

**As Passed by the Senate**

**132nd General Assembly**

**Regular Session**

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**Sub. S. B. No. 66**

**Senators Eklund, Tavares**

**Cosponsors: Senators Schiavoni, Terhar, Thomas, Coley, Williams, Brown,  
Hoagland, Huffman, Kunze, LaRose, Lehner, McColley, Obhof, O'Brien, Oelslager,  
Skindell, Sykes, Wilson**

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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  
2967.28, 5503.02, and 5747.99 of the Revised 3  
Code to modify criminal sentencing and 4  
corrections law by including the promotion of 5  
effective rehabilitation as a purpose of felony 6  
sentencing, removing the one-year minimum for 7  
presumptive fourth or fifth degree felony 8  
community control sanctions, modifying sanctions 9  
for a violation of a community control 10  
condition, modifying the manner of calculating 11  
confinement credits, modifying eligibility 12  
criteria and procedures for granting 13  
intervention in lieu of conviction, making 14  
offenders convicted of certain multiple fourth 15  
or fifth degree felonies eligible for conviction 16  
record sealing, revising procedures for the 17  
Adult Parole Authority to grant a final release 18  
or terminate post-release control, and modifying 19  
the criteria for considering a prison term 20  
sanction for a post-release control violation; 21  
to extend the State Highway Patrol's authority 22

to enforce criminal laws to also apply to the 23  
Northeast Ohio Correctional Center; and to 24  
modify the penalty for an employer's failure to 25  
remit state income taxes withheld from an 26  
employee. 27

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

**Section 1.** That sections 2929.11, 2929.13, 2929.15, 28  
2929.16, 2929.19, 2951.041, 2953.31, 2967.16, 2967.28, 5503.02, 29  
and 5747.99 of the Revised Code be amended to read as follows: 30

**Sec. 2929.11.** (A) A court that sentences an offender for a 31  
felony shall be guided by the overriding purposes of felony 32  
sentencing. The overriding purposes of felony sentencing are to 33  
protect the public from future crime by the offender and others 34  
~~and, to punish the offender, and to promote the effective~~ 35  
rehabilitation of the offender using the minimum sanctions that 36  
the court determines accomplish those purposes without imposing 37  
an unnecessary burden on state or local government resources. To 38  
achieve those purposes, the sentencing court shall consider the 39  
need for incapacitating the offender, deterring the offender and 40  
others from future crime, rehabilitating the offender, and 41  
making restitution to the victim of the offense, the public, or 42  
both. 43

(B) A sentence imposed for a felony shall be reasonably 44  
calculated to achieve the ~~two-three~~ overriding purposes of 45  
felony sentencing set forth in division (A) of this section, 46  
commensurate with and not demeaning to the seriousness of the 47  
offender's conduct and its impact upon the victim, and 48

consistent with sentences imposed for similar crimes committed 49  
by similar offenders. 50

(C) A court that imposes a sentence upon an offender for a 51  
felony shall not base the sentence upon the race, ethnic 52  
background, gender, or religion of the offender. 53

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 54  
or (G) of this section and unless a specific sanction is 55  
required to be imposed or is precluded from being imposed 56  
pursuant to law, a court that imposes a sentence upon an 57  
offender for a felony may impose any sanction or combination of 58  
sanctions on the offender that are provided in sections 2929.14 59  
to 2929.18 of the Revised Code. 60

If the offender is eligible to be sentenced to community 61  
control sanctions, the court shall consider the appropriateness 62  
of imposing a financial sanction pursuant to section 2929.18 of 63  
the Revised Code or a sanction of community service pursuant to 64  
section 2929.17 of the Revised Code as the sole sanction for the 65  
offense. Except as otherwise provided in this division, if the 66  
court is required to impose a mandatory prison term for the 67  
offense for which sentence is being imposed, the court also 68  
shall impose any financial sanction pursuant to section 2929.18 69  
of the Revised Code that is required for the offense and may 70  
impose any other financial sanction pursuant to that section but 71  
may not impose any additional sanction or combination of 72  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 73

If the offender is being sentenced for a fourth degree 74  
felony OVI offense or for a third degree felony OVI offense, in 75  
addition to the mandatory term of local incarceration or the 76  
mandatory prison term required for the offense by division (G) 77  
(1) or (2) of this section, the court shall impose upon the 78

offender a mandatory fine in accordance with division (B) (3) of 79  
section 2929.18 of the Revised Code and may impose whichever of 80  
the following is applicable: 81

(1) For a fourth degree felony OVI offense for which 82  
sentence is imposed under division (G) (1) of this section, an 83  
additional community control sanction or combination of 84  
community control sanctions under section 2929.16 or 2929.17 of 85  
the Revised Code. If the court imposes upon the offender a 86  
community control sanction and the offender violates any 87  
condition of the community control sanction, the court may take 88  
any action prescribed in division (B) of section 2929.15 of the 89  
Revised Code relative to the offender, including imposing a 90  
prison term on the offender pursuant to that division. 91

(2) For a third or fourth degree felony OVI offense for 92  
which sentence is imposed under division (G) (2) of this section, 93  
an additional prison term as described in division (B) (4) of 94  
section 2929.14 of the Revised Code or a community control 95  
sanction as described in division (G) (2) of this section. 96

(B) (1) (a) Except as provided in division (B) (1) (b) of this 97  
section, if an offender is convicted of or pleads guilty to a 98  
felony of the fourth or fifth degree that is not an offense of 99  
violence or that is a qualifying assault offense, the court 100  
shall sentence the offender to a community control sanction ~~of~~ 101  
at least one year's duration or combination of community control 102  
sanctions if all of the following apply: 103

(i) The offender previously has not been convicted of or 104  
pleaded guilty to a felony offense. 105

(ii) The most serious charge against the offender at the 106  
time of sentencing is a felony of the fourth or fifth degree. 107

(iii) If the court made a request of the department of 108  
rehabilitation and correction pursuant to division (B)(1)(c) of 109  
this section, the department, within the forty-five-day period 110  
specified in that division, provided the court with the names 111  
of, contact information for, and program details of one or more 112  
community control sanctions ~~of at least one year's duration~~ that 113  
are available for persons sentenced by the court. 114

(iv) The offender previously has not been convicted of or 115  
pleaded guilty to a misdemeanor offense of violence that the 116  
offender committed within two years prior to the offense for 117  
which sentence is being imposed. 118

(b) The court has discretion to impose a prison term upon 119  
an offender who is convicted of or pleads guilty to a felony of 120  
the fourth or fifth degree that is not an offense of violence or 121  
that is a qualifying assault offense if any of the following 122  
apply: 123

(i) The offender committed the offense while having a 124  
firearm on or about the offender's person or under the 125  
offender's control. 126

(ii) If the offense is a qualifying assault offense, the 127  
offender caused serious physical harm to another person while 128  
committing the offense, and, if the offense is not a qualifying 129  
assault offense, the offender caused physical harm to another 130  
person while committing the offense. 131

(iii) The offender violated a term of the conditions of 132  
bond as set by the court. 133

(iv) The court made a request of the department of 134  
rehabilitation and correction pursuant to division (B)(1)(c) of 135  
this section, and the department, within the forty-five-day 136

period specified in that division, did not provide the court 137  
with the name of, contact information for, and program details 138  
of any community control sanction ~~of at least one year's~~ 139  
~~duration~~ that is available for persons sentenced by the court. 140

(v) The offense is a sex offense that is a fourth or fifth 141  
degree felony violation of any provision of Chapter 2907. of the 142  
Revised Code. 143

(vi) In committing the offense, the offender attempted to 144  
cause or made an actual threat of physical harm to a person with 145  
a deadly weapon. 146

(vii) In committing the offense, the offender attempted to 147  
cause or made an actual threat of physical harm to a person, and 148  
the offender previously was convicted of an offense that caused 149  
physical harm to a person. 150

(viii) The offender held a public office or position of 151  
trust, and the offense related to that office or position; the 152  
offender's position obliged the offender to prevent the offense 153  
or to bring those committing it to justice; or the offender's 154  
professional reputation or position facilitated the offense or 155  
was likely to influence the future conduct of others. 156

(ix) The offender committed the offense for hire or as 157  
part of an organized criminal activity. 158

(x) The offender at the time of the offense was serving, 159  
or the offender previously had served, a prison term. 160

(xi) The offender committed the offense while under a 161  
community control sanction, while on probation, or while 162  
released from custody on a bond or personal recognizance. 163

(c) If a court that is sentencing an offender who is 164

convicted of or pleads guilty to a felony of the fourth or fifth 165  
degree that is not an offense of violence or that is a 166  
qualifying assault offense believes that no community control 167  
sanctions are available for its use that, if imposed on the 168  
offender, will adequately fulfill the overriding principles and 169  
purposes of sentencing, the court shall contact the department 170  
of rehabilitation and correction and ask the department to 171  
provide the court with the names of, contact information for, 172  
and program details of one or more community control sanctions 173  
~~of at least one year's duration~~ that are available for persons 174  
sentenced by the court. Not later than forty-five days after 175  
receipt of a request from a court under this division, the 176  
department shall provide the court with the names of, contact 177  
information for, and program details of one or more community 178  
control sanctions ~~of at least one year's duration~~ that are 179  
available for persons sentenced by the court, if any. Upon 180  
making a request under this division that relates to a 181  
particular offender, a court shall defer sentencing of that 182  
offender until it receives from the department the names of, 183  
contact information for, and program details of one or more 184  
community control sanctions ~~of at least one year's duration~~ that 185  
are available for persons sentenced by the court or for forty- 186  
five days, whichever is the earlier. 187

If the department provides the court with the names of, 188  
contact information for, and program details of one or more 189  
community control sanctions ~~of at least one year's duration~~ that 190  
are available for persons sentenced by the court within the 191  
forty-five-day period specified in this division, the court 192  
shall impose upon the offender a community control sanction 193  
under division (B) (1) (a) of this section, except that the court 194  
may impose a prison term under division (B) (1) (b) of this 195

section if a factor described in division (B) (1) (b) (i) or (ii) 196  
of this section applies. If the department does not provide the 197  
court with the names of, contact information for, and program 198  
details of one or more community control sanctions ~~of at least~~ 199  
~~one year's duration~~ that are available for persons sentenced by 200  
the court within the forty-five-day period specified in this 201  
division, the court may impose upon the offender a prison term 202  
under division (B) (1) (b) (iv) of this section. 203

(d) A sentencing court may impose an additional penalty 204  
under division (B) of section 2929.15 of the Revised Code upon 205  
an offender sentenced to a community control sanction under 206  
division (B) (1) (a) of this section if the offender violates the 207  
conditions of the community control sanction, violates a law, or 208  
leaves the state without the permission of the court or the 209  
offender's probation officer. 210

(2) If division (B) (1) of this section does not apply, 211  
except as provided in division (E), (F), or (G) of this section, 212  
in determining whether to impose a prison term as a sanction for 213  
a felony of the fourth or fifth degree, the sentencing court 214  
shall comply with the purposes and principles of sentencing 215  
under section 2929.11 of the Revised Code and with section 216  
2929.12 of the Revised Code. 217

(C) Except as provided in division (D), (E), (F), or (G) 218  
of this section, in determining whether to impose a prison term 219  
as a sanction for a felony of the third degree or a felony drug 220  
offense that is a violation of a provision of Chapter 2925. of 221  
the Revised Code and that is specified as being subject to this 222  
division for purposes of sentencing, the sentencing court shall 223  
comply with the purposes and principles of sentencing under 224  
section 2929.11 of the Revised Code and with section 2929.12 of 225

the Revised Code. 226

(D) (1) Except as provided in division (E) or (F) of this 227  
section, for a felony of the first or second degree, for a 228  
felony drug offense that is a violation of any provision of 229  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 230  
presumption in favor of a prison term is specified as being 231  
applicable, and for a violation of division (A) (4) or (B) of 232  
section 2907.05 of the Revised Code for which a presumption in 233  
favor of a prison term is specified as being applicable, it is 234  
presumed that a prison term is necessary in order to comply with 235  
the purposes and principles of sentencing under section 2929.11 236  
of the Revised Code. Division (D) (2) of this section does not 237  
apply to a presumption established under this division for a 238  
violation of division (A) (4) of section 2907.05 of the Revised 239  
Code. 240

(2) Notwithstanding the presumption established under 241  
division (D) (1) of this section for the offenses listed in that 242  
division other than a violation of division (A) (4) or (B) of 243  
section 2907.05 of the Revised Code, the sentencing court may 244  
impose a community control sanction or a combination of 245  
community control sanctions instead of a prison term on an 246  
offender for a felony of the first or second degree or for a 247  
felony drug offense that is a violation of any provision of 248  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 249  
presumption in favor of a prison term is specified as being 250  
applicable if it makes both of the following findings: 251

(a) A community control sanction or a combination of 252  
community control sanctions would adequately punish the offender 253  
and protect the public from future crime, because the applicable 254  
factors under section 2929.12 of the Revised Code indicating a 255

lesser likelihood of recidivism outweigh the applicable factors 256  
under that section indicating a greater likelihood of 257  
recidivism. 258

(b) A community control sanction or a combination of 259  
community control sanctions would not demean the seriousness of 260  
the offense, because one or more factors under section 2929.12 261  
of the Revised Code that indicate that the offender's conduct 262  
was less serious than conduct normally constituting the offense 263  
are applicable, and they outweigh the applicable factors under 264  
that section that indicate that the offender's conduct was more 265  
serious than conduct normally constituting the offense. 266

(E) (1) Except as provided in division (F) of this section, 267  
for any drug offense that is a violation of any provision of 268  
Chapter 2925. of the Revised Code and that is a felony of the 269  
third, fourth, or fifth degree, the applicability of a 270  
presumption under division (D) of this section in favor of a 271  
prison term or of division (B) or (C) of this section in 272  
determining whether to impose a prison term for the offense 273  
shall be determined as specified in section 2925.02, 2925.03, 274  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 275  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 276  
regarding the violation. 277

(2) If an offender who was convicted of or pleaded guilty 278  
to a felony violates the conditions of a community control 279  
sanction imposed for the offense solely by reason of producing 280  
positive results on a drug test or by acting pursuant to 281  
division (B) (2) (b) of section 2925.11 of the Revised Code with 282  
respect to a minor drug possession offense, the court, as 283  
punishment for the violation of the sanction, shall not order 284  
that the offender be imprisoned unless the court determines on 285

the record either of the following: 286

(a) The offender had been ordered as a sanction for the 287  
felony to participate in a drug treatment program, in a drug 288  
education program, or in narcotics anonymous or a similar 289  
program, and the offender continued to use illegal drugs after a 290  
reasonable period of participation in the program. 291

(b) The imprisonment of the offender for the violation is 292  
consistent with the purposes and principles of sentencing set 293  
forth in section 2929.11 of the Revised Code. 294

(3) A court that sentences an offender for a drug abuse 295  
offense that is a felony of the third, fourth, or fifth degree 296  
may require that the offender be assessed by a properly 297  
credentialed professional within a specified period of time. The 298  
court shall require the professional to file a written 299  
assessment of the offender with the court. If the offender is 300  
eligible for a community control sanction and after considering 301  
the written assessment, the court may impose a community control 302  
sanction that includes addiction services and recovery supports 303  
included in a community-based continuum of care established 304  
under section 340.032 of the Revised Code. If the court imposes 305  
addiction services and recovery supports as a community control 306  
sanction, the court shall direct the level and type of addiction 307  
services and recovery supports after considering the assessment 308  
and recommendation of community addiction services providers. 309

(F) Notwithstanding divisions (A) to (E) of this section, 310  
the court shall impose a prison term or terms under sections 311  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 312  
section 2971.03 of the Revised Code and except as specifically 313  
provided in section 2929.20, divisions (C) to (I) of section 314  
2967.19, or section 2967.191 of the Revised Code or when parole 315

is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses:

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

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the offender would have been guilty of a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and would be sentenced under section 2971.03 of the Revised Code;

(3) Gross sexual imposition or sexual battery, if the victim is less than thirteen years of age and if any of the following applies:

(a) Regarding gross sexual imposition, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, gross sexual imposition, or sexual battery, and the victim of the previous offense was less than thirteen years of age;

(b) Regarding gross sexual imposition, the offense was committed on or after August 3, 2006, and evidence other than the testimony of the victim was admitted in the case corroborating the violation.

(c) Regarding sexual battery, either of the following applies:

(i) The offense was committed prior to August 3, 2006, the offender previously was convicted of or pleaded guilty to rape, the former offense of felonious sexual penetration, or sexual

battery, and the victim of the previous offense was less than 345  
thirteen years of age. 346

(ii) The offense was committed on or after August 3, 2006. 347

(4) A felony violation of section 2903.04, 2903.06, 348  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 349  
or 2923.132 of the Revised Code if the section requires the 350  
imposition of a prison term; 351

(5) A first, second, or third degree felony drug offense 352  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 353  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 354  
or 4729.99 of the Revised Code, whichever is applicable 355  
regarding the violation, requires the imposition of a mandatory 356  
prison term; 357

(6) Any offense that is a first or second degree felony 358  
and that is not set forth in division (F) (1), (2), (3), or (4) 359  
of this section, if the offender previously was convicted of or 360  
pleaded guilty to aggravated murder, murder, any first or second 361  
degree felony, or an offense under an existing or former law of 362  
this state, another state, or the United States that is or was 363  
substantially equivalent to one of those offenses; 364

(7) Any offense that is a third degree felony and either 365  
is a violation of section 2903.04 of the Revised Code or an 366  
attempt to commit a felony of the second degree that is an 367  
offense of violence and involved an attempt to cause serious 368  
physical harm to a person or that resulted in serious physical 369  
harm to a person if the offender previously was convicted of or 370  
pleaded guilty to any of the following offenses: 371

(a) Aggravated murder, murder, involuntary manslaughter, 372  
rape, felonious sexual penetration as it existed under section 373

2907.12 of the Revised Code prior to September 3, 1996, a felony 374  
of the first or second degree that resulted in the death of a 375  
person or in physical harm to a person, or complicity in or an 376  
attempt to commit any of those offenses; 377

(b) An offense under an existing or former law of this 378  
state, another state, or the United States that is or was 379  
substantially equivalent to an offense listed in division (F) (7) 380  
(a) of this section that resulted in the death of a person or in 381  
physical harm to a person. 382

(8) Any offense, other than a violation of section 2923.12 383  
of the Revised Code, that is a felony, if the offender had a 384  
firearm on or about the offender's person or under the 385  
offender's control while committing the felony, with respect to 386  
a portion of the sentence imposed pursuant to division (B) (1) (a) 387  
of section 2929.14 of the Revised Code for having the firearm; 388

(9) Any offense of violence that is a felony, if the 389  
offender wore or carried body armor while committing the felony 390  
offense of violence, with respect to the portion of the sentence 391  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 392  
Revised Code for wearing or carrying the body armor; 393

(10) Corrupt activity in violation of section 2923.32 of 394  
the Revised Code when the most serious offense in the pattern of 395  
corrupt activity that is the basis of the offense is a felony of 396  
the first degree; 397

(11) Any violent sex offense or designated homicide, 398  
assault, or kidnapping offense if, in relation to that offense, 399  
the offender is adjudicated a sexually violent predator; 400

(12) A violation of division (A) (1) or (2) of section 401  
2921.36 of the Revised Code, or a violation of division (C) of 402

that section involving an item listed in division (A) (1) or (2) 403  
of that section, if the offender is an officer or employee of 404  
the department of rehabilitation and correction; 405

(13) A violation of division (A) (1) or (2) of section 406  
2903.06 of the Revised Code if the victim of the offense is a 407  
peace officer, as defined in section 2935.01 of the Revised 408  
Code, or an investigator of the bureau of criminal 409  
identification and investigation, as defined in section 2903.11 410  
of the Revised Code, with respect to the portion of the sentence 411  
imposed pursuant to division (B) (5) of section 2929.14 of the 412  
Revised Code; 413

(14) A violation of division (A) (1) or (2) of section 414  
2903.06 of the Revised Code if the offender has been convicted 415  
of or pleaded guilty to three or more violations of division (A) 416  
or (B) of section 4511.19 of the Revised Code or an equivalent 417  
offense, as defined in section 2941.1415 of the Revised Code, or 418  
three or more violations of any combination of those divisions 419  
and offenses, with respect to the portion of the sentence 420  
imposed pursuant to division (B) (6) of section 2929.14 of the 421  
Revised Code; 422

(15) Kidnapping, in the circumstances specified in section 423  
2971.03 of the Revised Code and when no other provision of 424  
division (F) of this section applies; 425

(16) Kidnapping, abduction, compelling prostitution, 426  
promoting prostitution, engaging in a pattern of corrupt 427  
activity, illegal use of a minor in a nudity-oriented material 428  
or performance in violation of division (A) (1) or (2) of section 429  
2907.323 of the Revised Code, or endangering children in 430  
violation of division (B) (1), (2), (3), (4), or (5) of section 431  
2919.22 of the Revised Code, if the offender is convicted of or 432

pleads guilty to a specification as described in section 433  
2941.1422 of the Revised Code that was included in the 434  
indictment, count in the indictment, or information charging the 435  
offense; 436

(17) A felony violation of division (A) or (B) of section 437  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 438  
that section, and division (D) (6) of that section, require the 439  
imposition of a prison term; 440

(18) A felony violation of section 2903.11, 2903.12, or 441  
2903.13 of the Revised Code, if the victim of the offense was a 442  
woman that the offender knew was pregnant at the time of the 443  
violation, with respect to a portion of the sentence imposed 444  
pursuant to division (B) (8) of section 2929.14 of the Revised 445  
Code; 446

(19) (a) Any violent felony offense if the offender is a 447  
violent career criminal and had a firearm on or about the 448  
offender's person or under the offender's control during the 449  
commission of the violent felony offense and displayed or 450  
brandished the firearm, indicated that the offender possessed a 451  
firearm, or used the firearm to facilitate the offense, with 452  
respect to the portion of the sentence imposed under division 453  
(K) of section 2929.14 of the Revised Code. 454

(b) As used in division (F) (19) (a) of this section, 455  
"violent career criminal" and "violent felony offense" have the 456  
same meanings as in section 2923.132 of the Revised Code; 457

(20) Any violation of division (A) (1) of section 2903.11 458  
of the Revised Code if the offender used an accelerant in 459  
committing the violation and the serious physical harm to 460  
another or another's unborn caused by the violation resulted in 461

a permanent, serious disfigurement or permanent, substantial 462  
incapacity or any violation of division (A) (2) of that section 463  
if the offender used an accelerant in committing the violation, 464  
the violation caused physical harm to another or another's 465  
unborn, and the physical harm resulted in a permanent, serious 466  
disfigurement or permanent, substantial incapacity, with respect 467  
to a portion of the sentence imposed pursuant to division (B) (9) 468  
of section 2929.14 of the Revised Code. The provisions of this 469  
division and of division (D) (2) of section 2903.11, divisions 470  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 471  
the Revised Code shall be known as "Judy's Law." 472

(G) Notwithstanding divisions (A) to (E) of this section, 473  
if an offender is being sentenced for a fourth degree felony OVI 474  
offense or for a third degree felony OVI offense, the court 475  
shall impose upon the offender a mandatory term of local 476  
incarceration or a mandatory prison term in accordance with the 477  
following: 478

(1) If the offender is being sentenced for a fourth degree 479  
felony OVI offense and if the offender has not been convicted of 480  
and has not pleaded guilty to a specification of the type 481  
described in section 2941.1413 of the Revised Code, the court 482  
may impose upon the offender a mandatory term of local 483  
incarceration of sixty days or one hundred twenty days as 484  
specified in division (G) (1) (d) of section 4511.19 of the 485  
Revised Code. The court shall not reduce the term pursuant to 486  
section 2929.20, 2967.193, or any other provision of the Revised 487  
Code. The court that imposes a mandatory term of local 488  
incarceration under this division shall specify whether the term 489  
is to be served in a jail, a community-based correctional 490  
facility, a halfway house, or an alternative residential 491  
facility, and the offender shall serve the term in the type of 492

facility specified by the court. A mandatory term of local 493  
incarceration imposed under division (G) (1) of this section is 494  
not subject to any other Revised Code provision that pertains to 495  
a prison term except as provided in division (A) (1) of this 496  
section. 497

(2) If the offender is being sentenced for a third degree 498  
felony OVI offense, or if the offender is being sentenced for a 499  
fourth degree felony OVI offense and the court does not impose a 500  
mandatory term of local incarceration under division (G) (1) of 501  
this section, the court shall impose upon the offender a 502  
mandatory prison term of one, two, three, four, or five years if 503  
the offender also is convicted of or also pleads guilty to a 504  
specification of the type described in section 2941.1413 of the 505  
Revised Code or shall impose upon the offender a mandatory 506  
prison term of sixty days or one hundred twenty days as 507  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 508  
Revised Code if the offender has not been convicted of and has 509  
not pleaded guilty to a specification of that type. Subject to 510  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 511  
court shall not reduce the term pursuant to section 2929.20, 512  
2967.19, 2967.193, or any other provision of the Revised Code. 513  
The offender shall serve the one-, two-, three-, four-, or five- 514  
year mandatory prison term consecutively to and prior to the 515  
prison term imposed for the underlying offense and consecutively 516  
to any other mandatory prison term imposed in relation to the 517  
offense. In no case shall an offender who once has been 518  
sentenced to a mandatory term of local incarceration pursuant to 519  
division (G) (1) of this section for a fourth degree felony OVI 520  
offense be sentenced to another mandatory term of local 521  
incarceration under that division for any violation of division 522  
(A) of section 4511.19 of the Revised Code. In addition to the 523

mandatory prison term described in division (G) (2) of this 524  
section, the court may sentence the offender to a community 525  
control sanction under section 2929.16 or 2929.17 of the Revised 526  
Code, but the offender shall serve the prison term prior to 527  
serving the community control sanction. The department of 528  
rehabilitation and correction may place an offender sentenced to 529  
a mandatory prison term under this division in an intensive 530  
program prison established pursuant to section 5120.033 of the 531  
Revised Code if the department gave the sentencing judge prior 532  
notice of its intent to place the offender in an intensive 533  
program prison established under that section and if the judge 534  
did not notify the department that the judge disapproved the 535  
placement. Upon the establishment of the initial intensive 536  
program prison pursuant to section 5120.033 of the Revised Code 537  
that is privately operated and managed by a contractor pursuant 538  
to a contract entered into under section 9.06 of the Revised 539  
Code, both of the following apply: 540

(a) The department of rehabilitation and correction shall 541  
make a reasonable effort to ensure that a sufficient number of 542  
offenders sentenced to a mandatory prison term under this 543  
division are placed in the privately operated and managed prison 544  
so that the privately operated and managed prison has full 545  
occupancy. 546

(b) Unless the privately operated and managed prison has 547  
full occupancy, the department of rehabilitation and correction 548  
shall not place any offender sentenced to a mandatory prison 549  
term under this division in any intensive program prison 550  
established pursuant to section 5120.033 of the Revised Code 551  
other than the privately operated and managed prison. 552

(H) If an offender is being sentenced for a sexually 553

oriented offense or child-victim oriented offense that is a 554  
felony committed on or after January 1, 1997, the judge shall 555  
require the offender to submit to a DNA specimen collection 556  
procedure pursuant to section 2901.07 of the Revised Code. 557

(I) If an offender is being sentenced for a sexually 558  
oriented offense or a child-victim oriented offense committed on 559  
or after January 1, 1997, the judge shall include in the 560  
sentence a summary of the offender's duties imposed under 561  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 562  
Code and the duration of the duties. The judge shall inform the 563  
offender, at the time of sentencing, of those duties and of 564  
their duration. If required under division (A)(2) of section 565  
2950.03 of the Revised Code, the judge shall perform the duties 566  
specified in that section, or, if required under division (A)(6) 567  
of section 2950.03 of the Revised Code, the judge shall perform 568  
the duties specified in that division. 569

(J)(1) Except as provided in division (J)(2) of this 570  
section, when considering sentencing factors under this section 571  
in relation to an offender who is convicted of or pleads guilty 572  
to an attempt to commit an offense in violation of section 573  
2923.02 of the Revised Code, the sentencing court shall consider 574  
the factors applicable to the felony category of the violation 575  
of section 2923.02 of the Revised Code instead of the factors 576  
applicable to the felony category of the offense attempted. 577

(2) When considering sentencing factors under this section 578  
in relation to an offender who is convicted of or pleads guilty 579  
to an attempt to commit a drug abuse offense for which the 580  
penalty is determined by the amount or number of unit doses of 581  
the controlled substance involved in the drug abuse offense, the 582  
sentencing court shall consider the factors applicable to the 583

felony category that the drug abuse offense attempted would be 584  
if that drug abuse offense had been committed and had involved 585  
an amount or number of unit doses of the controlled substance 586  
that is within the next lower range of controlled substance 587  
amounts than was involved in the attempt. 588

(K) As used in this section: 589

(1) "Community addiction services provider" has the same 590  
meaning as in section 5119.01 of the Revised Code. 591

(2) "Drug abuse offense" has the same meaning as in 592  
section 2925.01 of the Revised Code. 593

(3) "Minor drug possession offense" has the same meaning 594  
as in section 2925.11 of the Revised Code. 595

(4) "Qualifying assault offense" means a violation of 596  
section 2903.13 of the Revised Code for which the penalty 597  
provision in division (C) (8) (b) or (C) (9) (b) of that section 598  
applies. 599

(L) At the time of sentencing an offender for any sexually 600  
oriented offense, if the offender is a tier III sex 601  
offender/child-victim offender relative to that offense and the 602  
offender does not serve a prison term or jail term, the court 603  
may require that the offender be monitored by means of a global 604  
positioning device. If the court requires such monitoring, the 605  
cost of monitoring shall be borne by the offender. If the 606  
offender is indigent, the cost of compliance shall be paid by 607  
the crime victims reparations fund. 608

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 609  
felony the court is not required to impose a prison term, a 610  
mandatory prison term, or a term of life imprisonment upon the 611  
offender, the court may directly impose a sentence that consists 612

of one or more community control sanctions authorized pursuant 613  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 614  
the court is sentencing an offender for a fourth degree felony 615  
OVI offense under division (G) (1) of section 2929.13 of the 616  
Revised Code, in addition to the mandatory term of local 617  
incarceration imposed under that division and the mandatory fine 618  
required by division (B) (3) of section 2929.18 of the Revised 619  
Code, the court may impose upon the offender a community control 620  
sanction or combination of community control sanctions in 621  
accordance with sections 2929.16 and 2929.17 of the Revised 622  
Code. If the court is sentencing an offender for a third or 623  
fourth degree felony OVI offense under division (G) (2) of 624  
section 2929.13 of the Revised Code, in addition to the 625  
mandatory prison term or mandatory prison term and additional 626  
prison term imposed under that division, the court also may 627  
impose upon the offender a community control sanction or 628  
combination of community control sanctions under section 2929.16 629  
or 2929.17 of the Revised Code, but the offender shall serve all 630  
of the prison terms so imposed prior to serving the community 631  
control sanction. 632

The duration of all community control sanctions imposed 633  
upon an offender under this division shall not exceed five 634  
years. If the offender absconds or otherwise leaves the 635  
jurisdiction of the court in which the offender resides without 636  
obtaining permission from the court or the offender's probation 637  
officer to leave the jurisdiction of the court, or if the 638  
offender is confined in any institution for the commission of 639  
any offense while under a community control sanction, the period 640  
of the community control sanction ceases to run until the 641  
offender is brought before the court for its further action. If 642  
the court sentences the offender to one or more nonresidential 643

sanctions under section 2929.17 of the Revised Code, the court 644  
shall impose as a condition of the nonresidential sanctions 645  
that, during the period of the sanctions, the offender must 646  
abide by the law and must not leave the state without the 647  
permission of the court or the offender's probation officer. The 648  
court may impose any other conditions of release under a 649  
community control sanction that the court considers appropriate, 650  
including, but not limited to, requiring that the offender not 651  
ingest or be injected with a drug of abuse and submit to random 652  
drug testing as provided in division (D) of this section to 653  
determine whether the offender ingested or was injected with a 654  
drug of abuse and requiring that the results of the drug test 655  
indicate that the offender did not ingest or was not injected 656  
with a drug of abuse. 657

(2) (a) If a court sentences an offender to any community 658  
control sanction or combination of community control sanctions 659  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 660  
the Revised Code, the court shall place the offender under the 661  
general control and supervision of a department of probation in 662  
the county that serves the court for purposes of reporting to 663  
the court a violation of any condition 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. Alternatively, if the offender 668  
resides in another county and a county department of probation 669  
has been established in that county or that county is served by 670  
a multicounty probation department established under section 671  
2301.27 of the Revised Code, the court may request the court of 672  
common pleas of that county to receive the offender into the 673  
general control and supervision of that county or multicounty 674

department of probation for purposes of reporting to the court a 675  
violation of any condition of the sanctions, any condition of 676  
release under a community control sanction imposed by the court, 677  
a violation of law, or the departure of the offender from this 678  
state without the permission of the court or the offender's 679  
probation officer, subject to the jurisdiction of the trial 680  
judge over and with respect to the person of the offender, and 681  
to the rules governing that department of probation. 682

If there is no department of probation in the county that 683  
serves the court, the court shall place the offender, regardless 684  
of the offender's county of residence, under the general control 685  
and supervision of the adult parole authority for purposes of 686  
reporting to the court a violation of any of the sanctions, any 687  
condition of release under a community control sanction imposed 688  
by the court, a violation of law, or the departure of the 689  
offender from this state without the permission of the court or 690  
the offender's probation officer. 691

(b) If the court imposing sentence upon an offender 692  
sentences the offender to any community control sanction or 693  
combination of community control sanctions authorized pursuant 694  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 695  
if the offender violates any condition of the sanctions, any 696  
condition of release under a community control sanction imposed 697  
by the court, violates any law, or departs the state without the 698  
permission of the court or the offender's probation officer, the 699  
public or private person or entity that operates or administers 700  
the sanction or the program or activity that comprises the 701  
sanction shall report the violation or departure directly to the 702  
sentencing court, or shall report the violation or departure to 703  
the county or multicounty department of probation with general 704  
control and supervision over the offender under division (A) (2) 705

(a) of this section or the officer of that department who 706  
supervises the offender, or, if there is no such department with 707  
general control and supervision over the offender under that 708  
division, to the adult parole authority. If the public or 709  
private person or entity that operates or administers the 710  
sanction or the program or activity that comprises the sanction 711  
reports the violation or departure to the county or multicounty 712  
department of probation or the adult parole authority, the 713  
department's or authority's officers may treat the offender as 714  
if the offender were on probation and in violation of the 715  
probation, and shall report the violation of the condition of 716  
the sanction, any condition of release under a community control 717  
sanction imposed by the court, the violation of law, or the 718  
departure from the state without the required permission to the 719  
sentencing court. 720

(3) If an offender who is eligible for community control 721  
sanctions under this section admits to being drug addicted or 722  
the court has reason to believe that the offender is drug 723  
addicted, and if the offense for which the offender is being 724  
sentenced was related to the addiction, the court may require 725  
that the offender be assessed by a properly credentialed 726  
professional within a specified period of time and shall require 727  
the professional to file a written assessment of the offender 728  
with the court. If a court imposes treatment and recovery 729  
support services as a community control sanction, the court 730  
shall direct the level and type of treatment and recovery 731  
support services after consideration of the written assessment, 732  
if available at the time of sentencing, and recommendations of 733  
the professional and other treatment and recovery support 734  
services providers. 735

(4) If an assessment completed pursuant to division (A) (3) 736

of this section indicates that the offender is addicted to drugs 737  
or alcohol, the court may include in any community control 738  
sanction imposed for a violation of section 2925.02, 2925.03, 739  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 740  
2925.36, or 2925.37 of the Revised Code a requirement that the 741  
offender participate in alcohol and drug addiction services and 742  
recovery supports certified under section 5119.36 of the Revised 743  
Code or offered by a properly credentialed community addiction 744  
services provider. 745

(B) (1) If the conditions of a community control sanction 746  
are violated or if the offender violates a law or leaves the 747  
state without the permission of the court or the offender's 748  
probation officer, the sentencing court may impose upon the 749  
violator one or more of the following penalties: 750

(a) A longer time under the same sanction if the total 751  
time under the sanctions does not exceed the five-year limit 752  
specified in division (A) of this section; 753

(b) A more restrictive sanction under section 2929.16, 754  
2929.17, or 2929.18 of the Revised Code, including but not 755  
limited to, a new term in a community-based correctional 756  
facility, halfway house, or jail pursuant to division (A) (6) of 757  
section 2929.16 of the Revised Code; 758

(c) A prison term on the offender pursuant to section 759  
2929.14 of the Revised Code and division (B) (3) of this section, 760  
provided that a prison term imposed under this division is 761  
subject to the following limitations, as applicable: 762

(i) If the prison term is imposed for any technical 763  
violation of the conditions of a community control sanction 764  
imposed for a felony of the fifth degree or for any violation of 765

law committed while under a community control sanction imposed 766  
for such a felony that consists of a new criminal offense and 767  
that is not a felony, the prison term shall not exceed ninety 768  
days. 769

(ii) If the prison term is imposed for any technical 770  
violation of the conditions of a community control sanction 771  
imposed for a felony of the fourth degree that is not an offense 772  
of violence and is not a sexually oriented offense or for any 773  
violation of law committed while under a community control 774  
sanction imposed for such a felony that consists of a new 775  
criminal offense and that is not a felony, the prison term shall 776  
not exceed one hundred eighty days. 777

(2) If an offender was acting pursuant to division (B) (2) 778  
(b) of section 2925.11 of the Revised Code and in so doing 779  
violated the conditions of a community control sanction based on 780  
a minor drug possession offense, as defined in section 2925.11 781  
of the Revised Code, the sentencing court may consider the 782  
offender's conduct in seeking or obtaining medical assistance 783  
for another in good faith or for self or may consider the 784  
offender being the subject of another person seeking or 785  
obtaining medical assistance in accordance with that division as 786  
a mitigating factor before imposing any of the penalties 787  
described in division (B) (1) of this section. 788

(3) The prison term, if any, imposed upon a violator 789  
pursuant to division (B) (1) of this section shall be within the 790  
range of prison terms available for the offense for which the 791  
sanction that was violated was imposed and shall not exceed the 792  
prison term specified in the notice provided to the offender at 793  
the sentencing hearing pursuant to division (B) (2) of section 794  
2929.19 of the Revised Code. The court may reduce the longer 795

period of time that the offender is required to spend under the 796  
longer sanction, the more restrictive sanction, or a prison term 797  
imposed pursuant to division (B) (1) of this section by the time 798  
the offender successfully spent under the sanction that was 799  
initially imposed. 800

(C) If an offender, for a significant period of time, 801  
fulfills the conditions of a sanction imposed pursuant to 802  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 803  
exemplary manner, the court may reduce the period of time under 804  
the sanction or impose a less restrictive sanction, but the 805  
court shall not permit the offender to violate any law or permit 806  
the offender to leave the state without the permission of the 807  
court or the offender's probation officer. 808

(D) (1) If a court under division (A) (1) of this section 809  
imposes a condition of release under a community control 810  
sanction that requires the offender to submit to random drug 811  
testing, the department of probation or the adult parole 812  
authority that has general control and supervision of the 813  
offender under division (A) (2) (a) of this section may cause the 814  
offender to submit to random drug testing performed by a 815  
laboratory or entity that has entered into a contract with any 816  
of the governmental entities or officers authorized to enter 817  
into a contract with that laboratory or entity under section 818  
341.26, 753.33, or 5120.63 of the Revised Code. 819

(2) If no laboratory or entity described in division (D) 820  
(1) of this section has entered into a contract as specified in 821  
that division, the department of probation or the adult parole 822  
authority that has general control and supervision of the 823  
offender under division (A) (2) (a) of this section shall cause 824  
the offender to submit to random drug testing performed by a 825

reputable public laboratory to determine whether the individual 826  
who is the subject of the drug test ingested or was injected 827  
with a drug of abuse. 828

(3) A laboratory or entity that has entered into a 829  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 830  
Revised Code shall perform the random drug tests under division 831  
(D) (1) of this section in accordance with the applicable 832  
standards that are included in the terms of that contract. A 833  
public laboratory shall perform the random drug tests under 834  
division (D) (2) of this section in accordance with the standards 835  
set forth in the policies and procedures established by the 836  
department of rehabilitation and correction pursuant to section 837  
5120.63 of the Revised Code. An offender who is required under 838  
division (A) (1) of this section to submit to random drug testing 839  
as a condition of release under a community control sanction and 840  
whose test results indicate that the offender ingested or was 841  
injected with a drug of abuse shall pay the fee for the drug 842  
test if the department of probation or the adult parole 843  
authority that has general control and supervision of the 844  
offender requires payment of a fee. A laboratory or entity that 845  
performs the random drug testing on an offender under division 846  
(D) (1) or (2) of this section shall transmit the results of the 847  
drug test to the appropriate department of probation or the 848  
adult parole authority that has general control and supervision 849  
of the offender under division (A) (2) (a) of this section. 850

**Sec. 2929.16.** (A) Except as provided in this division, the 851  
court imposing a sentence for a felony upon an offender who is 852  
not required to serve a mandatory prison term may impose any 853  
community residential sanction or combination of community 854  
residential sanctions under this section. The court imposing a 855  
sentence for a fourth degree felony OVI offense under division 856

(G) (1) or (2) of section 2929.13 of the Revised Code or for a  
third degree felony OVI offense under division (G) (2) of that  
section may impose upon the offender, in addition to the  
mandatory term of local incarceration or mandatory prison term  
imposed under the applicable division, a community residential  
sanction or combination of community residential sanctions under  
this section, and the offender shall serve or satisfy the  
sanction or combination of sanctions after the offender has  
served the mandatory term of local incarceration or mandatory  
prison term required for the offense. Community residential  
sanctions include, but are not limited to, the following:

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

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

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

(4) A term in a halfway house;

(5) A term in an alternative residential facility;

(6) If the offender is sentenced to a community control  
sanction and violates the conditions of the sanction, a term of  
up to six months in a community-based correctional facility that

serves the county, in a halfway house, or in a jail, which term 886  
shall be in addition to any term imposed under divisions (A) (1) 887  
to (5) of this section. 888

(B) The court that assigns any offender convicted of a 889  
felony to a residential sanction under this section may 890  
authorize the offender to be released so that the offender may 891  
seek or maintain employment, receive education or training, or 892  
receive treatment. A release pursuant to this division shall be 893  
only for the duration of time that is needed to fulfill the 894  
purpose of the release and for travel that reasonably is 895  
necessary to fulfill the purposes of the release. 896

(C) If the court assigns an offender to a county jail that 897  
is not a minimum security misdemeanor jail in a county that has 898  
established a county jail industry program pursuant to section 899  
5147.30 of the Revised Code, the court shall specify, as part of 900  
the sentence, whether the sheriff of that county may consider 901  
the offender for participation in the county jail industry 902  
program. During the offender's term in the county jail, the 903  
court shall retain jurisdiction to modify its specification upon 904  
a reassessment of the offender's qualifications for 905  
participation in the program. 906

(D) If a court sentences an offender to a term in jail 907  
under division (A) (2) ~~or~~, (3), or (6) of this section and if the 908  
sentence is imposed for a felony of the fourth or fifth degree 909  
that is not an offense of violence, the court may specify that 910  
it prefers that the offender serve the term in a minimum 911  
security jail established under section 341.34 or 753.21 of the 912  
Revised Code. If the court includes a specification of that type 913  
in the sentence and if the administrator of the appropriate 914  
minimum security jail or the designee of that administrator 915

classifies the offender in accordance with section 341.34 or 916  
753.21 of the Revised Code as a minimal security risk, the 917  
offender shall serve the term in the minimum security jail 918  
established under section 341.34 or 753.21 of the Revised Code. 919  
Absent a specification of that type and a finding of that type, 920  
the offender shall serve the term in a jail other than a minimum 921  
security jail established under section 341.34 or 753.21 of the 922  
Revised Code. 923

(E) If a person who has been convicted of or pleaded 924  
guilty to a felony is sentenced to a community residential 925  
sanction as described in division (A) of this section, at the 926  
time of reception and at other times the person in charge of the 927  
operation of the community-based correctional facility, jail, 928  
halfway house, alternative residential facility, or other place 929  
at which the offender will serve the residential sanction 930  
determines to be appropriate, the person in charge of the 931  
operation of the community-based correctional facility, jail, 932  
halfway house, alternative residential facility, or other place 933  
may cause the convicted offender to be examined and tested for 934  
tuberculosis, HIV infection, hepatitis, including but not 935  
limited to hepatitis A, B, and C, and other contagious diseases. 936  
The person in charge of the operation of the community-based 937  
correctional facility, jail, halfway house, alternative 938  
residential facility, or other place at which the offender will 939  
serve the residential sanction may cause a convicted offender in 940  
the community-based correctional facility, jail, halfway house, 941  
alternative residential facility, or other place who refuses to 942  
be tested or treated for tuberculosis, HIV infection, hepatitis, 943  
including but not limited to hepatitis A, B, and C, or another 944  
contagious disease to be tested and treated involuntarily. 945

**Sec. 2929.19.** (A) The court shall hold a sentencing 946

hearing before imposing a sentence under this chapter upon an 947  
offender who was convicted of or pleaded guilty to a felony and 948  
before resentencing an offender who was convicted of or pleaded 949  
guilty to a felony and whose case was remanded pursuant to 950  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 951  
the offender, the prosecuting attorney, the victim or the 952  
victim's representative in accordance with section 2930.14 of 953  
the Revised Code, and, with the approval of the court, any other 954  
person may present information relevant to the imposition of 955  
sentence in the case. The court shall inform the offender of the 956  
verdict of the jury or finding of the court and ask the offender 957  
whether the offender has anything to say as to why sentence 958  
should not be imposed upon the offender. 959

(B) (1) At the sentencing hearing, the court, before 960  
imposing sentence, shall consider the record, any information 961  
presented at the hearing by any person pursuant to division (A) 962  
of this section, and, if one was prepared, the presentence 963  
investigation report made pursuant to section 2951.03 of the 964  
Revised Code or Criminal Rule 32.2, and any victim impact 965  
statement made pursuant to section 2947.051 of the Revised Code. 966

(2) Subject to division (B) (3) of this section, if the 967  
sentencing court determines at the sentencing hearing that a 968  
prison term is necessary or required, the court shall do all of 969  
the following: 970

(a) Impose a stated prison term and, if the court imposes 971  
a mandatory prison term, notify the offender that the prison 972  
term is a mandatory prison term; 973

(b) In addition to any other information, include in the 974  
sentencing entry the name and section reference to the offense 975  
or offenses, the sentence or sentences imposed and whether the 976

sentence or sentences contain mandatory prison terms, if 977  
sentences are imposed for multiple counts whether the sentences 978  
are to be served concurrently or consecutively, and the name and 979  
section reference of any specification or specifications for 980  
which sentence is imposed and the sentence or sentences imposed 981  
for the specification or specifications; 982

(c) Notify the offender that the offender will be 983  
supervised under section 2967.28 of the Revised Code after the 984  
offender leaves prison if the offender is being sentenced for a 985  
felony of the first degree or second degree, for a felony sex 986  
offense, or for a felony of the third degree that is not a 987  
felony sex offense and in the commission of which the offender 988  
caused or threatened to cause physical harm to a person. This 989  
division applies with respect to all prison terms imposed for an 990  
offense of a type described in this division, including a term 991  
imposed for any such offense that is a risk reduction sentence, 992  
as defined in section 2967.28 of the Revised Code. If a court 993  
imposes a sentence including a prison term of a type described 994  
in division (B) (2) (c) of this section on or after July 11, 2006, 995  
the failure of a court to notify the offender pursuant to 996  
division (B) (2) (c) of this section that the offender will be 997  
supervised under section 2967.28 of the Revised Code after the 998  
offender leaves prison or to include in the judgment of 999  
conviction entered on the journal a statement to that effect 1000  
does not negate, limit, or otherwise affect the mandatory period 1001  
of supervision that is required for the offender under division 1002  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 1003  
the Revised Code applies if, prior to July 11, 2006, a court 1004  
imposed a sentence including a prison term of a type described 1005  
in division (B) (2) (c) of this section and failed to notify the 1006  
offender pursuant to division (B) (2) (c) of this section 1007

regarding post-release control or to include in the judgment of 1008  
conviction entered on the journal or in the sentence a statement 1009  
regarding post-release control. 1010

(d) Notify the offender that the offender may be 1011  
supervised under section 2967.28 of the Revised Code after the 1012  
offender leaves prison if the offender is being sentenced for a 1013  
felony of the third, fourth, or fifth degree that is not subject 1014  
to division (B) (2) (c) of this section. This division applies 1015  
with respect to all prison terms imposed for an offense of a 1016  
type described in this division, including a term imposed for 1017  
any such offense that is a risk reduction sentence, as defined 1018  
in section 2967.28 of the Revised Code. Section 2929.191 of the 1019  
Revised Code applies if, prior to July 11, 2006, a court imposed 1020  
a sentence including a prison term of a type described in 1021  
division (B) (2) (d) of this section and failed to notify the 1022  
offender pursuant to division (B) (2) (d) of this section 1023  
regarding post-release control or to include in the judgment of 1024  
conviction entered on the journal or in the sentence a statement 1025  
regarding post-release control. 1026

(e) Notify the offender that, if a period of supervision 1027  
is imposed following the offender's release from prison, as 1028  
described in division (B) (2) (c) or (d) of this section, and if 1029  
the offender violates that supervision or a condition of post- 1030  
release control imposed under division (B) of section 2967.131 1031  
of the Revised Code, the parole board may impose a prison term, 1032  
as part of the sentence, of up to one-half of the stated prison 1033  
term originally imposed upon the offender. If a court imposes a 1034  
sentence including a prison term on or after July 11, 2006, the 1035  
failure of a court to notify the offender pursuant to division 1036  
(B) (2) (e) of this section that the parole board may impose a 1037  
prison term as described in division (B) (2) (e) of this section 1038

for a violation of that supervision or a condition of post- 1039  
release control imposed under division (B) of section 2967.131 1040  
of the Revised Code or to include in the judgment of conviction 1041  
entered on the journal a statement to that effect does not 1042  
negate, limit, or otherwise affect the authority of the parole 1043  
board to so impose a prison term for a violation of that nature 1044  
if, pursuant to division (D) (1) of section 2967.28 of the 1045  
Revised Code, the parole board notifies the offender prior to 1046  
the offender's release of the board's authority to so impose a 1047  
prison term. Section 2929.191 of the Revised Code applies if, 1048  
prior to July 11, 2006, a court imposed a sentence including a 1049  
prison term and failed to notify the offender pursuant to 1050  
division (B) (2) (e) of this section regarding the possibility of 1051  
the parole board imposing a prison term for a violation of 1052  
supervision or a condition of post-release control. 1053

(f) Require that the offender not ingest or be injected 1054  
with a drug of abuse and submit to random drug testing as 1055  
provided in section 341.26, 753.33, or 5120.63 of the Revised 1056  
Code, whichever is applicable to the offender who is serving a 1057  
prison term, and require that the results of the drug test 1058  
administered under any of those sections indicate that the 1059  
offender did not ingest or was not injected with a drug of 1060  
abuse. 1061

(g) (i) Determine, notify the offender of, and include in 1062  
the sentencing entry the total number of days, including the 1063  
sentencing date but excluding conveyance time, that the offender 1064  
has been confined for any reason arising out of the offense for 1065  
which the offender is being sentenced and by which the 1066  
department of rehabilitation and correction must reduce the 1067  
stated prison term under section 2967.191 of the Revised Code. 1068  
The court's calculation shall not include the number of days, if 1069

any, that the offender ~~previously~~ served in the custody of the 1070  
department of rehabilitation and correction arising out of ~~the~~ 1071  
any prior offense for which the prisoner was convicted and 1072  
sentenced. 1073

(ii) In making a determination under division (B) (2) (g) (i) 1074  
of this section, the court shall consider the arguments of the 1075  
parties and conduct a hearing if one is requested. 1076

(iii) The sentencing court retains continuing jurisdiction 1077  
to correct any error not previously raised at sentencing in 1078  
making a determination under division (B) (2) (g) (i) of this 1079  
section. The offender may, at any time after sentencing, file a 1080  
motion in the sentencing court to correct any error made in 1081  
making a determination under division (B) (2) (g) (i) of this 1082  
section, and the court may in its discretion grant or deny that 1083  
motion. If the court changes the number of days in its 1084  
determination or redetermination, the court shall cause the 1085  
entry granting that change to be delivered to the department of 1086  
rehabilitation and correction without delay. Sections 2931.15 1087  
and 2953.21 of the Revised Code do not apply to a motion made 1088  
under this section. 1089

(iv) An inaccurate determination under division (B) (2) (g) 1090  
(i) of this section is not grounds for setting aside the 1091  
offender's conviction or sentence and does not otherwise render 1092  
the sentence void or voidable. 1093

(v) The department of rehabilitation and correction shall 1094  
rely upon the latest journal entry of the court in determining 1095  
the total days of local confinement for purposes of division (B) 1096  
(2) (g) (i) to (iii) of this section and section 2967.191 of the 1097  
Revised Code. 1098

(3) (a) The court shall include in the offender's sentence 1099  
a statement that the offender is a tier III sex offender/child- 1100  
victim offender, and the court shall comply with the 1101  
requirements of section 2950.03 of the Revised Code if any of 1102  
the following apply: 1103

(i) The offender is being sentenced for a violent sex 1104  
offense or designated homicide, assault, or kidnapping offense 1105  
that the offender committed on or after January 1, 1997, and the 1106  
offender is adjudicated a sexually violent predator in relation 1107  
to that offense. 1108

(ii) The offender is being sentenced for a sexually 1109  
oriented offense that the offender committed on or after January 1110  
1, 1997, and the offender is a tier III sex offender/child- 1111  
victim offender relative to that offense. 1112

(iii) The offender is being sentenced on or after July 31, 1113  
2003, for a child-victim oriented offense, and the offender is a 1114  
tier III sex offender/child-victim offender relative to that 1115  
offense. 1116

(iv) The offender is being sentenced under section 2971.03 1117  
of the Revised Code for a violation of division (A) (1) (b) of 1118  
section 2907.02 of the Revised Code committed on or after 1119  
January 2, 2007. 1120

(v) The offender is sentenced to a term of life without 1121  
parole under division (B) of section 2907.02 of the Revised 1122  
Code. 1123

(vi) The offender is being sentenced for attempted rape 1124  
committed on or after January 2, 2007, and a specification of 1125  
the type described in section 2941.1418, 2941.1419, or 2941.1420 1126  
of the Revised Code. 1127

(vii) The offender is being sentenced under division (B) 1128  
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 1129  
for an offense described in those divisions committed on or 1130  
after January 1, 2008. 1131

(b) Additionally, if any criterion set forth in divisions 1132  
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 1133  
circumstances described in division (E) of section 2929.14 of 1134  
the Revised Code, the court shall impose sentence on the 1135  
offender as described in that division. 1136

(4) If the sentencing court determines at the sentencing 1137  
hearing that a community control sanction should be imposed and 1138  
the court is not prohibited from imposing a community control 1139  
sanction, the court shall impose a community control sanction. 1140  
The court shall notify the offender that, if the conditions of 1141  
the sanction are violated, if the offender commits a violation 1142  
of any law, or if the offender leaves this state without the 1143  
permission of the court or the offender's probation officer, the 1144  
court may impose a longer time under the same sanction, may 1145  
impose a more restrictive sanction, or may impose a prison term 1146  
on the offender and shall indicate the specific prison term that 1147  
may be imposed as a sanction for the violation, as selected by 1148  
the court from the range of prison terms for the offense 1149  
pursuant to section 2929.14 of the Revised Code. 1150

(5) Before imposing a financial sanction under section 1151  
2929.18 of the Revised Code or a fine under section 2929.32 of 1152  
the Revised Code, the court shall consider the offender's 1153  
present and future ability to pay the amount of the sanction or 1154  
fine. 1155

(6) If the sentencing court sentences the offender to a 1156  
sanction of confinement pursuant to section 2929.14 or 2929.16 1157

of the Revised Code that is to be served in a local detention 1158  
facility, as defined in section 2929.36 of the Revised Code, and 1159  
if the local detention facility is covered by a policy adopted 1160  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 1161  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 1162  
and section 2929.37 of the Revised Code, both of the following 1163  
apply: 1164

(a) The court shall specify both of the following as part 1165  
of the sentence: 1166

(i) If the offender is presented with an itemized bill 1167  
pursuant to section 2929.37 of the Revised Code for payment of 1168  
the costs of confinement, the offender is required to pay the 1169  
bill in accordance with that section. 1170

(ii) If the offender does not dispute the bill described 1171  
in division (B) (6) (a) (i) of this section and does not pay the 1172  
bill by the times specified in section 2929.37 of the Revised 1173  
Code, the clerk of the court may issue a certificate of judgment 1174  
against the offender as described in that section. 1175

(b) The sentence automatically includes any certificate of 1176  
judgment issued as described in division (B) (6) (a) (ii) of this 1177  
section. 1178

(7) The failure of the court to notify the offender that a 1179  
prison term is a mandatory prison term pursuant to division (B) 1180  
(2) (a) of this section or to include in the sentencing entry any 1181  
information required by division (B) (2) (b) of this section does 1182  
not affect the validity of the imposed sentence or sentences. If 1183  
the sentencing court notifies the offender at the sentencing 1184  
hearing that a prison term is mandatory but the sentencing entry 1185  
does not specify that the prison term is mandatory, the court 1186

may complete a corrected journal entry and send copies of the 1187  
corrected entry to the offender and the department of 1188  
rehabilitation and correction, or, at the request of the state, 1189  
the court shall complete a corrected journal entry and send 1190  
copies of the corrected entry to the offender and department of 1191  
rehabilitation and correction. 1192

(C) (1) If the offender is being sentenced for a fourth 1193  
degree felony OVI offense under division (G) (1) of section 1194  
2929.13 of the Revised Code, the court shall impose the 1195  
mandatory term of local incarceration in accordance with that 1196  
division, shall impose a mandatory fine in accordance with 1197  
division (B) (3) of section 2929.18 of the Revised Code, and, in 1198  
addition, may impose additional sanctions as specified in 1199  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 1200  
Code. The court shall not impose a prison term on the offender 1201  
except that the court may impose a prison term upon the offender 1202  
as provided in division (A) (1) of section 2929.13 of the Revised 1203  
Code. 1204

(2) If the offender is being sentenced for a third or 1205  
fourth degree felony OVI offense under division (G) (2) of 1206  
section 2929.13 of the Revised Code, the court shall impose the 1207  
mandatory prison term in accordance with that division, shall 1208  
impose a mandatory fine in accordance with division (B) (3) of 1209  
section 2929.18 of the Revised Code, and, in addition, may 1210  
impose an additional prison term as specified in section 2929.14 1211  
of the Revised Code. In addition to the mandatory prison term or 1212  
mandatory prison term and additional prison term the court 1213  
imposes, the court also may impose a community control sanction 1214  
on the offender, but the offender shall serve all of the prison 1215  
terms so imposed prior to serving the community control 1216  
sanction. 1217

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

**Sec. 2951.041.** (A)(1) If an offender is charged with a criminal offense, including but not limited to a violation of section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised Code, and the court has reason to believe that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or that, at the time of committing that offense, the offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 of the Revised Code and that the mental illness, status as a person with an intellectual disability, or fact that the offender was a victim of a violation of section 2905.32 of the Revised Code was a factor leading to the offender's criminal behavior, the court may accept, prior to the entry of a guilty plea, the offender's request for intervention in lieu of conviction. The request shall include a statement from the offender as to whether the offender is alleging that drug or alcohol usage by the offender was a factor leading to the criminal offense with which the offender is charged or is alleging that, at the time of committing that offense, the offender had a mental illness, was a person with an intellectual disability, or was a victim of a violation of section 2905.32 of the Revised Code and that the

mental illness, status as a person with an intellectual 1249  
disability, or fact that the offender was a victim of a 1250  
violation of section 2905.32 of the Revised Code was a factor 1251  
leading to the criminal offense with which the offender is 1252  
charged. The request also shall include a waiver of the 1253  
defendant's right to a speedy trial, the preliminary hearing, 1254  
the time period within which the grand jury may consider an 1255  
indictment against the offender, and arraignment, unless the 1256  
hearing, indictment, or arraignment has already occurred. The 1257  
court may reject an offender's request without a hearing. If the 1258  
court elects to consider an offender's request, the court shall 1259  
conduct a hearing to determine whether the offender is eligible 1260  
under this section for intervention in lieu of conviction and 1261  
shall stay all criminal proceedings pending the outcome of the 1262  
hearing. If the court schedules a hearing, the court shall order 1263  
an assessment of the offender for the purpose of determining the 1264  
offender's program eligibility for intervention in lieu of 1265  
conviction and recommending an appropriate intervention plan. 1266

If the offender alleges that drug or alcohol usage by the 1267  
offender was a factor leading to the criminal offense with which 1268  
the offender is charged, the court may order that the offender 1269  
be assessed by a community addiction services provider or a 1270  
properly credentialed professional for the purpose of 1271  
determining the offender's program eligibility for intervention 1272  
in lieu of conviction and recommending an appropriate 1273  
intervention plan. The community addiction services provider or 1274  
the properly credentialed professional shall provide a written 1275  
assessment of the offender to the court. 1276

(2) The victim notification provisions of division (C) of 1277  
section 2930.06 of the Revised Code apply in relation to any 1278  
hearing held under division (A) (1) of this section. 1279

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

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

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

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

degree. 1310

(4) If an offender alleges that drug or alcohol usage by 1311  
the offender was a factor leading to the criminal offense with 1312  
which the offender is charged, the court has ordered that the 1313  
offender be assessed by a community addiction services provider 1314  
or a properly credentialed professional for the purpose of 1315  
determining the offender's program eligibility for intervention 1316  
in lieu of conviction and recommending an appropriate 1317  
intervention plan, the offender has been assessed by a community 1318  
addiction services provider of that nature or a properly 1319  
credentialed professional in accordance with the court's order, 1320  
and the community addiction services provider or properly 1321  
credentialed professional has filed the written assessment of 1322  
the offender with the court. 1323

(5) If an offender alleges that, at the time of committing 1324  
the criminal offense with which the offender is charged, the 1325  
offender had a mental illness, was a person with an intellectual 1326  
disability, or was a victim of a violation of section 2905.32 of 1327  
the Revised Code and that the mental illness, status as a person 1328  
with an intellectual disability, or fact that the offender was a 1329  
victim of a violation of section 2905.32 of the Revised Code was 1330  
a factor leading to that offense, the offender has been assessed 1331  
by a psychiatrist, psychologist, independent social worker, 1332  
licensed professional clinical counselor, or independent 1333  
marriage and family therapist for the purpose of determining the 1334  
offender's program eligibility for intervention in lieu of 1335  
conviction and recommending an appropriate intervention plan. 1336

(6) The offender's drug usage, alcohol usage, mental 1337  
illness, or intellectual disability, or the fact that the 1338  
offender was a victim of a violation of section 2905.32 of the 1339

Revised Code, whichever is applicable, was a factor leading to 1340  
the criminal offense with which the offender is charged, 1341  
intervention in lieu of conviction would not demean the 1342  
seriousness of the offense, and intervention would substantially 1343  
reduce the likelihood of any future criminal activity. 1344

(7) The alleged victim of the offense was not sixty-five 1345  
years of age or older, permanently and totally disabled, under 1346  
thirteen years of age, or a peace officer engaged in the 1347  
officer's official duties at the time of the alleged offense. 1348

(8) If the offender is charged with a violation of section 1349  
2925.24 of the Revised Code, the alleged violation did not 1350  
result in physical harm to any person, ~~and the offender~~ 1351  
~~previously has not been treated for drug abuse.~~ 1352

(9) The offender is willing to comply with all terms and 1353  
conditions imposed by the court pursuant to division (D) of this 1354  
section. 1355

(10) The offender is not charged with an offense that 1356  
would result in the offender being disqualified under Chapter 1357  
4506. of the Revised Code from operating a commercial motor 1358  
vehicle or would subject the offender to any other sanction 1359  
under that chapter. 1360

(C) At the conclusion of a hearing held pursuant to 1361  
division (A) of this section, the court shall enter its 1362  
determination as to whether the offender ~~is eligible for~~ will be 1363  
granted intervention in lieu of conviction ~~and as to whether to~~ 1364  
~~grant the offender's request.~~ If the court finds under this 1365  
division and division (B) of this section that the offender is 1366  
eligible for intervention in lieu of conviction and grants the 1367  
offender's request, the court shall accept the offender's plea 1368

of guilty and waiver of the defendant's right to a speedy trial, 1369  
the preliminary hearing, the time period within which the grand 1370  
jury may consider an indictment against the offender, and 1371  
arraignment, unless the hearing, indictment, or arraignment has 1372  
already occurred. In addition, the court then may stay all 1373  
criminal proceedings and order the offender to comply with all 1374  
terms and conditions imposed by the court pursuant to division 1375  
(D) of this section. If the court finds that the offender is not 1376  
eligible or does not grant the offender's request, the criminal 1377  
proceedings against the offender shall proceed as if the 1378  
offender's request for intervention in lieu of conviction had 1379  
not been made. 1380

(D) If the court grants an offender's request for 1381  
intervention in lieu of conviction, the court shall place the 1382  
offender under the general control and supervision of the county 1383  
probation department, the adult parole authority, or another 1384  
appropriate local probation or court services agency, if one 1385  
exists, as if the offender was subject to a community control 1386  
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 1387  
the Revised Code. The court shall establish an intervention plan 1388  
for the offender. The terms and conditions of the intervention 1389  
plan shall require the offender, for at least one year from the 1390  
date on which the court grants the order of intervention in lieu 1391  
of conviction, to abstain from the use of illegal drugs and 1392  
alcohol, to participate in treatment and recovery support 1393  
services, and to submit to regular random testing for drug and 1394  
alcohol use and may include any other treatment terms and 1395  
conditions, or terms and conditions similar to community control 1396  
sanctions, which may include community service or restitution, 1397  
that are ordered by the court. 1398

(E) If the court grants an offender's request for 1399

intervention in lieu of conviction and the court finds that the 1400  
offender has successfully completed the intervention plan for 1401  
the offender, including the requirement that the offender 1402  
abstain from using illegal drugs and alcohol for a period of at 1403  
least one year from the date on which the court granted the 1404  
order of intervention in lieu of conviction, the requirement 1405  
that the offender participate in treatment and recovery support 1406  
services, and all other terms and conditions ordered by the 1407  
court, the court shall dismiss the proceedings against the 1408  
offender. Successful completion of the intervention plan and 1409  
period of abstinence under this section shall be without 1410  
adjudication of guilt and is not a criminal conviction for 1411  
purposes of any disqualification or disability imposed by law 1412  
and upon conviction of a crime, and the court may order the 1413  
sealing of records related to the offense in question in the 1414  
manner provided in sections 2953.31 to 2953.36 of the Revised 1415  
Code. 1416

(F) If the court grants an offender's request for 1417  
intervention in lieu of conviction and the offender fails to 1418  
comply with any term or condition imposed as part of the 1419  
intervention plan for the offender, the supervising authority 1420  
for the offender promptly shall advise the court of this 1421  
failure, and the court shall hold a hearing to determine whether 1422  
the offender failed to comply with any term or condition imposed 1423  
as part of the plan. If the court determines that the offender 1424  
has failed to comply with any of those terms and conditions, it 1425  
may continue the offender on intervention in lieu of conviction, 1426  
continue the offender on intervention in lieu of conviction with 1427  
additional terms, conditions, and sanctions, or enter a finding 1428  
of guilty and impose an appropriate sanction under Chapter 2929. 1429  
of the Revised Code. If the court sentences the offender to a 1430

prison term, the court, after consulting with the department of 1431  
rehabilitation and correction regarding the availability of 1432  
services, may order continued court-supervised activity and 1433  
treatment of the offender during the prison term and, upon 1434  
consideration of reports received from the department concerning 1435  
the offender's progress in the program of activity and 1436  
treatment, may consider judicial release under section 2929.20 1437  
of the Revised Code. 1438

(G) As used in this section: 1439

(1) "Community addiction services provider" has the same 1440  
meaning as in section 5119.01 of the Revised Code. 1441

(2) "Community control sanction" has the same meaning as 1442  
in section 2929.01 of the Revised Code. 1443

(3) "Intervention in lieu of conviction" means any court- 1444  
supervised activity that complies with this section. 1445

(4) "Intellectual disability" has the same meaning as in 1446  
section 5123.01 of the Revised Code. 1447

(5) "Peace officer" has the same meaning as in section 1448  
2935.01 of the Revised Code. 1449

(6) "Mental illness" and "psychiatrist" have the same 1450  
meanings as in section 5122.01 of the Revised Code. 1451

(7) "Psychologist" has the same meaning as in section 1452  
4732.01 of the Revised Code. 1453

**Sec. 2953.31.** As used in sections 2953.31 to 2953.36 of 1454  
the Revised Code: 1455

(A) (1) "Eligible offender" means ~~anyone~~ either of the 1456  
following: 1457

(a) Regardless of the number of convictions, anyone who 1458  
has been convicted of one or more offenses in this state or any 1459  
other jurisdiction, if all of the offenses in this state are 1460  
felonies of the fourth or fifth degree or misdemeanors and none 1461  
of those offenses are an offense of violence or a felony sex 1462  
offense and all of the offenses in another jurisdiction, if 1463  
committed in this state, would be felonies of the fourth or 1464  
fifth degree or misdemeanors and none of those offenses would be 1465  
an offense of violence or a felony sex offense; 1466

(b) Anyone who has been convicted of an offense in this 1467  
state or any other jurisdiction, to whom division (A) (1) (a) of 1468  
this section does not apply, and who has not more than one 1469  
felony conviction, not more than two misdemeanor convictions, or 1470  
not more than one felony conviction and one misdemeanor 1471  
conviction in this state or any other jurisdiction. When two or 1472  
more convictions result from or are connected with the same act 1473  
or result from offenses committed at the same time, they shall 1474  
be counted as one conviction. When two or three convictions 1475  
result from the same indictment, information, or complaint, from 1476  
the same plea of guilty, or from the same official proceeding, 1477  
and result from related criminal acts that were committed within 1478  
a three-month period but do not result from the same act or from 1479  
offenses committed at the same time, they shall be counted as 1480  
one conviction, provided that a court may decide as provided in 1481  
division (C) (1) (a) of section 2953.32 of the Revised Code that 1482  
it is not in the public interest for the two or three 1483  
convictions to be counted as one conviction. 1484

(2) For purposes of, and except as otherwise provided in, 1485  
this division (A) (1) (b) of this section, a conviction for a 1486  
minor misdemeanor, for a violation of any section in Chapter 1487  
4507., 4510., 4511., 4513., or 4549. of the Revised Code, or for 1488

a violation of a municipal ordinance that is substantially 1489  
similar to any section in those chapters is not a conviction. 1490  
However, a conviction for a violation of section 4511.19, 1491  
4511.251, 4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or 1492  
sections 4549.41 to 4549.46 of the Revised Code, for a violation 1493  
of section 4510.11 or 4510.14 of the Revised Code that is based 1494  
upon the offender's operation of a vehicle during a suspension 1495  
imposed under section 4511.191 or 4511.196 of the Revised Code, 1496  
for a violation of a substantially equivalent municipal 1497  
ordinance, for a felony violation of Title XLV of the Revised 1498  
Code, or for a violation of a substantially equivalent former 1499  
law of this state or former municipal ordinance shall be 1500  
considered a conviction. 1501

(B) "Prosecutor" means the county prosecuting attorney, 1502  
city director of law, village solicitor, or similar chief legal 1503  
officer, who has the authority to prosecute a criminal case in 1504  
the court in which the case is filed. 1505

(C) "Bail forfeiture" means the forfeiture of bail by a 1506  
defendant who is arrested for the commission of a misdemeanor, 1507  
other than a defendant in a traffic case as defined in Traffic 1508  
Rule 2, if the forfeiture is pursuant to an agreement with the 1509  
court and prosecutor in the case. 1510

(D) "Official records" has the same meaning as in division 1511  
(D) of section 2953.51 of the Revised Code. 1512

(E) "Official proceeding" has the same meaning as in 1513  
section 2921.01 of the Revised Code. 1514

(F) "Community control sanction" has the same meaning as 1515  
in section 2929.01 of the Revised Code. 1516

(G) "Post-release control" and "post-release control 1517

sanction" have the same meanings as in section 2967.01 of the Revised Code.

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

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

**Sec. 2967.16.** (A) Except as provided in division (D) of this section, when a paroled prisoner has faithfully performed the conditions and obligations of the paroled prisoner's parole and has obeyed the rules and regulations adopted by the adult parole authority that apply to the paroled prisoner, the authority ~~upon the recommendation of the superintendent of parole supervision may enter upon its minutes grant~~ a final release and thereupon shall issue to the paroled prisoner a certificate of final release that shall serve as the minutes of the authority, but the authority shall not grant a final release earlier than one year after the paroled prisoner is released from the institution on parole, and, in the case of a paroled prisoner whose ~~minimum~~ sentence is life imprisonment, the authority shall not grant a final release earlier than five years after the paroled prisoner is released from the institution on parole.

(B) (1) When a prisoner who has been released under a period of post-release control pursuant to section 2967.28 of the Revised Code has faithfully performed the conditions and obligations of the released prisoner's post-release control sanctions and has obeyed the rules and regulations adopted by

the adult parole authority that apply to the released prisoner 1548  
or has the period of post-release control terminated by a court 1549  
pursuant to section 2929.141 of the Revised Code, the authority,~~—~~ 1550  
~~upon the recommendation of the superintendent of parole—~~ 1551  
~~supervision, may enter upon its minutes a final release and,~~ 1552  
~~upon the entry of the final release, shall terminate the period~~ 1553  
of post-release control and issue to the released prisoner a 1554  
certificate of final release termination, which shall serve as 1555  
the minutes of the authority. In the case of a prisoner who has 1556  
been released under a period of post-release control pursuant to 1557  
division (B) of section 2967.28 of the Revised Code, the 1558  
authority shall not ~~grant a final release terminate post-release~~ 1559  
control earlier than one year after the released prisoner is 1560  
released from the institution under a period of post-release 1561  
control. The authority shall classify the termination of post- 1562  
release control as favorable or unfavorable depending on the 1563  
offender's conduct and compliance with the conditions of 1564  
supervision. In the case of a released prisoner whose sentence 1565  
is life imprisonment, the authority shall not ~~grant a final—~~ 1566  
~~release terminate post-release control~~ earlier than five years 1567  
after the released prisoner is released from the institution 1568  
under a period of post-release control. 1569

(2) The department of rehabilitation and correction, no 1570  
later than six months after July 8, 2002, shall adopt a rule in 1571  
accordance with Chapter 119. of the Revised Code that 1572  
establishes the criteria for the classification of a post- 1573  
release control termination as "favorable" or "unfavorable." 1574

(C) (1) Except as provided in division (C) (2) of this 1575  
section, the following prisoners or person shall be restored to 1576  
the rights and privileges forfeited by a conviction: 1577

(a) A prisoner who has served the entire prison term that 1578  
comprises or is part of the prisoner's sentence and has not been 1579  
placed under any post-release control sanctions; 1580

(b) A prisoner who has been granted a final release or 1581  
termination of post-release control by the adult parole 1582  
authority pursuant to division (A) or (B) of this section; 1583

(c) A person who has completed the period of a community 1584  
control sanction or combination of community control sanctions, 1585  
as defined in section 2929.01 of the Revised Code, that was 1586  
imposed by the sentencing court. 1587

(2) (a) As used in division (C) (2) (c) of this section: 1588

(i) "Position of honor, trust, or profit" has the same 1589  
meaning as in section 2929.192 of the Revised Code. 1590

(ii) "Public office" means any elected federal, state, or 1591  
local government office in this state. 1592

(b) For purposes of division (C) (2) (c) of this section, a 1593  
violation of section 2923.32 of the Revised Code or any other 1594  
violation or offense that includes as an element a course of 1595  
conduct or the occurrence of multiple acts is "committed on or 1596  
~~after the effective date of this amendment~~ May 13, 2008," if the 1597  
course of conduct continues, one or more of the multiple acts 1598  
occurs, or the subject person's accountability for the course of 1599  
conduct or for one or more of the multiple acts continues, on or 1600  
~~after the effective date of this amendment~~ May 13, 2008. 1601

(c) Division (C) (1) of this section does not restore a 1602  
prisoner or person to the privilege of holding a position of 1603  
honor, trust, or profit if the prisoner or person was convicted 1604  
of or pleaded guilty to committing on or after ~~the effective~~ 1605  
~~date of this amendment~~ May 13, 2008, any of the following 1606

offenses that is a felony: 1607

(i) A violation of section 2921.02, 2921.03, 2921.05, 1608  
2921.41, 2921.42, or 2923.32 of the Revised Code; 1609

(ii) A violation of section 2913.42, 2921.04, 2921.11, 1610  
2921.12, 2921.31, or 2921.32 of the Revised Code, when the 1611  
person committed the violation while the person was serving in a 1612  
public office and the conduct constituting the violation was 1613  
related to the duties of the person's public office or to the 1614  
person's actions as a public official holding that public 1615  
office; 1616

(iii) A violation of an existing or former municipal 1617  
ordinance or law of this or any other state or the United States 1618  
that is substantially equivalent to any violation listed in 1619  
division (C) (2) (c) (i) of this section; 1620

(iv) A violation of an existing or former municipal 1621  
ordinance or law of this or any other state or the United States 1622  
that is substantially equivalent to any violation listed in 1623  
division (C) (2) (c) (ii) of this section, when the person 1624  
committed the violation while the person was serving in a public 1625  
office and the conduct constituting the violation was related to 1626  
the duties of the person's public office or to the person's 1627  
actions as a public official holding that public office; 1628

(v) A conspiracy to commit, attempt to commit, or 1629  
complicity in committing any offense listed in division (C) (2) 1630  
(c) (i) or described in division (C) (2) (c) (iii) of this section; 1631

(vi) A conspiracy to commit, attempt to commit, or 1632  
complicity in committing any offense listed in division (C) (2) 1633  
(c) (ii) or described in division (C) (2) (c) (iv) of this section, 1634  
if the person committed the violation while the person was 1635

serving in a public office and the conduct constituting the 1636  
offense that was the subject of the conspiracy, that would have 1637  
constituted the offense attempted, or constituting the offense 1638  
in which the person was complicit was or would have been related 1639  
to the duties of the person's public office or to the person's 1640  
actions as a public official holding that public office. 1641

(D) Division (A) of this section does not apply to a 1642  
prisoner in the shock incarceration program established pursuant 1643  
to section 5120.031 of the Revised Code. 1644

(E) ~~The adult parole authority shall record the final~~ 1645  
~~release certificate of a parolee or and the certificate of~~ 1646  
~~termination of a prisoner in shall serve as~~ the official minutes 1647  
of the adult parole authority, and the authority shall consider 1648  
those certificates as its official minutes. 1649

**Sec. 2967.28.** (A) As used in this section: 1650

(1) "Monitored time" means the monitored time sanction 1651  
specified in section 2929.17 of the Revised Code. 1652

(2) "Deadly weapon" and "dangerous ordnance" have the same 1653  
meanings as in section 2923.11 of the Revised Code. 1654

(3) "Felony sex offense" means a violation of a section 1655  
contained in Chapter 2907. of the Revised Code that is a felony. 1656

(4) "Risk reduction sentence" means a prison term imposed 1657  
by a court, when the court recommends pursuant to section 1658  
2929.143 of the Revised Code that the offender serve the 1659  
sentence under section 5120.036 of the Revised Code, and the 1660  
offender may potentially be released from imprisonment prior to 1661  
the expiration of the prison term if the offender successfully 1662  
completes all assessment and treatment or programming required 1663  
by the department of rehabilitation and correction under section 1664

5120.036 of the Revised Code. 1665

(5) "Victim's immediate family" has the same meaning as in 1666  
section 2967.12 of the Revised Code. 1667

(6) "Minor drug possession offense" has the same meaning 1668  
as in section 2925.11 of the Revised Code. 1669

(B) Each sentence to a prison term for a felony of the 1670  
first degree, for a felony of the second degree, for a felony 1671  
sex offense, or for a felony of the third degree that is an 1672  
offense of violence and is not a felony sex offense shall 1673  
include a requirement that the offender be subject to a period 1674  
of post-release control imposed by the parole board after the 1675  
offender's release from imprisonment. This division applies with 1676  
respect to all prison terms of a type described in this 1677  
division, including a term of any such type that is a risk 1678  
reduction sentence. If a court imposes a sentence including a 1679  
prison term of a type described in this division on or after 1680  
July 11, 2006, the failure of a sentencing court to notify the 1681  
offender pursuant to division (B) (2) (c) of section 2929.19 of 1682  
the Revised Code of this requirement or to include in the 1683  
judgment of conviction entered on the journal a statement that 1684  
the offender's sentence includes this requirement does not 1685  
negate, limit, or otherwise affect the mandatory period of 1686  
supervision that is required for the offender under this 1687  
division. Section 2929.191 of the Revised Code applies if, prior 1688  
to July 11, 2006, a court imposed a sentence including a prison 1689  
term of a type described in this division and failed to notify 1690  
the offender pursuant to division (B) (2) (c) of section 2929.19 1691  
of the Revised Code regarding post-release control or to include 1692  
in the judgment of conviction entered on the journal or in the 1693  
sentence pursuant to division (D) (1) of section 2929.14 of the 1694

Revised Code a statement regarding post-release control. Unless 1695  
reduced by the parole board pursuant to division (D) of this 1696  
section when authorized under that division, a period of post- 1697  
release control required by this division for an offender shall 1698  
be of one of the following periods: 1699

(1) For a felony of the first degree or for a felony sex 1700  
offense, five years; 1701

(2) For a felony of the second degree that is not a felony 1702  
sex offense, three years; 1703

(3) For a felony of the third degree that is an offense of 1704  
violence and is not a felony sex offense, three years. 1705

(C) Any sentence to a prison term for a felony of the 1706  
third, fourth, or fifth degree that is not subject to division 1707  
(B) (1) or (3) of this section shall include a requirement that 1708  
the offender be subject to a period of post-release control of 1709  
up to three years after the offender's release from 1710  
imprisonment, if the parole board, in accordance with division 1711  
(D) of this section, determines that a period of post-release 1712  
control is necessary for that offender. This division applies 1713  
with respect to all prison terms of a type described in this 1714  
division, including a term of any such type that is a risk 1715  
reduction sentence. Section 2929.191 of the Revised Code applies 1716  
if, prior to July 11, 2006, a court imposed a sentence including 1717  
a prison term of a type described in this division and failed to 1718  
notify the offender pursuant to division (B) (2) (d) of section 1719  
2929.19 of the Revised Code regarding post-release control or to 1720  
include in the judgment of conviction entered on the journal or 1721  
in the sentence pursuant to division (D) (2) of section 2929.14 1722  
of the Revised Code a statement regarding post-release control. 1723  
Pursuant to an agreement entered into under section 2967.29 of 1724

the Revised Code, a court of common pleas or parole board may 1725  
impose sanctions or conditions on an offender who is placed on 1726  
post-release control under this division. 1727

(D) (1) Before the prisoner is released from imprisonment, 1728  
the parole board or, pursuant to an agreement under section 1729  
2967.29 of the Revised Code, the court shall impose upon a 1730  
prisoner described in division (B) of this section, shall impose 1731  
upon a prisoner described in division (C) of this section who is 1732  
to be released before the expiration of the prisoner's stated 1733  
prison term under a risk reduction sentence, may impose upon a 1734  
prisoner described in division (C) of this section who is not to 1735  
be released before the expiration of the prisoner's stated 1736  
prison term under a risk reduction sentence, and shall impose 1737  
upon a prisoner described in division (B) (2) (b) of section 1738  
5120.031 or in division (B) (1) of section 5120.032 of the 1739  
Revised Code, one or more post-release control sanctions to 1740  
apply during the prisoner's period of post-release control. 1741  
Whenever the board or court imposes one or more post-release 1742  
control sanctions upon a prisoner, the board or court, in 1743  
addition to imposing the sanctions, also shall include as a 1744  
condition of the post-release control that the offender not 1745  
leave the state without permission of the court or the 1746  
offender's parole or probation officer and that the offender 1747  
abide by the law. The board or court may impose any other 1748  
conditions of release under a post-release control sanction that 1749  
the board or court considers appropriate, and the conditions of 1750  
release may include any community residential sanction, 1751  
community nonresidential sanction, or financial sanction that 1752  
the sentencing court was authorized to impose pursuant to 1753  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1754  
Prior to the release of a prisoner for whom it will impose one 1755

or more post-release control sanctions under this division, the 1756  
parole board or court shall review the prisoner's criminal 1757  
history, results from the single validated risk assessment tool 1758  
selected by the department of rehabilitation and correction 1759  
under section 5120.114 of the Revised Code, all juvenile court 1760  
adjudications finding the prisoner, while a juvenile, to be a 1761  
delinquent child, and the record of the prisoner's conduct while 1762  
imprisoned. The parole board or court shall consider any 1763  
recommendation regarding post-release control sanctions for the 1764  
prisoner made by the office of victims' services. After 1765  
considering those materials, the board or court shall determine, 1766  
for a prisoner described in division (B) of this section, 1767  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1768  
section 5120.032 of the Revised Code and for a prisoner 1769  
described in division (C) of this section who is to be released 1770  
before the expiration of the prisoner's stated prison term under 1771  
a risk reduction sentence, which post-release control sanction 1772  
or combination of post-release control sanctions is reasonable 1773  
under the circumstances or, for a prisoner described in division 1774  
(C) of this section who is not to be released before the 1775  
expiration of the prisoner's stated prison term under a risk 1776  
reduction sentence, whether a post-release control sanction is 1777  
necessary and, if so, which post-release control sanction or 1778  
combination of post-release control sanctions is reasonable 1779  
under the circumstances. In the case of a prisoner convicted of 1780  
a felony of the fourth or fifth degree other than a felony sex 1781  
offense, the board or court shall presume that monitored time is 1782  
the appropriate post-release control sanction unless the board 1783  
or court determines that a more restrictive sanction is 1784  
warranted. A post-release control sanction imposed under this 1785  
division takes effect upon the prisoner's release from 1786  
imprisonment. 1787

Regardless of whether the prisoner was sentenced to the 1788  
prison term prior to, on, or after July 11, 2006, prior to the 1789  
release of a prisoner for whom it will impose one or more post- 1790  
release control sanctions under this division, the parole board 1791  
shall notify the prisoner that, if the prisoner violates any 1792  
sanction so imposed or any condition of post-release control 1793  
described in division (B) of section 2967.131 of the Revised 1794  
Code that is imposed on the prisoner, the parole board may 1795  
impose a prison term of up to one-half of the stated prison term 1796  
originally imposed upon the prisoner. 1797

At least thirty days before the prisoner is released from 1798  
imprisonment, except as otherwise provided in this paragraph, 1799  
the department of rehabilitation and correction shall notify the 1800  
victim and the victim's immediate family of the date on which 1801  
the prisoner will be released, the period for which the prisoner 1802  
will be under post-release control supervision, and the terms 1803  
and conditions of the prisoner's post-release control regardless 1804  
of whether the victim or victim's immediate family has requested 1805  
the notification. The notice described in this paragraph shall 1806  
not be given to a victim or victim's immediate family if the 1807  
victim or the victim's immediate family has requested pursuant 1808  
to division (B) (2) of section 2930.03 of the Revised Code that 1809  
the notice not be provided to the victim or the victim's 1810  
immediate family. At least thirty days before the prisoner is 1811  
released from imprisonment and regardless of whether the victim 1812  
or victim's immediate family has requested that the notice 1813  
described in this paragraph be provided or not be provided to 1814  
the victim or the victim's immediate family, the department also 1815  
shall provide notice of that nature to the prosecuting attorney 1816  
in the case and the law enforcement agency that arrested the 1817  
prisoner if any officer of that agency was a victim of the 1818

offense. 1819

If the notice given under the preceding paragraph to the 1820  
victim or the victim's immediate family is based on an offense 1821  
committed prior to March 22, 2013, and if the department of 1822  
rehabilitation and correction has not previously successfully 1823  
provided any notice to the victim or the victim's immediate 1824  
family under division (B), (C), or (D) of section 2930.16 of the 1825  
Revised Code with respect to that offense and the offender who 1826  
committed it, the notice also shall inform the victim or the 1827  
victim's immediate family that the victim or the victim's 1828  
immediate family may request that the victim or the victim's 1829  
immediate family not be provided any further notices with 1830  
respect to that offense and the offender who committed it and 1831  
shall describe the procedure for making that request. The 1832  
department may give the notices to which the preceding paragraph 1833  
applies by any reasonable means, including regular mail, 1834  
telephone, and electronic mail. If the department attempts to 1835  
provide notice to any specified person under the preceding 1836  
paragraph but the attempt is unsuccessful because the department 1837  
is unable to locate the specified person, is unable to provide 1838  
the notice by its chosen method because it cannot determine the 1839  
mailing address, electronic mail address, or telephone number at 1840  
which to provide the notice, or, if the notice is sent by mail, 1841  
the notice is returned, the department shall make another 1842  
attempt to provide the notice to the specified person. If the 1843  
second attempt is unsuccessful, the department shall make at 1844  
least one more attempt to provide the notice. If the notice is 1845  
based on an offense committed prior to March 22, 2013, in each 1846  
attempt to provide the notice to the victim or victim's 1847  
immediate family, the notice shall include the opt-out 1848  
information described in this paragraph. The department, in the 1849

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the prisoner's stated prison term by reason of credit earned under section 2967.193 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may review the releasee's behavior under the post-release control sanctions imposed upon the releasee under this section. The authority or court may determine, based upon the review and in accordance with the standards established

under division (E) of this section, that a more restrictive or a 1881  
less restrictive sanction is appropriate and may impose a 1882  
different sanction. The authority also may recommend that the 1883  
parole board or court increase or reduce the duration of the 1884  
period of post-release control imposed by the court. If the 1885  
authority recommends that the board or court increase the 1886  
duration of post-release control, the board or court shall 1887  
review the releasee's behavior and may increase the duration of 1888  
the period of post-release control imposed by the court up to 1889  
eight years. If the authority recommends that the board or court 1890  
reduce the duration of control for an offense described in 1891  
division (B) or (C) of this section, the board or court shall 1892  
review the releasee's behavior and may reduce the duration of 1893  
the period of control imposed by the court. In no case shall the 1894  
board or court reduce the duration of the period of control 1895  
imposed for an offense described in division (B)(1) of this 1896  
section to a period less than the length of the stated prison 1897  
term originally imposed, and in no case shall the board or court 1898  
permit the releasee to leave the state without permission of the 1899  
court or the releasee's parole or probation officer. 1900

(E) The department of rehabilitation and correction, in 1901  
accordance with Chapter 119. of the Revised Code, shall adopt 1902  
rules that do all of the following: 1903

(1) Establish standards for the imposition by the parole 1904  
board of post-release control sanctions under this section that 1905  
are consistent with the overriding purposes and sentencing 1906  
principles set forth in section 2929.11 of the Revised Code and 1907  
that are appropriate to the needs of releasees; 1908

(2) Establish standards that provide for a period of post- 1909  
release control of up to three years for all prisoners described 1910

in division (C) of this section who are to be released before 1911  
the expiration of their stated prison term under a risk 1912  
reduction sentence and standards by which the parole board can 1913  
determine which prisoners described in division (C) of this 1914  
section who are not to be released before the expiration of 1915  
their stated prison term under a risk reduction sentence should 1916  
be placed under a period of post-release control; 1917

(3) Establish standards to be used by the parole board in 1918  
reducing the duration of the period of post-release control 1919  
imposed by the court when authorized under division (D) of this 1920  
section, in imposing a more restrictive post-release control 1921  
sanction than monitored time upon a prisoner convicted of a 1922  
felony of the fourth or fifth degree other than a felony sex 1923  
offense, or in imposing a less restrictive control sanction upon 1924  
a releasee based on the releasee's activities including, but not 1925  
limited to, remaining free from criminal activity and from the 1926  
abuse of alcohol or other drugs, successfully participating in 1927  
approved rehabilitation programs, maintaining employment, and 1928  
paying restitution to the victim or meeting the terms of other 1929  
financial sanctions; 1930

(4) Establish standards to be used by the adult parole 1931  
authority in modifying a releasee's post-release control 1932  
sanctions pursuant to division (D) (2) of this section; 1933

(5) Establish standards to be used by the adult parole 1934  
authority or parole board in imposing further sanctions under 1935  
division (F) of this section on releasees who violate post- 1936  
release control sanctions, including standards that do the 1937  
following: 1938

(a) Classify violations according to the degree of 1939  
seriousness; 1940

(b) Define the circumstances under which formal action by the parole board is warranted;	1941 1942
(c) Govern the use of evidence at violation hearings;	1943
(d) Ensure procedural due process to an alleged violator;	1944
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	1945 1946
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	1947 1948
(F) (1) Whenever the parole board imposes one or more post-release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	1949 1950 1951 1952 1953 1954 1955 1956 1957 1958 1959 1960 1961 1962 1963 1964 1965 1966
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control	1967 1968 1969

sanction or any conditions described in division (A) of section 1970  
2967.131 of the Revised Code imposed upon the releasee and that 1971  
a more restrictive sanction is appropriate, the authority or 1972  
court may impose a more restrictive sanction upon the releasee, 1973  
in accordance with the standards established under division (E) 1974  
of this section or in accordance with the agreement made under 1975  
section 2967.29 of the Revised Code, or may report the violation 1976  
to the parole board for a hearing pursuant to division (F) (3) of 1977  
this section. The authority or court may not, pursuant to this 1978  
division, increase the duration of the releasee's post-release 1979  
control or impose as a post-release control sanction a 1980  
residential sanction that includes a prison term, but the 1981  
authority or court may impose on the releasee any other 1982  
residential sanction, nonresidential sanction, or financial 1983  
sanction that the sentencing court was authorized to impose 1984  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1985  
Revised Code. 1986

(3) The parole board or, pursuant to an agreement under 1987  
section 2967.29 of the Revised Code, the court may hold a 1988  
hearing on any alleged violation by a releasee of a post-release 1989  
control sanction or any conditions described in division (A) of 1990  
section 2967.131 of the Revised Code that are imposed upon the 1991  
releasee. If after the hearing the board or court finds that the 1992  
releasee violated the sanction or condition, the board or court 1993  
may increase the duration of the releasee's post-release control 1994  
up to the maximum duration authorized by division (B) or (C) of 1995  
this section or impose a more restrictive post-release control 1996  
sanction. If a releasee was acting pursuant to division (B) (2) 1997  
(b) of section 2925.11 of the Revised Code and in so doing 1998  
violated the conditions of a post-release control sanction based 1999  
on a minor drug possession offense as defined in that section, 2000

the board or the court may consider the releasee's conduct in 2001  
seeking or obtaining medical assistance for another in good 2002  
faith or for self or may consider the releasee being the subject 2003  
of another person seeking or obtaining medical assistance in 2004  
accordance with that division as a mitigating factor before 2005  
imposing any of the penalties described in this division. When 2006  
appropriate, the board or court may impose as a post-release 2007  
control sanction a residential sanction that includes a prison 2008  
term. The board or court shall consider a prison term as a post- 2009  
release control sanction imposed for a violation of post-release 2010  
control when the violation involves a deadly weapon or dangerous 2011  
ordnance, physical harm or attempted serious physical harm to a 2012  
person, or sexual misconduct, ~~or when the releasee committed~~ 2013  
~~repeated violations of post release control sanctions.~~ Unless a 2014  
releasee's stated prison term was reduced pursuant to section 2015  
5120.032 of the Revised Code, the period of a prison term that 2016  
is imposed as a post-release control sanction under this 2017  
division shall not exceed ~~nine months~~ ninety days, and the 2018  
maximum cumulative prison term for all violations under this 2019  
division shall not exceed one-half of the stated prison term 2020  
originally imposed upon the offender as part of this sentence. 2021  
If a releasee's stated prison term was reduced pursuant to 2022  
section 5120.032 of the Revised Code, the period of a prison 2023  
term that is imposed as a post-release control sanction under 2024  
this division and the maximum cumulative prison term for all 2025  
violations under this division shall not exceed the period of 2026  
time not served in prison under the sentence imposed by the 2027  
court. The period of a prison term that is imposed as a post- 2028  
release control sanction under this division shall not count as, 2029  
or be credited toward, the remaining period of post-release 2030  
control. 2031

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

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

(a) If a period of post-release control is imposed upon  
the offender and if the offender also is subject to a period of  
parole under a life sentence or an indefinite sentence, and if  
the period of post-release control ends prior to the period of  
parole, the offender shall be supervised on parole. The offender  
shall receive credit for post-release control supervision during  
the period of parole. The offender is not eligible for final  
release under section 2967.16 of the Revised Code until the  
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.

**Sec. 5503.02.** (A) The state highway patrol shall enforce the laws of the state relating to the titling, registration, and licensing of motor vehicles; enforce on all roads and highways, notwithstanding section 4513.39 of the Revised Code, the laws relating to the operation and use of vehicles on the highways; enforce and prevent the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on the highways; investigate and enforce rules and laws of the public utilities commission governing the transportation of persons and property by motor carriers and report violations of such rules and laws to the commission; enforce against any motor carrier as defined in section 4923.01 of the Revised Code those rules and laws that, if violated, may result in a forfeiture as provided in section 4923.99 of the Revised Code; investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels; and regulate the movement of traffic on the roads and

highways of the state, notwithstanding section 4513.39 of the Revised Code. 2093  
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The patrol, whenever possible, shall determine the identity of the persons who are causing or who are responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or other appurtenance constructed or maintained by the department of transportation and shall arrest the persons who are responsible for the breaking, damaging, or destruction and bring them before the proper officials for prosecution. 2095  
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State highway patrol troopers shall investigate and report all motor vehicle accidents on all roads and highways outside of municipal corporations. The superintendent of the patrol or any state highway patrol trooper may arrest, without a warrant, any person, who is the driver of or a passenger in any vehicle operated or standing on a state highway, whom the superintendent or trooper has reasonable cause to believe is guilty of a felony, under the same circumstances and with the same power that any peace officer may make such an arrest. 2103  
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The superintendent or any state highway patrol trooper may enforce the criminal laws on all state properties and state institutions, owned or leased by the state, and, when so ordered by the governor in the event of riot, civil disorder, or insurrection, may, pursuant to sections 2935.03 to 2935.05 of the Revised Code, arrest offenders against the criminal laws wherever they may be found within the state if the violations occurred upon, or resulted in injury to person or property on, state properties or state institutions, or under the conditions described in division (B) of this section. This authority of the superintendent and any state highway patrol trooper to enforce 2112  
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the criminal laws shall extend to the Lake Erie Correctional 2123  
Institution and the Northeast Ohio Correctional Center, to the 2124  
same extent as if ~~that prison~~ those prisons were owned by this 2125  
state. 2126

(B) In the event of riot, civil disorder, or insurrection, 2127  
or the reasonable threat of riot, civil disorder, or 2128  
insurrection, and upon request, as provided in this section, of 2129  
the sheriff of a county or the mayor or other chief executive of 2130  
a municipal corporation, the governor may order the state 2131  
highway patrol to enforce the criminal laws within the area 2132  
threatened by riot, civil disorder, or insurrection, as 2133  
designated by the governor, upon finding that law enforcement 2134  
agencies within the counties involved will not be reasonably 2135  
capable of controlling the riot, civil disorder, or insurrection 2136  
and that additional assistance is necessary. In cities in which 2137  
the sheriff is under contract to provide exclusive police 2138  
services pursuant to section 311.29 of the Revised Code, in 2139  
villages, and in the unincorporated areas of the county, the 2140  
sheriff has exclusive authority to request the use of the 2141  
patrol. In cities in which the sheriff does not exclusively 2142  
provide police services, the mayor, or other chief executive 2143  
performing the duties of mayor, has exclusive authority to 2144  
request the use of the patrol. 2145

The superintendent or any state highway patrol trooper may 2146  
enforce the criminal laws within the area designated by the 2147  
governor during the emergency arising out of the riot, civil 2148  
disorder, or insurrection until released by the governor upon 2149  
consultation with the requesting authority. State highway patrol 2150  
troopers shall never be used as peace officers in connection 2151  
with any strike or labor dispute. 2152

When a request for the use of the patrol is made pursuant 2153  
to this division, the requesting authority shall notify the law 2154  
enforcement authorities in contiguous communities and the 2155  
sheriff of each county within which the threatened area, or any 2156  
part of the threatened area, lies of the request, but the 2157  
failure to notify the authorities or a sheriff shall not affect 2158  
the validity of the request. 2159

(C) Any person who is arrested by the superintendent or a 2160  
state highway patrol trooper shall be taken before any court or 2161  
magistrate having jurisdiction of the offense with which the 2162  
person is charged. Any person who is arrested or apprehended 2163  
within the limits of a municipal corporation shall be brought 2164  
before the municipal court or other tribunal of the municipal 2165  
corporation. 2166

(D) (1) State highway patrol troopers have the same right 2167  
and power of search and seizure as other peace officers. 2168

No state official shall command, order, or direct any 2169  
state highway patrol trooper to perform any duty or service that 2170  
is not authorized by law. The powers and duties conferred on the 2171  
patrol are supplementary to, and in no way a limitation on, the 2172  
powers and duties of sheriffs or other peace officers of the 2173  
state. 2174

(2) (a) A state highway patrol trooper, pursuant to the 2175  
policy established by the superintendent of the state highway 2176  
patrol under division (D) (2) (b) of this section, may render 2177  
emergency assistance to any other peace officer who has arrest 2178  
authority under section 2935.03 of the Revised Code, if both of 2179  
the following apply: 2180

(i) There is a threat of imminent physical danger to the 2181

peace officer, a threat of physical harm to another person, or 2182  
any other serious emergency situation; 2183

(ii) Either the peace officer requests emergency 2184  
assistance, or it appears that the peace officer is unable to 2185  
request emergency assistance and the circumstances observed by 2186  
the state highway patrol trooper reasonably indicate that 2187  
emergency assistance is appropriate, or the peace officer 2188  
requests emergency assistance and in the request the peace 2189  
officer specifies a particular location and the state highway 2190  
patrol trooper arrives at that location prior to the time that 2191  
the peace officer arrives at that location and the circumstances 2192  
observed by the state highway patrol trooper reasonably indicate 2193  
that emergency assistance is appropriate. 2194

(b) The superintendent of the state highway patrol shall 2195  
establish, within sixty days of August 8, 1991, a policy that 2196  
sets forth the manner and procedures by which a state highway 2197  
patrol trooper may render emergency assistance to any other 2198  
peace officer under division (D) (2) (a) of this section. The 2199  
policy shall include a provision that a state highway patrol 2200  
trooper never be used as a peace officer in connection with any 2201  
strike or labor dispute. 2202

(3) (a) A state highway patrol trooper who renders 2203  
emergency assistance to any other peace officer under the policy 2204  
established by the superintendent pursuant to division (D) (2) (b) 2205  
of this section shall be considered to be performing regular 2206  
employment for the purposes of compensation, pension, indemnity 2207  
fund rights, workers' compensation, and other rights or benefits 2208  
to which the trooper may be entitled as incident to regular 2209  
employment. 2210

(b) A state highway patrol trooper who renders emergency 2211

assistance to any other peace officer under the policy 2212  
established by the superintendent pursuant to division (D) (2) (b) 2213  
of this section retains personal immunity from liability as 2214  
specified in section 9.86 of the Revised Code. 2215

(c) A state highway patrol trooper who renders emergency 2216  
assistance under the policy established by the superintendent 2217  
pursuant to division (D) (2) (b) of this section has the same 2218  
authority as the peace officer for or with whom the state 2219  
highway patrol trooper is providing emergency assistance. 2220

(E) (1) Subject to the availability of funds specifically 2221  
appropriated by the general assembly for security detail 2222  
purposes, the state highway patrol shall provide security as 2223  
follows: 2224

(a) For the governor; 2225

(b) At the direction of the governor, for other officials 2226  
of the state government of this state; officials of the state 2227  
governments of other states who are visiting this state; 2228  
officials of the United States government who are visiting this 2229  
state; officials of the governments of foreign countries or 2230  
their political subdivisions who are visiting this state; or 2231  
other officials or dignitaries who are visiting this state, 2232  
including, but not limited to, members of trade missions; 2233

(c) For the capitol square, as defined in section 105.41 2234  
of the Revised Code; 2235

(d) For the Vern Riffe center and the James A. Rhodes 2236  
state office tower, as directed by the department of public 2237  
safety; 2238

(e) For other state property. 2239

(2) To carry out the security responsibilities of the 2240  
patrol listed in division (E)(1) of this section, the 2241  
superintendent may assign state highway patrol troopers to a 2242  
separate unit that is responsible for security details. The 2243  
number of troopers assigned to particular security details shall 2244  
be determined by the superintendent. 2245

(3) The superintendent and any state highway patrol 2246  
trooper, when providing security pursuant to division (E)(1)(a) 2247  
or (b) of this section, have the same arrest powers as other 2248  
peace officers to apprehend offenders against the criminal laws 2249  
who endanger or threaten the security of any person being 2250  
protected, no matter where the offense occurs. 2251

The superintendent, any state highway patrol trooper, and 2252  
any special police officer designated under section 5503.09 of 2253  
the Revised Code, if providing security pursuant to division (E) 2254  
(1)(c) of this section, shall enforce any rules governing 2255  
capitol square adopted by the capitol square review and advisory 2256  
board. 2257

(F) The governor may order the state highway patrol to 2258  
undertake major criminal investigations that involve state 2259  
property interests. If an investigation undertaken pursuant to 2260  
this division results in either the issuance of a no bill or the 2261  
filing of an indictment, the superintendent shall file a 2262  
complete and accurate report of the investigation with the 2263  
president of the senate, the speaker of the house of 2264  
representatives, the minority leader of the senate, and the 2265  
minority leader of the house of representatives within fifteen 2266  
days after the issuance of the no bill or the filing of an 2267  
indictment. If the investigation does not have as its result any 2268  
prosecutorial action, the superintendent shall, upon reporting 2269

this fact to the governor, file a complete and accurate report 2270  
of the investigation with the president of the senate, the 2271  
speaker of the house of representatives, the minority leader of 2272  
the senate, and the minority leader of the house of 2273  
representatives. 2274

(G) The superintendent may purchase or lease real property 2275  
and buildings needed by the patrol, negotiate the sale of real 2276  
property owned by the patrol, rent or lease real property owned 2277  
or leased by the patrol, and make or cause to be made repairs to 2278  
all property owned or under the control of the patrol. Any 2279  
instrument by which real property is acquired pursuant to this 2280  
division shall identify the agency of the state that has the use 2281  
and benefit of the real property as specified in section 2282  
5301.012 of the Revised Code. 2283

Sections 123.01 and 125.02 of the Revised Code do not 2284  
limit the powers granted to the superintendent by this division. 2285

**Sec. 5747.99.** (A) Whoever violates section 5747.19 of the 2286  
Revised Code, ~~or whoever violates section 5747.06 or 5747.07 of~~ 2287  
~~the Revised Code by failing to remit state income taxes withheld~~ 2288  
~~from an employee,~~ is guilty of a felony of the fifth degree. 2289

(B) Whoever violates any provision of sections 5747.01 to 2290  
5747.19 of the Revised Code, or any lawful rule promulgated by 2291  
the tax commissioner under authority of any provision of those 2292  
sections, for the violation of which no other penalty is 2293  
provided in this section, shall be fined not less than one 2294  
hundred nor more than five thousand dollars. 2295

(C) Whoever violates section 5747.49 of the Revised Code 2296  
shall be fined not more than five dollars for each day that 2297  
elapses between the date specified by law for performance and 2298

the date when the duty is actually performed. 2299

(D) Whoever violates section 5747.06 or 5747.07 of the 2300  
Revised Code by failing to remit state income taxes withheld 2301  
from an employee shall be penalized as follows: 2302

(1) Except as otherwise provided in division (D)(2) of 2303  
this section, the offender shall be fined not less than one 2304  
hundred dollars nor more than one thousand dollars, or 2305  
imprisoned not more than sixty days, or both. 2306

(2) If the offender previously has been convicted of or 2307  
pleaded guilty to a violation of section 5747.06 or 5747.07 of 2308  
the Revised Code involving a failure to remit state income taxes 2309  
withheld from an employee, the offender is guilty of a felony of 2310  
the fifth degree. 2311

**Section 2.** That existing sections 2929.11, 2929.13, 2312  
2929.15, 2929.16, 2929.19, 2951.041, 2953.31, 2967.16, 2967.28, 2313  
5503.02, and 5747.99 of the Revised Code are hereby repealed. 2314

**Section 3.** Section 2929.19 of the Revised Code is 2315  
presented in this act as a composite of the section as amended 2316  
by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th 2317  
General Assembly. The General Assembly, applying the principle 2318  
stated in division (B) of section 1.52 of the Revised Code that 2319  
amendments are to be harmonized if reasonably capable of 2320  
simultaneous operation, finds that the composite is the 2321  
resulting version of the section in effect prior to the 2322  
effective date of the section as presented in this act. 2323