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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

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