

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**S. B. No. 66**

**Senators Eklund, Tavares**

**Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams**

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**A BILL**

To amend sections 2929.11, 2929.13, 2929.15, 1  
2929.16, 2929.19, 2951.041, 2953.31, 2967.16, 2  
and 2967.28 of the Revised Code to modify 3  
criminal sentencing and corrections law by 4  
including rehabilitation as a purpose of felony 5  
sentencing, removing the one-year minimum for 6  
presumptive fourth or fifth degree felony 7  
community control sanctions, modifying sanctions 8  
for a violation of a community control 9  
condition, modifying the manner of calculating 10  
confinement credits, modifying eligibility 11  
criteria and procedures for granting 12  
intervention in lieu of conviction, making 13  
offenders convicted of certain multiple fourth 14  
or fifth degree felonies eligible for conviction 15  
record sealing, revising procedures for the 16  
Adult Parole Authority to grant a final release 17  
or terminate post-release control, and modifying 18  
the criteria for considering a prison term 19  
sanction for a post-release control violation. 20

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

**Section 1.** That sections 2929.11, 2929.13, 2929.15, 21  
2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2967.28 of the 22  
Revised Code be amended to read as follows: 23

**Sec. 2929.11.** (A) A court that sentences an offender for a 24  
felony shall be guided by the overriding purposes of felony 25  
sentencing. The overriding purposes of felony sentencing are to 26  
protect the public from future crime by the offender and others, 27  
to rehabilitate the offender, and to punish the offender using 28  
the minimum sanctions that the court determines accomplish those 29  
purposes without imposing an unnecessary burden on state or 30  
local government resources. To achieve those purposes, the 31  
sentencing court shall consider the need for incapacitating the 32  
offender, deterring the offender and others from future crime, 33  
rehabilitating the offender, and making restitution to the 34  
victim of the offense, the public, or both. 35

(B) A sentence imposed for a felony shall be reasonably 36  
calculated to achieve the ~~two~~three overriding purposes of 37  
felony sentencing set forth in division (A) of this section, 38  
commensurate with and not demeaning to the seriousness of the 39  
offender's conduct and its impact upon the victim, and 40  
consistent with sentences imposed for similar crimes committed 41  
by similar offenders. 42

(C) A court that imposes a sentence upon an offender for a 43  
felony shall not base the sentence upon the race, ethnic 44  
background, gender, or religion of the offender. 45

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 46  
or (G) of this section and unless a specific sanction is 47  
required to be imposed or is precluded from being imposed 48  
pursuant to law, a court that imposes a sentence upon an 49  
offender for a felony may impose any sanction or combination of 50

sanctions on the offender that are provided in sections 2929.14 51  
to 2929.18 of the Revised Code. 52

If the offender is eligible to be sentenced to community 53  
control sanctions, the court shall consider the appropriateness 54  
of imposing a financial sanction pursuant to section 2929.18 of 55  
the Revised Code or a sanction of community service pursuant to 56  
section 2929.17 of the Revised Code as the sole sanction for the 57  
offense. Except as otherwise provided in this division, if the 58  
court is required to impose a mandatory prison term for the 59  
offense for which sentence is being imposed, the court also 60  
shall impose any financial sanction pursuant to section 2929.18 61  
of the Revised Code that is required for the offense and may 62  
impose any other financial sanction pursuant to that section but 63  
may not impose any additional sanction or combination of 64  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 65

If the offender is being sentenced for a fourth degree 66  
felony OVI offense or for a third degree felony OVI offense, in 67  
addition to the mandatory term of local incarceration or the 68  
mandatory prison term required for the offense by division (G) 69  
(1) or (2) of this section, the court shall impose upon the 70  
offender a mandatory fine in accordance with division (B) (3) of 71  
section 2929.18 of the Revised Code and may impose whichever of 72  
the following is applicable: 73

(1) For a fourth degree felony OVI offense for which 74  
sentence is imposed under division (G) (1) of this section, an 75  
additional community control sanction or combination of 76  
community control sanctions under section 2929.16 or 2929.17 of 77  
the Revised Code. If the court imposes upon the offender a 78  
community control sanction and the offender violates any 79  
condition of the community control sanction, the court may take 80

any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which sentence is imposed under division (G)(2) of this section, an additional prison term as described in division (B)(4) of section 2929.14 of the Revised Code or a community control sanction as described in division (G)(2) of this section.

(B)(1)(a) Except as provided in division (B)(1)(b) of this section, if an offender is convicted of or pleads guilty to a felony of the fourth or fifth degree that is not an offense of violence or that is a qualifying assault offense, the court shall sentence the offender to a community control sanction ~~of at least one year's duration or combination of community control sanctions~~ if all of the following apply:

(i) The offender previously has not been convicted of or pleaded guilty to a felony offense.

(ii) The most serious charge against the offender at the time of sentencing is a felony of the fourth or fifth degree.

(iii) If the court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, the department, within the forty-five-day period specified in that division, provided the court with the names of, contact information for, and program details of one or more community control sanctions of at least one year's duration that are available for persons sentenced by the court.

(iv) The offender previously has not been convicted of or pleaded guilty to a misdemeanor offense of violence that the offender committed within two years prior to the offense for

which sentence is being imposed. 110

(b) The court has discretion to impose a prison term upon 111  
an offender who is convicted of or pleads guilty to a felony of 112  
the fourth or fifth degree that is not an offense of violence or 113  
that is a qualifying assault offense if any of the following 114  
apply: 115

(i) The offender committed the offense while having a 116  
firearm on or about the offender's person or under the 117  
offender's control. 118

(ii) If the offense is a qualifying assault offense, the 119  
offender caused serious physical harm to another person while 120  
committing the offense, and, if the offense is not a qualifying 121  
assault offense, the offender caused physical harm to another 122  
person while committing the offense. 123

(iii) The offender violated a term of the conditions of 124  
bond as set by the court. 125

(iv) The court made a request of the department of 126  
rehabilitation and correction pursuant to division (B)(1)(c) of 127  
this section, and the department, within the forty-five-day 128  
period specified in that division, did not provide the court 129  
with the name of, contact information for, and program details 130  
of any community control sanction of at least one year's 131  
duration that is available for persons sentenced by the court. 132

(v) The offense is a sex offense that is a fourth or fifth 133  
degree felony violation of any provision of Chapter 2907. of the 134  
Revised Code. 135

(vi) In committing the offense, the offender attempted to 136  
cause or made an actual threat of physical harm to a person with 137  
a deadly weapon. 138

(vii) In committing the offense, the offender attempted to 139  
cause or made an actual threat of physical harm to a person, and 140  
the offender previously was convicted of an offense that caused 141  
physical harm to a person. 142

(viii) The offender held a public office or position of 143  
trust, and the offense related to that office or position; the 144  
offender's position obliged the offender to prevent the offense 145  
or to bring those committing it to justice; or the offender's 146  
professional reputation or position facilitated the offense or 147  
was likely to influence the future conduct of others. 148

(ix) The offender committed the offense for hire or as 149  
part of an organized criminal activity. 150

(x) The offender at the time of the offense was serving, 151  
or the offender previously had served, a prison term. 152

(xi) The offender committed the offense while under a 153  
community control sanction, while on probation, or while 154  
released from custody on a bond or personal recognizance. 155

(c) If a court that is sentencing an offender who is 156  
convicted of or pleads guilty to a felony of the fourth or fifth 157  
degree that is not an offense of violence or that is a 158  
qualifying assault offense believes that no community control 159  
sanctions are available for its use that, if imposed on the 160  
offender, will adequately fulfill the overriding principles and 161  
purposes of sentencing, the court shall contact the department 162  
of rehabilitation and correction and ask the department to 163  
provide the court with the names of, contact information for, 164  
and program details of one or more community control sanctions 165  
of at least one year's duration that are available for persons 166  
sentenced by the court. Not later than forty-five days after 167

receipt of a request from a court under this division, the 168  
department shall provide the court with the names of, contact 169  
information for, and program details of one or more community 170  
control sanctions of at least one year's duration that are 171  
available for persons sentenced by the court, if any. Upon 172  
making a request under this division that relates to a 173  
particular offender, a court shall defer sentencing of that 174  
offender until it receives from the department the names of, 175  
contact information for, and program details of one or more 176  
community control sanctions of at least one year's duration that 177  
are available for persons sentenced by the court or for forty- 178  
five days, whichever is the earlier. 179

If the department provides the court with the names of, 180  
contact information for, and program details of one or more 181  
community control sanctions of at least one year's duration that 182  
are available for persons sentenced by the court within the 183  
forty-five-day period specified in this division, the court 184  
shall impose upon the offender a community control sanction 185  
under division (B) (1) (a) of this section, except that the court 186  
may impose a prison term under division (B) (1) (b) of this 187  
section if a factor described in division (B) (1) (b) (i) or (ii) 188  
of this section applies. If the department does not provide the 189  
court with the names of, contact information for, and program 190  
details of one or more community control sanctions of at least 191  
one year's duration that are available for persons sentenced by 192  
the court within the forty-five-day period specified in this 193  
division, the court may impose upon the offender a prison term 194  
under division (B) (1) (b) (iv) of this section. 195

(d) A sentencing court may impose an additional penalty 196  
under division (B) of section 2929.15 of the Revised Code upon 197  
an offender sentenced to a community control sanction under 198

division (B) (1) (a) of this section if the offender violates the 199  
conditions of the community control sanction, violates a law, or 200  
leaves the state without the permission of the court or the 201  
offender's probation officer. 202

(2) If division (B) (1) of this section does not apply, 203  
except as provided in division (E), (F), or (G) of this section, 204  
in determining whether to impose a prison term as a sanction for 205  
a felony of the fourth or fifth degree, the sentencing court 206  
shall comply with the purposes and principles of sentencing 207  
under section 2929.11 of the Revised Code and with section 208  
2929.12 of the Revised Code. 209

(C) Except as provided in division (D), (E), (F), or (G) 210  
of this section, in determining whether to impose a prison term 211  
as a sanction for a felony of the third degree or a felony drug 212  
offense that is a violation of a provision of Chapter 2925. of 213  
the Revised Code and that is specified as being subject to this 214  
division for purposes of sentencing, the sentencing court shall 215  
comply with the purposes and principles of sentencing under 216  
section 2929.11 of the Revised Code and with section 2929.12 of 217  
the Revised Code. 218

(D) (1) Except as provided in division (E) or (F) of this 219  
section, for a felony of the first or second degree, for a 220  
felony drug offense that is a violation of any provision of 221  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 222  
presumption in favor of a prison term is specified as being 223  
applicable, and for a violation of division (A) (4) or (B) of 224  
section 2907.05 of the Revised Code for which a presumption in 225  
favor of a prison term is specified as being applicable, it is 226  
presumed that a prison term is necessary in order to comply with 227  
the purposes and principles of sentencing under section 2929.11 228

of the Revised Code. Division (D) (2) of this section does not 229  
apply to a presumption established under this division for a 230  
violation of division (A) (4) of section 2907.05 of the Revised 231  
Code. 232

(2) Notwithstanding the presumption established under 233  
division (D) (1) of this section for the offenses listed in that 234  
division other than a violation of division (A) (4) or (B) of 235  
section 2907.05 of the Revised Code, the sentencing court may 236  
impose a community control sanction or a combination of 237  
community control sanctions instead of a prison term on an 238  
offender for a felony of the first or second degree or for a 239  
felony drug offense that is a violation of any provision of 240  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 241  
presumption in favor of a prison term is specified as being 242  
applicable if it makes both of the following findings: 243

(a) A community control sanction or a combination of 244  
community control sanctions would adequately punish the offender 245  
and protect the public from future crime, because the applicable 246  
factors under section 2929.12 of the Revised Code indicating a 247  
lesser likelihood of recidivism outweigh the applicable factors 248  
under that section indicating a greater likelihood of 249  
recidivism. 250

(b) A community control sanction or a combination of 251  
community control sanctions would not demean the seriousness of 252  
the offense, because one or more factors under section 2929.12 253  
of the Revised Code that indicate that the offender's conduct 254  
was less serious than conduct normally constituting the offense 255  
are applicable, and they outweigh the applicable factors under 256  
that section that indicate that the offender's conduct was more 257  
serious than conduct normally constituting the offense. 258

(E) (1) Except as provided in division (F) of this section, 259  
for any drug offense that is a violation of any provision of 260  
Chapter 2925. of the Revised Code and that is a felony of the 261  
third, fourth, or fifth degree, the applicability of a 262  
presumption under division (D) of this section in favor of a 263  
prison term or of division (B) or (C) of this section in 264  
determining whether to impose a prison term for the offense 265  
shall be determined as specified in section 2925.02, 2925.03, 266  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 267  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 268  
regarding the violation. 269

(2) If an offender who was convicted of or pleaded guilty 270  
to a felony violates the conditions of a community control 271  
sanction imposed for the offense solely by reason of producing 272  
positive results on a drug test or by acting pursuant to 273  
division (B) (2) (b) of section 2925.11 of the Revised Code with 274  
respect to a minor drug possession offense, the court, as 275  
punishment for the violation of the sanction, shall not order 276  
that the offender be imprisoned unless the court determines on 277  
the record either of the following: 278

(a) The offender had been ordered as a sanction for the 279  
felony to participate in a drug treatment program, in a drug 280  
education program, or in narcotics anonymous or a similar 281  
program, and the offender continued to use illegal drugs after a 282  
reasonable period of participation in the program. 283

(b) The imprisonment of the offender for the violation is 284  
consistent with the purposes and principles of sentencing set 285  
forth in section 2929.11 of the Revised Code. 286

(3) A court that sentences an offender for a drug abuse 287  
offense that is a felony of the third, fourth, or fifth degree 288

may require that the offender be assessed by a properly 289  
credentialed professional within a specified period of time. The 290  
court shall require the professional to file a written 291  
assessment of the offender with the court. If the offender is 292  
eligible for a community control sanction and after considering 293  
the written assessment, the court may impose a community control 294  
sanction that includes addiction services and recovery supports 295  
included in a community-based continuum of care established 296  
under section 340.032 of the Revised Code. If the court imposes 297  
addiction services and recovery supports as a community control 298  
sanction, the court shall direct the level and type of addiction 299  
services and recovery supports after considering the assessment 300  
and recommendation of community addiction services providers. 301

(F) Notwithstanding divisions (A) to (E) of this section, 302  
the court shall impose a prison term or terms under sections 303  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 304  
section 2971.03 of the Revised Code and except as specifically 305  
provided in section 2929.20, divisions (C) to (I) of section 306  
2967.19, or section 2967.191 of the Revised Code or when parole 307  
is authorized for the offense under section 2967.13 of the 308  
Revised Code shall not reduce the term or terms pursuant to 309  
section 2929.20, section 2967.19, section 2967.193, or any other 310  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 311  
for any of the following offenses: 312

(1) Aggravated murder when death is not imposed or murder; 313

(2) Any rape, regardless of whether force was involved and 314  
regardless of the age of the victim, or an attempt to commit 315  
rape if, had the offender completed the rape that was attempted, 316  
the offender would have been guilty of a violation of division 317  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 318

sentenced under section 2971.03 of the Revised Code;	319
(3) Gross sexual imposition or sexual battery, if the	320
victim is less than thirteen years of age and if any of the	321
following applies:	322
(a) Regarding gross sexual imposition, the offender	323
previously was convicted of or pleaded guilty to rape, the	324
former offense of felonious sexual penetration, gross sexual	325
imposition, or sexual battery, and the victim of the previous	326
offense was less than thirteen years of age;	327
(b) Regarding gross sexual imposition, the offense was	328
committed on or after August 3, 2006, and evidence other than	329
the testimony of the victim was admitted in the case	330
corroborating the violation.	331
(c) Regarding sexual battery, either of the following	332
applies:	333
(i) The offense was committed prior to August 3, 2006, the	334
offender previously was convicted of or pleaded guilty to rape,	335
the former offense of felonious sexual penetration, or sexual	336
battery, and the victim of the previous offense was less than	337
thirteen years of age.	338
(ii) The offense was committed on or after August 3, 2006.	339
(4) A felony violation of section 2903.04, 2903.06,	340
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321,	341
or 2923.132 of the Revised Code if the section requires the	342
imposition of a prison term;	343
(5) A first, second, or third degree felony drug offense	344
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,	345
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,	346

or 4729.99 of the Revised Code, whichever is applicable 347  
regarding the violation, requires the imposition of a mandatory 348  
prison term; 349

(6) Any offense that is a first or second degree felony 350  
and that is not set forth in division (F)(1), (2), (3), or (4) 351  
of this section, if the offender previously was convicted of or 352  
pleaded guilty to aggravated murder, murder, any first or second 353  
degree felony, or an offense under an existing or former law of 354  
this state, another state, or the United States that is or was 355  
substantially equivalent to one of those offenses; 356

(7) Any offense that is a third degree felony and either 357  
is a violation of section 2903.04 of the Revised Code or an 358  
attempt to commit a felony of the second degree that is an 359  
offense of violence and involved an attempt to cause serious 360  
physical harm to a person or that resulted in serious physical 361  
harm to a person if the offender previously was convicted of or 362  
pleaded guilty to any of the following offenses: 363

(a) Aggravated murder, murder, involuntary manslaughter, 364  
rape, felonious sexual penetration as it existed under section 365  
2907.12 of the Revised Code prior to September 3, 1996, a felony 366  
of the first or second degree that resulted in the death of a 367  
person or in physical harm to a person, or complicity in or an 368  
attempt to commit any of those offenses; 369

(b) An offense under an existing or former law of this 370  
state, another state, or the United States that is or was 371  
substantially equivalent to an offense listed in division (F)(7) 372  
(a) of this section that resulted in the death of a person or in 373  
physical harm to a person. 374

(8) Any offense, other than a violation of section 2923.12 375

of the Revised Code, that is a felony, if the offender had a 376  
firearm on or about the offender's person or under the 377  
offender's control while committing the felony, with respect to 378  
a portion of the sentence imposed pursuant to division (B) (1) (a) 379  
of section 2929.14 of the Revised Code for having the firearm; 380

(9) Any offense of violence that is a felony, if the 381  
offender wore or carried body armor while committing the felony 382  
offense of violence, with respect to the portion of the sentence 383  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 384  
Revised Code for wearing or carrying the body armor; 385

(10) Corrupt activity in violation of section 2923.32 of 386  
the Revised Code when the most serious offense in the pattern of 387  
corrupt activity that is the basis of the offense is a felony of 388  
the first degree; 389

(11) Any violent sex offense or designated homicide, 390  
assault, or kidnapping offense if, in relation to that offense, 391  
the offender is adjudicated a sexually violent predator; 392

(12) A violation of division (A) (1) or (2) of section 393  
2921.36 of the Revised Code, or a violation of division (C) of 394  
that section involving an item listed in division (A) (1) or (2) 395  
of that section, if the offender is an officer or employee of 396  
the department of rehabilitation and correction; 397

(13) A violation of division (A) (1) or (2) of section 398  
2903.06 of the Revised Code if the victim of the offense is a 399  
peace officer, as defined in section 2935.01 of the Revised 400  
Code, or an investigator of the bureau of criminal 401  
identification and investigation, as defined in section 2903.11 402  
of the Revised Code, with respect to the portion of the sentence 403  
imposed pursuant to division (B) (5) of section 2929.14 of the 404

Revised Code;	405
(14) A violation of division (A) (1) or (2) of section	406
2903.06 of the Revised Code if the offender has been convicted	407
of or pleaded guilty to three or more violations of division (A)	408
or (B) of section 4511.19 of the Revised Code or an equivalent	409
offense, as defined in section 2941.1415 of the Revised Code, or	410
three or more violations of any combination of those divisions	411
and offenses, with respect to the portion of the sentence	412
imposed pursuant to division (B) (6) of section 2929.14 of the	413
Revised Code;	414
(15) Kidnapping, in the circumstances specified in section	415
2971.03 of the Revised Code and when no other provision of	416
division (F) of this section applies;	417
(16) Kidnapping, abduction, compelling prostitution,	418
promoting prostitution, engaging in a pattern of corrupt	419
activity, illegal use of a minor in a nudity-oriented material	420
or performance in violation of division (A) (1) or (2) of section	421
2907.323 of the Revised Code, or endangering children in	422
violation of division (B) (1), (2), (3), (4), or (5) of section	423
2919.22 of the Revised Code, if the offender is convicted of or	424
pleads guilty to a specification as described in section	425
2941.1422 of the Revised Code that was included in the	426
indictment, count in the indictment, or information charging the	427
offense;	428
(17) A felony violation of division (A) or (B) of section	429
2919.25 of the Revised Code if division (D) (3), (4), or (5) of	430
that section, and division (D) (6) of that section, require the	431
imposition of a prison term;	432
(18) A felony violation of section 2903.11, 2903.12, or	433

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

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code.

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

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to

section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G) (1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A) (1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G) (1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G) (1) (d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or any other provision of the Revised Code. The offender shall serve the one-, two-, three-, four-, or five-year mandatory prison term consecutively to and prior to the prison term imposed for the underlying offense and consecutively to any other mandatory prison term imposed in relation to the

offense. In no case shall an offender who once has been 495  
sentenced to a mandatory term of local incarceration pursuant to 496  
division (G) (1) of this section for a fourth degree felony OVI 497  
offense be sentenced to another mandatory term of local 498  
incarceration under that division for any violation of division 499  
(A) of section 4511.19 of the Revised Code. In addition to the 500  
mandatory prison term described in division (G) (2) of this 501  
section, the court may sentence the offender to a community 502  
control sanction under section 2929.16 or 2929.17 of the Revised 503  
Code, but the offender shall serve the prison term prior to 504  
serving the community control sanction. The department of 505  
rehabilitation and correction may place an offender sentenced to 506  
a mandatory prison term under this division in an intensive 507  
program prison established pursuant to section 5120.033 of the 508  
Revised Code if the department gave the sentencing judge prior 509  
notice of its intent to place the offender in an intensive 510  
program prison established under that section and if the judge 511  
did not notify the department that the judge disapproved the 512  
placement. Upon the establishment of the initial intensive 513  
program prison pursuant to section 5120.033 of the Revised Code 514  
that is privately operated and managed by a contractor pursuant 515  
to a contract entered into under section 9.06 of the Revised 516  
Code, both of the following apply: 517

(a) The department of rehabilitation and correction shall 518  
make a reasonable effort to ensure that a sufficient number of 519  
offenders sentenced to a mandatory prison term under this 520  
division are placed in the privately operated and managed prison 521  
so that the privately operated and managed prison has full 522  
occupancy. 523

(b) Unless the privately operated and managed prison has 524  
full occupancy, the department of rehabilitation and correction 525

shall not place any offender sentenced to a mandatory prison 526  
term under this division in any intensive program prison 527  
established pursuant to section 5120.033 of the Revised Code 528  
other than the privately operated and managed prison. 529

(H) If an offender is being sentenced for a sexually 530  
oriented offense or child-victim oriented offense that is a 531  
felony committed on or after January 1, 1997, the judge shall 532  
require the offender to submit to a DNA specimen collection 533  
procedure pursuant to section 2901.07 of the Revised Code. 534

(I) If an offender is being sentenced for a sexually 535  
oriented offense or a child-victim oriented offense committed on 536  
or after January 1, 1997, the judge shall include in the 537  
sentence a summary of the offender's duties imposed under 538  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 539  
Code and the duration of the duties. The judge shall inform the 540  
offender, at the time of sentencing, of those duties and of 541  
their duration. If required under division (A) (2) of section 542  
2950.03 of the Revised Code, the judge shall perform the duties 543  
specified in that section, or, if required under division (A) (6) 544  
of section 2950.03 of the Revised Code, the judge shall perform 545  
the duties specified in that division. 546

(J) (1) Except as provided in division (J) (2) of this 547  
section, when considering sentencing factors under this section 548  
in relation to an offender who is convicted of or pleads guilty 549  
to an attempt to commit an offense in violation of section 550  
2923.02 of the Revised Code, the sentencing court shall consider 551  
the factors applicable to the felony category of the violation 552  
of section 2923.02 of the Revised Code instead of the factors 553  
applicable to the felony category of the offense attempted. 554

(2) When considering sentencing factors under this section 555

in relation to an offender who is convicted of or pleads guilty 556  
to an attempt to commit a drug abuse offense for which the 557  
penalty is determined by the amount or number of unit doses of 558  
the controlled substance involved in the drug abuse offense, the 559  
sentencing court shall consider the factors applicable to the 560  
felony category that the drug abuse offense attempted would be 561  
if that drug abuse offense had been committed and had involved 562  
an amount or number of unit doses of the controlled substance 563  
that is within the next lower range of controlled substance 564  
amounts than was involved in the attempt. 565

(K) As used in this section: 566

(1) "Community addiction services provider" has the same 567  
meaning as in section 5119.01 of the Revised Code. 568

(2) "Drug abuse offense" has the same meaning as in 569  
section 2925.01 of the Revised Code. 570

(3) "Minor drug possession offense" has the same meaning 571  
as in section 2925.11 of the Revised Code. 572

(4) "Qualifying assault offense" means a violation of 573  
section 2903.13 of the Revised Code for which the penalty 574  
provision in division (C) (8) (b) or (C) (9) (b) of that section 575  
applies. 576

(L) At the time of sentencing an offender for any sexually 577  
oriented offense, if the offender is a tier III sex 578  
offender/child-victim offender relative to that offense and the 579  
offender does not serve a prison term or jail term, the court 580  
may require that the offender be monitored by means of a global 581  
positioning device. If the court requires such monitoring, the 582  
cost of monitoring shall be borne by the offender. If the 583  
offender is indigent, the cost of compliance shall be paid by 584

the crime victims reparations fund. 585

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 586  
felony the court is not required to impose a prison term, a 587  
mandatory prison term, or a term of life imprisonment upon the 588  
offender, the court may directly impose a sentence that consists 589  
of one or more community control sanctions authorized pursuant 590  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 591  
the court is sentencing an offender for a fourth degree felony 592  
OVI offense under division (G) (1) of section 2929.13 of the 593  
Revised Code, in addition to the mandatory term of local 594  
incarceration imposed under that division and the mandatory fine 595  
required by division (B) (3) of section 2929.18 of the Revised 596  
Code, the court may impose upon the offender a community control 597  
sanction or combination of community control sanctions in 598  
accordance with sections 2929.16 and 2929.17 of the Revised 599  
Code. If the court is sentencing an offender for a third or 600  
fourth degree felony OVI offense under division (G) (2) of 601  
section 2929.13 of the Revised Code, in addition to the 602  
mandatory prison term or mandatory prison term and additional 603  
prison term imposed under that division, the court also may 604  
impose upon the offender a community control sanction or 605  
combination of community control sanctions under section 2929.16 606  
or 2929.17 of the Revised Code, but the offender shall serve all 607  
of the prison terms so imposed prior to serving the community 608  
control sanction. 609

The duration of all community control sanctions imposed 610  
upon an offender under this division shall not exceed five 611  
years. If the offender absconds or otherwise leaves the 612  
jurisdiction of the court in which the offender resides without 613  
obtaining permission from the court or the offender's probation 614  
officer to leave the jurisdiction of the court, or if the 615

offender is confined in any institution for the commission of 616  
any offense while under a community control sanction, the period 617  
of the community control sanction ceases to run until the 618  
offender is brought before the court for its further action. If 619  
the court sentences the offender to one or more nonresidential 620  
sanctions under section 2929.17 of the Revised Code, the court 621  
shall impose as a condition of the nonresidential sanctions 622  
that, during the period of the sanctions, the offender must 623  
abide by the law and must not leave the state without the 624  
permission of the court or the offender's probation officer. The 625  
court may impose any other conditions of release under a 626  
community control sanction that the court considers appropriate, 627  
including, but not limited to, requiring that the offender not 628  
ingest or be injected with a drug of abuse and submit to random 629  
drug testing as provided in division (D) of this section to 630  
determine whether the offender ingested or was injected with a 631  
drug of abuse and requiring that the results of the drug test 632  
indicate that the offender did not ingest or was not injected 633  
with a drug of abuse. 634

(2) (a) If a court sentences an offender to any community 635  
control sanction or combination of community control sanctions 636  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 637  
the Revised Code, the court shall place the offender under the 638  
general control and supervision of a department of probation in 639  
the county that serves the court for purposes of reporting to 640  
the court a violation of any condition of the sanctions, any 641  
condition of release under a community control sanction imposed 642  
by the court, a violation of law, or the departure of the 643  
offender from this state without the permission of the court or 644  
the offender's probation officer. Alternatively, if the offender 645  
resides in another county and a county department of probation 646

has been established in that county or that county is served by 647  
a multicounty probation department established under section 648  
2301.27 of the Revised Code, the court may request the court of 649  
common pleas of that county to receive the offender into the 650  
general control and supervision of that county or multicounty 651  
department of probation for purposes of reporting to the court a 652  
violation of any condition of the sanctions, any condition of 653  
release under a community control sanction imposed by the court, 654  
a violation of law, or the departure of the offender from this 655  
state without the permission of the court or the offender's 656  
probation officer, subject to the jurisdiction of the trial 657  
judge over and with respect to the person of the offender, and 658  
to the rules governing that department of probation. 659

If there is no department of probation in the county that 660  
serves the court, the court shall place the offender, regardless 661  
of the offender's county of residence, under the general control 662  
and supervision of the adult parole authority for purposes of 663  
reporting to the court a violation of any of the sanctions, any 664  
condition of release under a community control sanction imposed 665  
by the court, a violation of law, or the departure of the 666  
offender from this state without the permission of the court or 667  
the offender's probation officer. 668

(b) If the court imposing sentence upon an offender 669  
sentences the offender to any community control sanction or 670  
combination of community control sanctions authorized pursuant 671  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 672  
if the offender violates any condition of the sanctions, any 673  
condition of release under a community control sanction imposed 674  
by the court, violates any law, or departs the state without the 675  
permission of the court or the offender's probation officer, the 676  
public or private person or entity that operates or administers 677

the sanction or the program or activity that comprises the 678  
sanction shall report the violation or departure directly to the 679  
sentencing court, or shall report the violation or departure to 680  
the county or multicounty department of probation with general 681  
control and supervision over the offender under division (A)(2) 682  
(a) of this section or the officer of that department who 683  
supervises the offender, or, if there is no such department with 684  
general control and supervision over the offender under that 685  
division, to the adult parole authority. If the public or 686  
private person or entity that operates or administers the 687  
sanction or the program or activity that comprises the sanction 688  
reports the violation or departure to the county or multicounty 689  
department of probation or the adult parole authority, the 690  
department's or authority's officers may treat the offender as 691  
if the offender were on probation and in violation of the 692  
probation, and shall report the violation of the condition of 693  
the sanction, any condition of release under a community control 694  
sanction imposed by the court, the violation of law, or the 695  
departure from the state without the required permission to the 696  
sentencing court. 697

(3) If an offender who is eligible for community control 698  
sanctions under this section admits to being drug addicted or 699  
the court has reason to believe that the offender is drug 700  
addicted, and if the offense for which the offender is being 701  
sentenced was related to the addiction, the court may require 702  
that the offender be assessed by a properly credentialed 703  
professional within a specified period of time and shall require 704  
the professional to file a written assessment of the offender 705  
with the court. If a court imposes treatment and recovery 706  
support services as a community control sanction, the court 707  
shall direct the level and type of treatment and recovery 708

support services after consideration of the written assessment, 709  
if available at the time of sentencing, and recommendations of 710  
the professional and other treatment and recovery support 711  
services providers. 712

(4) If an assessment completed pursuant to division (A) (3) 713  
of this section indicates that the offender is addicted to drugs 714  
or alcohol, the court may include in any community control 715  
sanction imposed for a violation of section 2925.02, 2925.03, 716  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 717  
2925.36, or 2925.37 of the Revised Code a requirement that the 718  
offender participate in a treatment and recovery support 719  
services program certified under section 5119.36 of the Revised 720  
Code or offered by another properly credentialed community 721  
addiction services provider. 722

(B) (1) If the conditions of a community control sanction 723  
are violated or if the offender violates a law or leaves the 724  
state without the permission of the court or the offender's 725  
probation officer, the sentencing court may impose upon the 726  
violation one or more of the following penalties: 727

(a) A longer time under the same sanction if the total 728  
time under the sanctions does not exceed the five-year limit 729  
specified in division (A) of this section; 730

(b) A more restrictive sanction under section 2929.16, 731  
2929.17, or 2929.18 of the Revised Code, including but not 732  
limited to, a new term in a community-based correctional 733  
facility or jail pursuant to division (A) (6) of section 2929.16 734  
of the Revised Code; 735

(c) A prison term on the offender pursuant to section 736  
2929.14 of the Revised Code. 737

(2) If an offender was acting pursuant to division (B) (2) 738  
(b) of section 2925.11 of the Revised Code and in so doing 739  
violated the conditions of a community control sanction based on 740  
a minor drug possession offense, as defined in section 2925.11 741  
of the Revised Code, the sentencing court may consider the 742  
offender's conduct in seeking or obtaining medical assistance 743  
for another in good faith or for self or may consider the 744  
offender being the subject of another person seeking or 745  
obtaining medical assistance in accordance with that division as 746  
a mitigating factor before imposing any of the penalties 747  
described in division (B) (1) of this section. 748

(3) The prison term, if any, imposed upon a violator 749  
pursuant to this division shall be within the range of prison 750  
terms available for the offense for which the sanction that was 751  
violated was imposed and shall not exceed the prison term 752  
specified in the notice provided to the offender at the 753  
sentencing hearing pursuant to division (B) (2) of section 754  
2929.19 of the Revised Code. The court may reduce the longer 755  
period of time that the offender is required to spend under the 756  
longer sanction, the more restrictive sanction, or a prison term 757  
imposed pursuant to this division by the time the offender 758  
successfully spent under the sanction that was initially 759  
imposed. 760

(C) If an offender, for a significant period of time, 761  
fulfills the conditions of a sanction imposed pursuant to 762  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 763  
exemplary manner, the court may reduce the period of time under 764  
the sanction or impose a less restrictive sanction, but the 765  
court shall not permit the offender to violate any law or permit 766  
the offender to leave the state without the permission of the 767  
court or the offender's probation officer. 768

(D) (1) If a court under division (A) (1) of this section 769  
imposes a condition of release under a community control 770  
sanction that requires the offender to submit to random drug 771  
testing, the department of probation or the adult parole 772  
authority that has general control and supervision of the 773  
offender under division (A) (2) (a) of this section may cause the 774  
offender to submit to random drug testing performed by a 775  
laboratory or entity that has entered into a contract with any 776  
of the governmental entities or officers authorized to enter 777  
into a contract with that laboratory or entity under section 778  
341.26, 753.33, or 5120.63 of the Revised Code. 779

(2) If no laboratory or entity described in division (D) 780  
(1) of this section has entered into a contract as specified in 781  
that division, the department of probation or the adult parole 782  
authority that has general control and supervision of the 783  
offender under division (A) (2) (a) of this section shall cause 784  
the offender to submit to random drug testing performed by a 785  
reputable public laboratory to determine whether the individual 786  
who is the subject of the drug test ingested or was injected 787  
with a drug of abuse. 788

(3) A laboratory or entity that has entered into a 789  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 790  
Revised Code shall perform the random drug tests under division 791  
(D) (1) of this section in accordance with the applicable 792  
standards that are included in the terms of that contract. A 793  
public laboratory shall perform the random drug tests under 794  
division (D) (2) of this section in accordance with the standards 795  
set forth in the policies and procedures established by the 796  
department of rehabilitation and correction pursuant to section 797  
5120.63 of the Revised Code. An offender who is required under 798  
division (A) (1) of this section to submit to random drug testing 799

as a condition of release under a community control sanction and 800  
whose test results indicate that the offender ingested or was 801  
injected with a drug of abuse shall pay the fee for the drug 802  
test if the department of probation or the adult parole 803  
authority that has general control and supervision of the 804  
offender requires payment of a fee. A laboratory or entity that 805  
performs the random drug testing on an offender under division 806  
(D) (1) or (2) of this section shall transmit the results of the 807  
drug test to the appropriate department of probation or the 808  
adult parole authority that has general control and supervision 809  
of the offender under division (A) (2) (a) of this section. 810

**Sec. 2929.16.** (A) Except as provided in this division, the 811  
court imposing a sentence for a felony upon an offender who is 812  
not required to serve a mandatory prison term may impose any 813  
community residential sanction or combination of community 814  
residential sanctions under this section. The court imposing a 815  
sentence for a fourth degree felony OVI offense under division 816  
(G) (1) or (2) of section 2929.13 of the Revised Code or for a 817  
third degree felony OVI offense under division (G) (2) of that 818  
section may impose upon the offender, in addition to the 819  
mandatory term of local incarceration or mandatory prison term 820  
imposed under the applicable division, a community residential 821  
sanction or combination of community residential sanctions under 822  
this section, and the offender shall serve or satisfy the 823  
sanction or combination of sanctions after the offender has 824  
served the mandatory term of local incarceration or mandatory 825  
prison term required for the offense. Community residential 826  
sanctions include, but are not limited to, the following: 827

(1) ~~A-Except as otherwise provided in division (A) (6) of~~ 828  
this section, a term of up to six months at a community-based 829  
correctional facility that serves the county; 830

(2) Except as otherwise provided in division (A) (3) or (6) 831  
of this section and subject to division (D) of this section, a 832  
term of up to six months in a jail; 833

(3) If the offender is convicted of a fourth degree felony 834  
OVI offense and is sentenced under division (G) (1) of section 835  
2929.13 of the Revised Code, subject to division (D) of this 836  
section, a term of up to one year in a jail less the mandatory 837  
term of local incarceration of sixty or one hundred twenty 838  
consecutive days of imprisonment imposed pursuant to that 839  
division; 840

(4) A term in a halfway house; 841

(5) A term in an alternative residential facility; 842

(6) If the offender is sentenced to a community control 843  
sanction and violates the conditions of the sanction, a term of 844  
up to six months in a community-based correctional facility that 845  
serves the county or in a jail, which term shall be in addition 846  
to any term imposed under divisions (A) (1) to (5) of this 847  
section. 848

(B) The court that assigns any offender convicted of a 849  
felony to a residential sanction under this section may 850  
authorize the offender to be released so that the offender may 851  
seek or maintain employment, receive education or training, or 852  
receive treatment. A release pursuant to this division shall be 853  
only for the duration of time that is needed to fulfill the 854  
purpose of the release and for travel that reasonably is 855  
necessary to fulfill the purposes of the release. 856

(C) If the court assigns an offender to a county jail that 857  
is not a minimum security misdemeanor jail in a county that has 858  
established a county jail industry program pursuant to section 859

5147.30 of the Revised Code, the court shall specify, as part of 860  
the sentence, whether the sheriff of that county may consider 861  
the offender for participation in the county jail industry 862  
program. During the offender's term in the county jail, the 863  
court shall retain jurisdiction to modify its specification upon 864  
a reassessment of the offender's qualifications for 865  
participation in the program. 866

(D) If a court sentences an offender to a term in jail 867  
under division (A) (2) ~~or~~, (3), or (6) of this section and if the 868  
sentence is imposed for a felony of the fourth or fifth degree 869  
that is not an offense of violence, the court may specify that 870  
it prefers that the offender serve the term in a minimum 871  
security jail established under section 341.34 or 753.21 of the 872  
Revised Code. If the court includes a specification of that type 873  
in the sentence and if the administrator of the appropriate 874  
minimum security jail or the designee of that administrator 875  
classifies the offender in accordance with section 341.34 or 876  
753.21 of the Revised Code as a minimal security risk, the 877  
offender shall serve the term in the minimum security jail 878  
established under section 341.34 or 753.21 of the Revised Code. 879  
Absent a specification of that type and a finding of that type, 880  
the offender shall serve the term in a jail other than a minimum 881  
security jail established under section 341.34 or 753.21 of the 882  
Revised Code. 883

(E) If a person who has been convicted of or pleaded 884  
guilty to a felony is sentenced to a community residential 885  
sanction as described in division (A) of this section, at the 886  
time of reception and at other times the person in charge of the 887  
operation of the community-based correctional facility, jail, 888  
halfway house, alternative residential facility, or other place 889  
at which the offender will serve the residential sanction 890

determines to be appropriate, the person in charge of the 891  
operation of the community-based correctional facility, jail, 892  
halfway house, alternative residential facility, or other place 893  
may cause the convicted offender to be examined and tested for 894  
tuberculosis, HIV infection, hepatitis, including but not 895  
limited to hepatitis A, B, and C, and other contagious diseases. 896  
The person in charge of the operation of the community-based 897  
correctional facility, jail, halfway house, alternative 898  
residential facility, or other place at which the offender will 899  
serve the residential sanction may cause a convicted offender in 900  
the community-based correctional facility, jail, halfway house, 901  
alternative residential facility, or other place who refuses to 902  
be tested or treated for tuberculosis, HIV infection, hepatitis, 903  
including but not limited to hepatitis A, B, and C, or another 904  
contagious disease to be tested and treated involuntarily. 905

**Sec. 2929.19.** (A) The court shall hold a sentencing 906  
hearing before imposing a sentence under this chapter upon an 907  
offender who was convicted of or pleaded guilty to a felony and 908  
before resentencing an offender who was convicted of or pleaded 909  
guilty to a felony and whose case was remanded pursuant to 910  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 911  
the offender, the prosecuting attorney, the victim or the 912  
victim's representative in accordance with section 2930.14 of 913  
the Revised Code, and, with the approval of the court, any other 914  
person may present information relevant to the imposition of 915  
sentence in the case. The court shall inform the offender of the 916  
verdict of the jury or finding of the court and ask the offender 917  
whether the offender has anything to say as to why sentence 918  
should not be imposed upon the offender. 919

(B) (1) At the sentencing hearing, the court, before 920  
imposing sentence, shall consider the record, any information 921

presented at the hearing by any person pursuant to division (A) 922  
of this section, and, if one was prepared, the presentence 923  
investigation report made pursuant to section 2951.03 of the 924  
Revised Code or Criminal Rule 32.2, and any victim impact 925  
statement made pursuant to section 2947.051 of the Revised Code. 926

(2) Subject to division (B)(3) of this section, if the 927  
sentencing court determines at the sentencing hearing that a 928  
prison term is necessary or required, the court shall do all of 929  
the following: 930

(a) Impose a stated prison term and, if the court imposes 931  
a mandatory prison term, notify the offender that the prison 932  
term is a mandatory prison term; 933

(b) In addition to any other information, include in the 934  
sentencing entry the name and section reference to the offense 935  
or offenses, the sentence or sentences imposed and whether the 936  
sentence or sentences contain mandatory prison terms, if 937  
sentences are imposed for multiple counts whether the sentences 938  
are to be served concurrently or consecutively, and the name and 939  
section reference of any specification or specifications for 940  
which sentence is imposed and the sentence or sentences imposed 941  
for the specification or specifications; 942

(c) Notify the offender that the offender will be 943  
supervised under section 2967.28 of the Revised Code after the 944  
offender leaves prison if the offender is being sentenced for a 945  
felony of the first degree or second degree, for a felony sex 946  
offense, or for a felony of the third degree that is not a 947  
felony sex offense and in the commission of which the offender 948  
caused or threatened to cause physical harm to a person. This 949  
division applies with respect to all prison terms imposed for an 950  
offense of a type described in this division, including a term 951

imposed for any such offense that is a risk reduction sentence, 952  
as defined in section 2967.28 of the Revised Code. If a court 953  
imposes a sentence including a prison term of a type described 954  
in division (B) (2) (c) of this section on or after July 11, 2006, 955  
the failure of a court to notify the offender pursuant to 956  
division (B) (2) (c) of this section that the offender will be 957  
supervised under section 2967.28 of the Revised Code after the 958  
offender leaves prison or to include in the judgment of 959  
conviction entered on the journal a statement to that effect 960  
does not negate, limit, or otherwise affect the mandatory period 961  
of supervision that is required for the offender under division 962  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 963  
the Revised Code applies if, prior to July 11, 2006, a court 964  
imposed a sentence including a prison term of a type described 965  
in division (B) (2) (c) of this section and failed to notify the 966  
offender pursuant to division (B) (2) (c) of this section 967  
regarding post-release control or to include in the judgment of 968  
conviction entered on the journal or in the sentence a statement 969  
regarding post-release control. 970

(d) Notify the offender that the offender may be 971  
supervised under section 2967.28 of the Revised Code after the 972  
offender leaves prison if the offender is being sentenced for a 973  
felony of the third, fourth, or fifth degree that is not subject 974  
to division (B) (2) (c) of this section. This division applies 975  
with respect to all prison terms imposed for an offense of a 976  
type described in this division, including a term imposed for 977  
any such offense that is a risk reduction sentence, as defined 978  
in section 2967.28 of the Revised Code. Section 2929.191 of the 979  
Revised Code applies if, prior to July 11, 2006, a court imposed 980  
a sentence including a prison term of a type described in 981  
division (B) (2) (d) of this section and failed to notify the 982

offender pursuant to division (B) (2) (d) of this section 983  
regarding post-release control or to include in the judgment of 984  
conviction entered on the journal or in the sentence a statement 985  
regarding post-release control. 986

(e) Notify the offender that, if a period of supervision 987  
is imposed following the offender's release from prison, as 988  
described in division (B) (2) (c) or (d) of this section, and if 989  
the offender violates that supervision or a condition of post- 990  
release control imposed under division (B) of section 2967.131 991  
of the Revised Code, the parole board may impose a prison term, 992  
as part of the sentence, of up to one-half of the stated prison 993  
term originally imposed upon the offender. If a court imposes a 994  
sentence including a prison term on or after July 11, 2006, the 995  
failure of a court to notify the offender pursuant to division 996  
(B) (2) (e) of this section that the parole board may impose a 997  
prison term as described in division (B) (2) (e) of this section 998  
for a violation of that supervision or a condition of post- 999  
release control imposed under division (B) of section 2967.131 1000  
of the Revised Code or to include in the judgment of conviction 1001  
entered on the journal a statement to that effect does not 1002  
negate, limit, or otherwise affect the authority of the parole 1003  
board to so impose a prison term for a violation of that nature 1004  
if, pursuant to division (D) (1) of section 2967.28 of the 1005  
Revised Code, the parole board notifies the offender prior to 1006  
the offender's release of the board's authority to so impose a 1007  
prison term. Section 2929.191 of the Revised Code applies if, 1008  
prior to July 11, 2006, a court imposed a sentence including a 1009  
prison term and failed to notify the offender pursuant to 1010  
division (B) (2) (e) of this section regarding the possibility of 1011  
the parole board imposing a prison term for a violation of 1012  
supervision or a condition of post-release control. 1013

(f) Require that the offender not ingest or be injected 1014  
with a drug of abuse and submit to random drug testing as 1015  
provided in section 341.26, 753.33, or 5120.63 of the Revised 1016  
Code, whichever is applicable to the offender who is serving a 1017  
prison term, and require that the results of the drug test 1018  
administered under any of those sections indicate that the 1019  
offender did not ingest or was not injected with a drug of 1020  
abuse. 1021

(g) (i) Determine, notify the offender of, and include in 1022  
the sentencing entry the total number of days, including the 1023  
sentencing date but excluding conveyance time, that the offender 1024  
has been confined for any reason arising out of the offense for 1025  
which the offender is being sentenced and by which the 1026  
department of rehabilitation and correction must reduce the 1027  
stated prison term under section 2967.191 of the Revised Code. 1028  
The court's calculation shall not include the number of days, if 1029  
any, that the offender ~~previously~~ served in the custody of the 1030  
department of rehabilitation and correction arising out of ~~the~~ 1031  
any prior offense for which the prisoner was convicted and 1032  
sentenced. 1033

(ii) In making a determination under division (B) (2) (g) (i) 1034  
of this section, the court shall consider the arguments of the 1035  
parties and conduct a hearing if one is requested. 1036

(iii) The sentencing court retains continuing jurisdiction 1037  
to correct any error not previously raised at sentencing in 1038  
making a determination under division (B) (2) (g) (i) of this 1039  
section. The offender may, at any time after sentencing, file a 1040  
motion in the sentencing court to correct any error made in 1041  
making a determination under division (B) (2) (g) (i) of this 1042  
section, and the court may in its discretion grant or deny that 1043

motion. If the court changes the number of days in its 1044  
determination or redetermination, the court shall cause the 1045  
entry granting that change to be delivered to the department of 1046  
rehabilitation and correction without delay. Sections 2931.15 1047  
and 2953.21 of the Revised Code do not apply to a motion made 1048  
under this section. 1049

(iv) An inaccurate determination under division (B) (2) (g) 1050  
(i) of this section is not grounds for setting aside the 1051  
offender's conviction or sentence and does not otherwise render 1052  
the sentence void or voidable. 1053

(v) The department of rehabilitation and correction shall 1054  
rely upon the latest journal entry of the court in determining 1055  
the total days of local confinement for purposes of division (B) 1056  
(2) (g) (i) to (iii) of this section and section 2967.191 of the 1057  
Revised Code. 1058

(3) (a) The court shall include in the offender's sentence 1059  
a statement that the offender is a tier III sex offender/child- 1060  
victim offender, and the court shall comply with the 1061  
requirements of section 2950.03 of the Revised Code if any of 1062  
the following apply: 1063

(i) The offender is being sentenced for a violent sex 1064  
offense or designated homicide, assault, or kidnapping offense 1065  
that the offender committed on or after January 1, 1997, and the 1066  
offender is adjudicated a sexually violent predator in relation 1067  
to that offense. 1068

(ii) The offender is being sentenced for a sexually 1069  
oriented offense that the offender committed on or after January 1070  
1, 1997, and the offender is a tier III sex offender/child- 1071  
victim offender relative to that offense. 1072

(iii) The offender is being sentenced on or after July 31, 1073  
2003, for a child-victim oriented offense, and the offender is a 1074  
tier III sex offender/child-victim offender relative to that 1075  
offense. 1076

(iv) The offender is being sentenced under section 2971.03 1077  
of the Revised Code for a violation of division (A) (1) (b) of 1078  
section 2907.02 of the Revised Code committed on or after 1079  
January 2, 2007. 1080

(v) The offender is sentenced to a term of life without 1081  
parole under division (B) of section 2907.02 of the Revised 1082  
Code. 1083

(vi) The offender is being sentenced for attempted rape 1084  
committed on or after January 2, 2007, and a specification of 1085  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1086  
of the Revised Code. 1087

(vii) The offender is being sentenced under division (B) 1088  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1089  
for an offense described in those divisions committed on or 1090  
after January 1, 2008. 1091

(b) Additionally, if any criterion set forth in divisions 1092  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1093  
circumstances described in division (E) of section 2929.14 of 1094  
the Revised Code, the court shall impose sentence on the 1095  
offender as described in that division. 1096

(4) If the sentencing court determines at the sentencing 1097  
hearing that a community control sanction should be imposed and 1098  
the court is not prohibited from imposing a community control 1099  
sanction, the court shall impose a community control sanction. 1100  
The court shall notify the offender that, if the conditions of 1101

the sanction are violated, if the offender commits a violation 1102  
of any law, or if the offender leaves this state without the 1103  
permission of the court or the offender's probation officer, the 1104  
court may impose a longer time under the same sanction, may 1105  
impose a more restrictive sanction, or may impose a prison term 1106  
on the offender and shall indicate the specific prison term that 1107  
may be imposed as a sanction for the violation, as selected by 1108  
the court from the range of prison terms for the offense 1109  
pursuant to section 2929.14 of the Revised Code. 1110

(5) Before imposing a financial sanction under section 1111  
2929.18 of the Revised Code or a fine under section 2929.32 of 1112  
the Revised Code, the court shall consider the offender's 1113  
present and future ability to pay the amount of the sanction or 1114  
fine. 1115

(6) If the sentencing court sentences the offender to a 1116  
sanction of confinement pursuant to section 2929.14 or 2929.16 1117  
of the Revised Code that is to be served in a local detention 1118  
facility, as defined in section 2929.36 of the Revised Code, and 1119  
if the local detention facility is covered by a policy adopted 1120  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1121  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1122  
and section 2929.37 of the Revised Code, both of the following 1123  
apply: 1124

(a) The court shall specify both of the following as part 1125  
of the sentence: 1126

(i) If the offender is presented with an itemized bill 1127  
pursuant to section 2929.37 of the Revised Code for payment of 1128  
the costs of confinement, the offender is required to pay the 1129  
bill in accordance with that section. 1130

(ii) If the offender does not dispute the bill described 1131  
in division (B) (6) (a) (i) of this section and does not pay the 1132  
bill by the times specified in section 2929.37 of the Revised 1133  
Code, the clerk of the court may issue a certificate of judgment 1134  
against the offender as described in that section. 1135

(b) The sentence automatically includes any certificate of 1136  
judgment issued as described in division (B) (6) (a) (ii) of this 1137  
section. 1138

(7) The failure of the court to notify the offender that a 1139  
prison term is a mandatory prison term pursuant to division (B) 1140  
(2) (a) of this section or to include in the sentencing entry any 1141  
information required by division (B) (2) (b) of this section does 1142  
not affect the validity of the imposed sentence or sentences. If 1143  
the sentencing court notifies the offender at the sentencing 1144  
hearing that a prison term is mandatory but the sentencing entry 1145  
does not specify that the prison term is mandatory, the court 1146  
may complete a corrected journal entry and send copies of the 1147  
corrected entry to the offender and the department of 1148  
rehabilitation and correction, or, at the request of the state, 1149  
the court shall complete a corrected journal entry and send 1150  
copies of the corrected entry to the offender and department of 1151  
rehabilitation and correction. 1152

(C) (1) If the offender is being sentenced for a fourth 1153  
degree felony OVI offense under division (G) (1) of section 1154  
2929.13 of the Revised Code, the court shall impose the 1155  
mandatory term of local incarceration in accordance with that 1156  
division, shall impose a mandatory fine in accordance with 1157  
division (B) (3) of section 2929.18 of the Revised Code, and, in 1158  
addition, may impose additional sanctions as specified in 1159  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1160

Code. The court shall not impose a prison term on the offender 1161  
except that the court may impose a prison term upon the offender 1162  
as provided in division (A) (1) of section 2929.13 of the Revised 1163  
Code. 1164

(2) If the offender is being sentenced for a third or 1165  
fourth degree felony OVI offense under division (G) (2) of 1166  
section 2929.13 of the Revised Code, the court shall impose the 1167  
mandatory prison term in accordance with that division, shall 1168  
impose a mandatory fine in accordance with division (B) (3) of 1169  
section 2929.18 of the Revised Code, and, in addition, may 1170  
impose an additional prison term as specified in section 2929.14 1171  
of the Revised Code. In addition to the mandatory prison term or 1172  
mandatory prison term and additional prison term the court 1173  
imposes, the court also may impose a community control sanction 1174  
on the offender, but the offender shall serve all of the prison 1175  
terms so imposed prior to serving the community control 1176  
sanction. 1177

(D) The sentencing court, pursuant to division (I) (1) of 1178  
section 2929.14 of the Revised Code, may recommend placement of 1179  
the offender in a program of shock incarceration under section 1180  
5120.031 of the Revised Code or an intensive program prison 1181  
under section 5120.032 of the Revised Code, disapprove placement 1182  
of the offender in a program or prison of that nature, or make 1183  
no recommendation. If the court recommends or disapproves 1184  
placement, it shall make a finding that gives its reasons for 1185  
its recommendation or disapproval. 1186

**Sec. 2951.041.** (A) (1) If an offender is charged with a 1187  
criminal offense, including but not limited to a violation of 1188  
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 1189  
of the Revised Code, and the court has reason to believe that 1190

drug or alcohol usage by the offender was a factor leading to 1191  
the criminal offense with which the offender is charged or that, 1192  
at the time of committing that offense, the offender had a 1193  
mental illness, was a person with an intellectual disability, or 1194  
was a victim of a violation of section 2905.32 of the Revised 1195  
Code and that the mental illness, status as a person with an 1196  
intellectual disability, or fact that the offender was a victim 1197  
of a violation of section 2905.32 of the Revised Code was a 1198  
factor leading to the offender's criminal behavior, the court 1199  
may accept, prior to the entry of a guilty plea, the offender's 1200  
request for intervention in lieu of conviction. The request 1201  
shall include a statement from the offender as to whether the 1202  
offender is alleging that drug or alcohol usage by the offender 1203  
was a factor leading to the criminal offense with which the 1204  
offender is charged or is alleging that, at the time of 1205  
committing that offense, the offender had a mental illness, was 1206  
a person with an intellectual disability, or was a victim of a 1207  
violation of section 2905.32 of the Revised Code and that the 1208  
mental illness, status as a person with an intellectual 1209  
disability, or fact that the offender was a victim of a 1210  
violation of section 2905.32 of the Revised Code was a factor 1211  
leading to the criminal offense with which the offender is 1212  
charged. The request also shall include a waiver of the 1213  
defendant's right to a speedy trial, the preliminary hearing, 1214  
the time period within which the grand jury may consider an 1215  
indictment against the offender, and arraignment, unless the 1216  
hearing, indictment, or arraignment has already occurred. The 1217  
court may reject an offender's request without a hearing. If the 1218  
court elects to consider an offender's request, the court shall 1219  
conduct a hearing to determine whether the offender is eligible 1220  
under this section for intervention in lieu of conviction and 1221  
shall stay all criminal proceedings pending the outcome of the 1222

hearing. If the court schedules a hearing, the court shall order 1223  
an assessment of the offender for the purpose of determining the 1224  
offender's program eligibility for intervention in lieu of 1225  
conviction and recommending an appropriate intervention plan. 1226

If the offender alleges that drug or alcohol usage by the 1227  
offender was a factor leading to the criminal offense with which 1228  
the offender is charged, the court may order that the offender 1229  
be assessed by a community addiction services provider or a 1230  
properly credentialed professional for the purpose of 1231  
determining the offender's program eligibility for intervention 1232  
in lieu of conviction and recommending an appropriate 1233  
intervention plan. The community addiction services provider or 1234  
the properly credentialed professional shall provide a written 1235  
assessment of the offender to the court. 1236

(2) The victim notification provisions of division (C) of 1237  
section 2930.06 of the Revised Code apply in relation to any 1238  
hearing held under division (A) (1) of this section. 1239

(B) An offender is eligible for intervention in lieu of 1240  
conviction if the court finds all of the following: 1241

(1) The offender previously has not been convicted of or 1242  
pleaded guilty to ~~a any felony offense of violence or previously~~ 1243  
~~has been convicted of or pleaded guilty to any felony that is~~ 1244  
~~not an offense of violence and the prosecuting attorney~~ 1245  
~~recommends that the offender be found eligible for participation~~ 1246  
~~in intervention in lieu of treatment under this section,~~ 1247  
~~previously has not been through intervention in lieu of~~ 1248  
~~conviction under this section or any similar regimen, and is~~ 1249  
~~charged with a felony for which the court, upon conviction,~~ 1250  
~~would impose a community control sanction on the offender under~~ 1251  
~~division (B) (2) of section 2929.13 of the Revised Code or with a~~ 1252

~~misdemeanor.~~ 1253

(2) The offense is not a felony of the first, second, or 1254  
third degree, is not an offense of violence, is not a violation 1255  
of division (A) (1) or (2) of section 2903.06 of the Revised 1256  
Code, is not a violation of division (A) (1) of section 2903.08 1257  
of the Revised Code, is not a violation of division (A) of 1258  
section 4511.19 of the Revised Code or a municipal ordinance 1259  
that is substantially similar to that division, and is not an 1260  
offense for which a sentencing court is required to impose a 1261  
mandatory prison term, ~~a mandatory term of local incarceration,~~ 1262  
~~or a mandatory term of imprisonment in a jail.~~ 1263

(3) The offender is not charged with a violation of 1264  
section 2925.02, 2925.04, or 2925.06 of the Revised Code, is not 1265  
charged with a violation of section 2925.03 of the Revised Code 1266  
that is a felony of the first, second, third, or fourth degree, 1267  
and is not charged with a violation of section 2925.11 of the 1268  
Revised Code that is a felony of the first, or second, ~~or third~~ 1269  
degree. 1270

(4) If an offender alleges that drug or alcohol usage by 1271  
the offender was a factor leading to the criminal offense with 1272  
which the offender is charged, the court has ordered that the 1273  
offender be assessed by a community addiction services provider 1274  
or a properly credentialed professional for the purpose of 1275  
determining the offender's program eligibility for intervention 1276  
in lieu of conviction and recommending an appropriate 1277  
intervention plan, the offender has been assessed by a community 1278  
addiction services provider of that nature or a properly 1279  
credentialed professional in accordance with the court's order, 1280  
and the community addiction services provider or properly 1281  
credentialed professional has filed the written assessment of 1282

the offender with the court. 1283

(5) If an offender alleges that, at the time of committing 1284  
the criminal offense with which the offender is charged, the 1285  
offender had a mental illness, was a person with an intellectual 1286  
disability, or was a victim of a violation of section 2905.32 of 1287  
the Revised Code and that the mental illness, status as a person 1288  
with an intellectual disability, or fact that the offender was a 1289  
victim of a violation of section 2905.32 of the Revised Code was 1290  
a factor leading to that offense, the offender has been assessed 1291  
by a psychiatrist, psychologist, independent social worker, 1292  
licensed professional clinical counselor, or independent 1293  
marriage and family therapist for the purpose of determining the 1294  
offender's program eligibility for intervention in lieu of 1295  
conviction and recommending an appropriate intervention plan. 1296

(6) The offender's drug usage, alcohol usage, mental 1297  
illness, or intellectual disability, or the fact that the 1298  
offender was a victim of a violation of section 2905.32 of the 1299  
Revised Code, whichever is applicable, was a factor leading to 1300  
the criminal offense with which the offender is charged, 1301  
intervention in lieu of conviction would not demean the 1302  
seriousness of the offense, and intervention would substantially 1303  
reduce the likelihood of any future criminal activity. 1304

(7) The alleged victim of the offense was not sixty-five 1305  
years of age or older, permanently and totally disabled, under 1306  
thirteen years of age, or a peace officer engaged in the 1307  
officer's official duties at the time of the alleged offense. 1308

(8) If the offender is charged with a violation of section 1309  
2925.24 of the Revised Code, the alleged violation did not 1310  
result in physical harm to any person, ~~and the offender~~ 1311  
~~previously has not been treated for drug abuse.~~ 1312

(9) The offender is willing to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. 1313  
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(10) The offender is not charged with an offense that would result in the offender being disqualified under Chapter 4506. of the Revised Code from operating a commercial motor vehicle or would subject the offender to any other sanction under that chapter. 1316  
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(C) At the conclusion of a hearing held pursuant to division (A) of this section, the court shall enter its determination as to whether the offender ~~is eligible for~~ will be granted intervention in lieu of conviction ~~and as to whether to grant the offender's request~~. If the court finds under this division and division (B) of this section that the offender is eligible for intervention in lieu of conviction and grants the offender's request, the court shall accept the offender's plea of guilty and waiver of the defendant's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the offender, and arraignment, unless the hearing, indictment, or arraignment has already occurred. In addition, the court then may stay all criminal proceedings and order the offender to comply with all terms and conditions imposed by the court pursuant to division (D) of this section. If the court finds that the offender is not eligible or does not grant the offender's request, the criminal proceedings against the offender shall proceed as if the offender's request for intervention in lieu of conviction had not been made. 1321  
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(D) If the court grants an offender's request for intervention in lieu of conviction, the court shall place the 1341  
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offender under the general control and supervision of the county 1343  
probation department, the adult parole authority, or another 1344  
appropriate local probation or court services agency, if one 1345  
exists, as if the offender was subject to a community control 1346  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 1347  
the Revised Code. The court shall establish an intervention plan 1348  
for the offender. The terms and conditions of the intervention 1349  
plan shall require the offender, for at least one year from the 1350  
date on which the court grants the order of intervention in lieu 1351  
of conviction, to abstain from the use of illegal drugs and 1352  
alcohol, to participate in treatment and recovery support 1353  
services, and to submit to regular random testing for drug and 1354  
alcohol use and may include any other treatment terms and 1355  
conditions, or terms and conditions similar to community control 1356  
sanctions, which may include community service or restitution, 1357  
that are ordered by the court. 1358

(E) If the court grants an offender's request for 1359  
intervention in lieu of conviction and the court finds that the 1360  
offender has successfully completed the intervention plan for 1361  
the offender, including the requirement that the offender 1362  
abstain from using illegal drugs and alcohol for a period of at 1363  
least one year from the date on which the court granted the 1364  
order of intervention in lieu of conviction, the requirement 1365  
that the offender participate in treatment and recovery support 1366  
services, and all other terms and conditions ordered by the 1367  
court, the court shall dismiss the proceedings against the 1368  
offender. Successful completion of the intervention plan and 1369  
period of abstinence under this section shall be without 1370  
adjudication of guilt and is not a criminal conviction for 1371  
purposes of any disqualification or disability imposed by law 1372  
and upon conviction of a crime, and the court may order the 1373

sealing of records related to the offense in question in the 1374  
manner provided in sections 2953.31 to 2953.36 of the Revised 1375  
Code. 1376

(F) If the court grants an offender's request for 1377  
intervention in lieu of conviction and the offender fails to 1378  
comply with any term or condition imposed as part of the 1379  
intervention plan for the offender, the supervising authority 1380  
for the offender promptly shall advise the court of this 1381  
failure, and the court shall hold a hearing to determine whether 1382  
the offender failed to comply with any term or condition imposed 1383  
as part of the plan. If the court determines that the offender 1384  
has failed to comply with any of those terms and conditions, it 1385  
shall either continue the offender on intervention in lieu of 1386  
conviction or enter a finding of guilty and ~~shall~~ impose an 1387  
appropriate sanction under Chapter 2929. of the Revised Code. If 1388  
the court sentences the offender to a prison term, the court, 1389  
after consulting with the department of rehabilitation and 1390  
correction regarding the availability of services, may order 1391  
continued court-supervised activity and treatment of the 1392  
offender during the prison term and, upon consideration of 1393  
reports received from the department concerning the offender's 1394  
progress in the program of activity and treatment, may consider 1395  
judicial release under section 2929.20 of the Revised Code. 1396

(G) As used in this section: 1397

(1) "Community addiction services provider" has the same 1398  
meaning as in section 5119.01 of the Revised Code. 1399

(2) "Community control sanction" has the same meaning as 1400  
in section 2929.01 of the Revised Code. 1401

(3) "Intervention in lieu of conviction" means any court- 1402

supervised activity that complies with this section. 1403

(4) "Intellectual disability" has the same meaning as in 1404  
section 5123.01 of the Revised Code. 1405

(5) "Peace officer" has the same meaning as in section 1406  
2935.01 of the Revised Code. 1407

(6) "Mental illness" and "psychiatrist" have the same 1408  
meanings as in section 5122.01 of the Revised Code. 1409

(7) "Psychologist" has the same meaning as in section 1410  
4732.01 of the Revised Code. 1411

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of 1412  
the Revised Code: 1413

(A) (1) "Eligible offender" means ~~anyone~~ either of the 1414  
following: 1415

(a) Regardless of the number of convictions, anyone who 1416  
has been convicted of one or more offenses in this state or any 1417  
other jurisdiction, if all of the offenses in this state are 1418  
felonies of the fourth or fifth degree and none of those 1419  
offenses are an offense of violence or a felony sex offense and 1420  
all of the offenses in another jurisdiction, if committed in 1421  
this state, would be felonies of the fourth or fifth degree and 1422  
none of those offenses would be an offense of violence or a 1423  
felony sex offense; 1424

(b) Anyone who has been convicted of an offense in this 1425  
state or any other jurisdiction and who has not more than one 1426  
felony conviction, not more than two misdemeanor convictions, or 1427  
not more than one felony conviction and one misdemeanor 1428  
conviction in this state or any other jurisdiction. When two or 1429  
more convictions result from or are connected with the same act 1430

or result from offenses committed at the same time, they shall 1431  
be counted as one conviction. When two or three convictions 1432  
result from the same indictment, information, or complaint, from 1433  
the same plea of guilty, or from the same official proceeding, 1434  
and result from related criminal acts that were committed within 1435  
a three-month period but do not result from the same act or from 1436  
offenses committed at the same time, they shall be counted as 1437  
one conviction, provided that a court may decide as provided in 1438  
division (C)(1)(a) of section 2953.32 of the Revised Code that 1439  
it is not in the public interest for the two or three 1440  
convictions to be counted as one conviction. 1441

(2) For purposes of, and except as otherwise provided in, 1442  
~~this division (A)(1) of this section,~~ a conviction for a minor 1443  
misdemeanor, for a violation of any section in Chapter 4507., 1444  
4510., 4511., 4513., or 4549. of the Revised Code, or for a 1445  
violation of a municipal ordinance that is substantially similar 1446  
to any section in those chapters is not a conviction. However, a 1447  
conviction for a violation of section 4511.19, 4511.251, 1448  
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 1449  
4549.41 to 4549.46 of the Revised Code, for a violation of 1450  
section 4510.11 or 4510.14 of the Revised Code that is based 1451  
upon the offender's operation of a vehicle during a suspension 1452  
imposed under section 4511.191 or 4511.196 of the Revised Code, 1453  
for a violation of a substantially equivalent municipal 1454  
ordinance, for a felony violation of Title XLV of the Revised 1455  
Code, or for a violation of a substantially equivalent former 1456  
law of this state or former municipal ordinance shall be 1457  
considered a conviction. 1458

(B) "Prosecutor" means the county prosecuting attorney, 1459  
city director of law, village solicitor, or similar chief legal 1460  
officer, who has the authority to prosecute a criminal case in 1461

the court in which the case is filed. 1462

(C) "Bail forfeiture" means the forfeiture of bail by a 1463  
defendant who is arrested for the commission of a misdemeanor, 1464  
other than a defendant in a traffic case as defined in Traffic 1465  
Rule 2, if the forfeiture is pursuant to an agreement with the 1466  
court and prosecutor in the case. 1467

(D) "Official records" has the same meaning as in division 1468  
(D) of section 2953.51 of the Revised Code. 1469

(E) "Official proceeding" has the same meaning as in 1470  
section 2921.01 of the Revised Code. 1471

(F) "Community control sanction" has the same meaning as 1472  
in section 2929.01 of the Revised Code. 1473

(G) "Post-release control" and "post-release control 1474  
sanction" have the same meanings as in section 2967.01 of the 1475  
Revised Code. 1476

(H) "DNA database," "DNA record," and "law enforcement 1477  
agency" have the same meanings as in section 109.573 of the 1478  
Revised Code. 1479

(I) "Fingerprints filed for record" means any fingerprints 1480  
obtained by the superintendent of the bureau of criminal 1481  
identification and investigation pursuant to sections 109.57 and 1482  
109.571 of the Revised Code. 1483

**Sec. 2967.16.** (A) Except as provided in division (D) of 1484  
this section, when a paroled prisoner has faithfully performed 1485  
the conditions and obligations of the paroled prisoner's parole 1486  
and has obeyed the rules and regulations adopted by the adult 1487  
parole authority that apply to the paroled prisoner, the 1488  
authority ~~upon the recommendation of the superintendent of~~ 1489

~~parole supervision may enter upon its minutes grant a final~~ 1490  
release and thereupon shall issue to the paroled prisoner a 1491  
certificate of final release that shall serve as the minutes of 1492  
the authority, but the authority shall not grant a final release 1493  
earlier than one year after the paroled prisoner is released 1494  
from the institution on parole, and, in the case of a paroled 1495  
prisoner whose ~~minimum~~ sentence is life imprisonment, the 1496  
authority shall not grant a final release earlier than five 1497  
years after the paroled prisoner is released from the 1498  
institution on parole. 1499

(B) (1) When a prisoner who has been released under a 1500  
period of post-release control pursuant to section 2967.28 of 1501  
the Revised Code has faithfully performed the conditions and 1502  
obligations of the released prisoner's post-release control 1503  
sanctions and has obeyed the rules and regulations adopted by 1504  
the adult parole authority that apply to the released prisoner 1505  
or has the period of post-release control terminated by a court 1506  
pursuant to section 2929.141 of the Revised Code, the authority, ~~—~~ 1507  
~~upon the recommendation of the superintendent of parole~~ 1508  
~~supervision, may enter upon its minutes a final release and,~~ 1509  
~~upon the entry of the final release, shall terminate the period~~ 1510  
~~of post-release control and~~ issue to the released prisoner a 1511  
certificate of ~~final release~~ termination, which shall serve as 1512  
the minutes of the authority. In the case of a prisoner who has 1513  
been released under a period of post-release control pursuant to 1514  
division (B) of section 2967.28 of the Revised Code, the 1515  
authority shall not ~~grant a final release~~ terminate post-release 1516  
control earlier than one year after the released prisoner is 1517  
released from the institution under a period of post-release 1518  
control. The authority shall classify the termination of post- 1519  
release control as favorable or unfavorable depending on the 1520

offender's conduct and compliance with the conditions of 1521  
supervision. In the case of a released prisoner whose sentence 1522  
is life imprisonment, the authority shall not ~~grant a final~~ 1523  
~~release~~ terminate post-release control earlier than five years 1524  
after the released prisoner is released from the institution 1525  
under a period of post-release control. 1526

(2) The department of rehabilitation and correction, no 1527  
later than six months after July 8, 2002, shall adopt a rule in 1528  
accordance with Chapter 119. of the Revised Code that 1529  
establishes the criteria for the classification of a post- 1530  
release control termination as "favorable" or "unfavorable." 1531

(C) (1) Except as provided in division (C) (2) of this 1532  
section, the following prisoners or person shall be restored to 1533  
the rights and privileges forfeited by a conviction: 1534

(a) A prisoner who has served the entire prison term that 1535  
comprises or is part of the prisoner's sentence and has not been 1536  
placed under any post-release control sanctions; 1537

(b) A prisoner who has been granted a final release or 1538  
termination of post-release control by the adult parole 1539  
authority pursuant to division (A) or (B) of this section; 1540

(c) A person who has completed the period of a community 1541  
control sanction or combination of community control sanctions, 1542  
as defined in section 2929.01 of the Revised Code, that was 1543  
imposed by the sentencing court. 1544

(2) (a) As used in division (C) (2) (c) of this section: 1545

(i) "Position of honor, trust, or profit" has the same 1546  
meaning as in section 2929.192 of the Revised Code. 1547

(ii) "Public office" means any elected federal, state, or 1548

local government office in this state. 1549

(b) For purposes of division (C) (2) (c) of this section, a 1550  
violation of section 2923.32 of the Revised Code or any other 1551  
violation or offense that includes as an element a course of 1552  
conduct or the occurrence of multiple acts is "committed on or 1553  
~~after the effective date of this amendment~~ May 13, 2008," if the 1554  
course of conduct continues, one or more of the multiple acts 1555  
occurs, or the subject person's accountability for the course of 1556  
conduct or for one or more of the multiple acts continues, on or 1557  
~~after the effective date of this amendment~~ May 13, 2008. 1558

(c) Division (C) (1) of this section does not restore a 1559  
prisoner or person to the privilege of holding a position of 1560  
honor, trust, or profit if the prisoner or person was convicted 1561  
of or pleaded guilty to committing on or ~~after the effective~~ 1562  
~~date of this amendment~~ May 13, 2008, any of the following 1563  
offenses that is a felony: 1564

(i) A violation of section 2921.02, 2921.03, 2921.05, 1565  
2921.41, 2921.42, or 2923.32 of the Revised Code; 1566

(ii) A violation of section 2913.42, 2921.04, 2921.11, 1567  
2921.12, 2921.31, or 2921.32 of the Revised Code, when the 1568  
person committed the violation while the person was serving in a 1569  
public office and the conduct constituting the violation was 1570  
related to the duties of the person's public office or to the 1571  
person's actions as a public official holding that public 1572  
office; 1573

(iii) A violation of an existing or former municipal 1574  
ordinance or law of this or any other state or the United States 1575  
that is substantially equivalent to any violation listed in 1576  
division (C) (2) (c) (i) of this section; 1577

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C) (2) (c) (ii) of this section, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C) (2) (c) (i) or described in division (C) (2) (c) (iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C) (2) (c) (ii) or described in division (C) (2) (c) (iv) of this section, if the person committed the violation while the person was serving in a public office and the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

(D) Division (A) of this section does not apply to a prisoner in the shock incarceration program established pursuant to section 5120.031 of the Revised Code.

(E) ~~The adult parole authority shall record the final release certificate of a parolee or and the certificate of termination of a prisoner in shall serve as the official minutes of the adult parole authority, and the authority shall consider those certificates as its official minutes.~~

**Sec. 2967.28.** (A) As used in this section: 1607

(1) "Monitored time" means the monitored time sanction 1608  
specified in section 2929.17 of the Revised Code. 1609

(2) "Deadly weapon" and "dangerous ordnance" have the same 1610  
meanings as in section 2923.11 of the Revised Code. 1611

(3) "Felony sex offense" means a violation of a section 1612  
contained in Chapter 2907. of the Revised Code that is a felony. 1613

(4) "Risk reduction sentence" means a prison term imposed 1614  
by a court, when the court recommends pursuant to section 1615  
2929.143 of the Revised Code that the offender serve the 1616  
sentence under section 5120.036 of the Revised Code, and the 1617  
offender may potentially be released from imprisonment prior to 1618  
the expiration of the prison term if the offender successfully 1619  
completes all assessment and treatment or programming required 1620  
by the department of rehabilitation and correction under section 1621  
5120.036 of the Revised Code. 1622

(5) "Victim's immediate family" has the same meaning as in 1623  
section 2967.12 of the Revised Code. 1624

(6) "Minor drug possession offense" has the same meaning 1625  
as in section 2925.11 of the Revised Code. 1626

(B) Each sentence to a prison term for a felony of the 1627  
first degree, for a felony of the second degree, for a felony 1628  
sex offense, or for a felony of the third degree that is an 1629  
offense of violence and is not a felony sex offense shall 1630  
include a requirement that the offender be subject to a period 1631  
of post-release control imposed by the parole board after the 1632  
offender's release from imprisonment. This division applies with 1633  
respect to all prison terms of a type described in this 1634  
division, including a term of any such type that is a risk 1635

reduction sentence. If a court imposes a sentence including a 1636  
prison term of a type described in this division on or after 1637  
July 11, 2006, the failure of a sentencing court to notify the 1638  
offender pursuant to division (B) (2) (c) of section 2929.19 of 1639  
the Revised Code of this requirement or to include in the 1640  
judgment of conviction entered on the journal a statement that 1641  
the offender's sentence includes this requirement does not 1642  
negate, limit, or otherwise affect the mandatory period of 1643  
supervision that is required for the offender under this 1644  
division. Section 2929.191 of the Revised Code applies if, prior 1645  
to July 11, 2006, a court imposed a sentence including a prison 1646  
term of a type described in this division and failed to notify 1647  
the offender pursuant to division (B) (2) (c) of section 2929.19 1648  
of the Revised Code regarding post-release control or to include 1649  
in the judgment of conviction entered on the journal or in the 1650  
sentence pursuant to division (D) (1) of section 2929.14 of the 1651  
Revised Code a statement regarding post-release control. Unless 1652  
reduced by the parole board pursuant to division (D) of this 1653  
section when authorized under that division, a period of post- 1654  
release control required by this division for an offender shall 1655  
be of one of the following periods: 1656

(1) For a felony of the first degree or for a felony sex 1657  
offense, five years; 1658

(2) For a felony of the second degree that is not a felony 1659  
sex offense, three years; 1660

(3) For a felony of the third degree that is an offense of 1661  
violence and is not a felony sex offense, three years. 1662

(C) Any sentence to a prison term for a felony of the 1663  
third, fourth, or fifth degree that is not subject to division 1664  
(B) (1) or (3) of this section shall include a requirement that 1665

the offender be subject to a period of post-release control of 1666  
up to three years after the offender's release from 1667  
imprisonment, if the parole board, in accordance with division 1668  
(D) of this section, determines that a period of post-release 1669  
control is necessary for that offender. This division applies 1670  
with respect to all prison terms of a type described in this 1671  
division, including a term of any such type that is a risk 1672  
reduction sentence. Section 2929.191 of the Revised Code applies 1673  
if, prior to July 11, 2006, a court imposed a sentence including 1674  
a prison term of a type described in this division and failed to 1675  
notify the offender pursuant to division (B) (2) (d) of section 1676  
2929.19 of the Revised Code regarding post-release control or to 1677  
include in the judgment of conviction entered on the journal or 1678  
in the sentence pursuant to division (D) (2) of section 2929.14 1679  
of the Revised Code a statement regarding post-release control. 1680  
Pursuant to an agreement entered into under section 2967.29 of 1681  
the Revised Code, a court of common pleas or parole board may 1682  
impose sanctions or conditions on an offender who is placed on 1683  
post-release control under this division. 1684

(D) (1) Before the prisoner is released from imprisonment, 1685  
the parole board or, pursuant to an agreement under section 1686  
2967.29 of the Revised Code, the court shall impose upon a 1687  
prisoner described in division (B) of this section, shall impose 1688  
upon a prisoner described in division (C) of this section who is 1689  
to be released before the expiration of the prisoner's stated 1690  
prison term under a risk reduction sentence, may impose upon a 1691  
prisoner described in division (C) of this section who is not to 1692  
be released before the expiration of the prisoner's stated 1693  
prison term under a risk reduction sentence, and shall impose 1694  
upon a prisoner described in division (B) (2) (b) of section 1695  
5120.031 or in division (B) (1) of section 5120.032 of the 1696

Revised Code, one or more post-release control sanctions to 1697  
apply during the prisoner's period of post-release control. 1698  
Whenever the board or court imposes one or more post-release 1699  
control sanctions upon a prisoner, the board or court, in 1700  
addition to imposing the sanctions, also shall include as a 1701  
condition of the post-release control that the offender not 1702  
leave the state without permission of the court or the 1703  
offender's parole or probation officer and that the offender 1704  
abide by the law. The board or court may impose any other 1705  
conditions of release under a post-release control sanction that 1706  
the board or court considers appropriate, and the conditions of 1707  
release may include any community residential sanction, 1708  
community nonresidential sanction, or financial sanction that 1709  
the sentencing court was authorized to impose pursuant to 1710  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1711  
Prior to the release of a prisoner for whom it will impose one 1712  
or more post-release control sanctions under this division, the 1713  
parole board or court shall review the prisoner's criminal 1714  
history, results from the single validated risk assessment tool 1715  
selected by the department of rehabilitation and correction 1716  
under section 5120.114 of the Revised Code, all juvenile court 1717  
adjudications finding the prisoner, while a juvenile, to be a 1718  
delinquent child, and the record of the prisoner's conduct while 1719  
imprisoned. The parole board or court shall consider any 1720  
recommendation regarding post-release control sanctions for the 1721  
prisoner made by the office of victims' services. After 1722  
considering those materials, the board or court shall determine, 1723  
for a prisoner described in division (B) of this section, 1724  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1725  
section 5120.032 of the Revised Code and for a prisoner 1726  
described in division (C) of this section who is to be released 1727  
before the expiration of the prisoner's stated prison term under 1728

a risk reduction sentence, which post-release control sanction 1729  
or combination of post-release control sanctions is reasonable 1730  
under the circumstances or, for a prisoner described in division 1731  
(C) of this section who is not to be released before the 1732  
expiration of the prisoner's stated prison term under a risk 1733  
reduction sentence, whether a post-release control sanction is 1734  
necessary and, if so, which post-release control sanction or 1735  
combination of post-release control sanctions is reasonable 1736  
under the circumstances. In the case of a prisoner convicted of 1737  
a felony of the fourth or fifth degree other than a felony sex 1738  
offense, the board or court shall presume that monitored time is 1739  
the appropriate post-release control sanction unless the board 1740  
or court determines that a more restrictive sanction is 1741  
warranted. A post-release control sanction imposed under this 1742  
division takes effect upon the prisoner's release from 1743  
imprisonment. 1744

Regardless of whether the prisoner was sentenced to the 1745  
prison term prior to, on, or after July 11, 2006, prior to the 1746  
release of a prisoner for whom it will impose one or more post- 1747  
release control sanctions under this division, the parole board 1748  
shall notify the prisoner that, if the prisoner violates any 1749  
sanction so imposed or any condition of post-release control 1750  
described in division (B) of section 2967.131 of the Revised 1751  
Code that is imposed on the prisoner, the parole board may 1752  
impose a prison term of up to one-half of the stated prison term 1753  
originally imposed upon the prisoner. 1754

At least thirty days before the prisoner is released from 1755  
imprisonment, except as otherwise provided in this paragraph, 1756  
the department of rehabilitation and correction shall notify the 1757  
victim and the victim's immediate family of the date on which 1758  
the prisoner will be released, the period for which the prisoner 1759

will be under post-release control supervision, and the terms 1760  
and conditions of the prisoner's post-release control regardless 1761  
of whether the victim or victim's immediate family has requested 1762  
the notification. The notice described in this paragraph shall 1763  
not be given to a victim or victim's immediate family if the 1764  
victim or the victim's immediate family has requested pursuant 1765  
to division (B) (2) of section 2930.03 of the Revised Code that 1766  
the notice not be provided to the victim or the victim's 1767  
immediate family. At least thirty days before the prisoner is 1768  
released from imprisonment and regardless of whether the victim 1769  
or victim's immediate family has requested that the notice 1770  
described in this paragraph be provided or not be provided to 1771  
the victim or the victim's immediate family, the department also 1772  
shall provide notice of that nature to the prosecuting attorney 1773  
in the case and the law enforcement agency that arrested the 1774  
prisoner if any officer of that agency was a victim of the 1775  
offense. 1776

If the notice given under the preceding paragraph to the 1777  
victim or the victim's immediate family is based on an offense 1778  
committed prior to March 22, 2013, and if the department of 1779  
rehabilitation and correction has not previously successfully 1780  
provided any notice to the victim or the victim's immediate 1781  
family under division (B), (C), or (D) of section 2930.16 of the 1782  
Revised Code with respect to that offense and the offender who 1783  
committed it, the notice also shall inform the victim or the 1784  
victim's immediate family that the victim or the victim's 1785  
immediate family may request that the victim or the victim's 1786  
immediate family not be provided any further notices with 1787  
respect to that offense and the offender who committed it and 1788  
shall describe the procedure for making that request. The 1789  
department may give the notices to which the preceding paragraph 1790

applies by any reasonable means, including regular mail, 1791  
telephone, and electronic mail. If the department attempts to 1792  
provide notice to any specified person under the preceding 1793  
paragraph but the attempt is unsuccessful because the department 1794  
is unable to locate the specified person, is unable to provide 1795  
the notice by its chosen method because it cannot determine the 1796  
mailing address, electronic mail address, or telephone number at 1797  
which to provide the notice, or, if the notice is sent by mail, 1798  
the notice is returned, the department shall make another 1799  
attempt to provide the notice to the specified person. If the 1800  
second attempt is unsuccessful, the department shall make at 1801  
least one more attempt to provide the notice. If the notice is 1802  
based on an offense committed prior to March 22, 2013, in each 1803  
attempt to provide the notice to the victim or victim's 1804  
immediate family, the notice shall include the opt-out 1805  
information described in this paragraph. The department, in the 1806  
manner described in division (D) (2) of section 2930.16 of the 1807  
Revised Code, shall keep a record of all attempts to provide the 1808  
notice, and of all notices provided, under this paragraph and 1809  
the preceding paragraph. The record shall be considered as if it 1810  
was kept under division (D) (2) of section 2930.16 of the Revised 1811  
Code. This paragraph, the preceding paragraph, and the notice- 1812  
related provisions of divisions (E) (2) and (K) of section 1813  
2929.20, division (D) (1) of section 2930.16, division (H) of 1814  
section 2967.12, division (E) (1) (b) of section 2967.19, division 1815  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 1816  
5149.101 of the Revised Code enacted in the act in which this 1817  
paragraph and the preceding paragraph were enacted, shall be 1818  
known as "Roberta's Law." 1819

(2) If a prisoner who is placed on post-release control 1820  
under this section is released before the expiration of the 1821

prisoner's stated prison term by reason of credit earned under 1822  
section 2967.193 of the Revised Code and if the prisoner earned 1823  
sixty or more days of credit, the adult parole authority shall 1824  
supervise the offender with an active global positioning system 1825  
device for the first fourteen days after the offender's release 1826  
from imprisonment. This division does not prohibit or limit the 1827  
imposition of any post-release control sanction otherwise 1828  
authorized by this section. 1829

(3) At any time after a prisoner is released from 1830  
imprisonment and during the period of post-release control 1831  
applicable to the releasee, the adult parole authority or, 1832  
pursuant to an agreement under section 2967.29 of the Revised 1833  
Code, the court may review the releasee's behavior under the 1834  
post-release control sanctions imposed upon the releasee under 1835  
this section. The authority or court may determine, based upon 1836  
the review and in accordance with the standards established 1837  
under division (E) of this section, that a more restrictive or a 1838  
less restrictive sanction is appropriate and may impose a 1839  
different sanction. The authority also may recommend that the 1840  
parole board or court increase or reduce the duration of the 1841  
period of post-release control imposed by the court. If the 1842  
authority recommends that the board or court increase the 1843  
duration of post-release control, the board or court shall 1844  
review the releasee's behavior and may increase the duration of 1845  
the period of post-release control imposed by the court up to 1846  
eight years. If the authority recommends that the board or court 1847  
reduce the duration of control for an offense described in 1848  
division (B) or (C) of this section, the board or court shall 1849  
review the releasee's behavior and may reduce the duration of 1850  
the period of control imposed by the court. In no case shall the 1851  
board or court reduce the duration of the period of control 1852

imposed for an offense described in division (B) (1) of this 1853  
section to a period less than the length of the stated prison 1854  
term originally imposed, and in no case shall the board or court 1855  
permit the releasee to leave the state without permission of the 1856  
court or the releasee's parole or probation officer. 1857

(E) The department of rehabilitation and correction, in 1858  
accordance with Chapter 119. of the Revised Code, shall adopt 1859  
rules that do all of the following: 1860

(1) Establish standards for the imposition by the parole 1861  
board of post-release control sanctions under this section that 1862  
are consistent with the overriding purposes and sentencing 1863  
principles set forth in section 2929.11 of the Revised Code and 1864  
that are appropriate to the needs of releasees; 1865

(2) Establish standards that provide for a period of post- 1866  
release control of up to three years for all prisoners described 1867  
in division (C) of this section who are to be released before 1868  
the expiration of their stated prison term under a risk 1869  
reduction sentence and standards by which the parole board can 1870  
determine which prisoners described in division (C) of this 1871  
section who are not to be released before the expiration of 1872  
their stated prison term under a risk reduction sentence should 1873  
be placed under a period of post-release control; 1874

(3) Establish standards to be used by the parole board in 1875  
reducing the duration of the period of post-release control 1876  
imposed by the court when authorized under division (D) of this 1877  
section, in imposing a more restrictive post-release control 1878  
sanction than monitored time upon a prisoner convicted of a 1879  
felony of the fourth or fifth degree other than a felony sex 1880  
offense, or in imposing a less restrictive control sanction upon 1881  
a releasee based on the releasee's activities including, but not 1882

limited to, remaining free from criminal activity and from the 1883  
abuse of alcohol or other drugs, successfully participating in 1884  
approved rehabilitation programs, maintaining employment, and 1885  
paying restitution to the victim or meeting the terms of other 1886  
financial sanctions; 1887

(4) Establish standards to be used by the adult parole 1888  
authority in modifying a releasee's post-release control 1889  
sanctions pursuant to division (D)(2) of this section; 1890

(5) Establish standards to be used by the adult parole 1891  
authority or parole board in imposing further sanctions under 1892  
division (F) of this section on releasees who violate post- 1893  
release control sanctions, including standards that do the 1894  
following: 1895

(a) Classify violations according to the degree of 1896  
seriousness; 1897

(b) Define the circumstances under which formal action by 1898  
the parole board is warranted; 1899

(c) Govern the use of evidence at violation hearings; 1900

(d) Ensure procedural due process to an alleged violator; 1901

(e) Prescribe nonresidential community control sanctions 1902  
for most misdemeanor and technical violations; 1903

(f) Provide procedures for the return of a releasee to 1904  
imprisonment for violations of post-release control. 1905

(F)(1) Whenever the parole board imposes one or more post- 1906  
release control sanctions upon an offender under this section, 1907  
the offender upon release from imprisonment shall be under the 1908  
general jurisdiction of the adult parole authority and generally 1909  
shall be supervised by the field services section through its 1910

staff of parole and field officers as described in section 1911  
5149.04 of the Revised Code, as if the offender had been placed 1912  
on parole. If the offender upon release from imprisonment 1913  
violates the post-release control sanction or any conditions 1914  
described in division (A) of section 2967.131 of the Revised 1915  
Code that are imposed on the offender, the public or private 1916  
person or entity that operates or administers the sanction or 1917  
the program or activity that comprises the sanction shall report 1918  
the violation directly to the adult parole authority or to the 1919  
officer of the authority who supervises the offender. The 1920  
authority's officers may treat the offender as if the offender 1921  
were on parole and in violation of the parole, and otherwise 1922  
shall comply with this section. 1923

(2) If the adult parole authority or, pursuant to an 1924  
agreement under section 2967.29 of the Revised Code, the court 1925  
determines that a releasee has violated a post-release control 1926  
sanction or any conditions described in division (A) of section 1927  
2967.131 of the Revised Code imposed upon the releasee and that 1928  
a more restrictive sanction is appropriate, the authority or 1929  
court may impose a more restrictive sanction upon the releasee, 1930  
in accordance with the standards established under division (E) 1931  
of this section or in accordance with the agreement made under 1932  
section 2967.29 of the Revised Code, or may report the violation 1933  
to the parole board for a hearing pursuant to division (F) (3) of 1934  
this section. The authority or court may not, pursuant to this 1935  
division, increase the duration of the releasee's post-release 1936  
control or impose as a post-release control sanction a 1937  
residential sanction that includes a prison term, but the 1938  
authority or court may impose on the releasee any other 1939  
residential sanction, nonresidential sanction, or financial 1940  
sanction that the sentencing court was authorized to impose 1941

pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B)(2)(b) of section 2925.11 of the Revised Code and in so doing violated the conditions of a post-release control sanction based on a minor drug possession offense as defined in that section, the board or the court may consider the releasee's conduct in seeking or obtaining medical assistance for another in good faith or for self or may consider the releasee being the subject of another person seeking or obtaining medical assistance in accordance with that division as a mitigating factor before imposing any of the penalties described in this division. When appropriate, the board or court may impose as a post-release control sanction a residential sanction that includes a prison term. The board or court shall consider a prison term as a post-release control sanction imposed for a violation of post-release control when the violation involves a deadly weapon or dangerous ordnance, physical harm or attempted serious physical harm to a person, or sexual misconduct, ~~or when the releasee committed repeated violations of post release control sanctions.~~ Unless a releasee's stated prison term was reduced pursuant to section

5120.032 of the Revised Code, the period of a prison term that 1973  
is imposed as a post-release control sanction under this 1974  
division shall not exceed ~~nine months~~ ninety days, and the 1975  
maximum cumulative prison term for all violations under this 1976  
division shall not exceed one-half of the stated prison term 1977  
originally imposed upon the offender as part of this sentence. 1978  
If a releasee's stated prison term was reduced pursuant to 1979  
section 5120.032 of the Revised Code, the period of a prison 1980  
term that is imposed as a post-release control sanction under 1981  
this division and the maximum cumulative prison term for all 1982  
violations under this division shall not exceed the period of 1983  
time not served in prison under the sentence imposed by the 1984  
court. The period of a prison term that is imposed as a post- 1985  
release control sanction under this division shall not count as, 1986  
or be credited toward, the remaining period of post-release 1987  
control. 1988

If an offender is imprisoned for a felony committed while 1989  
under post-release control supervision and is again released on 1990  
post-release control for a period of time determined by division 1991  
(F) (4) (d) of this section, the maximum cumulative prison term 1992  
for all violations under this division shall not exceed one-half 1993  
of the total stated prison terms of the earlier felony, reduced 1994  
by any prison term administratively imposed by the parole board 1995  
or court, plus one-half of the total stated prison term of the 1996  
new felony. 1997

(4) Any period of post-release control shall commence upon 1998  
an offender's actual release from prison. If an offender is 1999  
serving an indefinite prison term or a life sentence in addition 2000  
to a stated prison term, the offender shall serve the period of 2001  
post-release control in the following manner: 2002

(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 post-release control period otherwise would have ended.

(b) 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 an indefinite sentence, and if the period of parole ends prior to the period of post-release control, the offender shall be supervised on post-release control. The requirements of parole supervision shall be satisfied during the post-release control period.

(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

**Section 2.** That existing sections 2929.11, 2929.13,

2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, and 2033  
2967.28 of the Revised Code are hereby repealed. 2034

**Section 3.** Section 2929.19 of the Revised Code is 2035  
presented in this act as a composite of the section as amended 2036  
by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th 2037  
General Assembly. The General Assembly, applying the principle 2038  
stated in division (B) of section 1.52 of the Revised Code that 2039  
amendments are to be harmonized if reasonably capable of 2040  
simultaneous operation, finds that the composite is the 2041  
resulting version of the section in effect prior to the 2042  
effective date of the section as presented in this act. 2043