty-five full years or thirty full years of 9313  
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9314  
the Revised Code for an offense committed on or after July 1, 9315  
1996, consecutively to any other term of imprisonment, becomes 9316  
eligible for parole after serving twenty years, twenty full 9317

years, or thirty full years, as applicable, as to each such 9318  
sentence of life imprisonment, which shall not be reduced for 9319  
earned credits under section 2967.193 of the Revised Code, plus 9320  
the term or terms of the other sentences consecutively imposed 9321  
or, if one of the other sentences is another type of life 9322  
sentence with parole eligibility, the number of years before 9323  
parole eligibility for that sentence. 9324

(C) Except as provided in division (G) of this section, a 9325  
prisoner serving consecutively two or more sentences in which an 9326  
indefinite term of imprisonment is imposed becomes eligible for 9327  
parole upon the expiration of the aggregate of the minimum terms 9328  
of the sentences. 9329

(D) Except as provided in division (G) of this section, a 9330  
prisoner serving a term of imprisonment who is described in 9331  
division (A) of section 2967.021 of the Revised Code becomes 9332  
eligible for parole as described in that division or, if the 9333  
prisoner is serving a definite term of imprisonment, shall be 9334  
released as described in that division. 9335

(E) A prisoner serving a sentence of life imprisonment 9336  
without parole imposed pursuant to section 2907.02 or section 9337  
2929.03 or 2929.06 of the Revised Code is not eligible for 9338  
parole and shall be imprisoned until death. 9339

(F) A prisoner serving a stated prison term that is a non- 9340  
life felony indefinite prison term shall be released in 9341  
accordance with sections 2967.271 and 2967.28 of the Revised 9342  
Code. A prisoner serving a stated prison term of any other 9343  
nature shall be released in accordance with section 2967.28 of 9344  
the Revised Code. 9345

(G) A prisoner serving a prison term or term of life 9346

imprisonment without parole imposed pursuant to section 2971.03 9347  
of the Revised Code never becomes eligible for parole during 9348  
that term of imprisonment. 9349

**Sec. 2967.19.** (A) As used in this section: 9350

(1) "Deadly weapon" and "dangerous ordnance" have the same 9351  
meanings as in section 2923.11 of the Revised Code. 9352

(2) "Disqualifying prison term" means any of the 9353  
following: 9354

(a) A prison term imposed for aggravated murder, murder, 9355  
voluntary manslaughter, involuntary manslaughter, felonious 9356  
assault, kidnapping, rape, aggravated arson, aggravated 9357  
burglary, or aggravated robbery; 9358

(b) A prison term imposed for complicity in, an attempt to 9359  
commit, or conspiracy to commit any offense listed in division 9360  
(A) (2) (a) of this section; 9361

(c) A prison term of life imprisonment, including any term 9362  
of life imprisonment that has parole eligibility; 9363

(d) A prison term imposed for any felony other than 9364  
carrying a concealed weapon an essential element of which is any 9365  
conduct or failure to act expressly involving any deadly weapon 9366  
or dangerous ordnance; 9367

(e) A prison term imposed for any violation of section 9368  
2925.03 of the Revised Code that is a felony of the first or 9369  
second degree; 9370

(f) A prison term imposed for engaging in a pattern of 9371  
corrupt activity in violation of section 2923.32 of the Revised 9372  
Code; 9373

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 9374  
9375

(h) A prison term imposed for any sexually oriented offense. 9376  
9377

(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 9378  
9379  
9380

(4) "Restricting prison term" means any of the following: 9381

(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; 9382  
9383  
9384  
9385

(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; 9386  
9387  
9388  
9389  
9390  
9391

(c) A prison term imposed for trafficking in persons; 9392

(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: 9393  
9394  
9395

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or 9396  
9397  
9398  
9399  
9400  
9401

second degree, or an offense under an existing or former law of 9402  
this state, another state, or the United States that is or was 9403  
substantially equivalent to any other offense described in this 9404  
division. 9405

(ii) The offender previously was convicted of or pleaded 9406  
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 9407  
of this section. 9408

(5) "Sexually oriented offense" has the same meaning as in 9409  
section 2950.01 of the Revised Code. 9410

(6) "Stated prison term of one year or more" means a 9411  
definite prison term of one year or more imposed as a stated 9412  
prison term, or a minimum prison term of one year or more 9413  
imposed as part of a stated prison term that is a non-life 9414  
felony indefinite prison term. 9415

(B) The director of the department of rehabilitation and 9416  
correction may recommend in writing to the sentencing court that 9417  
the court consider releasing from prison any offender who, on or 9418  
after September 30, 2011, is confined in a state correctional 9419  
institution, who is serving a stated prison term of one year or 9420  
more, and who is eligible under division (C) of this section for 9421  
a release under this section. If the director wishes to 9422  
recommend that the sentencing court consider releasing an 9423  
offender under this section, the director shall notify the 9424  
sentencing court in writing of the offender's eligibility not 9425  
earlier than ninety days prior to the date on which the offender 9426  
becomes eligible as described in division (C) of this section. 9427  
The director's submission of the written notice constitutes a 9428  
recommendation by the director that the court strongly consider 9429  
release of the offender consistent with the purposes and 9430  
principles of sentencing set forth in sections 2929.11 and 9431

2929.13 of the Revised Code. Only an offender recommended by the 9432  
director under division (B) of this section may be considered 9433  
for early release under this section. 9434

(C) (1) An offender serving a stated prison term of one 9435  
year or more and who has commenced service of that stated prison 9436  
term becomes eligible for release from prison under this section 9437  
only as described in this division. An offender serving a stated 9438  
prison term that includes a disqualifying prison term is not 9439  
eligible for release from prison under this section. An offender 9440  
serving a stated prison term that consists solely of one or more 9441  
restricting prison terms is not eligible for release under this 9442  
section. An offender serving a stated prison term of one year or 9443  
more that includes one or more restricting prison terms and one 9444  
or more eligible prison terms becomes eligible for release under 9445  
this section after having fully served all restricting prison 9446  
terms and having served eighty per cent of ~~the~~ that stated 9447  
prison term that remains to be served after all restricting 9448  
prison terms have been fully served. An offender serving a 9449  
stated prison term of one year or more that consists solely of 9450  
one or more eligible prison terms becomes eligible for release 9451  
under this section after having served eighty per cent of that 9452  
stated prison term. For purposes of determining an offender's 9453  
eligibility for release under this section, if the offender's 9454  
stated prison term includes consecutive prison terms, any 9455  
restricting prison terms shall be deemed served prior to any 9456  
eligible prison terms that run consecutively to the restricting 9457  
prison terms, and the eligible prison terms are deemed to 9458  
commence after all of the restricting prison terms have been 9459  
fully served. 9460

An offender serving a stated prison term of one year or 9461  
more that includes a mandatory prison term that is not a 9462

disqualifying prison term and is not a restricting prison term 9463  
is not automatically ineligible as a result of the offender's 9464  
service of that mandatory term for release from prison under 9465  
this section, and the offender's eligibility for release from 9466  
prison under this section is determined in accordance with this 9467  
division. 9468

(2) If an offender confined in a state correctional 9469  
institution under a stated prison term is eligible for release 9470  
under this section as described in division (C) (1) of this 9471  
section, the director of the department of rehabilitation and 9472  
correction may recommend in writing that the sentencing court 9473  
consider releasing the offender from prison under this section 9474  
by submitting to the sentencing court the written notice 9475  
described in division (B) of this section. 9476

(D) The director shall include with any notice submitted 9477  
to the sentencing court under division (B) of this section an 9478  
institutional summary report that covers the offender's 9479  
participation while confined in a state correctional institution 9480  
in school, training, work, treatment, and other rehabilitative 9481  
activities and any disciplinary action taken against the 9482  
offender while so confined. The director shall include with the 9483  
notice any other documentation requested by the court, if 9484  
available. 9485

(E) (1) When the director submits a written notice to a 9486  
sentencing court that an offender is eligible to be considered 9487  
for early release under this section, the department promptly 9488  
shall provide to the prosecuting attorney of the county in which 9489  
the offender was indicted a copy of the written notice, a copy 9490  
of the institutional summary report, and any other information 9491  
provided to the court and shall provide a copy of the 9492

institutional summary report to any law enforcement agency that 9493  
requests the report. The department also promptly shall do 9494  
whichever of the following is applicable: 9495

(a) Subject to division (E) (1) (b) of this section, give 9496  
written notice of the submission to any victim of the offender 9497  
or victim's representative of any victim of the offender who is 9498  
registered with the office of victim's services. 9499

(b) If the offense was aggravated murder, murder, an 9500  
offense of violence that is a felony of the first, second, or 9501  
third degree, or an offense punished by a sentence of life 9502  
imprisonment, except as otherwise provided in this division, 9503  
notify the victim or the victim's representative of the filing 9504  
of the petition regardless of whether the victim or victim's 9505  
representative has registered with the office of victim's 9506  
services. The notice of the filing of the petition shall not be 9507  
given under this division to a victim or victim's representative 9508  
if the victim or victim's representative has requested pursuant 9509  
to division (B) (2) of section 2930.03 of the Revised Code that 9510  
the victim or the victim's representative not be provided the 9511  
notice. If notice is to be provided to a victim or victim's 9512  
representative under this division, the department may give the 9513  
notice by any reasonable means, including regular mail, 9514  
telephone, and electronic mail, in accordance with division (D) 9515  
(1) of section 2930.16 of the Revised Code. If the notice is 9516  
based on an offense committed prior to ~~the effective date of~~ 9517  
~~this amendment~~ March 22, 2013, the notice also shall include the 9518  
opt-out information described in division (D) (1) of section 9519  
2930.16 of the Revised Code. The department, in accordance with 9520  
division (D) (2) of section 2930.16 of the Revised Code, shall 9521  
keep a record of all attempts to provide the notice, and of all 9522  
notices provided, under this division. 9523

Division (E) (1) (b) of this section, and the notice-related 9524  
provisions of divisions (E) (2) and (K) of section 2929.20, 9525  
division (D) (1) of section 2930.16, division (H) of section 9526  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9527  
of section 2967.28, and division (A) (2) of section 5149.101 of 9528  
the Revised Code enacted in the act in which division (E) (2) of 9529  
this section was enacted, shall be known as "Roberta's Law." 9530

(2) When the director submits a petition under this 9531  
section, the department also promptly shall post a copy of the 9532  
written notice on the database it maintains under section 9533  
5120.66 of the Revised Code and include information on where a 9534  
person may send comments regarding the recommendation of early 9535  
release. 9536

The information provided to the court, the prosecutor, and 9537  
the victim or victim's representative under divisions (D) and 9538  
(E) of this section shall include the name and contact 9539  
information of a specific department of rehabilitation and 9540  
correction employee who is available to answer questions about 9541  
the offender who is the subject of the written notice submitted 9542  
by the director, including, but not limited to, the offender's 9543  
institutional conduct and rehabilitative activities while 9544  
incarcerated. 9545

(F) Upon receipt of a written notice submitted by the 9546  
director under division (B) of this section, the court either 9547  
shall, on its own motion, schedule a hearing to consider 9548  
releasing the offender who is the subject of the notice or shall 9549  
inform the department that it will not be conducting a hearing 9550  
relative to the offender. The court shall not grant an early 9551  
release to an offender without holding a hearing. If a court 9552  
declines to hold a hearing relative to an offender with respect 9553

to a written notice submitted by the director, the court may 9554  
later consider release of that offender under this section on 9555  
its own motion by scheduling a hearing for that purpose. Within 9556  
thirty days after the written notice is submitted, the court 9557  
shall inform the department whether or not the court is 9558  
scheduling a hearing on the offender who is the subject of the 9559  
notice. 9560

(G) If the court schedules a hearing upon receiving a 9561  
written notice submitted under division (B) of this section or 9562  
upon its own motion under division (F) of this section, the 9563  
court shall notify the head of the state correctional 9564  
institution in which the offender is confined of the hearing 9565  
prior to the hearing. If the court makes a journal entry 9566  
ordering the offender to be conveyed to the hearing, except as 9567  
otherwise provided in this division, the head of the 9568  
correctional institution shall deliver the offender to the 9569  
sheriff of the county in which the hearing is to be held, and 9570  
the sheriff shall convey the offender to and from the hearing. 9571  
Upon the court's own motion or the motion of the offender or the 9572  
prosecuting attorney of the county in which the offender was 9573  
indicted, the court may permit the offender to appear at the 9574  
hearing by video conferencing equipment if equipment of that 9575  
nature is available and compatible. 9576

Upon receipt of notice from a court of a hearing on the 9577  
release of an offender under this division, the head of the 9578  
state correctional institution in which the offender is confined 9579  
immediately shall notify the appropriate person at the 9580  
department of rehabilitation and correction of the hearing, and 9581  
the department within twenty-four hours after receipt of the 9582  
notice shall post on the database it maintains pursuant to 9583  
section 5120.66 of the Revised Code the offender's name and all 9584

of the information specified in division (A) (1) (c) (i) of that 9585  
section. If the court schedules a hearing under this section, 9586  
the court promptly shall give notice of the hearing to the 9587  
prosecuting attorney of the county in which the offender was 9588  
indicted. Upon receipt of the notice from the court, the 9589  
prosecuting attorney shall notify pursuant to section 2930.16 of 9590  
the Revised Code any victim of the offender or the victim's 9591  
representative of the hearing. 9592

(H) If the court schedules a hearing under this section, 9593  
at the hearing, the court shall afford the offender and the 9594  
offender's attorney an opportunity to present written 9595  
information and, if present, oral information relevant to the 9596  
offender's early release. The court shall afford a similar 9597  
opportunity to the prosecuting attorney, victim or victim's 9598  
representative, as defined in section 2930.01 of the Revised 9599  
Code, and any other person the court determines is likely to 9600  
present additional relevant information. If the court pursuant 9601  
to division (G) of this section permits the offender to appear 9602  
at the hearing by video conferencing equipment, the offender's 9603  
opportunity to present oral information shall be as a part of 9604  
the video conferencing. The court shall consider any statement 9605  
of a victim made under section 2930.14 or 2930.17 of the Revised 9606  
Code, any victim impact statement prepared under section 9607  
2947.051 of the Revised Code, and any report and other 9608  
documentation submitted by the director under division (D) of 9609  
this section. After ruling on whether to grant the offender 9610  
early release, the court shall notify the victim in accordance 9611  
with sections 2930.03 and 2930.16 of the Revised Code. 9612

(I) If the court grants an offender early release under 9613  
this section, it shall order the release of the offender, shall 9614  
place the offender under one or more appropriate community 9615

control sanctions, under appropriate conditions, and under the supervision of the department of probation that serves the court, and shall reserve the right to reimpose the sentence that it reduced and from which the offender was released if the offender violates the sanction. The court shall not make a release under this section effective prior to the date on which the offender becomes eligible as described in division (C) of this section. If the sentence under which the offender is confined in a state correctional institution and from which the offender is being released was imposed for a felony of the first or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

If the court grants an offender early release under this section, it shall notify the appropriate person at the department of rehabilitation and correction of the release, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code.

(J) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section.

**Sec. 2967.191. (A)** The department of rehabilitation and

correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 9646  
~~if the prisoner is serving a term for which there is parole~~ 9647  
~~eligibility, the minimum and maximum term or the parole~~ 9648  
~~eligibility date of the prisoner,~~ as described in division (B) 9649  
of this section, by the total number of days that the prisoner 9650  
was confined for any reason arising out of the offense for which 9651  
the prisoner was convicted and sentenced, including confinement 9652  
in lieu of bail while awaiting trial, confinement for 9653  
examination to determine the prisoner's competence to stand 9654  
trial or sanity, confinement while awaiting transportation to 9655  
the place where the prisoner is to serve the prisoner's prison 9656  
term, as determined by the sentencing court under division (B) 9657  
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 9658  
confinement in a juvenile facility. The department of 9659  
rehabilitation and correction also shall reduce the stated 9660  
prison term of a prisoner or, if the prisoner is serving a term 9661  
for which there is parole eligibility, the minimum and maximum 9662  
term or the parole eligibility date of the prisoner by the total 9663  
number of days, if any, that the prisoner previously served in 9664  
the custody of the department of rehabilitation and correction 9665  
arising out of the offense for which the prisoner was convicted 9666  
and sentenced. 9667

(B) The reductions described in division (A) of this 9668  
section shall be made to the following prison terms, as 9669  
applicable: 9670

(1) The definite prison term of a prisoner serving a 9671  
definite prison term as a stated prison term; 9672

(2) The minimum and maximum term of a prisoner serving a 9673  
non-life felony indefinite prison term as a stated prison term; 9674

(3) The minimum and maximum term or the parole eligibility 9675

date of a prisoner serving a term for which there is parole 9676  
eligibility. 9677

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 9678  
of this section and subject to the maximum aggregate total 9679  
specified in division (A) (3) of this section, a person confined 9680  
in a state correctional institution or placed in the substance 9681  
use disorder treatment program may provisionally earn one day or 9682  
five days of credit, based on the category set forth in division 9683  
(D) (1), (2), (3), (4), or (5) of this section in which the 9684  
person is included, toward satisfaction of the person's stated 9685  
prison term, as described in division (F) of this section, for 9686  
each completed month during which the person, if confined in a 9687  
state correctional institution, productively participates in an 9688  
education program, vocational training, employment in prison 9689  
industries, treatment for substance abuse, or any other 9690  
constructive program developed by the department with specific 9691  
standards for performance by prisoners or during which the 9692  
person, if placed in the substance use disorder treatment 9693  
program, productively participates in the program. Except as 9694  
provided in division (C) of this section and subject to the 9695  
maximum aggregate total specified in division (A) (3) of this 9696  
section, a person so confined in a state correctional 9697  
institution who successfully completes two programs or 9698  
activities of that type may, in addition, provisionally earn up 9699  
to five days of credit toward satisfaction of the person's 9700  
stated prison term, as described in division (F) of this 9701  
section, for the successful completion of the second program or 9702  
activity. The person shall not be awarded any provisional days 9703  
of credit for the successful completion of the first program or 9704  
activity or for the successful completion of any program or 9705  
activity that is completed after the second program or activity. 9706

At the end of each calendar month in which a person productively 9707  
participates in a program or activity listed in this division or 9708  
successfully completes a program or activity listed in this 9709  
division, the department of rehabilitation and correction shall 9710  
determine and record the total number of days credit that the 9711  
person provisionally earned in that calendar month. If the 9712  
person in a state correctional institution violates prison rules 9713  
or the person in the substance use disorder treatment program 9714  
violates program or department rules, the department may deny 9715  
the person a credit that otherwise could have been provisionally 9716  
awarded to the person or may withdraw one or more credits 9717  
previously provisionally earned by the person. Days of credit 9718  
provisionally earned by a person shall be finalized and awarded 9719  
by the department subject to administrative review by the 9720  
department of the person's conduct. 9721

(2) Unless a person is serving a mandatory prison term or 9722  
a prison term for an offense of violence or a sexually oriented 9723  
offense, and notwithstanding the maximum aggregate total 9724  
specified in division (A) (3) of this section, a person who 9725  
successfully completes any of the following shall earn ninety 9726  
days of credit toward satisfaction of the person's stated prison 9727  
term or a ten per cent reduction of the person's stated prison 9728  
term, whichever is less: 9729

(a) An Ohio high school diploma or Ohio certificate of 9730  
high school equivalence certified by the Ohio central school 9731  
system; 9732

(b) A therapeutic drug community program; 9733

(c) All three phases of the department of rehabilitation 9734  
and correction's intensive outpatient drug treatment program; 9735

(d) A career technical vocational school program;	9736
(e) A college certification program;	9737
(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code.	9738 9739 9740
(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.	9741 9742 9743 9744 9745 9746 9747
(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.	9748 9749 9750 9751 9752 9753 9754 9755 9756 9757
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section:	9758 9759 9760 9761
(1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is	9762 9763 9764

9765 serving a sentence for which section 2967.13 or division (B) of  
9766 section 2929.143 of the Revised Code specifies that the person  
9767 is not entitled to any earned credit under this section.

9768 (2) The person is sentenced to death or is serving a  
9769 prison term or a term of life imprisonment for aggravated  
9770 murder, murder, or a conspiracy or attempt to commit, or  
9771 complicity in committing, aggravated murder or murder.

9772 (3) The person is serving a sentence of life imprisonment  
9773 without parole imposed pursuant to section 2929.03 or 2929.06 of  
9774 the Revised Code, a prison term or a term of life imprisonment  
9775 without parole imposed pursuant to section 2971.03 of the  
9776 Revised Code, or a sentence for a sexually oriented offense that  
9777 was committed on or after September 30, 2011.

9778 (D) This division does not apply to a determination of  
9779 whether a person confined in a state correctional institution or  
9780 placed in a substance use disorder treatment program may earn  
9781 any days of credit under division (A) of this section for  
9782 successful completion of a second program or activity. The  
9783 determination of whether a person confined in a state  
9784 correctional institution may earn one day of credit or five days  
9785 of credit under division (A) of this section for each completed  
9786 month during which the person productively participates in a  
9787 program or activity specified under that division shall be made  
9788 in accordance with the following:

9789 (1) The offender may earn one day of credit under division  
9790 (A) of this section, except as provided in division (C) of this  
9791 section, if the most serious offense for which the offender is  
9792 confined is any of the following that is a felony of the first  
9793 or second degree:

(a) A violation of division (A) of section 2903.04 or of 9794  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 9795  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 9796  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 9797  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 9798  
2927.24 of the Revised Code; 9799

(b) A conspiracy or attempt to commit, or complicity in 9800  
committing, any other offense for which the maximum penalty is 9801  
imprisonment for life or any offense listed in division (D) (1) 9802  
(a) of this section. 9803

(2) The offender may earn one day of credit under division 9804  
(A) of this section, except as provided in division (C) of this 9805  
section, if the offender is serving a stated prison term that 9806  
includes a prison term imposed for a sexually oriented offense 9807  
that the offender committed prior to September 30, 2011. 9808

(3) The offender may earn one day of credit under division 9809  
(A) of this section, except as provided in division (C) of this 9810  
section, if the offender is serving a stated prison term that 9811  
includes a prison term imposed for a felony other than carrying 9812  
a concealed weapon an essential element of which is any conduct 9813  
or failure to act expressly involving any deadly weapon or 9814  
dangerous ordnance. 9815

(4) Except as provided in division (C) of this section, if 9816  
the most serious offense for which the offender is confined is a 9817  
felony of the first or second degree and divisions (D) (1), (2), 9818  
and (3) of this section do not apply to the offender, the 9819  
offender may earn one day of credit under division (A) of this 9820  
section if the offender committed that offense prior to 9821  
September 30, 2011, and the offender may earn five days of 9822  
credit under division (A) of this section if the offender 9823

committed that offense on or after September 30, 2011. 9824

(5) Except as provided in division (C) of this section, if 9825  
the most serious offense for which the offender is confined is a 9826  
felony of the third, fourth, or fifth degree or an unclassified 9827  
felony and neither division (D) (2) nor (3) of this section 9828  
applies to the offender, the offender may earn one day of credit 9829  
under division (A) of this section if the offender committed 9830  
that offense prior to September 30, 2011, and the offender may 9831  
earn five days of credit under division (A) of this section if 9832  
the offender committed that offense on or after September 30, 9833  
2011. 9834

(E) The department annually shall seek and consider the 9835  
written feedback of the Ohio prosecuting attorneys association, 9836  
the Ohio judicial conference, the Ohio public defender, the Ohio 9837  
association of criminal defense lawyers, and other organizations 9838  
and associations that have an interest in the operation of the 9839  
corrections system and the earned credits program under this 9840  
section as part of its evaluation of the program and in 9841  
determining whether to modify the program. 9842

(F) Days of credit awarded under this section shall be 9843  
applied toward satisfaction of a person's stated prison term as 9844  
follows: 9845

(1) Toward the definite prison term of a prisoner serving 9846  
a definite prison term as a stated prison term; 9847

(2) Toward the minimum and maximum terms of a prisoner 9848  
serving an indefinite prison term imposed under division (A) (1) 9849  
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised Code 9850  
for a felony of the first or second degree committed on or after 9851  
the effective date of this amendment or a felony of the third 9852

degree that is described in division (A) (3) (a) of that section 9853  
and committed on or after that effective date. 9854

(G) As used in this section: 9855

(1) "Sexually oriented offense" has the same meaning as in 9856  
section 2950.01 of the Revised Code. 9857

(2) "Substance use disorder treatment program" means the 9858  
substance use disorder treatment program established by the 9859  
department of rehabilitation and correction under section 9860  
5120.035 of the Revised Code. 9861

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 9862  
correction, by rule, may establish a transitional control 9863  
program for the purpose of closely monitoring a prisoner's 9864  
adjustment to community supervision during the final one hundred 9865  
eighty days of the prisoner's confinement. If the department 9866  
establishes a transitional control program under this division, 9867  
the division of parole and community services of the department 9868  
of rehabilitation and correction may transfer eligible prisoners 9869  
to transitional control status under the program during the 9870  
final one hundred eighty days of their confinement and under the 9871  
terms and conditions established by the department, shall 9872  
provide for the confinement as provided in this division of each 9873  
eligible prisoner so transferred, and shall supervise each 9874  
eligible prisoner so transferred in one or more community 9875  
control sanctions. Each eligible prisoner who is transferred to 9876  
transitional control status under the program shall be confined 9877  
in a suitable facility that is licensed pursuant to division (C) 9878  
of section 2967.14 of the Revised Code, or shall be confined in 9879  
a residence the department has approved for this purpose and be 9880  
monitored pursuant to an electronic monitoring device, as 9881  
defined in section 2929.01 of the Revised Code. If the 9882

department establishes a transitional control program under this 9883  
division, the rules establishing the program shall include 9884  
criteria that define which prisoners are eligible for the 9885  
program, criteria that must be satisfied to be approved as a 9886  
residence that may be used for confinement under the program of 9887  
a prisoner that is transferred to it and procedures for the 9888  
department to approve residences that satisfy those criteria, 9889  
and provisions of the type described in division (C) of this 9890  
section. At a minimum, the criteria that define which prisoners 9891  
are eligible for the program shall provide all of the following: 9892

(a) That a prisoner is eligible for the program if the 9893  
prisoner is serving a prison term or term of imprisonment for an 9894  
offense committed prior to March 17, 1998, and if, at the time 9895  
at which eligibility is being determined, the prisoner would 9896  
have been eligible for a furlough under this section as it 9897  
existed immediately prior to March 17, 1998, or would have been 9898  
eligible for conditional release under former section 2967.23 of 9899  
the Revised Code as that section existed immediately prior to 9900  
March 17, 1998; 9901

(b) That no prisoner who is serving a mandatory prison 9902  
term is eligible for the program until after expiration of the 9903  
mandatory term; 9904

(c) That no prisoner who is serving a prison term or term 9905  
of life imprisonment without parole imposed pursuant to section 9906  
2971.03 of the Revised Code is eligible for the program. 9907

(2) At least sixty days prior to transferring to 9908  
transitional control under this section a prisoner who is 9909  
serving a definite term of imprisonment or definite prison term 9910  
of two years or less for an offense committed on or after July 9911  
1, 1996, or who is serving a minimum term of two years or less 9912

under a non-life felony indefinite prison term, the division of 9913  
parole and community services of the department of 9914  
rehabilitation and correction shall give notice of the pendency 9915  
of the transfer to transitional control to the court of common 9916  
pleas of the county in which the indictment against the prisoner 9917  
was found and of the fact that the court may disapprove the 9918  
transfer of the prisoner to transitional control and shall 9919  
include the institutional summary report prepared by the head of 9920  
the state correctional institution in which the prisoner is 9921  
confined. The head of the state correctional institution in 9922  
which the prisoner is confined, upon the request of the division 9923  
of parole and community services, shall provide to the division 9924  
for inclusion in the notice sent to the court under this 9925  
division an institutional summary report on the prisoner's 9926  
conduct in the institution and in any institution from which the 9927  
prisoner may have been transferred. The institutional summary 9928  
report shall cover the prisoner's participation in school, 9929  
vocational training, work, treatment, and other rehabilitative 9930  
activities and any disciplinary action taken against the 9931  
prisoner. If the court disapproves of the transfer of the 9932  
prisoner to transitional control, the court shall notify the 9933  
division of the disapproval within thirty days after receipt of 9934  
the notice. If the court timely disapproves the transfer of the 9935  
prisoner to transitional control, the division shall not proceed 9936  
with the transfer. If the court does not timely disapprove the 9937  
transfer of the prisoner to transitional control, the division 9938  
may transfer the prisoner to transitional control. 9939

(3) (a) If the victim of an offense for which a prisoner 9940  
was sentenced to a prison term or term of imprisonment has 9941  
requested notification under section 2930.16 of the Revised Code 9942  
and has provided the department of rehabilitation and correction 9943

with the victim's name and address or if division (A) (3) (b) of 9944  
this section applies, the division of parole and community 9945  
services, at least sixty days prior to transferring the prisoner 9946  
to transitional control pursuant to this section, shall notify 9947  
the victim of the pendency of the transfer and of the victim's 9948  
right to submit a statement to the division regarding the impact 9949  
of the transfer of the prisoner to transitional control. If the 9950  
victim subsequently submits a statement of that nature to the 9951  
division, the division shall consider the statement in deciding 9952  
whether to transfer the prisoner to transitional control. 9953

(b) If a prisoner is incarcerated for the commission of 9954  
aggravated murder, murder, or an offense of violence that is a 9955  
felony of the first, second, or third degree or under a sentence 9956  
of life imprisonment, except as otherwise provided in this 9957  
division, the notice described in division (A) (3) (a) of this 9958  
section shall be given regardless of whether the victim has 9959  
requested the notification. The notice described in division (A) 9960  
(3) (a) of this section shall not be given under this division to 9961  
a victim if the victim has requested pursuant to division (B) (2) 9962  
of section 2930.03 of the Revised Code that the victim not be 9963  
provided the notice. If notice is to be provided to a victim 9964  
under this division, the authority may give the notice by any 9965  
reasonable means, including regular mail, telephone, and 9966  
electronic mail, in accordance with division (D) (1) of section 9967  
2930.16 of the Revised Code. If the notice is based on an 9968  
offense committed prior to March 22, 2013, the notice also shall 9969  
include the opt-out information described in division (D) (1) of 9970  
section 2930.16 of the Revised Code. The authority, in 9971  
accordance with division (D) (2) of section 2930.16 of the 9972  
Revised Code, shall keep a record of all attempts to provide the 9973  
notice, and of all notices provided, under this division. 9974

Division (A) (3) (b) of this section, and the notice-related 9975  
provisions of divisions (E) (2) and (K) of section 2929.20, 9976  
division (D) (1) of section 2930.16, division (H) of section 9977  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 9978  
of section 2967.28, and division (A) (2) of section 5149.101 of 9979  
the Revised Code enacted in the act in which division (A) (3) (b) 9980  
of this section was enacted, shall be known as "Roberta's Law." 9981

(4) The department of rehabilitation and correction, at 9982  
least sixty days prior to transferring a prisoner to 9983  
transitional control pursuant to this section, shall post on the 9984  
database it maintains pursuant to section 5120.66 of the Revised 9985  
Code the prisoner's name and all of the information specified in 9986  
division (A) (1) (c) (iv) of that section. In addition to and 9987  
independent of the right of a victim to submit a statement as 9988  
described in division (A) (3) of this section or to otherwise 9989  
make a statement and in addition to and independent of any other 9990  
right or duty of a person to present information or make a 9991  
statement, any person may send to the division of parole and 9992  
community services at any time prior to the division's transfer 9993  
of the prisoner to transitional control a written statement 9994  
regarding the transfer of the prisoner to transitional control. 9995  
In addition to the information, reports, and statements it 9996  
considers under divisions (A) (2) and (3) of this section or that 9997  
it otherwise considers, the division shall consider each 9998  
statement submitted in accordance with this division in deciding 9999  
whether to transfer the prisoner to transitional control. 10000

(B) Each prisoner transferred to transitional control 10001  
under this section shall be confined in the manner described in 10002  
division (A) of this section during any period of time that the 10003  
prisoner is not actually working at the prisoner's approved 10004  
employment, engaged in a vocational training or another 10005

educational program, engaged in another program designated by 10006  
the director, or engaged in other activities approved by the 10007  
department. 10008

(C) The department of rehabilitation and correction shall 10009  
adopt rules for transferring eligible prisoners to transitional 10010  
control, supervising and confining prisoners so transferred, 10011  
administering the transitional control program in accordance 10012  
with this section, and using the moneys deposited into the 10013  
transitional control fund established under division (E) of this 10014  
section. 10015

(D) The department of rehabilitation and correction may 10016  
adopt rules for the issuance of passes for the limited purposes 10017  
described in this division to prisoners who are transferred to 10018  
transitional control under this section. If the department 10019  
adopts rules of that nature, the rules shall govern the granting 10020  
of the passes and shall provide for the supervision of prisoners 10021  
who are temporarily released pursuant to one of those passes. 10022  
Upon the adoption of rules under this division, the department 10023  
may issue passes to prisoners who are transferred to 10024  
transitional control status under this section in accordance 10025  
with the rules and the provisions of this division. All passes 10026  
issued under this division shall be for a maximum of forty-eight 10027  
hours and may be issued only for the following purposes: 10028

(1) To visit a relative in imminent danger of death; 10029

(2) To have a private viewing of the body of a deceased 10030  
relative; 10031

(3) To visit with family; 10032

(4) To otherwise aid in the rehabilitation of the 10033  
prisoner. 10034

(E) The division of parole and community services may 10035  
require a prisoner who is transferred to transitional control to 10036  
pay to the division the reasonable expenses incurred by the 10037  
division in supervising or confining the prisoner while under 10038  
transitional control. Inability to pay those reasonable expenses 10039  
shall not be grounds for refusing to transfer an otherwise 10040  
eligible prisoner to transitional control. Amounts received by 10041  
the division of parole and community services under this 10042  
division shall be deposited into the transitional control fund, 10043  
which is hereby created in the state treasury and which hereby 10044  
replaces and succeeds the furlough services fund that formerly 10045  
existed in the state treasury. All moneys that remain in the 10046  
furlough services fund on March 17, 1998, shall be transferred 10047  
on that date to the transitional control fund. The transitional 10048  
control fund shall be used solely to pay costs related to the 10049  
operation of the transitional control program established under 10050  
this section. The director of rehabilitation and correction 10051  
shall adopt rules in accordance with section 111.15 of the 10052  
Revised Code for the use of the fund. 10053

(F) A prisoner who violates any rule established by the 10054  
department of rehabilitation and correction under division (A), 10055  
(C), or (D) of this section may be transferred to a state 10056  
correctional institution pursuant to rules adopted under 10057  
division (A), (C), or (D) of this section, but the prisoner 10058  
shall receive credit towards completing the prisoner's sentence 10059  
for the time spent under transitional control. 10060

If a prisoner is transferred to transitional control under 10061  
this section, upon successful completion of the period of 10062  
transitional control, the prisoner may be released on parole or 10063  
under post-release control pursuant to section 2967.13 or 10064  
2967.28 of the Revised Code and rules adopted by the department 10065

of rehabilitation and correction. If the prisoner is released 10066  
under post-release control, the duration of the post-release 10067  
control, the type of post-release control sanctions that may be 10068  
imposed, the enforcement of the sanctions, and the treatment of 10069  
prisoners who violate any sanction applicable to the prisoner 10070  
are governed by section 2967.28 of the Revised Code. 10071

Sec. 2967.271. (A) As used in this section: 10072

(1) "Offender's minimum prison term" means the minimum 10073  
prison term imposed on an offender under a non-life felony 10074  
indefinite prison term, diminished as provided in section 10075  
2967.191 or 2967.193 of the Revised Code or in any other 10076  
provision of the Revised Code, other than division (F) of this 10077  
section, that provides for diminution or reduction of an 10078  
offender's sentence. 10079

(2) "Offender's presumptive earned early release date" 10080  
means the date that is determined under the procedures described 10081  
in division (F) of this section by the reduction, if any, of an 10082  
offender's minimum prison term by the sentencing court and the 10083  
crediting of that reduction toward the satisfaction of the 10084  
minimum term. 10085

(3) "Rehabilitative programs and activities" means 10086  
education programs, vocational training, employment in prison 10087  
industries, treatment for substance abuse, or other constructive 10088  
programs developed by the department of rehabilitation and 10089  
correction with specific standards for performance by prisoners. 10090

(4) "Security level" means the security level in which an 10091  
offender is classified under the inmate classification level 10092  
system of the department of rehabilitation and correction that 10093  
then is in effect. 10094

(5) "Sexually oriented offense" has the same meaning as in 10095  
section 2950.01 of the Revised Code. 10096

(B) When an offender is sentenced to a non-life felony 10097  
indefinite prison term, there shall be a presumption that the 10098  
person shall be released from service of the sentence on the 10099  
expiration of the offender's minimum prison term or on the 10100  
offender's presumptive earned early release date, whichever is 10101  
earlier. 10102

(C) The presumption established under division (B) of this 10103  
section is a rebuttable presumption that the department of 10104  
rehabilitation and correction may rebut as provided in this 10105  
division. Unless the department rebuts the presumption, the 10106  
offender shall be released from service of the sentence on the 10107  
expiration of the offender's minimum prison term or on the 10108  
offender's presumptive earned early release date, whichever is 10109  
earlier. The department may rebut the presumption only if the 10110  
department determines, at a hearing, that one or more of the 10111  
following applies: 10112

(1) Regardless of the security level in which the offender 10113  
is classified at the time of the hearing, both of the following 10114  
apply: 10115

(a) During the offender's incarceration, the offender 10116  
committed institutional rule infractions that involved 10117  
compromising the security of a state correctional institution, 10118  
compromising the safety of the staff of a state correctional 10119  
institution or its inmates, or physical harm or the threat of 10120  
physical harm to the staff of a state correctional institution 10121  
or its inmates, or committed a violation of law that was not 10122  
prosecuted, and the infractions or violations demonstrate that 10123  
the offender has not been rehabilitated. 10124

(b) The offender's behavior while incarcerated, including, 10125  
but not limited to the infractions and violations specified in 10126  
division (C) (1) (a) of this section, demonstrate that the 10127  
offender continues to pose a threat to society. 10128

(2) Regardless of the security level in which the offender 10129  
is classified at the time of the hearing, the offender has been 10130  
placed by the department in extended restrictive housing at any 10131  
time within the year preceding the date of the hearing. 10132

(3) At the time of the hearing, the offender is classified 10133  
by the department as a security level three, four, or five, or 10134  
at a higher security level. 10135

(D) (1) If the department of rehabilitation and correction, 10136  
pursuant to division (C) of this section, rebuts the presumption 10137  
established under division (B) of this section, the department 10138  
may maintain the offender's incarceration in a state 10139  
correctional institution under the sentence after the expiration 10140  
of the offender's minimum prison term or, for offenders who have 10141  
a presumptive earned early release date, after the offender's 10142  
presumptive earned early release date. The department may 10143  
maintain the offender's incarceration under this division for an 10144  
additional period of incarceration determined by the department. 10145  
The additional period of incarceration shall be a reasonable 10146  
period determined by the department, shall be specified by the 10147  
department, and shall not exceed the offender's maximum prison 10148  
term. 10149

(2) If the department maintains an offender's 10150  
incarceration for an additional period under division (D) (1) of 10151  
this section, there shall be a presumption that the offender 10152  
shall be released on the expiration of the offender's minimum 10153  
prison term plus the additional period of incarceration 10154

specified by the department as provided under that division or, 10155  
for offenders who have a presumptive earned early release date, 10156  
on the expiration of the additional period of incarceration to 10157  
be served after the offender's presumptive earned early release 10158  
date that is specified by the department as provided under that 10159  
division. The presumption is a rebuttable presumption that the 10160  
department may rebut, but only if it conducts a hearing and 10161  
makes the determinations specified in division (C) of this 10162  
section, and if the department rebuts the presumption, it may 10163  
maintain the offender's incarceration in a state correctional 10164  
institution for an additional period determined as specified in 10165  
division (D)(1) of this section. Unless the department rebuts 10166  
the presumption at the hearing, the offender shall be released 10167  
from service of the sentence on the expiration of the offender's 10168  
minimum prison term plus the additional period of incarceration 10169  
specified by the department or, for offenders who have a 10170  
presumptive earned early release date, on the expiration of the 10171  
additional period of incarceration to be served after the 10172  
offender's presumptive earned early release date as specified by 10173  
the department. 10174

The provisions of this division regarding the 10175  
establishment of a rebuttable presumption, the department's 10176  
rebuttal of the presumption, and the department's maintenance of 10177  
an offender's incarceration for an additional period of 10178  
incarceration apply, and may be utilized more than one time, 10179  
during the remainder of the offender's incarceration. If the 10180  
offender has not been released under division (C) of this 10181  
section or this division prior to the expiration of the 10182  
offender's maximum prison term imposed as part of the offender's 10183  
non-life felony indefinite prison term, the offender shall be 10184  
released upon the expiration of that maximum term. 10185

(E) The department shall provide notices of hearings to be 10186  
conducted under division (C) or (D) of this section in the same 10187  
manner, and to the same persons, as specified in section 2967.12 10188  
and Chapter 2930. of the Revised Code with respect to hearings 10189  
to be conducted regarding the possible release on parole of an 10190  
inmate. 10191

(F) (1) The director of the department of rehabilitation 10192  
and correction may notify the sentencing court in writing that 10193  
the director is recommending that the court grant a reduction in 10194  
the minimum prison term imposed on a specified offender who is 10195  
serving a non-life felony indefinite prison term and who is 10196  
eligible under division (F) (8) of this section for such a 10197  
reduction, due to the offender's exceptional conduct while 10198  
incarcerated or the offender's adjustment to incarceration. If 10199  
the director wishes to recommend such a reduction for an 10200  
offender, the director shall send the notice to the court not 10201  
earlier than ninety days prior to the date on which the director 10202  
wishes to credit the reduction toward the satisfaction of the 10203  
offender's minimum prison term. If the director recommends such 10204  
a reduction for an offender, there shall be a presumption that 10205  
the court shall grant the recommended reduction to the offender. 10206  
The presumption established under this division is a rebuttable 10207  
presumption that may be rebutted as provided in division (F) (4) 10208  
of this section. 10209

The director shall include with the notice sent to a court 10210  
under this division an institutional summary report that covers 10211  
the offender's participation while confined in a state 10212  
correctional institution in rehabilitative programs and 10213  
activities and any disciplinary action taken against the 10214  
offender while so confined, and any other documentation 10215  
requested by the court, if available. 10216

The notice the director sends to a court under this 10217  
division shall do all of the following: 10218

(a) Identify the offender; 10219

(b) Specify the length of the recommended reduction, which 10220  
shall be for five to fifteen per cent of the offender's minimum 10221  
term determined in accordance with rules adopted by the 10222  
department under division (F)(7) of this section; 10223

(c) Specify the reason or reasons that qualify the 10224  
offender for the recommended reduction; 10225

(d) Inform the court of the rebuttable presumption and 10226  
that the court must either approve or, if the court finds that 10227  
the presumption has been rebutted, disapprove of the recommended 10228  
reduction, and that if it approves of the recommended reduction, 10229  
it must grant the reduction; 10230

(e) Inform the court that it must notify the department of 10231  
its decision as to approval or disapproval not later than sixty 10232  
days after receipt of the notice from the director. 10233

(2) When the director, under division (F)(1) of this 10234  
section, submits a notice to a sentencing court that the 10235  
director is recommending that the court grant a reduction in the 10236  
minimum prison term imposed on an offender serving a non-life 10237  
felony indefinite prison term, the department promptly shall 10238  
provide to the prosecuting attorney of the county in which the 10239  
offender was indicted a copy of the written notice, a copy of 10240  
the institutional summary report described in that division, and 10241  
any other information provided to the court. 10242

(3) Upon receipt of a notice submitted by the director 10243  
under division (F)(1) of this section, the court shall schedule 10244  
a hearing to consider whether to grant the reduction in the 10245

minimum prison term imposed on the specified offender that was 10246  
recommended by the director or to find that the presumption has 10247  
been rebutted and disapprove the recommended reduction. Upon 10248  
scheduling the hearing, the court promptly shall give notice of 10249  
the hearing to the prosecuting attorney of the county in which 10250  
the offender was indicted and to the department. The notice 10251  
shall inform the prosecuting attorney that the prosecuting 10252  
attorney may submit to the court, prior to the date of the 10253  
hearing, written information relevant to the recommendation and 10254  
may present at the hearing written information and oral 10255  
information relevant to the recommendation. 10256

Upon receipt of the notice from the court, the prosecuting 10257  
attorney shall notify the victim of the offender or the victim's 10258  
representative of the recommendation by the director, the date, 10259  
time, and place of the hearing, the fact that the victim may 10260  
submit to the court, prior to the date of the hearing, written 10261  
information relevant to the recommendation, and the address and 10262  
procedure for submitting the information. 10263

(4) At the hearing scheduled under division (F) (3) of this 10264  
section, the court shall afford the prosecuting attorney an 10265  
opportunity to present written information and oral information 10266  
relevant to the director's recommendation. In making its 10267  
determination as to whether to grant or disapprove the reduction 10268  
in the minimum prison term imposed on the specified offender 10269  
that was recommended by the director, the court shall consider 10270  
any report and other documentation submitted by the director, 10271  
any information submitted by a victim, any information submitted 10272  
or presented at the hearing by the prosecuting attorney, and all 10273  
of the factors set forth in divisions (B) to (D) of section 10274  
2929.12 of the Revised Code that are relevant to the offender's 10275  
offense and to the offender. 10276

Unless the court, after considering at the hearing the 10277  
specified reports, documentation, information, and relevant 10278  
factors, finds that the presumption that the recommended 10279  
reduction shall be granted has been rebutted and disapproves the 10280  
recommended reduction, the court shall grant the recommended 10281  
reduction. The court may disapprove the recommended reduction 10282  
only if, after considering at the hearing the specified reports, 10283  
documentation, information, and relevant factors, it finds that 10284  
the presumption that the reduction shall be granted has been 10285  
rebutted. The court may find that the presumption has been 10286  
rebutted and disapprove the recommended reduction only if it 10287  
determines at the hearing that one or more of the following 10288  
applies: 10289

(a) Regardless of the security level in which the offender 10290  
is classified at the time of the hearing, during the offender's 10291  
incarceration, the offender committed institutional rule 10292  
infractions that involved compromising the security of a state 10293  
correctional institution, compromising the safety of the staff 10294  
of a state correctional institution or its inmates, or physical 10295  
harm or the threat of physical harm to the staff of a state 10296  
correctional institution or its inmates, or committed a 10297  
violation of law that was not prosecuted, and the infractions or 10298  
violations demonstrate that the offender has not been 10299  
rehabilitated. 10300

(b) The offender's behavior while incarcerated, including, 10301  
but not limited to, the infractions and violations specified in 10302  
division (F) (4) (a) of this section, demonstrates that the 10303  
offender continues to pose a threat to society. 10304

(c) At the time of the hearing, the offender is classified 10305  
by the department as a security level three, four, or five, or 10306

at a higher security level. 10307

(d) During the offender's incarceration, the offender did 10308  
not productively participate in a majority of the rehabilitative 10309  
programs and activities recommended by the department for the 10310  
offender, or the offender participated in a majority of such 10311  
recommended programs or activities but did not successfully 10312  
complete a reasonable number of the programs or activities in 10313  
which the offender participated. 10314

(e) After release, the offender will not be residing in a 10315  
halfway house, reentry center, or community residential center 10316  
licensed under division (C) of section 2967.14 of the Revised 10317  
Code and, after release, does not have any other place to reside 10318  
at a fixed residence address. 10319

(5) If the court pursuant to division (F)(4) of this 10320  
section finds that the presumption that the recommended 10321  
reduction in the offender's minimum prison term has been 10322  
rebutted and disapproves the recommended reduction, the court 10323  
shall notify the department of the disapproval not later than 10324  
sixty days after receipt of the notice from the director. The 10325  
court shall specify in the notification the reason or reasons 10326  
for which it found that the presumption was rebutted and 10327  
disapproved the recommended reduction. The court shall not 10328  
reduce the offender's minimum prison term, and the department 10329  
shall not credit the amount of the disapproved reduction toward 10330  
satisfaction of the offender's minimum prison term. 10331

If the court pursuant to division (F)(4) of this section 10332  
grants the recommended reduction of the offender's minimum 10333  
prison term, the court shall notify the department of the grant 10334  
of the reduction not later than sixty days after receipt of the 10335  
notice from the director, the court shall reduce the offender's 10336

minimum prison term in accordance with the recommendation 10337  
submitted by the director, and the department shall credit the 10338  
amount of the reduction toward satisfaction of the offender's 10339  
minimum prison term. 10340

Upon deciding whether to disapprove or grant the 10341  
recommended reduction of the offender's minimum prison term, the 10342  
court shall notify the prosecuting attorney of the decision and 10343  
the prosecuting attorney shall notify the victim or victim's 10344  
representative of the court's decision. 10345

(6) If the court under division (F) (5) of this section 10346  
grants the reduction in the minimum prison term imposed on an 10347  
offender that was recommended by the director and reduces the 10348  
offender's minimum prison term, the date determined by the 10349  
department's crediting of the reduction toward satisfaction of 10350  
the offender's minimum prison term is the offender's presumptive 10351  
earned early release date. 10352

(7) The department of rehabilitation and correction by 10353  
rule shall specify both of the following for offenders serving a 10354  
non-life felony indefinite prison term: 10355

(a) The type of exceptional conduct while incarcerated and 10356  
the type of adjustment to incarceration that will qualify an 10357  
offender serving such a prison term for a reduction under 10358  
divisions (F) (1) to (6) of this section of the minimum prison 10359  
term imposed on the offender under the non-life felony 10360  
indefinite prison term. 10361

(b) The per cent of reduction that it may recommend for, 10362  
and that may be granted to, an offender serving such a prison 10363  
term under divisions (F) (1) to (6) of this section, based on the 10364  
offense level of the offense for which the prison term was 10365

imposed, with the department specifying the offense levels used 10366  
for purposes of this division and assigning a specific 10367  
percentage reduction within the range of five to fifteen per 10368  
cent for each such offense level. 10369

(8) Divisions (F) (1) to (6) of this section do not apply 10370  
with respect to an offender serving a non-life felony indefinite 10371  
prison term for a sexually oriented offense, and no offender 10372  
-serving such a prison term for a sexually oriented offense is 10373  
eligible to be recommended for or granted, or may be recommended 10374  
for or granted, a reduction under those divisions in the 10375  
offender's minimum prison term imposed under that non-life 10376  
felony indefinite prison term. 10377

(G) If an offender is sentenced to a non-life felony 10378  
indefinite prison term, any reference in a section of the 10379  
Revised Code to a definite prison term shall be construed as 10380  
referring to the offender's minimum term under that sentence 10381  
plus any additional period of time of incarceration specified by 10382  
the department under division (D) (1) or (2) of this section, 10383  
except to the extent otherwise specified in the section or to 10384  
the extent that that construction clearly would be 10385  
inappropriate. 10386

**Sec. 2967.28.** (A) As used in this section: 10387

(1) "Monitored time" means the monitored time sanction 10388  
specified in section 2929.17 of the Revised Code. 10389

(2) "Deadly weapon" and "dangerous ordnance" have the same 10390  
meanings as in section 2923.11 of the Revised Code. 10391

(3) "Felony sex offense" means a violation of a section 10392  
contained in Chapter 2907. of the Revised Code that is a felony. 10393

(4) "Risk reduction sentence" means a prison term imposed 10394

by a court, when the court recommends pursuant to section 10395  
2929.143 of the Revised Code that the offender serve the 10396  
sentence under section 5120.036 of the Revised Code, and the 10397  
offender may potentially be released from imprisonment prior to 10398  
the expiration of the prison term if the offender successfully 10399  
completes all assessment and treatment or programming required 10400  
by the department of rehabilitation and correction under section 10401  
5120.036 of the Revised Code. 10402

(5) "Victim's immediate family" has the same meaning as in 10403  
section 2967.12 of the Revised Code. 10404

(6) "Minor drug possession offense" has the same meaning 10405  
as in section 2925.11 of the Revised Code. 10406

(B) Each sentence to a prison term, other than a term of 10407  
life imprisonment, for a felony of the first degree, for a 10408  
felony of the second degree, for a felony sex offense, or for a 10409  
felony of the third degree that is an offense of violence and is 10410  
not a felony sex offense shall include a requirement that the 10411  
offender be subject to a period of post-release control imposed 10412  
by the parole board after the offender's release from 10413  
imprisonment. This division applies with respect to all prison 10414  
terms of a type described in this division, including a term of 10415  
any such type that is a risk reduction sentence. If a court 10416  
imposes a sentence including a prison term of a type described 10417  
in this division on or after July 11, 2006, the failure of a 10418  
sentencing court to notify the offender pursuant to division (B) 10419  
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10420  
requirement or to include in the judgment of conviction entered 10421  
on the journal a statement that the offender's sentence includes 10422  
this requirement does not negate, limit, or otherwise affect the 10423  
mandatory period of supervision that is required for the 10424

offender under this division. This division applies with respect 10425  
to all prison terms of a type described in this division, 10426  
including a non-life felony indefinite prison term. Section 10427  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10428  
a court imposed a sentence including a prison term of a type 10429  
described in this division and failed to notify the offender 10430  
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10431  
Revised Code regarding post-release control or to include in the 10432  
judgment of conviction entered on the journal or in the sentence 10433  
pursuant to division (D) (1) of section 2929.14 of the Revised 10434  
Code a statement regarding post-release control. Unless reduced 10435  
by the parole board pursuant to division (D) of this section 10436  
when authorized under that division, a period of post-release 10437  
control required by this division for an offender shall be of 10438  
one of the following periods: 10439

(1) For a felony of the first degree or for a felony sex 10440  
offense, five years; 10441

(2) For a felony of the second degree that is not a felony 10442  
sex offense, three years; 10443

(3) For a felony of the third degree that is an offense of 10444  
violence and is not a felony sex offense, three years. 10445

(C) Any sentence to a prison term for a felony of the 10446  
third, fourth, or fifth degree that is not subject to division 10447  
(B) (1) or (3) of this section shall include a requirement that 10448  
the offender be subject to a period of post-release control of 10449  
up to three years after the offender's release from 10450  
imprisonment, if the parole board, in accordance with division 10451  
(D) of this section, determines that a period of post-release 10452  
control is necessary for that offender. This division applies 10453  
with respect to all prison terms of a type described in this 10454

division, including a term of any such type that is a risk 10455  
reduction sentence. Section 2929.191 of the Revised Code applies 10456  
if, prior to July 11, 2006, a court imposed a sentence including 10457  
a prison term of a type described in this division and failed to 10458  
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10459  
2929.19 of the Revised Code regarding post-release control or to 10460  
include in the judgment of conviction entered on the journal or 10461  
in the sentence pursuant to division (D) (2) of section 2929.14 10462  
of the Revised Code a statement regarding post-release control. 10463  
Pursuant to an agreement entered into under section 2967.29 of 10464  
the Revised Code, a court of common pleas or parole board may 10465  
impose sanctions or conditions on an offender who is placed on 10466  
post-release control under this division. 10467

(D) (1) Before the prisoner is released from imprisonment, 10468  
the parole board or, pursuant to an agreement under section 10469  
2967.29 of the Revised Code, the court shall impose upon a 10470  
prisoner described in division (B) of this section, shall impose 10471  
upon a prisoner described in division (C) of this section who is 10472  
to be released before the expiration of the prisoner's stated 10473  
prison term under a risk reduction sentence, may impose upon a 10474  
prisoner described in division (C) of this section who is not to 10475  
be released before the expiration of the prisoner's stated 10476  
prison term under a risk reduction sentence, and shall impose 10477  
upon a prisoner described in division (B) (2) (b) of section 10478  
5120.031 or in division (B) (1) of section 5120.032 of the 10479  
Revised Code, one or more post-release control sanctions to 10480  
apply during the prisoner's period of post-release control. 10481  
Whenever the board or court imposes one or more post-release 10482  
control sanctions upon a prisoner, the board or court, in 10483  
addition to imposing the sanctions, also shall include as a 10484  
condition of the post-release control that the offender not 10485

leave the state without permission of the court or the 10486  
offender's parole or probation officer and that the offender 10487  
abide by the law. The board or court may impose any other 10488  
conditions of release under a post-release control sanction that 10489  
the board or court considers appropriate, and the conditions of 10490  
release may include any community residential sanction, 10491  
community nonresidential sanction, or financial sanction that 10492  
the sentencing court was authorized to impose pursuant to 10493  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10494  
Prior to the release of a prisoner for whom it will impose one 10495  
or more post-release control sanctions under this division, the 10496  
parole board or court shall review the prisoner's criminal 10497  
history, results from the single validated risk assessment tool 10498  
selected by the department of rehabilitation and correction 10499  
under section 5120.114 of the Revised Code, all juvenile court 10500  
adjudications finding the prisoner, while a juvenile, to be a 10501  
delinquent child, and the record of the prisoner's conduct while 10502  
imprisoned. The parole board or court shall consider any 10503  
recommendation regarding post-release control sanctions for the 10504  
prisoner made by the office of victims' services. After 10505  
considering those materials, the board or court shall determine, 10506  
for a prisoner described in division (B) of this section, 10507  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10508  
section 5120.032 of the Revised Code and for a prisoner 10509  
described in division (C) of this section who is to be released 10510  
before the expiration of the prisoner's stated prison term under 10511  
a risk reduction sentence, which post-release control sanction 10512  
or combination of post-release control sanctions is reasonable 10513  
under the circumstances or, for a prisoner described in division 10514  
(C) of this section who is not to be released before the 10515  
expiration of the prisoner's stated prison term under a risk 10516  
reduction sentence, whether a post-release control sanction is 10517

necessary and, if so, which post-release control sanction or 10518  
combination of post-release control sanctions is reasonable 10519  
under the circumstances. In the case of a prisoner convicted of 10520  
a felony of the fourth or fifth degree other than a felony sex 10521  
offense, the board or court shall presume that monitored time is 10522  
the appropriate post-release control sanction unless the board 10523  
or court determines that a more restrictive sanction is 10524  
warranted. A post-release control sanction imposed under this 10525  
division takes effect upon the prisoner's release from 10526  
imprisonment. 10527

Regardless of whether the prisoner was sentenced to the 10528  
prison term prior to, on, or after July 11, 2006, prior to the 10529  
release of a prisoner for whom it will impose one or more post- 10530  
release control sanctions under this division, the parole board 10531  
shall notify the prisoner that, if the prisoner violates any 10532  
sanction so imposed or any condition of post-release control 10533  
described in division (B) of section 2967.131 of the Revised 10534  
Code that is imposed on the prisoner, the parole board may 10535  
impose a prison term of up to one-half of the stated prison term 10536  
originally imposed upon the prisoner. 10537

At least thirty days before the prisoner is released from 10538  
imprisonment under post-release control, except as otherwise 10539  
provided in this paragraph, the department of rehabilitation and 10540  
correction shall notify the victim and the victim's immediate 10541  
family of the date on which the prisoner will be released, the 10542  
period for which the prisoner will be under post-release control 10543  
supervision, and the terms and conditions of the prisoner's 10544  
post-release control regardless of whether the victim or 10545  
victim's immediate family has requested the notification. The 10546  
notice described in this paragraph shall not be given to a 10547  
victim or victim's immediate family if the victim or the 10548

victim's immediate family has requested pursuant to division (B) 10549  
(2) of section 2930.03 of the Revised Code that the notice not 10550  
be provided to the victim or the victim's immediate family. At 10551  
least thirty days before the prisoner is released from 10552  
imprisonment and regardless of whether the victim or victim's 10553  
immediate family has requested that the notice described in this 10554  
paragraph be provided or not be provided to the victim or the 10555  
victim's immediate family, the department also shall provide 10556  
notice of that nature to the prosecuting attorney in the case 10557  
and the law enforcement agency that arrested the prisoner if any 10558  
officer of that agency was a victim of the offense. 10559

If the notice given under the preceding paragraph to the 10560  
victim or the victim's immediate family is based on an offense 10561  
committed prior to March 22, 2013, and if the department of 10562  
rehabilitation and correction has not previously successfully 10563  
provided any notice to the victim or the victim's immediate 10564  
family under division (B), (C), or (D) of section 2930.16 of the 10565  
Revised Code with respect to that offense and the offender who 10566  
committed it, the notice also shall inform the victim or the 10567  
victim's immediate family that the victim or the victim's 10568  
immediate family may request that the victim or the victim's 10569  
immediate family not be provided any further notices with 10570  
respect to that offense and the offender who committed it and 10571  
shall describe the procedure for making that request. The 10572  
department may give the notices to which the preceding paragraph 10573  
applies by any reasonable means, including regular mail, 10574  
telephone, and electronic mail. If the department attempts to 10575  
provide notice to any specified person under the preceding 10576  
paragraph but the attempt is unsuccessful because the department 10577  
is unable to locate the specified person, is unable to provide 10578  
the notice by its chosen method because it cannot determine the 10579

mailing address, electronic mail address, or telephone number at 10580  
which to provide the notice, or, if the notice is sent by mail, 10581  
the notice is returned, the department shall make another 10582  
attempt to provide the notice to the specified person. If the 10583  
second attempt is unsuccessful, the department shall make at 10584  
least one more attempt to provide the notice. If the notice is 10585  
based on an offense committed prior to March 22, 2013, in each 10586  
attempt to provide the notice to the victim or victim's 10587  
immediate family, the notice shall include the opt-out 10588  
information described in this paragraph. The department, in the 10589  
manner described in division (D) (2) of section 2930.16 of the 10590  
Revised Code, shall keep a record of all attempts to provide the 10591  
notice, and of all notices provided, under this paragraph and 10592  
the preceding paragraph. The record shall be considered as if it 10593  
was kept under division (D) (2) of section 2930.16 of the Revised 10594  
Code. This paragraph, the preceding paragraph, and the notice- 10595  
related provisions of divisions (E) (2) and (K) of section 10596  
2929.20, division (D) (1) of section 2930.16, division (H) of 10597  
section 2967.12, division (E) (1) (b) of section 2967.19, division 10598  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 10599  
5149.101 of the Revised Code enacted in the act in which this 10600  
paragraph and the preceding paragraph were enacted, shall be 10601  
known as "Roberta's Law." 10602

(2) If a prisoner who is placed on post-release control 10603  
under this section is released before the expiration of the 10604  
definite term that is the prisoner's stated prison term or the 10605  
expiration of the minimum term that is part of the prisoner's 10606  
indefinite prison term imposed under a non-life felony 10607  
indefinite prison term by reason of credit earned under section 10608  
2967.193 or a reduction under division (F) of section 2967.271 10609  
of the Revised Code and if the prisoner earned sixty or more 10610

days of credit, the adult parole authority shall supervise the 10611  
offender with an active global positioning system device for the 10612  
first fourteen days after the offender's release from 10613  
imprisonment. This division does not prohibit or limit the 10614  
imposition of any post-release control sanction otherwise 10615  
authorized by this section. 10616

(3) At any time after a prisoner is released from 10617  
imprisonment and during the period of post-release control 10618  
applicable to the releasee, the adult parole authority or, 10619  
pursuant to an agreement under section 2967.29 of the Revised 10620  
Code, the court may review the releasee's behavior under the 10621  
post-release control sanctions imposed upon the releasee under 10622  
this section. The authority or court may determine, based upon 10623  
the review and in accordance with the standards established 10624  
under division (E) of this section, that a more restrictive or a 10625  
less restrictive sanction is appropriate and may impose a 10626  
different sanction. The authority also may recommend that the 10627  
parole board or court increase or reduce the duration of the 10628  
period of post-release control imposed by the court. If the 10629  
authority recommends that the board or court increase the 10630  
duration of post-release control, the board or court shall 10631  
review the releasee's behavior and may increase the duration of 10632  
the period of post-release control imposed by the court up to 10633  
eight years. If the authority recommends that the board or court 10634  
reduce the duration of control for an offense described in 10635  
division (B) or (C) of this section, the board or court shall 10636  
review the releasee's behavior and, subject to divisions (D) (3) 10637  
(a) to (c) of this section, may reduce the duration of the 10638  
period of control imposed by the court or, if the period of 10639  
control was imposed for a non-life felony indefinite prison 10640  
term, reduce the duration of or terminate the period of control 10641

imposed by the court. In no case shall the board or court ~~reduce~~ 10642  
do any of the following: 10643

(a) Reduce the duration of the period of control imposed 10644  
for an offense described in division (B)(1) of this section to a 10645  
period less than the length of the ~~stated definite~~ prison term 10646  
included in the stated prison term originally imposed, and in no 10647  
case shall the board or court permit on the offender as part of 10648  
the sentence or, with respect to a stated non-life felony 10649  
indefinite prison term, to a period less than the length of the 10650  
minimum prison term imposed as part of that stated prison term; 10651

(b) Consider any reduction or termination of the duration 10652  
of the period of control imposed on a releasee prior to the 10653  
expiration of one year after the commencement of the period of 10654  
control, if the period of control was imposed for a non-life 10655  
felony indefinite prison term and the releasee's minimum prison 10656  
term or presumptive earned early release date under that term 10657  
was extended for any length of time under division (C) or (D) of 10658  
section 2967.271 of the Revised Code. 10659

(c) Permit the releasee to leave the state without 10660  
permission of the court or the releasee's parole or probation 10661  
officer. 10662

(4) The department of rehabilitation and correction shall 10663  
develop factors that the parole board or court shall consider in 10664  
determining under division (D)(3) of this section whether to 10665  
terminate the period of control imposed on a releasee for a non- 10666  
life felony indefinite prison term. 10667

(E) The department of rehabilitation and correction, in 10668  
accordance with Chapter 119. of the Revised Code, shall adopt 10669  
rules that do all of the following: 10670

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 10671  
10672  
10673  
10674  
10675

(2) Establish standards that provide for a period of post-release control of up to three years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 10676  
10677  
10678  
10679  
10680  
10681  
10682  
10683  
10684

(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction upon a releasee based on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions; 10685  
10686  
10687  
10688  
10689  
10690  
10691  
10692  
10693  
10694  
10695  
10696  
10697

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D) (2) of this section; 10698  
10699  
10700

(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following: 10701  
10702  
10703  
10704  
10705

(a) Classify violations according to the degree of seriousness; 10706  
10707

(b) Define the circumstances under which formal action by the parole board is warranted; 10708  
10709

(c) Govern the use of evidence at violation hearings; 10710

(d) Ensure procedural due process to an alleged violator; 10711

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations; 10712  
10713

(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. 10714  
10715

(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the 10716  
10717  
10718  
10719  
10720  
10721  
10722  
10723  
10724  
10725  
10726  
10727  
10728  
10729

officer of the authority who supervises the offender. The 10730  
authority's officers may treat the offender as if the offender 10731  
were on parole and in violation of the parole, and otherwise 10732  
shall comply with this section. 10733

(2) If the adult parole authority or, pursuant to an 10734  
agreement under section 2967.29 of the Revised Code, the court 10735  
determines that a releasee has violated a post-release control 10736  
sanction or any conditions described in division (A) of section 10737  
2967.131 of the Revised Code imposed upon the releasee and that 10738  
a more restrictive sanction is appropriate, the authority or 10739  
court may impose a more restrictive sanction upon the releasee, 10740  
in accordance with the standards established under division (E) 10741  
of this section or in accordance with the agreement made under 10742  
section 2967.29 of the Revised Code, or may report the violation 10743  
to the parole board for a hearing pursuant to division (F)(3) of 10744  
this section. The authority or court may not, pursuant to this 10745  
division, increase the duration of the releasee's post-release 10746  
control or impose as a post-release control sanction a 10747  
residential sanction that includes a prison term, but the 10748  
authority or court may impose on the releasee any other 10749  
residential sanction, nonresidential sanction, or financial 10750  
sanction that the sentencing court was authorized to impose 10751  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 10752  
Revised Code. 10753

(3) The parole board or, pursuant to an agreement under 10754  
section 2967.29 of the Revised Code, the court may hold a 10755  
hearing on any alleged violation by a releasee of a post-release 10756  
control sanction or any conditions described in division (A) of 10757  
section 2967.131 of the Revised Code that are imposed upon the 10758  
releasee. If after the hearing the board or court finds that the 10759  
releasee violated the sanction or condition, the board or court 10760

may increase the duration of the releasee's post-release control 10761  
up to the maximum duration authorized by division (B) or (C) of 10762  
this section or impose a more restrictive post-release control 10763  
sanction. If a releasee was acting pursuant to division (B) (2) 10764  
(b) of section 2925.11 of the Revised Code and in so doing 10765  
violated the conditions of a post-release control sanction based 10766  
on a minor drug possession offense as defined in that section, 10767  
the board or the court may consider the releasee's conduct in 10768  
seeking or obtaining medical assistance for another in good 10769  
faith or for self or may consider the releasee being the subject 10770  
of another person seeking or obtaining medical assistance in 10771  
accordance with that division as a mitigating factor before 10772  
imposing any of the penalties described in this division. When 10773  
appropriate, the board or court may impose as a post-release 10774  
control sanction a residential sanction that includes a prison 10775  
term. The board or court shall consider a prison term as a post- 10776  
release control sanction imposed for a violation of post-release 10777  
control when the violation involves a deadly weapon or dangerous 10778  
ordnance, physical harm or attempted serious physical harm to a 10779  
person, or sexual misconduct, or when the releasee committed 10780  
repeated violations of post-release control sanctions. Unless a 10781  
releasee's stated prison term was reduced pursuant to section 10782  
5120.032 of the Revised Code, the period of a prison term that 10783  
is imposed as a post-release control sanction under this 10784  
division shall not exceed nine months, and the maximum 10785  
cumulative prison term for all violations under this division 10786  
shall not exceed one-half of the ~~stated~~-definite prison term 10787  
that was the stated prison term originally imposed upon the 10788  
offender as part of this sentence or, with respect to a stated 10789  
non-life felony indefinite prison term, one-half of the minimum 10790  
prison term that was imposed as part of that stated prison term 10791  
originally imposed upon the offender. If a releasee's stated 10792

prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control.

If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control for a period of time determined by division (F) (4) (d) of this section, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board or court, plus one-half of the total stated prison term of the new felony.

(4) Any period of post-release control shall commence upon an offender's actual release from prison. If an offender is serving an indefinite prison term or a life sentence in addition to a stated prison term, the offender shall serve the period of post-release control in the following manner:

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final

release under section 2967.16 of the Revised Code until the 10823  
post-release control period otherwise would have ended. 10824

(b) If a period of post-release control is imposed upon 10825  
the offender and if the offender also is subject to a period of 10826  
parole under an indefinite sentence, and if the period of parole 10827  
ends prior to the period of post-release control, the offender 10828  
shall be supervised on post-release control. The requirements of 10829  
parole supervision shall be satisfied during the post-release 10830  
control period. 10831

(c) If an offender is subject to more than one period of 10832  
post-release control, the period of post-release control for all 10833  
of the sentences shall be the period of post-release control 10834  
that expires last, as determined by the parole board or court. 10835  
Periods of post-release control shall be served concurrently and 10836  
shall not be imposed consecutively to each other. 10837

(d) The period of post-release control for a releasee who 10838  
commits a felony while under post-release control for an earlier 10839  
felony shall be the longer of the period of post-release control 10840  
specified for the new felony under division (B) or (C) of this 10841  
section or the time remaining under the period of post-release 10842  
control imposed for the earlier felony as determined by the 10843  
parole board or court. 10844

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 10845  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 10846  
another section of the Revised Code, other than divisions (B) 10847  
and (C) of section 2929.14 of the Revised Code, that authorizes 10848  
or requires a specified prison term or a mandatory prison term 10849  
for a person who is convicted of or pleads guilty to a felony or 10850  
that specifies the manner and place of service of a prison term 10851  
or term of imprisonment, the court shall impose a sentence upon 10852

a person who is convicted of or pleads guilty to a violent sex offense and who 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, and upon a person who 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 were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A) (1) (b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated

murder or murder for which a term of life imprisonment may be 10884  
imposed, it shall impose upon the offender a term of life 10885  
imprisonment without parole. 10886

(3) (a) Except as otherwise provided in division (A) (3) (b), 10887  
(c), (d), or (e) or (A) (4) of this section, if the offense for 10888  
which the sentence is being imposed is an offense other than 10889  
aggravated murder, murder, or rape and other than an offense for 10890  
which a term of life imprisonment may be imposed, it shall 10891  
impose an indefinite prison term consisting of a minimum term 10892  
fixed by the court ~~from among the range of terms available as a~~ 10893  
~~definite term for the offense as described in this division,~~ but 10894  
not less than two years, and a maximum term of life 10895  
imprisonment. Except as otherwise specified in this division, 10896  
the minimum term shall be fixed by the court from among the 10897  
range of terms available as a definite term for the offense. If 10898  
the offense is a felony of the first or second degree committed 10899  
on or after the effective date of this amendment or a felony of 10900  
the third degree that is described in division (A) (3) (a) of 10901  
section 2929.14 of the Revised Code and committed on or after 10902  
that effective date, the minimum term shall be fixed by the 10903  
court from among the range of terms available as a minimum term 10904  
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 10905  
of that section. 10906

(b) Except as otherwise provided in division (A) (4) of 10907  
this section, if the offense for which the sentence is being 10908  
imposed is kidnapping that is a felony of the first degree, it 10909  
shall impose an indefinite prison term as follows: 10910

(i) If the kidnapping is committed on or after January 1, 10911  
2008, and the victim of the offense is less than thirteen years 10912  
of age, except as otherwise provided in this division, it shall 10913

impose an indefinite prison term consisting of a minimum term of 10914  
fifteen years and a maximum term of life imprisonment. If the 10915  
kidnapping is committed on or after January 1, 2008, the victim 10916  
of the offense is less than thirteen years of age, and the 10917  
offender released the victim in a safe place unharmed, it shall 10918  
impose an indefinite prison term consisting of a minimum term of 10919  
ten years and a maximum term of life imprisonment. 10920

(ii) If the kidnapping is committed prior to January 1, 10921  
2008, or division (A) (3) (b) (i) of this section does not apply, 10922  
it shall impose an indefinite term consisting of a minimum term 10923  
fixed by the court that is not less than ten years and a maximum 10924  
term of life imprisonment. 10925

(c) Except as otherwise provided in division (A) (4) of 10926  
this section, if the offense for which the sentence is being 10927  
imposed is kidnapping that is a felony of the second degree, it 10928  
shall impose an indefinite prison term consisting of a minimum 10929  
term fixed by the court that is not less than eight years, and a 10930  
maximum term of life imprisonment. 10931

(d) Except as otherwise provided in division (A) (4) of 10932  
this section, if the offense for which the sentence is being 10933  
imposed is rape for which a term of life imprisonment is not 10934  
imposed under division (A) (2) of this section or division (B) of 10935  
section 2907.02 of the Revised Code, it shall impose an 10936  
indefinite prison term as follows: 10937

(i) If the rape is committed on or after January 2, 2007, 10938  
in violation of division (A) (1) (b) of section 2907.02 of the 10939  
Revised Code, it shall impose an indefinite prison term 10940  
consisting of a minimum term of twenty-five years and a maximum 10941  
term of life imprisonment. 10942

(ii) If the rape is committed prior to January 2, 2007, or 10943  
the rape is committed on or after January 2, 2007, other than in 10944  
violation of division (A) (1) (b) of section 2907.02 of the 10945  
Revised Code, it shall impose an indefinite prison term 10946  
consisting of a minimum term fixed by the court that is not less 10947  
than ten years, and a maximum term of life imprisonment. 10948

(e) Except as otherwise provided in division (A) (4) of 10949  
this section, if the offense for which sentence is being imposed 10950  
is attempted rape, it shall impose an indefinite prison term as 10951  
follows: 10952

(i) Except as otherwise provided in division (A) (3) (e) 10953  
(ii), (iii), or (iv) of this section, it shall impose an 10954  
indefinite prison term pursuant to division (A) (3) (a) of this 10955  
section. 10956

(ii) If the attempted rape for which sentence is being 10957  
imposed was committed on or after January 2, 2007, and if the 10958  
offender also is convicted of or pleads guilty to a 10959  
specification of the type described in section 2941.1418 of the 10960  
Revised Code, it shall impose an indefinite prison term 10961  
consisting of a minimum term of five years and a maximum term of 10962  
twenty-five years. 10963

(iii) If the attempted rape for which sentence is being 10964  
imposed was committed on or after January 2, 2007, and if the 10965  
offender also is convicted of or pleads guilty to a 10966  
specification of the type described in section 2941.1419 of the 10967  
Revised Code, it shall impose an indefinite prison term 10968  
consisting of a minimum term of ten years and a maximum of life 10969  
imprisonment. 10970

(iv) If the attempted rape for which sentence is being 10971

imposed was committed on or after January 2, 2007, and if the 10972  
offender also is convicted of or pleads guilty to a 10973  
specification of the type described in section 2941.1420 of the 10974  
Revised Code, it shall impose an indefinite prison term 10975  
consisting of a minimum term of fifteen years and a maximum of 10976  
life imprisonment. 10977

(4) For any offense for which the sentence is being 10978  
imposed, if the offender previously has been convicted of or 10979  
pleaded guilty to a violent sex offense and also to a sexually 10980  
violent predator specification that was included in the 10981  
indictment, count in the indictment, or information charging 10982  
that offense, or previously has been convicted of or pleaded 10983  
guilty to a designated homicide, assault, or kidnapping offense 10984  
and also to both a sexual motivation specification and a 10985  
sexually violent predator specification that were included in 10986  
the indictment, count in the indictment, or information charging 10987  
that offense, it shall impose upon the offender a term of life 10988  
imprisonment without parole. 10989

(B) (1) Notwithstanding section 2929.13, division (A) or 10990  
(D) of section 2929.14, or another section of the Revised Code 10991  
other than division (B) of section 2907.02 or divisions (B) and 10992  
(C) of section 2929.14 of the Revised Code that authorizes or 10993  
requires a specified prison term or a mandatory prison term for 10994  
a person who is convicted of or pleads guilty to a felony or 10995  
that specifies the manner and place of service of a prison term 10996  
or term of imprisonment, if a person is convicted of or pleads 10997  
guilty to a violation of division (A) (1) (b) of section 2907.02 10998  
of the Revised Code committed on or after January 2, 2007, if 10999  
division (A) of this section does not apply regarding the 11000  
person, and if the court does not impose a sentence of life 11001  
without parole when authorized pursuant to division (B) of 11002

section 2907.02 of the Revised Code, the court shall impose upon 11003  
the person an indefinite prison term consisting of one of the 11004  
following: 11005

(a) Except as otherwise required in division (B) (1) (b) or 11006  
(c) of this section, a minimum term of ten years and a maximum 11007  
term of life imprisonment. 11008

(b) If the victim was less than ten years of age, a 11009  
minimum term of fifteen years and a maximum of life 11010  
imprisonment. 11011

(c) If the offender purposely compels the victim to submit 11012  
by force or threat of force, or if the offender previously has 11013  
been convicted of or pleaded guilty to violating division (A) (1) 11014  
(b) of section 2907.02 of the Revised Code or to violating an 11015  
existing or former law of this state, another state, or the 11016  
United States that is substantially similar to division (A) (1) 11017  
(b) of that section, or if the offender during or immediately 11018  
after the commission of the offense caused serious physical harm 11019  
to the victim, a minimum term of twenty-five years and a maximum 11020  
of life imprisonment. 11021

(2) Notwithstanding section 2929.13, division (A) or (D) 11022  
of section 2929.14, or another section of the Revised Code other 11023  
than divisions (B) and (C) of section 2929.14 of the Revised 11024  
Code that authorizes or requires a specified prison term or a 11025  
mandatory prison term for a person who is convicted of or pleads 11026  
guilty to a felony or that specifies the manner and place of 11027  
service of a prison term or term of imprisonment and except as 11028  
otherwise provided in division (B) of section 2907.02 of the 11029  
Revised Code, if a person is convicted of or pleads guilty to 11030  
attempted rape committed on or after January 2, 2007, and if 11031  
division (A) of this section does not apply regarding the 11032

person, the court shall impose upon the person an indefinite 11033  
prison term consisting of one of the following: 11034

(a) If the person also is convicted of or pleads guilty to 11035  
a specification of the type described in section 2941.1418 of 11036  
the Revised Code, the court shall impose upon the person an 11037  
indefinite prison term consisting of a minimum term of five 11038  
years and a maximum term of twenty-five years. 11039

(b) If the person also is convicted of or pleads guilty to 11040  
a specification of the type described in section 2941.1419 of 11041  
the Revised Code, the court shall impose upon the person an 11042  
indefinite prison term consisting of a minimum term of ten years 11043  
and a maximum term of life imprisonment. 11044

(c) If the person also is convicted of or pleads guilty to 11045  
a specification of the type described in section 2941.1420 of 11046  
the Revised Code, the court shall impose upon the person an 11047  
indefinite prison term consisting of a minimum term of fifteen 11048  
years and a maximum term of life imprisonment. 11049

(3) Notwithstanding section 2929.13, division (A) or (D) 11050  
of section 2929.14, or another section of the Revised Code other 11051  
than divisions (B) and (C) of section 2929.14 of the Revised 11052  
Code that authorizes or requires a specified prison term or a 11053  
mandatory prison term for a person who is convicted of or pleads 11054  
guilty to a felony or that specifies the manner and place of 11055  
service of a prison term or term of imprisonment, if a person is 11056  
convicted of or pleads guilty to an offense described in 11057  
division (B) (3) (a), (b), (c), or (d) of this section committed 11058  
on or after January 1, 2008, if the person also is convicted of 11059  
or pleads guilty to a sexual motivation specification that was 11060  
included in the indictment, count in the indictment, or 11061  
information charging that offense, and if division (A) of this 11062

section does not apply regarding the person, the court shall 11063  
impose upon the person an indefinite prison term consisting of 11064  
one of the following: 11065

(a) An indefinite prison term consisting of a minimum of 11066  
ten years and a maximum term of life imprisonment if the offense 11067  
for which the sentence is being imposed is kidnapping, the 11068  
victim of the offense is less than thirteen years of age, and 11069  
the offender released the victim in a safe place unharmed; 11070

(b) An indefinite prison term consisting of a minimum of 11071  
fifteen years and a maximum term of life imprisonment if the 11072  
offense for which the sentence is being imposed is kidnapping 11073  
when the victim of the offense is less than thirteen years of 11074  
age and division (B) (3) (a) of this section does not apply; 11075

(c) An indefinite term consisting of a minimum of thirty 11076  
years and a maximum term of life imprisonment if the offense for 11077  
which the sentence is being imposed is aggravated murder, when 11078  
the victim of the offense is less than thirteen years of age, a 11079  
sentence of death or life imprisonment without parole is not 11080  
imposed for the offense, and division (A) (2) (b) (ii) of section 11081  
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 11082  
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 11083  
division (A) or (B) of section 2929.06 of the Revised Code 11084  
requires that the sentence for the offense be imposed pursuant 11085  
to this division; 11086

(d) An indefinite prison term consisting of a minimum of 11087  
thirty years and a maximum term of life imprisonment if the 11088  
offense for which the sentence is being imposed is murder when 11089  
the victim of the offense is less than thirteen years of age. 11090

(C) (1) If the offender is sentenced to a prison term 11091

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.

(2) Except as provided in division (C) (3) of this section, an offender sentenced to a prison term or term of life imprisonment without parole pursuant to division (A) of this section shall serve the entire prison term or term of life imprisonment in a state correctional institution. The offender is not eligible for judicial release under section 2929.20 of the Revised Code.

(3) For a prison term imposed 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 court, in accordance with section 2971.05 of the Revised Code, may terminate the prison term or modify the requirement that the offender serve the entire term in a state correctional institution if all of the following apply:

(a) The offender has served at least the minimum term imposed as part of that prison term.

(b) The parole board, pursuant to section 2971.04 of the Revised Code, has terminated its control over the offender's service of that prison term.

(c) The court has held a hearing and found, by clear and convincing evidence, one of the following:

(i) In the case of termination of the prison term, that the offender is unlikely to commit a sexually violent offense in

the future; 11121

(ii) In the case of modification of the requirement, that 11122  
the offender does not represent a substantial risk of physical 11123  
harm to others. 11124

(4) An offender who has been sentenced to a term of life 11125  
imprisonment without parole pursuant to division (A)(1), (2), or 11126  
(4) of this section shall not be released from the term of life 11127  
imprisonment or be permitted to serve a portion of it in a place 11128  
other than a state correctional institution. 11129

(D) If a court sentences an offender to a prison term or 11130  
term of life imprisonment without parole pursuant to division 11131  
(A) of this section and the court also imposes on the offender 11132  
one or more additional prison terms pursuant to division (B) of 11133  
section 2929.14 of the Revised Code, all of the additional 11134  
prison terms shall be served consecutively with, and prior to, 11135  
the prison term or term of life imprisonment without parole 11136  
imposed upon the offender pursuant to division (A) of this 11137  
section. 11138

(E) If the offender is convicted of or pleads guilty to 11139  
two or more offenses for which a prison term or term of life 11140  
imprisonment without parole is required to be imposed pursuant 11141  
to division (A) of this section, divisions (A) to (D) of this 11142  
section shall be applied for each offense. All minimum terms 11143  
imposed upon the offender pursuant to division (A)(3) or (B) of 11144  
this section for those offenses shall be aggregated and served 11145  
consecutively, as if they were a single minimum term imposed 11146  
under that division. 11147

(F)(1) If an offender is convicted of or pleads guilty to 11148  
a violent sex offense and also is convicted of or pleads guilty 11149

to a sexually violent predator specification that was included 11150  
in the indictment, count in the indictment, or information 11151  
charging that offense, or is convicted of or pleads guilty to a 11152  
designated homicide, assault, or kidnapping offense and also is 11153  
convicted of or pleads guilty to both a sexual motivation 11154  
specification and a sexually violent predator specification that 11155  
were included in the indictment, count in the indictment, or 11156  
information charging that offense, the conviction of or plea of 11157  
guilty to the offense and the sexually violent predator 11158  
specification automatically classifies the offender as a tier 11159  
III sex offender/child-victim offender for purposes of Chapter 11160  
2950. of the Revised Code. 11161

(2) If an offender is convicted of or pleads guilty to 11162  
committing on or after January 2, 2007, a violation of division 11163  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 11164  
offender is sentenced under section 2971.03 of the Revised Code 11165  
or a sentence of life without parole is imposed under division 11166  
(B) of section 2907.02 of the Revised Code, the conviction of or 11167  
plea of guilty to the offense automatically classifies the 11168  
offender as a tier III sex offender/child-victim offender for 11169  
purposes of Chapter 2950. of the Revised Code. 11170

(3) If a person is convicted of or pleads guilty to 11171  
committing on or after January 2, 2007, attempted rape and also 11172  
is convicted of or pleads guilty to a specification of the type 11173  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 11174  
Revised Code, the conviction of or plea of guilty to the offense 11175  
and the specification automatically classify the offender as a 11176  
tier III sex offender/child-victim offender for purposes of 11177  
Chapter 2950. of the Revised Code. 11178

(4) If a person is convicted of or pleads guilty to one of 11179

the offenses described in division (B) (3) (a), (b), (c), or (d) 11180  
of this section and a sexual motivation specification related to 11181  
the offense and the victim of the offense is less than thirteen 11182  
years of age, the conviction of or plea of guilty to the offense 11183  
automatically classifies the offender as a tier III sex 11184  
offender/child-victim offender for purposes of Chapter 2950. of 11185  
the Revised Code. 11186

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 11187  
3719.161 of the Revised Code is guilty of a felony of the fifth 11188  
degree. If the offender previously has been convicted of a 11189  
violation of section 3719.16 or 3719.161 of the Revised Code or 11190  
a drug abuse offense, a violation of section 3719.16 or 3719.161 11191  
of the Revised Code is a felony of the fourth degree. If the 11192  
violation involves the sale, offer to sell, or possession of a 11193  
schedule I or II controlled substance, with the exception of 11194  
marihuana, and if the offender, as a result of the violation, is 11195  
a major drug offender, division (D) of this section applies. 11196

(B) Whoever violates division (C) or (D) of section 11197  
3719.172 of the Revised Code is guilty of a felony of the fifth 11198  
degree. If the offender previously has been convicted of a 11199  
violation of division (C) or (D) of section 3719.172 of the 11200  
Revised Code or a drug abuse offense, a violation of division 11201  
(C) or (D) of section 3719.172 of the Revised Code is a felony 11202  
of the fourth degree. If the violation involves the sale, offer 11203  
to sell, or possession of a schedule I or II controlled 11204  
substance, with the exception of marihuana, and if the offender, 11205  
as a result of the violation, is a major drug offender, division 11206  
(D) of this section applies. 11207

(C) Whoever violates section 3719.07 or 3719.08 of the 11208  
Revised Code is guilty of a misdemeanor of the first degree. If 11209

the offender previously has been convicted of a violation of 11210  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 11211  
offense, a violation of section 3719.07 or 3719.08 of the 11212  
Revised Code is a felony of the fifth degree. If the violation 11213  
involves the sale, offer to sell, or possession of a schedule I 11214  
or II controlled substance, with the exception of marihuana, and 11215  
if the offender, as a result of the violation, is a major drug 11216  
offender, division (D) of this section applies. 11217

(D) (1) If an offender is convicted of or pleads guilty to 11218  
a felony violation of section 3719.07, 3719.08, 3719.16, or 11219  
3719.161 or of division (C) or (D) of section 3719.172 of the 11220  
Revised Code, if the violation involves the sale, offer to sell, 11221  
or possession of a schedule I or II controlled substance, with 11222  
the exception of marihuana, and if the court imposing sentence 11223  
upon the offender finds that the offender as a result of the 11224  
violation is a major drug offender and is guilty of a 11225  
specification of the type described in section 2941.1410 of the 11226  
Revised Code, the court, in lieu of the prison term authorized 11227  
or required by division (A), (B), or (C) of this section and 11228  
sections 2929.13 and 2929.14 of the Revised Code and in addition 11229  
to any other sanction imposed for the offense under sections 11230  
2929.11 to 2929.18 of the Revised Code, shall impose upon the 11231  
offender, in accordance with division (B) (3) ~~(a)~~ of section 11232  
2929.14 of the Revised Code, the mandatory prison term specified 11233  
in that division ~~and may impose an additional prison term under~~ 11234  
~~division (B) (3) (b) of that section.~~ 11235

(2) Notwithstanding any contrary provision of section 11236  
3719.21 of the Revised Code, the clerk of the court shall pay 11237  
any fine imposed for a felony violation of section 3719.07, 11238  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 11239  
section 3719.172 of the Revised Code pursuant to division (A) of 11240

section 2929.18 of the Revised Code in accordance with and 11241  
subject to the requirements of division (F) of section 2925.03 11242  
of the Revised Code. The agency that receives the fine shall use 11243  
the fine as specified in division (F) of section 2925.03 of the 11244  
Revised Code. 11245

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 11246  
3719.31 or division (B) of section 3719.172 of the Revised Code 11247  
is guilty of a misdemeanor of the third degree. If the offender 11248  
previously has been convicted of a violation of section 3719.05, 11249  
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 11250  
of the Revised Code or a drug abuse offense, a violation of 11251  
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 11252  
section 3719.172 of the Revised Code is a misdemeanor of the 11253  
first degree. 11254

(F) Whoever violates section 3719.30 of the Revised Code 11255  
is guilty of a misdemeanor of the fourth degree. If the offender 11256  
previously has been convicted of a violation of section 3719.30 11257  
of the Revised Code or a drug abuse offense, a violation of 11258  
section 3719.30 of the Revised Code is a misdemeanor of the 11259  
third degree. 11260

(G) Whoever violates section 3719.32 or 3719.33 of the 11261  
Revised Code is guilty of a minor misdemeanor. 11262

(H) Whoever violates division (K) (2) (b) of section 3719.44 11263  
of the Revised Code is guilty of a felony of the fifth degree. 11264

(I) Whoever violates division (K) (2) (c) of section 3719.44 11265  
of the Revised Code is guilty of a misdemeanor of the second 11266  
degree. 11267

(J) As used in this section, "major drug offender" has the 11268  
same meaning as in section 2929.01 of the Revised Code. 11269

**Sec. 5120.53.** (A) If a treaty between the United States 11270  
and a foreign country provides for the transfer or exchange, 11271  
from one of the signatory countries to the other signatory 11272  
country, of convicted offenders who are citizens or nationals of 11273  
the other signatory country, the governor, subject to and in 11274  
accordance with the terms of the treaty, may authorize the 11275  
director of rehabilitation and correction to allow the transfer 11276  
or exchange of convicted offenders and to take any action 11277  
necessary to initiate participation in the treaty. If the 11278  
governor grants the director the authority described in this 11279  
division, the director may take the necessary action to initiate 11280  
participation in the treaty and, subject to and in accordance 11281  
with division (B) of this section and the terms of the treaty, 11282  
may allow the transfer or exchange to a foreign country that has 11283  
signed the treaty of any convicted offender who is a citizen or 11284  
national of that signatory country. 11285

(B) (1) No convicted offender who is serving a term of 11286  
imprisonment in this state for aggravated murder, murder, or a 11287  
felony of the first or second degree, who is serving a mandatory 11288  
prison term imposed under section 2925.03 or 2925.11 of the 11289  
Revised Code in circumstances in which the court was required to 11290  
impose as the mandatory prison term the maximum definite prison 11291  
term or longest minimum prison term authorized for the degree of 11292  
offense committed, who is serving a term of imprisonment in this 11293  
state imposed for an offense committed prior to ~~the effective~~ 11294  
~~date of this amendment~~ July 1, 1996, that was an aggravated 11295  
felony of the first or second degree or that was aggravated 11296  
trafficking in violation of division (A) (9) or (10) of section 11297  
2925.03 of the Revised Code, or who has been sentenced to death 11298  
in this state shall be transferred or exchanged to another 11299  
country pursuant to a treaty of the type described in division 11300

(A) of this section. 11301

(2) If a convicted offender is serving a term of 11302  
imprisonment in this state and the offender is a citizen or 11303  
national of a foreign country that has signed a treaty of the 11304  
type described in division (A) of this section, if the governor 11305  
has granted the director of rehabilitation and correction the 11306  
authority described in that division, and if the transfer or 11307  
exchange of the offender is not barred by division (B) (1) of 11308  
this section, the director or the director's designee may 11309  
approve the offender for transfer or exchange pursuant to the 11310  
treaty if the director or the designee, after consideration of 11311  
the factors set forth in the rules adopted by the department 11312  
under division (D) of this section and all other relevant 11313  
factors, determines that the transfer or exchange of the 11314  
offender is appropriate. 11315

(C) Notwithstanding any provision of the Revised Code 11316  
regarding the parole eligibility of, or the duration or 11317  
calculation of a sentence of imprisonment imposed upon, an 11318  
offender, if a convicted offender is serving a term of 11319  
imprisonment in this state and the offender is a citizen or 11320  
national of a foreign country that has signed a treaty of the 11321  
type described in division (A) of this section, if the offender 11322  
is serving an indefinite term of imprisonment, if the offender 11323  
is barred from being transferred or exchanged pursuant to the 11324  
treaty due to the indefinite nature of the offender's term of 11325  
imprisonment, and if in accordance with division (B) (2) of this 11326  
section the director of rehabilitation and correction or the 11327  
director's designee approves the offender for transfer or 11328  
exchange pursuant to the treaty, the parole board, pursuant to 11329  
rules adopted by the director, shall set a date certain for the 11330  
release of the offender. To the extent possible, the date 11331

certain that is set shall be reasonably proportionate to the 11332  
indefinite term of imprisonment that the offender is serving. 11333  
The date certain that is set for the release of the offender 11334  
shall be considered only for purposes of facilitating the 11335  
international transfer or exchange of the offender, shall not be 11336  
viable or actionable for any other purpose, and shall not create 11337  
any expectation or guarantee of release. If an offender for whom 11338  
a date certain for release is set under this division is not 11339  
transferred to or exchanged with the foreign country pursuant to 11340  
the treaty, the date certain is null and void, and the 11341  
offender's release shall be determined pursuant to the laws and 11342  
rules of this state pertaining to parole eligibility and the 11343  
duration and calculation of an indefinite sentence of 11344  
imprisonment. 11345

(D) If the governor, pursuant to division (A) of this 11346  
section, authorizes the director of rehabilitation and 11347  
correction to allow any transfer or exchange of convicted 11348  
offenders as described in that division, the director shall 11349  
adopt rules under Chapter 119. of the Revised Code to implement 11350  
the provisions of this section. The rules shall include a rule 11351  
that requires the director or the director's designee, in 11352  
determining whether to approve a convicted offender who is 11353  
serving a term of imprisonment in this state for transfer or 11354  
exchange pursuant to a treaty of the type described in division 11355  
(A) of this section, to consider all of the following factors: 11356

(1) The nature of the offense for which the offender is 11357  
serving the term of imprisonment in this state; 11358

(2) The likelihood that, if the offender is transferred or 11359  
exchanged to a foreign country pursuant to the treaty, the 11360  
offender will serve a shorter period of time in imprisonment in 11361

the foreign country than the offender would serve if the 11362  
offender is not transferred or exchanged to the foreign country 11363  
pursuant to the treaty; 11364

(3) The likelihood that, if the offender is transferred or 11365  
exchanged to a foreign country pursuant to the treaty, the 11366  
offender will return or attempt to return to this state after 11367  
the offender has been released from imprisonment in the foreign 11368  
country; 11369

(4) The degree of any shock to the conscience of justice 11370  
and society that will be experienced in this state if the 11371  
offender is transferred or exchanged to a foreign country 11372  
pursuant to the treaty; 11373

(5) All other factors that the department determines are 11374  
relevant to the determination. 11375

**Sec. 5120.66.** (A) Within ninety days after November 23, 11376  
2005, but not before January 1, 2006, the department of 11377  
rehabilitation and correction shall establish and operate on the 11378  
internet a database that contains all of the following: 11379

(1) For each inmate in the custody of the department under 11380  
a sentence imposed for a conviction of or plea of guilty to any 11381  
offense, all of the following information: 11382

(a) The inmate's name; 11383

(b) For each offense for which the inmate was sentenced to 11384  
a prison term or term of imprisonment and is in the department's 11385  
custody, the name of the offense, the Revised Code section of 11386  
which the offense is a violation, the gender of each victim of 11387  
the offense if those facts are known, whether each victim of the 11388  
offense was an adult or child if those facts are known, whether 11389  
any victim of the offense was a law enforcement officer if that 11390

fact is known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and ~~either the~~ whichever of the following is applicable:

(i) The date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term ~~or the~~ with parole eligibility;

(ii) The date on which the term ends if the prison term is a definite term;

(iii) The date on which the inmate will be eligible for presumptive release under section 2967.271 of the Revised Code, if the inmate is serving a non-life felony indefinite prison term.

(c) All of the following information that is applicable regarding the inmate:

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of

section 2967.19 of the Revised Code, whichever is applicable, to 11420  
submit to the court a written statement regarding the possible 11421  
judicial release or release. The department also shall post 11422  
notice of the submission to a sentencing court of any 11423  
recommendation for early release of the inmate pursuant to 11424  
section 2967.19 of the Revised Code, as required by division (E) 11425  
of that section. 11426

(ii) If the inmate is serving a prison term pursuant to 11427  
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11428  
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11429  
Code, prior to the conduct of any hearing pursuant to section 11430  
2971.05 of the Revised Code to determine whether to modify the 11431  
requirement that the inmate serve the entire prison term in a 11432  
state correctional facility in accordance with division (C) of 11433  
that section, whether to continue, revise, or revoke any 11434  
existing modification of that requirement, or whether to 11435  
terminate the prison term in accordance with division (D) of 11436  
that section, notice of the fact that the inmate will be having 11437  
a hearing regarding those determinations and the date of the 11438  
hearing; 11439

(iii) At least sixty days before the adult parole 11440  
authority recommends a pardon or commutation of sentence for the 11441  
inmate ~~or~~, at least sixty days prior to a hearing before the 11442  
adult parole authority regarding a grant of parole to the inmate 11443  
in relation to any prison term or term of imprisonment the 11444  
inmate is serving for any offense, or at least sixty days prior 11445  
to a hearing before the department regarding a determination of 11446  
whether the inmate must be released under division (C) or (D) (2) 11447  
of section 2967.271 of the Revised Code if the inmate is serving 11448  
a non-life felony indefinite prison term, notice of the fact 11449  
that the inmate might be under consideration for a pardon or 11450

commutation of sentence or will be having a hearing regarding a 11451  
possible grant of parole or release, the date of any hearing 11452  
regarding a possible grant of parole or release, and the right 11453  
of any person to submit a written statement regarding the 11454  
pending action; 11455

(iv) At least sixty days before the inmate is transferred 11456  
to transitional control under section 2967.26 of the Revised 11457  
Code in relation to any prison term or term of imprisonment the 11458  
inmate is serving for any offense, notice of the pendency of the 11459  
transfer, the date of the possible transfer, and the right of 11460  
any person to submit a statement regarding the possible 11461  
transfer; 11462

(v) Prompt notice of the inmate's escape from any facility 11463  
in which the inmate was incarcerated and of the capture of the 11464  
inmate after an escape; 11465

(vi) Notice of the inmate's death while in confinement; 11466

(vii) Prior to the release of the inmate from confinement, 11467  
notice of the fact that the inmate will be released, of the date 11468  
of the release, and, if applicable, of the standard terms and 11469  
conditions of the release; 11470

(viii) Notice of the inmate's judicial release pursuant to 11471  
section 2929.20 of the Revised Code or release pursuant to 11472  
section 2967.19 of the Revised Code. 11473

(2) Information as to where a person can send written 11474  
statements of the types referred to in divisions (A) (1) (c) (i), 11475  
(iii), and (iv) of this section. 11476

(B) (1) The department shall update the database required 11477  
under division (A) of this section every twenty-four hours to 11478  
ensure that the information it contains is accurate and current. 11479

(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department.

(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division.

(4) No information included on the database required under division (A) of this section shall identify or enable the identification of any victim of any offense committed by an inmate.

(C) The failure of the department to comply with the requirements of division (A) or (B) of this section does not give any rights or any grounds for appeal or post-conviction relief to any inmate.

(D) This section, and the related provisions of sections 2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted in the act in which this section was enacted, shall be known as "Laura's Law."

(E) As used in this section, "non-life felony indefinite prison term" has the same meaning as in section 2929.01 of the Revised Code.

**Section 2.** That existing 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, 2925.05, 11509  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 11510  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 11511  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 11512  
2971.03, 3719.99, 5120.53, and 5120.66 of the Revised Code are 11513  
hereby repealed. 11514

**Section 3.** The General Assembly, applying the principle 11515  
stated in division (B) of section 1.52 of the Revised Code that 11516  
amendments are to be harmonized if reasonably capable of 11517  
simultaneous operation, finds that the following sections, 11518  
presented in this act as composites of the sections as amended 11519  
by the acts indicated, are the resulting versions of the 11520  
sections in effect prior to the effective date of the sections 11521  
as presented in this act: 11522

Section 121.22 of the Revised Code as amended by both Sub. 11523  
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 11524

Section 2903.06 of the Revised Code as amended by both 11525  
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 11526

Section 2925.03 of the Revised Code as amended by Am. Sub. 11527  
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 11528  
Assembly. 11529

Section 2925.11 of the Revised Code as amended by Sub. 11530  
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 11531  
Assembly. 11532

Section 2929.19 of the Revised Code as amended by both Am. 11533  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 11534  
Assembly. 11535

Section 2953.08 of the Revised Code as amended by Sub. 11536  
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 11537

129th General Assembly.	11538
Section 2967.03 of the Revised Code as amended by Am. Sub.	11539
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the	11540
129th General Assembly.	11541
Section 2967.191 of the Revised Code as amended by both	11542
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General	11543
Assembly.	11544
Section 5120.66 of the Revised Code as amended by both Am.	11545
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General	11546
Assembly.	11547