

I_133_1253-2

133rd General Assembly
Regular Session
2019-2020

Sub. H. B. No. 215

A BILL

To amend sections 181.21, 181.26, 2152.13, 2152.14, 1
2929.01, 2929.14, 2929.144, 2929.20, 2945.37, 2
2945.401, 2949.08, 2951.03, 2953.07, 2953.08, 3
2967.14, 2967.271, 5120.021, 5120.038, 5120.113, 4
and 5149.04 of the Revised Code to modify the 5
Corrections Law regarding a Department of 6
Rehabilitation and Correction reentry program 7
for certain offenders, maximum workload and 8
caseload standards for parole and field 9
officers, GPS monitoring of offenders released 10
from prison, and entry into LEADS of specified 11
information about GPS-monitored offenders, and 12
to require the Ohio Criminal Sentencing 13
Commission to appoint an Offender Supervision 14
Study Committee. 15

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

Section 1. That sections 181.21, 181.26, 2152.13, 2152.14, 16
2929.01, 2929.14, 2929.144, 2929.20, 2945.37, 2945.401, 2949.08, 17
2951.03, 2953.07, 2953.08, 2967.14, 2967.271, 5120.021, 18



5120.038, 5120.113, and 5149.04 of the Revised Code be amended 19
to read as follows: 20

Sec. 181.21. (A) There is hereby created within the 21
supreme court the state criminal sentencing commission, 22
consisting of thirty-one members. One member shall be the chief 23
justice of the supreme court, who shall be the chairperson of 24
the commission. The following ten members of the commission, no 25
more than six of whom shall be members of the same political 26
party, shall be appointed by the chief justice: one judge of a 27
court of appeals, three judges of courts of common pleas who are 28
not juvenile court judges, three judges of juvenile courts, and 29
three judges of municipal courts or county courts. Four members 30
shall be the superintendent of the state highway patrol, the 31
state public defender, the director of youth services, and the 32
director of rehabilitation and correction, or their individual 33
designees. The following twelve members, no more than seven of 34
whom shall be members of the same political party, shall be 35
appointed by the governor after consulting with the appropriate 36
state associations, if any, that are represented by these 37
members: one sheriff; two county prosecuting attorneys, at least 38
one of whom shall be experienced in the prosecution of cases in 39
juvenile court involving alleged delinquent children, unruly 40
children, and juvenile traffic offenders; two peace officers of 41
a municipal corporation or township, at least one of whom shall 42
be experienced in the investigation of cases involving 43
juveniles; one former victim of a violation of Title XXIX of the 44
Revised Code; one attorney whose practice of law primarily 45
involves the representation of criminal defendants; one member 46
of the Ohio state bar association; one attorney whose practice 47
of law primarily involves the representation in juvenile court 48
of alleged delinquent children, unruly children, and juvenile 49

traffic offenders; one full-time city prosecuting attorney; one 50
county commissioner; and one mayor, city manager, or member of a 51
legislative authority of a municipal corporation. Two members 52
shall be members of the senate, one appointed by the president 53
of the senate and one appointed by the minority leader of the 54
senate. Two members shall be members of the house of 55
representatives, one appointed by the speaker of the house of 56
representatives and one appointed by the minority leader of the 57
house of representatives. 58

The chief justice shall become a member of the commission 59
on August 22, 1990, and the chief justice's successors in office 60
shall become members of the commission on the day that they 61
assume the office of chief justice. The term of office of the 62
chief justice as a member of the commission shall continue for 63
as long as that person holds the office of chief justice. The 64
term of office of the member who is an attorney whose practice 65
of law primarily involves the representation of criminal 66
defendants, the term of office of the member who is an attorney 67
whose practice of law primarily involves the representation in 68
juvenile court of alleged delinquent children, unruly children, 69
and juvenile traffic offenders, and the term of office of the 70
former victim of a violation of Title XXIX of the Revised Code 71
shall be four years. The term of office of the superintendent of 72
the state highway patrol, the state public defender, the 73
director of youth services, and the director of rehabilitation 74
and correction, or their individual designees, as members of the 75
commission shall continue for as long as they hold the office of 76
superintendent of the state highway patrol, state public 77
defender, director of youth services, or director of 78
rehabilitation and correction. The term of office of a municipal 79
corporation or township peace officer as a member of the 80

commission shall be the lesser of four years or until that 81
person ceases to be a peace officer of a municipal corporation 82
or township. Unless the full-time city prosecuting attorney is 83
an elected official, the term of office of the full-time city 84
prosecuting attorney shall be the lesser of four years or until 85
the full-time city prosecuting attorney ceases to be a full-time 86
city prosecuting attorney. All of the members of the commission 87
who are elected officials shall serve the lesser of four years 88
or until the expiration of their term of office. Any vacancy on 89
the commission shall be filled in the same manner as the 90
original appointment. 91

When the chief justice and governor make their 92
appointments to the commission, they shall consider adequate 93
representation by race and gender. 94

(B) The commission shall select a vice-chairperson and any 95
other necessary officers and adopt rules to govern its 96
proceedings. The commission shall meet as necessary at the call 97
of the chairperson or on the written request of eight or more of 98
its members. Sixteen members of the commission constitute a 99
quorum, and the votes of a majority of the quorum present shall 100
be required to validate any action of the commission. All 101
business of the commission shall be conducted in public 102
meetings. 103

The members of the commission shall serve without 104
compensation, but each member shall be reimbursed for the 105
member's actual and necessary expenses incurred in the 106
performance of the member's official duties on the commission. 107
In the absence of the chairperson, the vice-chairperson shall 108
perform the duties of the chairperson. 109

(C) The commission shall establish an office and shall 110

appoint and fix the compensation of a project director and any 111
other employees necessary to assist the commission in the 112
execution of its authority under sections 181.21 to 181.26 of 113
the Revised Code. The project director shall have a thorough 114
understanding of the criminal laws of this state and experience 115
in committee-oriented research. The other employees may include 116
a research coordinator with experience and training in policy- 117
oriented research; professional staff employees with backgrounds 118
in criminal law, criminal justice, political science, or related 119
fields of expertise; administrative assistants; and secretaries. 120
The commission also may appoint and fix the compensation of 121
part-time data collectors, clerical employees, and other 122
temporary employees as needed to enable the commission to 123
execute its authority under sections 181.21 to 181.26 of the 124
Revised Code. 125

(D) The sentencing commission shall establish a standing 126
juvenile committee. The committee shall consist of the following 127
commission members: the chief justice of the supreme court or 128
the chief justice's designee, the director of youth services, 129
the three juvenile court judges, one court of common pleas judge 130
who is not a juvenile court judge, one county prosecuting 131
attorney who is experienced in the prosecution of cases in 132
juvenile court involving alleged delinquent children, unruly 133
children, and juvenile traffic offenders, the attorney whose 134
practice of law primarily involves the representation in 135
juvenile court of alleged delinquent children, unruly children, 136
and juvenile traffic offenders, the former victim of a violation 137
of Title XXIX of the Revised Code, the county commissioner, one 138
legislator from each political party, the sheriff, and one 139
municipal corporation or township peace officer who is 140
experienced in the investigation of cases involving juveniles. 141

The members of the commission may serve on the committee by 142
designation of the chief justice. The chief justice shall 143
designate a member to serve as chairperson of the committee. The 144
committee shall meet as necessary at the call of the chairperson 145
or on the written request of four or more of the committee's 146
members. A majority of the members of the committee shall 147
constitute a quorum, and the votes of a majority of the quorum 148
present shall be required to validate any action of the 149
committee, including recommendations to the commission. The 150
committee and the commission shall comply with section 181.26 of 151
the Revised Code. 152

(E) (1) The sentencing commission shall establish an ad 153
hoc, standing offender supervision study committee. The 154
committee shall consist of one member who is a person appointed 155
by the governor and the following twelve members appointed by 156
the commission: one active parole line officer; one active 157
probation officer; two members of the house of representatives 158
who shall not be members of the same political party; two 159
members of the senate who shall not be members of the same 160
political party; one judge of a court of common pleas; one 161
representative of the Ohio community corrections association; 162
the director of rehabilitation and corrections or the director's 163
representative; one county prosecuting attorney; the state 164
public defender, the state public defender's representative, or 165
a county public defender; and one sheriff. The members of the 166
commission may serve on the committee by designation of the 167
chief justice, to the extent that the members satisfy the 168
criteria for service on the committee. The chief justice shall 169
designate a member to serve as chairperson of the committee. The 170
committee shall select a vice-chairperson. The committee shall 171
meet as necessary at the call of the chairperson or on the 172

written request of four or more of the committee's members. In 173
the absence of the chairperson, the vice-chairperson shall 174
perform the duties of the chairperson. A majority of the members 175
of the committee shall constitute a quorum, and the votes of a 176
majority of the quorum present shall be required to validate any 177
action of the committee, including the content of reports and 178
recommendations to the commission. 179

The members of the committee who are not members of the 180
commission shall serve without compensation, but each such 181
member shall be reimbursed for the member's actual and necessary 182
expenses incurred in the performance of the member's official 183
duties on the commission. Section 181.21 of the Revised Code 184
applies to the members of the committee who are members of the 185
commission. 186

(2) The offender supervision study committee shall study 187
and review all issues related to the supervision of offenders, 188
including issues related to parole, community control, 189
probation, community corrections, and transitional control, and 190
issues related to interstate compact policies. The committee 191
shall submit a report to the commission not later than the 192
thirty-first day of December in each even-numbered year that 193
contains its findings with respect to the issues it studies and 194
reviews and recommendations regarding possible changes in the 195
law based on those findings. 196

The commission shall comply with division (D) of section 197
181.26 of the Revised Code with respect to the reports submitted 198
to it under this division. 199

(3) The sentencing commission may appoint persons who are 200
experts in issues related to the supervision of offenders to 201
assist the committee in the performance of its duties under 202

division (E) (2) of this section. No person appointed in a 203
capacity under this division may vote on any action of the 204
committee, including the content of any report or recommendation 205
to the commission. 206

Sec. 181.26. (A) In addition to its duties set forth in 207
sections 181.23 to 181.25 of the Revised Code, the state 208
criminal sentencing commission shall do all of the following: 209

(1) Review all statutes governing delinquent child, unruly 210
child, and juvenile traffic offender dispositions in this state; 211

(2) Review state and local resources, including facilities 212
and programs, used for delinquent child, unruly child, and 213
juvenile traffic offender dispositions and profile the 214
populations of youthful offenders in the facilities and 215
programs; 216

(3) Report to the general assembly no later than October 217
1, 1999, a comprehensive plan containing recommendations based 218
on the reviews required under divisions (A) (1) and (2) of this 219
section. The recommendations shall do all of the following: 220

(a) Assist in the managing of the number of persons in, 221
and costs of, the facilities, the programs, and other resources 222
used in delinquent child, unruly child, and juvenile traffic 223
offender dispositions; 224

(b) Foster rehabilitation, public safety, sanctions, 225
accountability, and other reasonable goals; 226

(c) Provide greater certainty, proportionality, 227
uniformity, fairness, and simplicity in delinquent child, unruly 228
child, and juvenile traffic offender dispositions while 229
retaining reasonable judicial discretion; 230

(d) Provide for the restoration of victims of juvenile offenses.	231 232
(B) The commission shall project the impact of the comprehensive plan recommended by the commission under <u>division (A) of this section</u> on state and local resources used in delinquent child, unruly child, and juvenile traffic offender dispositions. The commission shall determine whether any additional facilities, programs, or other resources are needed to implement the comprehensive plan.	233 234 235 236 237 238 239
(C) If the general assembly enacts all or a substantial part of the comprehensive plan recommended by the commission under <u>division (A) of this section</u> , the commission shall do all of the following:	240 241 242 243
(1) Assist in the implementation of the enacted plan;	244
(2) Monitor the operation of the plan, periodically report to the general assembly on the plan's operation and the plan's impact on resources used in delinquent child, unruly child, and juvenile traffic offender dispositions, and periodically recommend changes in the plan to the general assembly based on this monitoring;	245 246 247 248 249 250
(3) Review all bills that are introduced in the general assembly that relate to delinquent child, unruly child, and juvenile traffic offender dispositions and assist the general assembly in making legislation consistent with the plan.	251 252 253 254
<u>(D) In addition to its duties set forth in sections 181.23 to 181.25 of the Revised Code and divisions (A) to (C) of this section, the state criminal sentencing commission shall review all reports submitted to it by the offender supervision study committee under division (E) (2) of section 181.21 of the Revised</u>	255 256 257 258 259

Code and, for each report so received, not later than ninety 260
days after receiving the report, shall submit a report to the 261
general assembly that contains the commission's recommendations 262
regarding possible changes in the law based on the findings of 263
the committee that are set forth in the report. In preparing its 264
report to the general assembly, the commission shall consider 265
all findings and recommendations of the committee contained in 266
the report the committee submitted to the commission, and the 267
commission's report to the general assembly may be, but is not 268
required to be, the same as the report of the committee 269
submitted to the commission. 270

Sec. 2152.13. (A) A juvenile court shall impose a serious 271
youthful dispositional sentence on a child when required under 272
division (B) (3) of section 2152.121 of the Revised Code. In such 273
a case, the remaining provisions of this division and divisions 274
(B) and (C) do not apply to the child, and the court shall 275
impose the mandatory serious youthful dispositional sentence 276
under division (D) (1) of this section. 277

In all other cases, a juvenile court may impose a serious 278
youthful offender dispositional sentence on a child only if the 279
prosecuting attorney of the county in which the delinquent act 280
allegedly occurred initiates the process against the child in 281
accordance with this division, and the child is an alleged 282
delinquent child who is eligible for the dispositional sentence. 283
The prosecuting attorney may initiate the process in any of the 284
following ways: 285

(1) Obtaining an indictment of the child as a serious 286
youthful offender; 287

(2) The child waives the right to indictment, charging the 288
child in a bill of information as a serious youthful offender; 289

(3) Until an indictment or information is obtained, 290
requesting a serious youthful offender dispositional sentence in 291
the original complaint alleging that the child is a delinquent 292
child; 293

(4) Until an indictment or information is obtained, if the 294
original complaint does not request a serious youthful offender 295
dispositional sentence, filing with the juvenile court a written 296
notice of intent to seek a serious youthful offender 297
dispositional sentence within twenty days after the later of the 298
following, unless the time is extended by the juvenile court for 299
good cause shown: 300

(a) The date of the child's first juvenile court hearing 301
regarding the complaint; 302

(b) The date the juvenile court determines not to transfer 303
the case under section 2152.12 of the Revised Code. 304

After a written notice is filed under division (A)(4) of 305
this section, the juvenile court shall serve a copy of the 306
notice on the child and advise the child of the prosecuting 307
attorney's intent to seek a serious youthful offender 308
dispositional sentence in the case. 309

(B) If an alleged delinquent child is not indicted or 310
charged by information as described in division (A)(1) or (2) of 311
this section and if a notice or complaint as described in 312
division (A)(3) or (4) of this section indicates that the 313
prosecuting attorney intends to pursue a serious youthful 314
offender dispositional sentence in the case, the juvenile court 315
shall hold a preliminary hearing to determine if there is 316
probable cause that the child committed the act charged and is 317
by age eligible for, or required to receive, a serious youthful 318

offender dispositional sentence. 319

(C) (1) A child for whom a serious youthful offender 320
dispositional sentence is sought by a prosecuting attorney has 321
the right to a grand jury determination of probable cause that 322
the child committed the act charged and that the child is 323
eligible by age for a serious youthful offender dispositional 324
sentence. The grand jury may be impaneled by the court of common 325
pleas or the juvenile court. 326

Once a child is indicted, or charged by information or the 327
juvenile court determines that the child is eligible for a 328
serious youthful offender dispositional sentence, the child is 329
entitled to an open and speedy trial by jury in juvenile court 330
and to be provided with a transcript of the proceedings. The 331
time within which the trial is to be held under Title XXIX of 332
the Revised Code commences on whichever of the following dates 333
is applicable: 334

(a) If the child is indicted or charged by information, on 335
the date of the filing of the indictment or information. 336

(b) If the child is charged by an original complaint that 337
requests a serious youthful offender dispositional sentence, on 338
the date of the filing of the complaint. 339

(c) If the child is not charged by an original complaint 340
that requests a serious youthful offender dispositional 341
sentence, on the date that the prosecuting attorney files the 342
written notice of intent to seek a serious youthful offender 343
dispositional sentence. 344

(2) If the child is detained awaiting adjudication, upon 345
indictment or being charged by information, the child has the 346
same right to bail as an adult charged with the offense the 347

alleged delinquent act would be if committed by an adult. Except 348
as provided in division (D) of section 2152.14 of the Revised 349
Code, all provisions of Title XXIX of the Revised Code and the 350
Criminal Rules shall apply in the case and to the child. The 351
juvenile court shall afford the child all rights afforded a 352
person who is prosecuted for committing a crime including the 353
right to counsel and the right to raise the issue of competency. 354
The child may not waive the right to counsel. 355

(D) (1) If a child is adjudicated a delinquent child for 356
committing an act under circumstances that require the juvenile 357
court to impose upon the child a serious youthful offender 358
dispositional sentence under section 2152.11 of the Revised 359
Code, all of the following apply: 360

(a) The juvenile court shall impose upon the child a 361
sentence available for the violation, as if the child were an 362
adult, under Chapter 2929. of the Revised Code, except that the 363
juvenile court shall not impose on the child a sentence of death 364
or life imprisonment without parole. 365

(b) The juvenile court also shall impose upon the child 366
one or more traditional juvenile dispositions under sections 367
2152.16, 2152.19, and 2152.20, and, if applicable, section 368
2152.17 of the Revised Code. 369

(c) The juvenile court shall stay the adult portion of the 370
serious youthful offender dispositional sentence pending the 371
successful completion of the traditional juvenile dispositions 372
imposed. 373

(2) (a) If a child is adjudicated a delinquent child for 374
committing an act under circumstances that allow, but do not 375
require, the juvenile court to impose on the child a serious 376

youthful offender dispositional sentence under section 2152.11 377
of the Revised Code, all of the following apply: 378

(i) If the juvenile court on the record makes a finding 379
that, given the nature and circumstances of the violation and 380
the history of the child, the length of time, level of security, 381
and types of programming and resources available in the juvenile 382
system alone are not adequate to provide the juvenile court with 383
a reasonable expectation that the purposes set forth in section 384
2152.01 of the Revised Code will be met, the juvenile court may 385
impose upon the child a sentence available for the violation, as 386
if the child were an adult, under Chapter 2929. of the Revised 387
Code, except that the juvenile court shall not impose on the 388
child a sentence of death or life imprisonment without parole. 389

(ii) If a sentence is imposed under division (D) (2) (a) (i) 390
of this section, the juvenile court also shall impose upon the 391
child one or more traditional juvenile dispositions under 392
sections 2152.16, 2152.19, and 2152.20 and, if applicable, 393
section 2152.17 of the Revised Code. 394

(iii) The juvenile court shall stay the adult portion of 395
the serious youthful offender dispositional sentence pending the 396
successful completion of the traditional juvenile dispositions 397
imposed. 398

(b) If the juvenile court does not find that a sentence 399
should be imposed under division (D) (2) (a) (i) of this section, 400
the juvenile court may impose one or more traditional juvenile 401
dispositions under sections 2152.16, 2152.19, 2152.20, and, if 402
applicable, section 2152.17 of the Revised Code. 403

(3) A child upon whom a serious youthful offender 404
dispositional sentence is imposed under division (D) (1) or (2) 405

of this section has a right to appeal under division ~~(A)(1)~~(B) 406
(1), (3), (4), or (5) of section 2953.08 of the Revised Code the 407
adult portion of the serious youthful offender dispositional 408
sentence when any of those divisions apply. The child may appeal 409
the adult portion, and the court shall consider the appeal as if 410
the adult portion were not stayed. 411

Sec. 2152.14. (A)(1) The director of youth services may 412
request the prosecuting attorney of the county in which is 413
located the juvenile court that imposed a serious youthful 414
offender dispositional sentence upon a person under section 415
2152.121 or 2152.13 of the Revised Code to file a motion with 416
that juvenile court to invoke the adult portion of the 417
dispositional sentence if all of the following apply to the 418
person: 419

(a) The person is at least fourteen years of age. 420

(b) The person is in the institutional custody, or an 421
escapee from the custody, of the department of youth services. 422

(c) The person is serving the juvenile portion of the 423
serious youthful offender dispositional sentence. 424

(2) The motion shall state that there is reasonable cause 425
to believe that either of the following misconduct has occurred 426
and shall state that at least one incident of misconduct of that 427
nature occurred after the person reached fourteen years of age: 428

(a) The person committed an act that is a violation of the 429
rules of the institution and that could be charged as any felony 430
or as a first degree misdemeanor offense of violence if 431
committed by an adult. 432

(b) The person has engaged in conduct that creates a 433
substantial risk to the safety or security of the institution, 434

the community, or the victim. 435

(B) If a person is at least fourteen years of age, is 436
serving the juvenile portion of a serious youthful offender 437
dispositional sentence imposed under section 2152.121 or 2152.13 438
of the Revised Code, and is on parole or aftercare from a 439
department of youth services facility, or on community control, 440
the director of youth services, the juvenile court that imposed 441
the serious youthful offender dispositional sentence on the 442
person, or the probation department supervising the person may 443
request the prosecuting attorney of the county in which is 444
located the juvenile court to file a motion with the juvenile 445
court to invoke the adult portion of the dispositional sentence. 446
The prosecuting attorney may file a motion to invoke the adult 447
portion of the dispositional sentence even if no request is 448
made. The motion shall state that there is reasonable cause to 449
believe that either of the following occurred and shall state 450
that at least one incident of misconduct of that nature occurred 451
after the person reached fourteen years of age: 452

(1) The person committed an act that is a violation of the 453
conditions of supervision and that could be charged as any 454
felony or as a first degree misdemeanor offense of violence if 455
committed by an adult. 456

(2) The person has engaged in conduct that creates a 457
substantial risk to the safety or security of the community or 458
of the victim. 459

(C) If the prosecuting attorney declines a request to file 460
a motion that was made by the department of youth services or 461
the supervising probation department under division (A) or (B) 462
of this section or fails to act on a request made under either 463
division by the department within a reasonable time, the 464

department of youth services or the supervising probation 465
department may file a motion of the type described in division 466
(A) or (B) of this section with the juvenile court to invoke the 467
adult portion of the serious youthful offender dispositional 468
sentence. If the prosecuting attorney declines a request to file 469
a motion that was made by the juvenile court under division (B) 470
of this section or fails to act on a request from the court 471
under that division within a reasonable time, the juvenile court 472
may hold the hearing described in division (D) of this section 473
on its own motion. 474

(D) Upon the filing of a motion described in division (A), 475
(B), or (C) of this section, the juvenile court may hold a 476
hearing to determine whether to invoke the adult portion of a 477
person's serious juvenile offender dispositional sentence. The 478
juvenile court shall not invoke the adult portion of the 479
dispositional sentence without a hearing. At the hearing the 480
person who is the subject of the serious youthful offender 481
disposition has the right to be present, to receive notice of 482
the grounds upon which the adult sentence portion is sought to 483
be invoked, to be represented by counsel including counsel 484
appointed under Juvenile Rule 4(A), to be advised on the 485
procedures and protections set forth in the Juvenile Rules, and 486
to present evidence on the person's own behalf, including 487
evidence that the person has a mental illness or intellectual 488
disability. The person may not waive the right to counsel. The 489
hearing shall be open to the public. If the person presents 490
evidence that the person has a mental illness or intellectual 491
disability, the juvenile court shall consider that evidence in 492
determining whether to invoke the adult portion of the serious 493
youthful offender dispositional sentence. 494

(E) (1) The juvenile court may invoke the adult portion of 495

a person's serious youthful offender dispositional sentence if 496
the juvenile court finds all of the following on the record by 497
clear and convincing evidence: 498

(a) The person is serving the juvenile portion of a 499
serious youthful offender dispositional sentence. 500

(b) The person is at least fourteen years of age and has 501
been admitted to a department of youth services facility, or 502
criminal charges are pending against the person. 503

(c) The person engaged in the conduct or acts charged 504
under division (A), (B), or (C) of this section, and the 505
person's conduct demonstrates that the person is unlikely to be 506
rehabilitated during the remaining period of juvenile 507
jurisdiction. 508

(2) The court may modify the adult sentence the court 509
invokes to consist of any lesser prison term that could be 510
imposed for the offense and, in addition to the prison term or 511
in lieu of the prison term if the prison term was not mandatory, 512
any community control sanction that the offender was eligible to 513
receive at sentencing. 514

(F) If a juvenile court issues an order invoking the adult 515
portion of a serious youthful offender dispositional sentence 516
under division (E) of this section, the juvenile portion of the 517
dispositional sentence shall terminate, and the department of 518
youth services shall transfer the person to the department of 519
rehabilitation and correction or place the person under another 520
sanction imposed as part of the sentence. The juvenile court 521
shall state in its order the total number of days that the 522
person has been held in detention or in a facility operated by, 523
or under contract with, the department of youth services under 524

the juvenile portion of the dispositional sentence. The time the 525
person must serve on a prison term imposed under the adult 526
portion of the dispositional sentence shall be reduced by the 527
total number of days specified in the order plus any additional 528
days the person is held in a juvenile facility or in detention 529
after the order is issued and before the person is transferred 530
to the custody of the department of rehabilitation and 531
correction. In no case shall the total prison term as calculated 532
under this division exceed the maximum prison term available for 533
an adult who is convicted of violating the same sections of the 534
Revised Code, including, for an offense that would be a felony 535
of the first or second degree that was committed on or after 536
March 22, 2019, both the longest minimum term that the defendant 537
or person could have received if convicted plus the 538
corresponding maximum term that would be required. 539

Any community control imposed as part of the adult 540
sentence or as a condition of a judicial release from prison 541
shall be under the supervision of the entity that provides adult 542
probation services in the county. Any post-release control 543
imposed after the offender otherwise is released from prison 544
shall be supervised by the adult parole authority. 545

Sec. 2929.01. As used in this chapter: 546

(A) (1) "Alternative residential facility" means, subject 547
to division (A) (2) of this section, any facility other than an 548
offender's home or residence in which an offender is assigned to 549
live and that satisfies all of the following criteria: 550

(a) It provides programs through which the offender may 551
seek or maintain employment or may receive education, training, 552
treatment, or habilitation. 553

(b) It has received the appropriate license or certificate 554
for any specialized education, training, treatment, 555
habilitation, or other service that it provides from the 556
government agency that is responsible for licensing or 557
certifying that type of education, training, treatment, 558
habilitation, or service. 559

(2) "Alternative residential facility" does not include a 560
community-based correctional facility, jail, halfway house, or 561
prison. 562

(B) "Basic probation supervision" means a requirement that 563
the offender maintain contact with a person appointed to 564
supervise the offender in accordance with sanctions imposed by 565
the court or imposed by the parole board pursuant to section 566
2967.28 of the Revised Code. "Basic probation supervision" 567
includes basic parole supervision and basic post-release control 568
supervision. 569

(C) "Cocaine," "fentanyl-related compound," "hashish," 570
"L.S.D.," and "unit dose" have the same meanings as in section 571
2925.01 of the Revised Code. 572

(D) "Community-based correctional facility" means a 573
community-based correctional facility and program or district 574
community-based correctional facility and program developed 575
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 576

(E) "Community control sanction" means a sanction that is 577
not a prison term and that is described in section 2929.15, 578
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 579
that is not a jail term and that is described in section 580
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 581
control sanction" includes probation if the sentence involved 582

was imposed for a felony that was committed prior to July 1, 583
1996, or if the sentence involved was imposed for a misdemeanor 584
that was committed prior to January 1, 2004. 585

(F) "Controlled substance," "marihuana," "schedule I," and 586
"schedule II" have the same meanings as in section 3719.01 of 587
the Revised Code. 588

(G) "Curfew" means a requirement that an offender during a 589
specified period of time be at a designated place. 590

(H) "Day reporting" means a sanction pursuant to which an 591
offender is required each day to report to and leave a center or 592
other approved reporting location at specified times in order to 593
participate in work, education or training, treatment, and other 594
approved programs at the center or outside the center. 595

(I) "Deadly weapon" has the same meaning as in section 596
2923.11 of the Revised Code. 597

(J) "Drug and alcohol use monitoring" means a program 598
under which an offender agrees to submit to random chemical 599
analysis of the offender's blood, breath, or urine to determine 600
whether the offender has ingested any alcohol or other drugs. 601

(K) "Drug treatment program" means any program under which 602
a person undergoes assessment and treatment designed to reduce 603
or completely eliminate the person's physical or emotional 604
reliance upon alcohol, another drug, or alcohol and another drug 605
and under which the person may be required to receive assessment 606
and treatment on an outpatient basis or may be required to 607
reside at a facility other than the person's home or residence 608
while undergoing assessment and treatment. 609

(L) "Economic loss" means any economic detriment suffered 610
by a victim as a direct and proximate result of the commission 611

of an offense and includes any loss of income due to lost time 612
at work because of any injury caused to the victim, and any 613
property loss, medical cost, or funeral expense incurred as a 614
result of the commission of the offense. "Economic loss" does 615
not include non-economic loss or any punitive or exemplary 616
damages. 617

(M) "Education or training" includes study at, or in 618
conjunction with a program offered by, a university, college, or 619
technical college or vocational study and also includes the 620
completion of primary school, secondary school, and literacy 621
curricula or their equivalent. 622

(N) "Firearm" has the same meaning as in section 2923.11 623
of the Revised Code. 624

(O) "Halfway house" means a facility licensed by the 625
division of parole and community services of the department of 626
rehabilitation and correction pursuant to section 2967.14 of the 627
Revised Code as a suitable facility for the care and treatment 628
of adult offenders. 629

(P) "House arrest" means a period of confinement of an 630
offender that is in the offender's home or in other premises 631
specified by the sentencing court or by the parole board 632
pursuant to section 2967.28 of the Revised Code and during which 633
all of the following apply: 634

(1) The offender is required to remain in the offender's 635
home or other specified premises for the specified period of 636
confinement, except for periods of time during which the 637
offender is at the offender's place of employment or at other 638
premises as authorized by the sentencing court or by the parole 639
board. 640

(2) The offender is required to report periodically to a person designated by the court or parole board.

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board.

(Q) "Intensive probation supervision" means a requirement that an offender maintain frequent contact with a person appointed by the court, or by the parole board pursuant to section 2967.28 of the Revised Code, to supervise the offender while the offender is seeking or maintaining necessary employment and participating in training, education, and treatment programs as required in the court's or parole board's order. "Intensive probation supervision" includes intensive parole supervision and intensive post-release control supervision.

(R) "Jail" means a jail, workhouse, minimum security jail, or other residential facility used for the confinement of alleged or convicted offenders that is operated by a political subdivision or a combination of political subdivisions of this state.

(S) "Jail term" means the term in a jail that a sentencing court imposes or is authorized to impose pursuant to section 2929.24 or 2929.25 of the Revised Code or pursuant to any other provision of the Revised Code that authorizes a term in a jail for a misdemeanor conviction.

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code,

division (E) or (G) of section 2929.24 of the Revised Code, 670
division (B) of section 4510.14 of the Revised Code, or division 671
(G) of section 4511.19 of the Revised Code or pursuant to any 672
other provision of the Revised Code that requires a term in a 673
jail for a misdemeanor conviction. 674

(U) "Delinquent child" has the same meaning as in section 675
2152.02 of the Revised Code. 676

(V) "License violation report" means a report that is made 677
by a sentencing court, or by the parole board pursuant to 678
section 2967.28 of the Revised Code, to the regulatory or 679
licensing board or agency that issued an offender a professional 680
license or a license or permit to do business in this state and 681
that specifies that the offender has been convicted of or 682
pleaded guilty to an offense that may violate the conditions 683
under which the offender's professional license or license or 684
permit to do business in this state was granted or an offense 685
for which the offender's professional license or license or 686
permit to do business in this state may be revoked or suspended. 687

(W) "Major drug offender" means an offender who is 688
convicted of or pleads guilty to the possession of, sale of, or 689
offer to sell any drug, compound, mixture, preparation, or 690
substance that consists of or contains at least one thousand 691
grams of hashish; at least one hundred grams of cocaine; at 692
least one thousand unit doses or one hundred grams of heroin; at 693
least five thousand unit doses of L.S.D. or five hundred grams 694
of L.S.D. in a liquid concentrate, liquid extract, or liquid 695
distillate form; at least fifty grams of a controlled substance 696
analog; at least one thousand unit doses or one hundred grams of 697
a fentanyl-related compound; or at least one hundred times the 698
amount of any other schedule I or II controlled substance other 699

than marihuana that is necessary to commit a felony of the third 700
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 701
of the Revised Code that is based on the possession of, sale of, 702
or offer to sell the controlled substance. 703

(X) "Mandatory prison term" means any of the following: 704

(1) Subject to division (X) (2) of this section, the term 705
in prison that must be imposed for the offenses or circumstances 706
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 707
section 2929.13 and division (B) of section 2929.14 of the 708
Revised Code. Except as provided in sections 2925.02, 2925.03, 709
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 710
maximum or another specific term is required under section 711
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 712
described in this division may be any prison term authorized for 713
the level of offense except that if the offense is a felony of 714
the first or second degree committed on or after ~~the effective~~ 715
~~date of this amendment~~ March 22, 2019, a mandatory prison term 716
described in this division may be one of the terms prescribed in 717
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 718
Code, whichever is applicable, that is authorized as the minimum 719
term for the offense. 720

(2) The term of sixty or one hundred twenty days in prison 721
that a sentencing court is required to impose for a third or 722
fourth degree felony OVI offense pursuant to division (G) (2) of 723
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 724
of the Revised Code or the term of one, two, three, four, or 725
five years in prison that a sentencing court is required to 726
impose pursuant to division (G) (2) of section 2929.13 of the 727
Revised Code. 728

(3) The term in prison imposed pursuant to division (A) of 729

section 2971.03 of the Revised Code for the offenses and in the 730
circumstances described in division (F) (11) of section 2929.13 731
of the Revised Code or pursuant to division (B) (1) (a), (b), or 732
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 733
section 2971.03 of the Revised Code and that term as modified or 734
terminated pursuant to section 2971.05 of the Revised Code. 735

(Y) "Monitored time" means a period of time during which 736
an offender continues to be under the control of the sentencing 737
court or parole board, subject to no conditions other than 738
leading a law-abiding life. 739

(Z) "Offender" means a person who, in this state, is 740
convicted of or pleads guilty to a felony or a misdemeanor. 741

(AA) "Prison" means a residential facility used for the 742
confinement of convicted felony offenders that is under the 743
control of the department of rehabilitation and correction and 744
includes a violation sanction center operated under authority of 745
section 2967.141 of the Revised Code. 746

(BB) (1) "Prison term" includes either of the following 747
sanctions for an offender: 748

(a) A stated prison term; 749

(b) A term in a prison shortened by, or with the approval 750
of, the sentencing court pursuant to section 2929.143, 2929.20, 751
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 752

(2) With respect to a non-life felony indefinite prison 753
term, references in any provision of law to a reduction of, or 754
deduction from, the prison term mean a reduction in, or 755
deduction from, the minimum term imposed as part of the 756
indefinite term. 757

(CC) "Repeat violent offender" means a person about whom 758
both of the following apply: 759

(1) The person is being sentenced for committing or for 760
complicity in committing any of the following: 761

(a) Aggravated murder, murder, any felony of the first or 762
second degree that is an offense of violence, or an attempt to 763
commit any of these offenses if the attempt is a felony of the 764
first or second degree; 765

(b) An offense under an existing or former law of this 766
state, another state, or the United States that is or was 767
substantially equivalent to an offense described in division 768
(CC) (1) (a) of this section. 769

(2) The person previously was convicted of or pleaded 770
guilty to an offense described in division (CC) (1) (a) or (b) of 771
this section. 772

(DD) "Sanction" means any penalty imposed upon an offender 773
who is convicted of or pleads guilty to an offense, as 774
punishment for the offense. "Sanction" includes any sanction 775
imposed pursuant to any provision of sections 2929.14 to 2929.18 776
or 2929.24 to 2929.28 of the Revised Code. 777

(EE) "Sentence" means the sanction or combination of 778
sanctions imposed by the sentencing court on an offender who is 779
convicted of or pleads guilty to an offense. 780

(FF) (1) "Stated prison term" means the prison term, 781
mandatory prison term, or combination of all prison terms and 782
mandatory prison terms imposed by the sentencing court pursuant 783
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 784
under section 2919.25 of the Revised Code. "Stated prison term" 785
includes any credit received by the offender for time spent in 786

jail awaiting trial, sentencing, or transfer to prison for the 787
offense and any time spent under house arrest or house arrest 788
with electronic monitoring imposed after earning credits 789
pursuant to section 2967.193 of the Revised Code. If an offender 790
is serving a prison term as a risk reduction sentence under 791
sections 2929.143 and 5120.036 of the Revised Code, "stated 792
prison term" includes any period of time by which the prison 793
term imposed upon the offender is shortened by the offender's 794
successful completion of all assessment and treatment or 795
programming pursuant to those sections. 796

(2) As used in the definition of "stated prison term" set 797
forth in division (FF)(1) of this section, a prison term is a 798
definite or a minimum prison term imposed under section 2929.14 799
of the Revised Code or any other provision of law, ~~is the~~ 800
~~minimum and plus any maximum prison terms under term imposed as~~ 801
part of a non-life felony indefinite prison term, under section 802
2929.144 of the Revised Code or is a term of life imprisonment 803
except to the extent that the use of that definition in a 804
section of the Revised Code clearly is not intended to include a 805
term of life imprisonment. With respect to an offender sentenced 806
to a non-life felony indefinite prison term, references in 807
section 2967.191 or 2967.193 of the Revised Code or any other 808
provision of law to a reduction of, or deduction from, the 809
offender's stated prison term or to release of the offender 810
before the expiration of the offender's stated prison term mean 811
a reduction in, or deduction from, the minimum term imposed as 812
part of the indefinite term or a release of the offender before 813
the expiration of that minimum term, references in section 814
2929.19 or 2967.28 of the Revised Code to a stated prison term 815
with respect to a prison term imposed for a violation of a post- 816
release control sanction mean the minimum term so imposed, and 817

references in any provision of law to an offender's service of 818
the offender's stated prison term or the expiration of the 819
offender's stated prison term mean service or expiration of the 820
minimum term so imposed plus any additional period of 821
incarceration under the sentence that is required under section 822
2967.271 of the Revised Code. 823

(GG) "Victim-offender mediation" means a reconciliation or 824
mediation program that involves an offender and the victim of 825
the offense committed by the offender and that includes a 826
meeting in which the offender and the victim may discuss the 827
offense, discuss restitution, and consider other sanctions for 828
the offense. 829

(HH) "Fourth degree felony OVI offense" means a violation 830
of division (A) of section 4511.19 of the Revised Code that, 831
under division (G) of that section, is a felony of the fourth 832
degree. 833

(II) "Mandatory term of local incarceration" means the 834
term of sixty or one hundred twenty days in a jail, a community- 835
based correctional facility, a halfway house, or an alternative 836
residential facility that a sentencing court may impose upon a 837
person who is convicted of or pleads guilty to a fourth degree 838
felony OVI offense pursuant to division (G)(1) of section 839
2929.13 of the Revised Code and division (G)(1)(d) or (e) of 840
section 4511.19 of the Revised Code. 841

(JJ) "Designated homicide, assault, or kidnapping 842
offense," "violent sex offense," "sexual motivation 843
specification," "sexually violent offense," "sexually violent 844
predator," and "sexually violent predator specification" have 845
the same meanings as in section 2971.01 of the Revised Code. 846

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense.

(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code.

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code.

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code.

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree.

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code.

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code.

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code.

(TT) "Electronic monitoring" means monitoring through the

use of an electronic monitoring device. 875

(UU) "Electronic monitoring device" means any of the 876
following: 877

(1) Any device that can be operated by electrical or 878
battery power and that conforms with all of the following: 879

(a) The device has a transmitter that can be attached to a 880
person, that will transmit a specified signal to a receiver of 881
the type described in division (UU)(1)(b) of this section if the 882
transmitter is removed from the person, turned off, or altered 883
in any manner without prior court approval in relation to 884
electronic monitoring or without prior approval of the 885
department of rehabilitation and correction in relation to the 886
use of an electronic monitoring device for an inmate on 887
transitional control or otherwise is tampered with, that can 888
transmit continuously and periodically a signal to that receiver 889
when the person is within a specified distance from the 890
receiver, and that can transmit an appropriate signal to that 891
receiver if the person to whom it is attached travels a 892
specified distance from that receiver. 893

(b) The device has a receiver that can receive 894
continuously the signals transmitted by a transmitter of the 895
type described in division (UU)(1)(a) of this section, can 896
transmit continuously those signals by a wireless or landline 897
telephone connection to a central monitoring computer of the 898
type described in division (UU)(1)(c) of this section, and can 899
transmit continuously an appropriate signal to that central 900
monitoring computer if the device has been turned off or altered 901
without prior court approval or otherwise tampered with. The 902
device is designed specifically for use in electronic 903
monitoring, is not a converted wireless phone or another 904

tracking device that is clearly not designed for electronic 905
monitoring, and provides a means of text-based or voice 906
communication with the person. 907

(c) The device has a central monitoring computer that can 908
receive continuously the signals transmitted by a wireless or 909
landline telephone connection by a receiver of the type 910
described in division (UU) (1) (b) of this section and can monitor 911
continuously the person to whom an electronic monitoring device 912
of the type described in division (UU) (1) (a) of this section is 913
attached. 914

(2) Any device that is not a device of the type described 915
in division (UU) (1) of this section and that conforms with all 916
of the following: 917

(a) The device includes a transmitter and receiver that 918
can monitor and determine the location of a subject person at 919
any time, or at a designated point in time, through the use of a 920
central monitoring computer or through other electronic means. 921

(b) The device includes a transmitter and receiver that 922
can determine at any time, or at a designated point in time, 923
through the use of a central monitoring computer or other 924
electronic means the fact that the transmitter is turned off or 925
altered in any manner without prior approval of the court in 926
relation to the electronic monitoring or without prior approval 927
of the department of rehabilitation and correction in relation 928
to the use of an electronic monitoring device for an inmate on 929
transitional control or otherwise is tampered with. 930

(3) Any type of technology that can adequately track or 931
determine the location of a subject person at any time and that 932
is approved by the director of rehabilitation and correction, 933

including, but not limited to, any satellite technology, voice tracking system, or retinal scanning system that is so approved.

(VV) "Non-economic loss" means nonpecuniary harm suffered by a victim of an offense as a result of or related to the commission of the offense, including, but not limited to, pain and suffering; loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education; mental anguish; and any other intangible loss.

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

(XX) "Continuous alcohol monitoring" means the ability to automatically test and periodically transmit alcohol consumption levels and tamper attempts at least every hour, regardless of the location of the person who is being monitored.

(YY) A person is "adjudicated a sexually violent predator" if the person is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that violent sex offense or if the person is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that designated homicide, assault, or kidnapping offense.

(ZZ) An offense is "committed in proximity to a school" if the offender commits the offense in a school safety zone or

within five hundred feet of any school building or the 963
boundaries of any school premises, regardless of whether the 964
offender knows the offense is being committed in a school safety 965
zone or within five hundred feet of any school building or the 966
boundaries of any school premises. 967

(AAA) "Human trafficking" means a scheme or plan to which 968
all of the following apply: 969

(1) Its object is one or more of the following: 970

(a) To subject a victim or victims to involuntary 971
servitude, as defined in section 2905.31 of the Revised Code or 972
to compel a victim or victims to engage in sexual activity for 973
hire, to engage in a performance that is obscene, sexually 974
oriented, or nudity oriented, or to be a model or participant in 975
the production of material that is obscene, sexually oriented, 976
or nudity oriented; 977

(b) To facilitate, encourage, or recruit a victim who is 978
less than sixteen years of age or is a person with a 979
developmental disability, or victims who are less than sixteen 980
years of age or are persons with developmental disabilities, for 981
any purpose listed in divisions (A) (2) (a) to (c) of section 982
2905.32 of the Revised Code; 983

(c) To facilitate, encourage, or recruit a victim who is 984
sixteen or seventeen years of age, or victims who are sixteen or 985
seventeen years of age, for any purpose listed in divisions (A) 986
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 987
circumstances described in division (A) (5), (6), (7), (8), (9), 988
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 989
apply with respect to the person engaging in the conduct and the 990
victim or victims. 991

(2) It involves at least two felony offenses, whether or 992
not there has been a prior conviction for any of the felony 993
offenses, to which all of the following apply: 994

(a) Each of the felony offenses is a violation of section 995
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 996
division (A) (1) or (2) of section 2907.323, or division (B) (1), 997
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 998
is a violation of a law of any state other than this state that 999
is substantially similar to any of the sections or divisions of 1000
the Revised Code identified in this division. 1001

(b) At least one of the felony offenses was committed in 1002
this state. 1003

(c) The felony offenses are related to the same scheme or 1004
plan and are not isolated instances. 1005

(BBB) "Material," "nudity," "obscene," "performance," and 1006
"sexual activity" have the same meanings as in section 2907.01 1007
of the Revised Code. 1008

(CCC) "Material that is obscene, sexually oriented, or 1009
nudity oriented" means any material that is obscene, that shows 1010
a person participating or engaging in sexual activity, 1011
masturbation, or bestiality, or that shows a person in a state 1012
of nudity. 1013

(DDD) "Performance that is obscene, sexually oriented, or 1014
nudity oriented" means any performance that is obscene, that 1015
shows a person participating or engaging in sexual activity, 1016
masturbation, or bestiality, or that shows a person in a state 1017
of nudity. 1018

(EEE) "Accelerant" means a fuel or oxidizing agent, such 1019
as an ignitable liquid, used to initiate a fire or increase the 1020

rate of growth or spread of a fire. 1021

(FFF) "Permanent disabling harm" means serious physical 1022
harm that results in permanent injury to the intellectual, 1023
physical, or sensory functions and that permanently and 1024
substantially impairs a person's ability to meet one or more of 1025
the ordinary demands of life, including the functions of caring 1026
for one's self, performing manual tasks, walking, seeing, 1027
hearing, speaking, breathing, learning, and working. 1028

(GGG) "Non-life felony indefinite prison term" means a 1029
prison term imposed under division (A) (1) (a) or (2) (a) of 1030
section 2929.14 and section 2929.144 of the Revised Code for a 1031
felony of the first or second degree committed on or after ~~the~~ 1032
~~effective date of this amendment~~ March 22, 2019. 1033

Sec. 2929.14. (A) Except as provided in division (B) (1), 1034
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1035
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1036
in division (D) (6) of section 2919.25 of the Revised Code and 1037
except in relation to an offense for which a sentence of death 1038
or life imprisonment is to be imposed, if the court imposing a 1039
sentence upon an offender for a felony elects or is required to 1040
impose a prison term on the offender pursuant to this chapter, 1041
the court shall impose a prison term that shall be one of the 1042
following: 1043

(1) (a) ~~For (i)~~ Except as provided in division (A) (1) (a) 1044
(ii) of this section, for a felony of the first degree committed 1045
on or after ~~the effective date of this amendment~~ March 22, 2019, 1046
the prison term shall be ~~an~~ a non-life felony indefinite prison 1047
term with a ~~stated~~ minimum term selected by the court of three, 1048
four, five, six, seven, eight, nine, ten, or eleven years ~~and~~ 1049
followed by a single maximum term that is shall be determined 1050

pursuant to section 2929.144 of the Revised Code, ~~except that if~~ 1051

~~.~~ 1052

(ii) If the section that criminalizes the conduct 1053
constituting the felony specifies a different minimum term or 1054
penalty for the offense, the specific language of that section 1055
shall control over division (A) (1) (a) (i) of this section in 1056
determining the minimum term or otherwise sentencing the 1057
offender but the minimum term or sentence imposed under that 1058
specific language shall be considered for purposes of the 1059
Revised Code as if it had been imposed under ~~this division (A)~~ 1060
(1) (a) (i) of this section. 1061

(b) For a felony of the first degree committed prior to 1062
~~the effective date of this amendment~~ March 22, 2019, the prison 1063
term shall be a definite prison term of three, four, five, six, 1064
seven, eight, nine, ten, or eleven years. 1065

(2) (a) ~~For (i)~~ Except as provided in division (A) (2) (a) 1066
(ii) of this section, for a felony of the second degree 1067
committed on or after ~~the effective date of this amendment~~ March 1068
22, 2019, the prison term shall be ~~an~~ a non-life felony 1069
indefinite prison term with a ~~stated~~ minimum term selected by 1070
the court of two, three, four, five, six, seven, or eight years 1071
~~and followed by a single~~ maximum term that ~~is~~ shall be 1072
determined pursuant to section 2929.144 of the Revised Code, ~~—~~ 1073
~~except that if .~~ 1074

(ii) If the section that criminalizes the conduct 1075
constituting the felony specifies a different minimum term or 1076
penalty for the offense, the specific language of that section 1077
shall control over division (A) (2) (a) (i) of this section in 1078
determining the minimum term or otherwise sentencing the 1079
offender but the minimum term or sentence imposed under that 1080

specific language shall be considered for purposes of the 1081
Revised Code as if it had been imposed under ~~this division (A)~~ 1082
(2) (a) (i) of this section. 1083

(b) For a felony of the second degree committed prior to 1084
~~the effective date of this amendment~~March 22, 2019, the prison 1085
term shall be a definite term of two, three, four, five, six, 1086
seven, or eight years. 1087

(3) (a) For a felony of the third degree that is a 1088
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1089
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1090
Code or that is a violation of section 2911.02 or 2911.12 of the 1091
Revised Code if the offender previously has been convicted of or 1092
pleaded guilty in two or more separate proceedings to two or 1093
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 1094
of the Revised Code, the prison term shall be a definite term of 1095
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 1096
forty-eight, fifty-four, or sixty months. 1097

(b) For a felony of the third degree that is not an 1098
offense for which division (A) (3) (a) of this section applies, 1099
the prison term shall be a definite term of nine, twelve, 1100
eighteen, twenty-four, thirty, or thirty-six months. 1101

(4) For a felony of the fourth degree, the prison term 1102
shall be a definite term of six, seven, eight, nine, ten, 1103
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1104
or eighteen months. 1105

(5) For a felony of the fifth degree, the prison term 1106
shall be a definite term of six, seven, eight, nine, ten, 1107
eleven, or twelve months. 1108

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1109

section, if an offender who is convicted of or pleads guilty to 1110
a felony also is convicted of or pleads guilty to a 1111
specification of the type described in section 2941.141, 1112
2941.144, or 2941.145 of the Revised Code, the court shall 1113
impose on the offender one of the following prison terms: 1114

(i) A prison term of six years if the specification is of 1115
the type described in division (A) of section 2941.144 of the 1116
Revised Code that charges the offender with having a firearm 1117
that is an automatic firearm or that was equipped with a firearm 1118
muffler or suppressor on or about the offender's person or under 1119
the offender's control while committing the offense; 1120

(ii) A prison term of three years if the specification is 1121
of the type described in division (A) of section 2941.145 of the 1122
Revised Code that charges the offender with having a firearm on 1123
or about the offender's person or under the offender's control 1124
while committing the offense and displaying the firearm, 1125
brandishing the firearm, indicating that the offender possessed 1126
the firearm, or using it to facilitate the offense; 1127

(iii) A prison term of one year if the specification is of 1128
the type described in division (A) of section 2941.141 of the 1129
Revised Code that charges the offender with having a firearm on 1130
or about the offender's person or under the offender's control 1131
while committing the offense; 1132

(iv) A prison term of nine years if the specification is 1133
of the type described in division (D) of section 2941.144 of the 1134
Revised Code that charges the offender with having a firearm 1135
that is an automatic firearm or that was equipped with a firearm 1136
muffler or suppressor on or about the offender's person or under 1137
the offender's control while committing the offense and 1138
specifies that the offender previously has been convicted of or 1139

pleaded guilty to a specification of the type described in 1140
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1141
the Revised Code; 1142

(v) A prison term of fifty-four months if the 1143
specification is of the type described in division (D) of 1144
section 2941.145 of the Revised Code that charges the offender 1145
with having a firearm on or about the offender's person or under 1146
the offender's control while committing the offense and 1147
displaying the firearm, brandishing the firearm, indicating that 1148
the offender possessed the firearm, or using the firearm to 1149
facilitate the offense and that the offender previously has been 1150
convicted of or pleaded guilty to a specification of the type 1151
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1152
2941.1412 of the Revised Code; 1153

(vi) A prison term of eighteen months if the specification 1154
is of the type described in division (D) of section 2941.141 of 1155
the Revised Code that charges the offender with having a firearm 1156
on or about the offender's person or under the offender's 1157
control while committing the offense and that the offender 1158
previously has been convicted of or pleaded guilty to a 1159
specification of the type described in section 2941.141, 1160
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1161

(b) If a court imposes a prison term on an offender under 1162
division (B)(1)(a) of this section, the prison term shall not be 1163
reduced pursuant to section 2967.19, section 2929.20, section 1164
2967.193, or any other provision of Chapter 2967. or Chapter 1165
5120. of the Revised Code. Except as provided in division (B)(1) 1166
(g) of this section, a court shall not impose more than one 1167
prison term on an offender under division (B)(1)(a) of this 1168
section for felonies committed as part of the same act or 1169

transaction. 1170

(c) (i) Except as provided in division (B) (1) (e) of this 1171
section, if an offender who is convicted of or pleads guilty to 1172
a violation of section 2923.161 of the Revised Code or to a 1173
felony that includes, as an essential element, purposely or 1174
knowingly causing or attempting to cause the death of or 1175
physical harm to another, also is convicted of or pleads guilty 1176
to a specification of the type described in division (A) of 1177
section 2941.146 of the Revised Code that charges the offender 1178
with committing the offense by discharging a firearm from a 1179
motor vehicle other than a manufactured home, the court, after 1180
imposing a prison term on the offender for the violation of 1181
section 2923.161 of the Revised Code or for the other felony 1182
offense under division (A), (B) (2), or (B) (3) of this section, 1183
shall impose an additional prison term of five years upon the 1184
offender that shall not be reduced pursuant to section 2929.20, 1185
section 2967.19, section 2967.193, or any other provision of 1186
Chapter 2967. or Chapter 5120. of the Revised Code. 1187

(ii) Except as provided in division (B) (1) (e) of this 1188
section, if an offender who is convicted of or pleads guilty to 1189
a violation of section 2923.161 of the Revised Code or to a 1190
felony that includes, as an essential element, purposely or 1191
knowingly causing or attempting to cause the death of or 1192
physical harm to another, also is convicted of or pleads guilty 1193
to a specification of the type described in division (C) of 1194
section 2941.146 of the Revised Code that charges the offender 1195
with committing the offense by discharging a firearm from a 1196
motor vehicle other than a manufactured home and that the 1197
offender previously has been convicted of or pleaded guilty to a 1198
specification of the type described in section 2941.141, 1199
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1200

the court, after imposing a prison term on the offender for the 1201
violation of section 2923.161 of the Revised Code or for the 1202
other felony offense under division (A), (B) (2), or (3) of this 1203
section, shall impose an additional prison term of ninety months 1204
upon the offender that shall not be reduced pursuant to section 1205
2929.20, 2967.19, 2967.193, or any other provision of Chapter 1206
2967. or Chapter 5120. of the Revised Code. 1207

(iii) A court shall not impose more than one additional 1208
prison term on an offender under division (B) (1) (c) of this 1209
section for felonies committed as part of the same act or 1210
transaction. If a court imposes an additional prison term on an 1211
offender under division (B) (1) (c) of this section relative to an 1212
offense, the court also shall impose a prison term under 1213
division (B) (1) (a) of this section relative to the same offense, 1214
provided the criteria specified in that division for imposing an 1215
additional prison term are satisfied relative to the offender 1216
and the offense. 1217

(d) If an offender who is convicted of or pleads guilty to 1218
an offense of violence that is a felony also is convicted of or 1219
pleads guilty to a specification of the type described in 1220
section 2941.1411 of the Revised Code that charges the offender 1221
with wearing or carrying body armor while committing the felony 1222
offense of violence, the court shall impose on the offender an 1223
additional prison term of two years. The prison term so imposed, 1224
subject to divisions (C) to (I) of section 2967.19 of the 1225
Revised Code, shall not be reduced pursuant to section 2929.20, 1226
section 2967.19, section 2967.193, or any other provision of 1227
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1228
shall not impose more than one prison term on an offender under 1229
division (B) (1) (d) of this section for felonies committed as 1230
part of the same act or transaction. If a court imposes an 1231

additional prison term under division (B) (1) (a) or (c) of this 1232
section, the court is not precluded from imposing an additional 1233
prison term under division (B) (1) (d) of this section. 1234

(e) The court shall not impose any of the prison terms 1235
described in division (B) (1) (a) of this section or any of the 1236
additional prison terms described in division (B) (1) (c) of this 1237
section upon an offender for a violation of section 2923.12 or 1238
2923.123 of the Revised Code. The court shall not impose any of 1239
the prison terms described in division (B) (1) (a) or (b) of this 1240
section upon an offender for a violation of section 2923.122 1241
that involves a deadly weapon that is a firearm other than a 1242
dangerous ordnance, section 2923.16, or section 2923.121 of the 1243
Revised Code. The court shall not impose any of the prison terms 1244
described in division (B) (1) (a) of this section or any of the 1245
additional prison terms described in division (B) (1) (c) of this 1246
section upon an offender for a violation of section 2923.13 of 1247
the Revised Code unless all of the following apply: 1248

(i) The offender previously has been convicted of 1249
aggravated murder, murder, or any felony of the first or second 1250
degree. 1251

(ii) Less than five years have passed since the offender 1252
was released from prison or post-release control, whichever is 1253
later, for the prior offense. 1254

(f) (i) If an offender is convicted of or pleads guilty to 1255
a felony that includes, as an essential element, causing or 1256
attempting to cause the death of or physical harm to another and 1257
also is convicted of or pleads guilty to a specification of the 1258
type described in division (A) of section 2941.1412 of the 1259
Revised Code that charges the offender with committing the 1260
offense by discharging a firearm at a peace officer as defined 1261

in section 2935.01 of the Revised Code or a corrections officer, 1262
as defined in section 2941.1412 of the Revised Code, the court, 1263
after imposing a prison term on the offender for the felony 1264
offense under division (A), (B) (2), or (B) (3) of this section, 1265
shall impose an additional prison term of seven years upon the 1266
offender that shall not be reduced pursuant to section 2929.20, 1267
section 2967.19, section 2967.193, or any other provision of 1268
Chapter 2967. or Chapter 5120. of the Revised Code. 1269

(ii) If an offender is convicted of or pleads guilty to a 1270
felony that includes, as an essential element, causing or 1271
attempting to cause the death of or physical harm to another and 1272
also is convicted of or pleads guilty to a specification of the 1273
type described in division (B) of section 2941.1412 of the 1274
Revised Code that charges the offender with committing the 1275
offense by discharging a firearm at a peace officer, as defined 1276
in section 2935.01 of the Revised Code, or a corrections 1277
officer, as defined in section 2941.1412 of the Revised Code, 1278
and that the offender previously has been convicted of or 1279
pleaded guilty to a specification of the type described in 1280
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1281
the Revised Code, the court, after imposing a prison term on the 1282
offender for the felony offense under division (A), (B) (2), or 1283
(3) of this section, shall impose an additional prison term of 1284
one hundred twenty-six months upon the offender that shall not 1285
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 1286
any other provision of Chapter 2967. or 5120. of the Revised 1287
Code. 1288

(iii) If an offender is convicted of or pleads guilty to 1289
two or more felonies that include, as an essential element, 1290
causing or attempting to cause the death or physical harm to 1291
another and also is convicted of or pleads guilty to a 1292

specification of the type described under division (B) (1) (f) of 1293
this section in connection with two or more of the felonies of 1294
which the offender is convicted or to which the offender pleads 1295
guilty, the sentencing court shall impose on the offender the 1296
prison term specified under division (B) (1) (f) of this section 1297
for each of two of the specifications of which the offender is 1298
convicted or to which the offender pleads guilty and, in its 1299
discretion, also may impose on the offender the prison term 1300
specified under that division for any or all of the remaining 1301
specifications. If a court imposes an additional prison term on 1302
an offender under division (B) (1) (f) of this section relative to 1303
an offense, the court shall not impose a prison term under 1304
division (B) (1) (a) or (c) of this section relative to the same 1305
offense. 1306

(g) If an offender is convicted of or pleads guilty to two 1307
or more felonies, if one or more of those felonies are 1308
aggravated murder, murder, attempted aggravated murder, 1309
attempted murder, aggravated robbery, felonious assault, or 1310
rape, and if the offender is convicted of or pleads guilty to a 1311
specification of the type described under division (B) (1) (a) of 1312
this section in connection with two or more of the felonies, the 1313
sentencing court shall impose on the offender the prison term 1314
specified under division (B) (1) (a) of this section for each of 1315
the two most serious specifications of which the offender is 1316
convicted or to which the offender pleads guilty and, in its 1317
discretion, also may impose on the offender the prison term 1318
specified under that division for any or all of the remaining 1319
specifications. 1320

(2) (a) If division (B) (2) (b) of this section does not 1321
apply, the court may impose on an offender, in addition to the 1322
longest prison term authorized or required for the offense or, 1323

for offenses for which division (A) (1) (a) or (2) (a) of this 1324
section applies, in addition to the longest minimum prison term 1325
authorized or required for the offense, an additional definite 1326
prison term of one, two, three, four, five, six, seven, eight, 1327
nine, or ten years if all of the following criteria are met: 1328

(i) The offender is convicted of or pleads guilty to a 1329
specification of the type described in section 2941.149 of the 1330
Revised Code that the offender is a repeat violent offender. 1331

(ii) The offense of which the offender currently is 1332
convicted or to which the offender currently pleads guilty is 1333
aggravated murder and the court does not impose a sentence of 1334
death or life imprisonment without parole, murder, terrorism and 1335
the court does not impose a sentence of life imprisonment 1336
without parole, any felony of the first degree that is an 1337
offense of violence and the court does not impose a sentence of 1338
life imprisonment without parole, or any felony of the second 1339
degree that is an offense of violence and the trier of fact 1340
finds that the offense involved an attempt to cause or a threat 1341
to cause serious physical harm to a person or resulted in 1342
serious physical harm to a person. 1343

(iii) The court imposes the longest prison term for the 1344
offense or the longest minimum prison term for the offense, 1345
whichever is applicable, that is not life imprisonment without 1346
parole. 1347

(iv) The court finds that the prison terms imposed 1348
pursuant to division (B) (2) (a) (iii) of this section and, if 1349
applicable, division (B) (1) or (3) of this section are 1350
inadequate to punish the offender and protect the public from 1351
future crime, because the applicable factors under section 1352
2929.12 of the Revised Code indicating a greater likelihood of 1353

recidivism outweigh the applicable factors under that section 1354
indicating a lesser likelihood of recidivism. 1355

(v) The court finds that the prison terms imposed pursuant 1356
to division (B) (2) (a) (iii) of this section and, if applicable, 1357
division (B) (1) or (3) of this section are demeaning to the 1358
seriousness of the offense, because one or more of the factors 1359
under section 2929.12 of the Revised Code indicating that the 1360
offender's conduct is more serious than conduct normally 1361
constituting the offense are present, and they outweigh the 1362
applicable factors under that section indicating that the 1363
offender's conduct is less serious than conduct normally 1364
constituting the offense. 1365

(b) The court shall impose on an offender the longest 1366
prison term authorized or required for the offense or, for 1367
offenses for which division (A) (1) (a) or (2) (a) of this section 1368
applies, the longest minimum prison term authorized or required 1369
for the offense, and shall impose on the offender an additional 1370
definite prison term of one, two, three, four, five, six, seven, 1371
eight, nine, or ten years if all of the following criteria are 1372
met: 1373

(i) The offender is convicted of or pleads guilty to a 1374
specification of the type described in section 2941.149 of the 1375
Revised Code that the offender is a repeat violent offender. 1376

(ii) The offender within the preceding twenty years has 1377
been convicted of or pleaded guilty to three or more offenses 1378
described in division (CC) (1) of section 2929.01 of the Revised 1379
Code, including all offenses described in that division of which 1380
the offender is convicted or to which the offender pleads guilty 1381
in the current prosecution and all offenses described in that 1382
division of which the offender previously has been convicted or 1383

to which the offender previously pleaded guilty, whether 1384
prosecuted together or separately. 1385

(iii) The offense or offenses of which the offender 1386
currently is convicted or to which the offender currently pleads 1387
guilty is aggravated murder and the court does not impose a 1388
sentence of death or life imprisonment without parole, murder, 1389
terrorism and the court does not impose a sentence of life 1390
imprisonment without parole, any felony of the first degree that 1391
is an offense of violence and the court does not impose a 1392
sentence of life imprisonment without parole, or any felony of 1393
the second degree that is an offense of violence and the trier 1394
of fact finds that the offense involved an attempt to cause or a 1395
threat to cause serious physical harm to a person or resulted in 1396
serious physical harm to a person. 1397

(c) For purposes of division (B) (2) (b) of this section, 1398
two or more offenses committed at the same time or as part of 1399
the same act or event shall be considered one offense, and that 1400
one offense shall be the offense with the greatest penalty. 1401

(d) A sentence imposed under division (B) (2) (a) or (b) of 1402
this section shall not be reduced pursuant to section 2929.20, 1403
section 2967.19, or section 2967.193, or any other provision of 1404
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 1405
shall serve an additional prison term imposed under division (B) 1406
(2) (a) or (b) of this section consecutively to and prior to the 1407
prison term imposed for the underlying offense. 1408

(e) When imposing a sentence pursuant to division (B) (2) 1409
(a) or (b) of this section, the court shall state its findings 1410
explaining the imposed sentence. 1411

(3) Except when an offender commits a violation of section 1412

2903.01 or 2907.02 of the Revised Code and the penalty imposed 1413
for the violation is life imprisonment or commits a violation of 1414
section 2903.02 of the Revised Code, if the offender commits a 1415
violation of section 2925.03 or 2925.11 of the Revised Code and 1416
that section classifies the offender as a major drug offender, 1417
if the offender commits a violation of section 2925.05 of the 1418
Revised Code and division (E)(1) of that section classifies the 1419
offender as a major drug offender, if the offender commits a 1420
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1421
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1422
division (C) or (D) of section 3719.172, division (E) of section 1423
4729.51, or division (J) of section 4729.54 of the Revised Code 1424
that includes the sale, offer to sell, or possession of a 1425
schedule I or II controlled substance, with the exception of 1426
marihuana, and the court imposing sentence upon the offender 1427
finds that the offender is guilty of a specification of the type 1428
described in division (A) of section 2941.1410 of the Revised 1429
Code charging that the offender is a major drug offender, if the 1430
court imposing sentence upon an offender for a felony finds that 1431
the offender is guilty of corrupt activity with the most serious 1432
offense in the pattern of corrupt activity being a felony of the 1433
first degree, or if the offender is guilty of an attempted 1434
violation of section 2907.02 of the Revised Code and, had the 1435
offender completed the violation of section 2907.02 of the 1436
Revised Code that was attempted, the offender would have been 1437
subject to a sentence of life imprisonment or life imprisonment 1438
without parole for the violation of section 2907.02 of the 1439
Revised Code, the court shall impose upon the offender for the 1440
felony violation a mandatory prison term determined as described 1441
in this division that, subject to divisions (C) to (I) of 1442
section 2967.19 of the Revised Code, cannot be reduced pursuant 1443
to section 2929.20, section 2967.19, or any other provision of 1444

Chapter 2967. or 5120. of the Revised Code. The mandatory prison 1445
term shall be the maximum definite prison term prescribed in 1446
division (A) (1) (b) of this section for a felony of the first 1447
degree, except that for offenses for which division (A) (1) (a) of 1448
this section applies, the mandatory prison term shall be the 1449
longest minimum prison term prescribed in that division for the 1450
offense. 1451

(4) If the offender is being sentenced for a third or 1452
fourth degree felony OVI offense under division (G) (2) of 1453
section 2929.13 of the Revised Code, the sentencing court shall 1454
impose upon the offender a mandatory prison term in accordance 1455
with that division. In addition to the mandatory prison term, if 1456
the offender is being sentenced for a fourth degree felony OVI 1457
offense, the court, notwithstanding division (A) (4) of this 1458
section, may sentence the offender to a definite prison term of 1459
not less than six months and not more than thirty months, and if 1460
the offender is being sentenced for a third degree felony OVI 1461
offense, the sentencing court may sentence the offender to an 1462
additional prison term of any duration specified in division (A) 1463
(3) of this section. In either case, the additional prison term 1464
imposed shall be reduced by the sixty or one hundred twenty days 1465
imposed upon the offender as the mandatory prison term. The 1466
total of the additional prison term imposed under division (B) 1467
(4) of this section plus the sixty or one hundred twenty days 1468
imposed as the mandatory prison term shall equal a definite term 1469
in the range of six months to thirty months for a fourth degree 1470
felony OVI offense and shall equal one of the authorized prison 1471
terms specified in division (A) (3) of this section for a third 1472
degree felony OVI offense. If the court imposes an additional 1473
prison term under division (B) (4) of this section, the offender 1474
shall serve the additional prison term after the offender has 1475

served the mandatory prison term required for the offense. In 1476
addition to the mandatory prison term or mandatory and 1477
additional prison term imposed as described in division (B) (4) 1478
of this section, the court also may sentence the offender to a 1479
community control sanction under section 2929.16 or 2929.17 of 1480
the Revised Code, but the offender shall serve all of the prison 1481
terms so imposed prior to serving the community control 1482
sanction. 1483

If the offender is being sentenced for a fourth degree 1484
felony OVI offense under division (G) (1) of section 2929.13 of 1485
the Revised Code and the court imposes a mandatory term of local 1486
incarceration, the court may impose a prison term as described 1487
in division (A) (1) of that section. 1488

(5) If an offender is convicted of or pleads guilty to a 1489
violation of division (A) (1) or (2) of section 2903.06 of the 1490
Revised Code and also is convicted of or pleads guilty to a 1491
specification of the type described in section 2941.1414 of the 1492
Revised Code that charges that the victim of the offense is a 1493
peace officer, as defined in section 2935.01 of the Revised 1494
Code, or an investigator of the bureau of criminal 1495
identification and investigation, as defined in section 2903.11 1496
of the Revised Code, the court shall impose on the offender a 1497
prison term of five years. If a court imposes a prison term on 1498
an offender under division (B) (5) of this section, the prison 1499
term, subject to divisions (C) to (I) of section 2967.19 of the 1500
Revised Code, shall not be reduced pursuant to section 2929.20, 1501
section 2967.19, section 2967.193, or any other provision of 1502
Chapter 2967. or Chapter 5120. of the Revised Code. A court 1503
shall not impose more than one prison term on an offender under 1504
division (B) (5) of this section for felonies committed as part 1505
of the same act. 1506

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced 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. A court shall not impose more than one prison term on an offender under division (B) (6) of this section for felonies committed as part of the same act.

(7) (a) If an offender is convicted of or pleads guilty to a felony violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 involving a minor, or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1422 of the Revised Code that charges that the offender knowingly committed the offense in furtherance of human trafficking, the court shall impose on the offender a mandatory prison term that is one of the following:

(i) If the offense is a felony of the first degree, a definite prison term of not less than five years and not greater

than eleven years, except that if the offense is a felony of the 1538
first degree committed on or after ~~the effective date of this~~ 1539
~~amendment~~March 22, 2019, the court shall impose as the minimum 1540
prison term a mandatory term of not less than five years and not 1541
greater than eleven years; 1542

(ii) If the offense is a felony of the second or third 1543
degree, a definite prison term of not less than three years and 1544
not greater than the maximum prison term allowed for the offense 1545
by division (A) (2) (b) or (3) of this section, except that if the 1546
offense is a felony of the second degree committed on or after 1547
~~the effective date of this amendment~~March 22, 2019, the court 1548
shall impose as the minimum prison term a mandatory term of not 1549
less than three years and not greater than eight years; 1550

(iii) If the offense is a felony of the fourth or fifth 1551
degree, a definite prison term that is the maximum prison term 1552
allowed for the offense by division (A) of section 2929.14 of 1553
the Revised Code. 1554

(b) Subject to divisions (C) to (I) of section 2967.19 of 1555
the Revised Code, the prison term imposed under division (B) (7) 1556
(a) of this section shall not be reduced pursuant to section 1557
2929.20, section 2967.19, section 2967.193, or any other 1558
provision of Chapter 2967. of the Revised Code. A court shall 1559
not impose more than one prison term on an offender under 1560
division (B) (7) (a) of this section for felonies committed as 1561
part of the same act, scheme, or plan. 1562

(8) If an offender is convicted of or pleads guilty to a 1563
felony violation of section 2903.11, 2903.12, or 2903.13 of the 1564
Revised Code and also is convicted of or pleads guilty to a 1565
specification of the type described in section 2941.1423 of the 1566
Revised Code that charges that the victim of the violation was a 1567

woman whom the offender knew was pregnant at the time of the 1568
violation, notwithstanding the range prescribed in division (A) 1569
of this section as the definite prison term or minimum prison 1570
term for felonies of the same degree as the violation, the court 1571
shall impose on the offender a mandatory prison term that is 1572
either a definite prison term of six months or one of the prison 1573
terms prescribed in division (A) of this section for felonies of 1574
the same degree as the violation, except that if the violation 1575
is a felony of the first or second degree committed on or after 1576
~~the effective date of this amendment~~March 22, 2019, the court 1577
shall impose as the minimum prison term under division (A) (1) (a) 1578
or (2) (a) of this section a mandatory term that is one of the 1579
terms prescribed in that division, whichever is applicable, for 1580
the offense. 1581

(9) (a) If an offender is convicted of or pleads guilty to 1582
a violation of division (A) (1) or (2) of section 2903.11 of the 1583
Revised Code and also is convicted of or pleads guilty to a 1584
specification of the type described in section 2941.1425 of the 1585
Revised Code, the court shall impose on the offender a mandatory 1586
prison term of six years if either of the following applies: 1587

(i) The violation is a violation of division (A) (1) of 1588
section 2903.11 of the Revised Code and the specification 1589
charges that the offender used an accelerant in committing the 1590
violation and the serious physical harm to another or to 1591
another's unborn caused by the violation resulted in a 1592
permanent, serious disfigurement or permanent, substantial 1593
incapacity; 1594

(ii) The violation is a violation of division (A) (2) of 1595
section 2903.11 of the Revised Code and the specification 1596
charges that the offender used an accelerant in committing the 1597

violation, that the violation caused physical harm to another or 1598
to another's unborn, and that the physical harm resulted in a 1599
permanent, serious disfigurement or permanent, substantial 1600
incapacity. 1601

(b) If a court imposes a prison term on an offender under 1602
division (B) (9) (a) of this section, the prison term shall not be 1603
reduced pursuant to section 2929.20, section 2967.19, section 1604
2967.193, or any other provision of Chapter 2967. or Chapter 1605
5120. of the Revised Code. A court shall not impose more than 1606
one prison term on an offender under division (B) (9) of this 1607
section for felonies committed as part of the same act. 1608

(c) The provisions of divisions (B) (9) and (C) (6) of this 1609
section and of division (D) (2) of section 2903.11, division (F) 1610
(20) of section 2929.13, and section 2941.1425 of the Revised 1611
Code shall be known as "Judy's Law." 1612

(10) If an offender is convicted of or pleads guilty to a 1613
violation of division (A) of section 2903.11 of the Revised Code 1614
and also is convicted of or pleads guilty to a specification of 1615
the type described in section 2941.1426 of the Revised Code that 1616
charges that the victim of the offense suffered permanent 1617
disabling harm as a result of the offense and that the victim 1618
was under ten years of age at the time of the offense, 1619
regardless of whether the offender knew the age of the victim, 1620
the court shall impose upon the offender an additional definite 1621
prison term of six years. A prison term imposed on an offender 1622
under division (B) (10) of this section shall not be reduced 1623
pursuant to section 2929.20, section 2967.193, or any other 1624
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1625
If a court imposes an additional prison term on an offender 1626
under this division relative to a violation of division (A) of 1627

section 2903.11 of the Revised Code, the court shall not impose 1628
any other additional prison term on the offender relative to the 1629
same offense. 1630

(11) If an offender is convicted of or pleads guilty to a 1631
felony violation of section 2925.03 or 2925.05 of the Revised 1632
Code or a felony violation of section 2925.11 of the Revised 1633
Code for which division (C)(11) of that section applies in 1634
determining the sentence for the violation, if the drug involved 1635
in the violation is a fentanyl-related compound or a compound, 1636
mixture, preparation, or substance containing a fentanyl-related 1637
compound, and if the offender also is convicted of or pleads 1638
guilty to a specification of the type described in division (B) 1639
of section 2941.1410 of the Revised Code that charges that the 1640
offender is a major drug offender, in addition to any other 1641
penalty imposed for the violation, the court shall impose on the 1642
offender a mandatory prison term of three, four, five, six, 1643
seven, or eight years. If a court imposes a prison term on an 1644
offender under division (B)(11) of this section, the prison 1645
term, subject to divisions (C) to (I) of section 2967.19 of the 1646
Revised Code, shall not be reduced pursuant to section 2929.20, 1647
2967.19, or 2967.193, or any other provision of Chapter 2967. or 1648
5120. of the Revised Code. A court shall not impose more than 1649
one prison term on an offender under division (B)(11) of this 1650
section for felonies committed as part of the same act. 1651

(C)(1)(a) Subject to division (C)(1)(b) of this section, 1652
if a mandatory prison term is imposed upon an offender pursuant 1653
to division (B)(1)(a) of this section for having a firearm on or 1654
about the offender's person or under the offender's control 1655
while committing a felony, if a mandatory prison term is imposed 1656
upon an offender pursuant to division (B)(1)(c) of this section 1657
for committing a felony specified in that division by 1658

discharging a firearm from a motor vehicle, or if both types of 1659
mandatory prison terms are imposed, the offender shall serve any 1660
mandatory prison term imposed under either division 1661
consecutively to any other mandatory prison term imposed under 1662
either division or under division (B) (1) (d) of this section, 1663
consecutively to and prior to any prison term imposed for the 1664
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 1665
this section or any other section of the Revised Code, and 1666
consecutively to any other prison term or mandatory prison term 1667
previously or subsequently imposed upon the offender. 1668

(b) If a mandatory prison term is imposed upon an offender 1669
pursuant to division (B) (1) (d) of this section for wearing or 1670
carrying body armor while committing an offense of violence that 1671
is a felony, the offender shall serve the mandatory term so 1672
imposed consecutively to any other mandatory prison term imposed 1673
under that division or under division (B) (1) (a) or (c) of this 1674
section, consecutively to and prior to any prison term imposed 1675
for the underlying felony under division (A), (B) (2), or (B) (3) 1676
of this section or any other section of the Revised Code, and 1677
consecutively to any other prison term or mandatory prison term 1678
previously or subsequently imposed upon the offender. 1679

(c) If a mandatory prison term is imposed upon an offender 1680
pursuant to division (B) (1) (f) of this section, the offender 1681
shall serve the mandatory prison term so imposed consecutively 1682
to and prior to any prison term imposed for the underlying 1683
felony under division (A), (B) (2), or (B) (3) of this section or 1684
any other section of the Revised Code, and consecutively to any 1685
other prison term or mandatory prison term previously or 1686
subsequently imposed upon the offender. 1687

(d) If a mandatory prison term is imposed upon an offender 1688

pursuant to division (B) (7) or (8) of this section, the offender 1689
shall serve the mandatory prison term so imposed consecutively 1690
to any other mandatory prison term imposed under that division 1691
or under any other provision of law and consecutively to any 1692
other prison term or mandatory prison term previously or 1693
subsequently imposed upon the offender. 1694

(e) If a mandatory prison term is imposed upon an offender 1695
pursuant to division (B) (11) of this section, the offender shall 1696
serve the mandatory prison term consecutively to any other 1697
mandatory prison term imposed under that division, consecutively 1698
to and prior to any prison term imposed for the underlying 1699
felony, and consecutively to any other prison term or mandatory 1700
prison term previously or subsequently imposed upon the 1701
offender. 1702

(2) If an offender who is an inmate in a jail, prison, or 1703
other residential detention facility violates section 2917.02, 1704
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 1705
(2) of section 2921.34 of the Revised Code, if an offender who 1706
is under detention at a detention facility commits a felony 1707
violation of section 2923.131 of the Revised Code, or if an 1708
offender who is an inmate in a jail, prison, or other 1709
residential detention facility or is under detention at a 1710
detention facility commits another felony while the offender is 1711
an escapee in violation of division (A) (1) or (2) of section 1712
2921.34 of the Revised Code, any prison term imposed upon the 1713
offender for one of those violations shall be served by the 1714
offender consecutively to the prison term or term of 1715
imprisonment the offender was serving when the offender 1716
committed that offense and to any other prison term previously 1717
or subsequently imposed upon the offender. 1718

(3) If a prison term is imposed for a violation of 1719
division (B) of section 2911.01 of the Revised Code, a violation 1720
of division (A) of section 2913.02 of the Revised Code in which 1721
the stolen property is a firearm or dangerous ordnance, or a 1722
felony violation of division (B) of section 2921.331 of the 1723
Revised Code, the offender shall serve that prison term 1724
consecutively to any other prison term or mandatory prison term 1725
previously or subsequently imposed upon the offender. 1726

(4) If multiple prison terms are imposed on an offender 1727
for convictions of multiple offenses, the court may require the 1728
offender to serve the prison terms consecutively if the court 1729
finds that the consecutive service is necessary to protect the 1730
public from future crime or to punish the offender and that 1731
consecutive sentences are not disproportionate to the 1732
seriousness of the offender's conduct and to the danger the 1733
offender poses to the public, and if the court also finds any of 1734
the following: 1735

(a) The offender committed one or more of the multiple 1736
offenses while the offender was awaiting trial or sentencing, 1737
was under a sanction imposed pursuant to section 2929.16, 1738
2929.17, or 2929.18 of the Revised Code, or was under post- 1739
release control for a prior offense. 1740

(b) At least two of the multiple offenses were committed 1741
as part of one or more courses of conduct, and the harm caused 1742
by two or more of the multiple offenses so committed was so 1743
great or unusual that no single prison term for any of the 1744
offenses committed as part of any of the courses of conduct 1745
adequately reflects the seriousness of the offender's conduct. 1746

(c) The offender's history of criminal conduct 1747
demonstrates that consecutive sentences are necessary to protect 1748

the public from future crime by the offender. 1749

(5) If a mandatory prison term is imposed upon an offender 1750
pursuant to division (B) (5) or (6) of this section, the offender 1751
shall serve the mandatory prison term consecutively to and prior 1752
to any prison term imposed for the underlying violation of 1753
division (A) (1) or (2) of section 2903.06 of the Revised Code 1754
pursuant to division (A) of this section or section 2929.142 of 1755
the Revised Code. If a mandatory prison term is imposed upon an 1756
offender pursuant to division (B) (5) of this section, and if a 1757
mandatory prison term also is imposed upon the offender pursuant 1758
to division (B) (6) of this section in relation to the same 1759
violation, the offender shall serve the mandatory prison term 1760
imposed pursuant to division (B) (5) of this section 1761
consecutively to and prior to the mandatory prison term imposed 1762
pursuant to division (B) (6) of this section and consecutively to 1763
and prior to any prison term imposed for the underlying 1764
violation of division (A) (1) or (2) of section 2903.06 of the 1765
Revised Code pursuant to division (A) of this section or section 1766
2929.142 of the Revised Code. 1767

(6) If a mandatory prison term is imposed on an offender 1768
pursuant to division (B) (9) of this section, the offender shall 1769
serve the mandatory prison term consecutively to and prior to 1770
any prison term imposed for the underlying violation of division 1771
(A) (1) or (2) of section 2903.11 of the Revised Code and 1772
consecutively to and prior to any other prison term or mandatory 1773
prison term previously or subsequently imposed on the offender. 1774

(7) If a mandatory prison term is imposed on an offender 1775
pursuant to division (B) (10) of this section, the offender shall 1776
serve that mandatory prison term consecutively to and prior to 1777
any prison term imposed for the underlying felonious assault. 1778

Except as otherwise provided in division (C) of this section, 1779
any other prison term or mandatory prison term previously or 1780
subsequently imposed upon the offender may be served 1781
concurrently with, or consecutively to, the prison term imposed 1782
pursuant to division (B)(10) of this section. 1783

(8) Any prison term imposed for a violation of section 1784
2903.04 of the Revised Code that is based on a violation of 1785
section 2925.03 or 2925.11 of the Revised Code or on a violation 1786
of section 2925.05 of the Revised Code that is not funding of 1787
marihuana trafficking shall run consecutively to any prison term 1788
imposed for the violation of section 2925.03 or 2925.11 of the 1789
Revised Code or for the violation of section 2925.05 of the 1790
Revised Code that is not funding of marihuana trafficking. 1791

(9) When consecutive prison terms are imposed pursuant to 1792
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 1793
division (H)(1) or (2) of this section, subject to division (C) 1794
(10) of this section, the term to be served is the aggregate of 1795
all of the terms so imposed. 1796

(10)(a) When a court sentences an offender to a non-life 1797
felony indefinite prison term, to be served consecutively with 1798
any definite prison term or mandatory definite prison term 1799
previously ~~or,~~ subsequently, or contemporaneously imposed on the 1800
offender ~~in addition to that indefinite sentence that is~~ 1801
~~required to be served consecutively to that indefinite sentence,~~ 1802
the definite prison term or mandatory definite prison term shall 1803
be served prior to the non-life felony indefinite sentence ~~prison~~ 1804
term. 1805

(b) When a court sentences an offender to a non-life 1806
felony indefinite prison term for an offense committed on or 1807
after March 22, 2019, to be served consecutively with any other 1808

non-life felony indefinite prison term previously, subsequently, 1809
or contemporaneously imposed on the offender for an offense 1810
committed on or after March 22, 2019, the minimum portions of 1811
each non-life felony indefinite prison term shall be aggregated 1812
and treated as one aggregate minimum portion and the maximum 1813
portions shall be aggregated and treated as one aggregate 1814
maximum portion to be served in accordance with section 2967.271 1815
of the Revised Code. 1816

(c) When a court sentences an offender to a non-life 1817
felony indefinite prison term for an offense committed on or 1818
after March 22, 2019, to be served consecutively to any non-life 1819
felony indefinite prison term for an offense committed before 1820
July 1, 1996, the indefinite prison term for the offense 1821
committed on or after March 22, 2019, shall be served prior to 1822
the indefinite prison term for an offense committed prior to 1823
July 1, 1996. 1824

(11) If a court is sentencing an offender for a felony of 1825
the first or second degree, if division (A) (1) (a) or (2) (a) of 1826
this section applies with respect to the sentencing for the 1827
offense, and if the court is required under the Revised Code 1828
section that sets forth the offense or any other Revised Code 1829
provision to impose a mandatory prison term for the offense, the 1830
court shall impose the required mandatory prison term as the 1831
minimum term imposed under division (A) (1) (a) or (2) (a) of this 1832
section, whichever is applicable. 1833

(D) (1) If a court imposes a prison term, other than a term 1834
of life imprisonment, for a felony of the first degree, for a 1835
felony of the second degree, for a felony sex offense, or for a 1836
felony of the third degree that is an offense of violence and 1837
that is not a felony sex offense, it shall include in the 1838

sentence a requirement that the offender be subject to a period 1839
of post-release control after the offender's release from 1840
imprisonment, in accordance with section 2967.28 of the Revised 1841
Code. If a court imposes a sentence including a prison term of a 1842
type described in this division on or after July 11, 2006, the 1843
failure of a court to include a post-release control requirement 1844
in the sentence pursuant to this division does not negate, 1845
limit, or otherwise affect the mandatory period of post-release 1846
control that is required for the offender under division (B) of 1847
section 2967.28 of the Revised Code. Section 2929.191 of the 1848
Revised Code applies if, prior to July 11, 2006, a court imposed 1849
a sentence including a prison term of a type described in this 1850
division and failed to include in the sentence pursuant to this 1851
division a statement regarding post-release control. 1852

(2) If a court imposes a prison term for a felony of the 1853
third, fourth, or fifth degree that is not subject to division 1854
(D) (1) of this section, it shall include in the sentence a 1855
requirement that the offender be subject to a period of post- 1856
release control after the offender's release from imprisonment, 1857
in accordance with that division, if the parole board determines 1858
that a period of post-release control is necessary. Section 1859
2929.191 of the Revised Code applies if, prior to July 11, 2006, 1860
a court imposed a sentence including a prison term of a type 1861
described in this division and failed to include in the sentence 1862
pursuant to this division a statement regarding post-release 1863
control. 1864

(E) The court shall impose sentence upon the offender in 1865
accordance with section 2971.03 of the Revised Code, and Chapter 1866
2971. of the Revised Code applies regarding the prison term or 1867
term of life imprisonment without parole imposed upon the 1868
offender and the service of that term of imprisonment if any of 1869

the following apply: 1870

(1) A person is convicted of or pleads guilty to a violent 1871
sex offense or a designated homicide, assault, or kidnapping 1872
offense, and, in relation to that offense, the offender is 1873
adjudicated a sexually violent predator. 1874

(2) A person is convicted of or pleads guilty to a 1875
violation of division (A) (1) (b) of section 2907.02 of the 1876
Revised Code committed on or after January 2, 2007, and either 1877
the court does not impose a sentence of life without parole when 1878
authorized pursuant to division (B) of section 2907.02 of the 1879
Revised Code, or division (B) of section 2907.02 of the Revised 1880
Code provides that the court shall not sentence the offender 1881
pursuant to section 2971.03 of the Revised Code. 1882

(3) A person is convicted of or pleads guilty to attempted 1883
rape committed on or after January 2, 2007, and a specification 1884
of the type described in section 2941.1418, 2941.1419, or 1885
2941.1420 of the Revised Code. 1886

(4) A person is convicted of or pleads guilty to a 1887
violation of section 2905.01 of the Revised Code committed on or 1888
after January 1, 2008, and that section requires the court to 1889
sentence the offender pursuant to section 2971.03 of the Revised 1890
Code. 1891

(5) A person is convicted of or pleads guilty to 1892
aggravated murder committed on or after January 1, 2008, and 1893
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 1894
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 1895
(d) of section 2929.03, or division (A) or (B) of section 1896
2929.06 of the Revised Code requires the court to sentence the 1897
offender pursuant to division (B) (3) of section 2971.03 of the 1898

Revised Code. 1899

(6) A person is convicted of or pleads guilty to murder 1900
committed on or after January 1, 2008, and division (B)(2) of 1901
section 2929.02 of the Revised Code requires the court to 1902
sentence the offender pursuant to section 2971.03 of the Revised 1903
Code. 1904

(F) If a person who has been convicted of or pleaded 1905
guilty to a felony is sentenced to a prison term or term of 1906
imprisonment under this section, sections 2929.02 to 2929.06 of 1907
the Revised Code, section 2929.142 of the Revised Code, section 1908
2971.03 of the Revised Code, or any other provision of law, 1909
section 5120.163 of the Revised Code applies regarding the 1910
person while the person is confined in a state correctional 1911
institution. 1912

(G) If an offender who is convicted of or pleads guilty to 1913
a felony that is an offense of violence also is convicted of or 1914
pleads guilty to a specification of the type described in 1915
section 2941.142 of the Revised Code that charges the offender 1916
with having committed the felony while participating in a 1917
criminal gang, the court shall impose upon the offender an 1918
additional prison term of one, two, or three years. 1919

(H) (1) If an offender who is convicted of or pleads guilty 1920
to aggravated murder, murder, or a felony of the first, second, 1921
or third degree that is an offense of violence also is convicted 1922
of or pleads guilty to a specification of the type described in 1923
section 2941.143 of the Revised Code that charges the offender 1924
with having committed the offense in a school safety zone or 1925
towards a person in a school safety zone, the court shall impose 1926
upon the offender an additional prison term of two years. The 1927
offender shall serve the additional two years consecutively to 1928

and prior to the prison term imposed for the underlying offense. 1929

(2) (a) If an offender is convicted of or pleads guilty to 1930
a felony violation of section 2907.22, 2907.24, 2907.241, or 1931
2907.25 of the Revised Code and to a specification of the type 1932
described in section 2941.1421 of the Revised Code and if the 1933
court imposes a prison term on the offender for the felony 1934
violation, the court may impose upon the offender an additional 1935
prison term as follows: 1936

(i) Subject to division (H) (2) (a) (ii) of this section, an 1937
additional prison term of one, two, three, four, five, or six 1938
months; 1939

(ii) If the offender previously has been convicted of or 1940
pleaded guilty to one or more felony or misdemeanor violations 1941
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 1942
the Revised Code and also was convicted of or pleaded guilty to 1943
a specification of the type described in section 2941.1421 of 1944
the Revised Code regarding one or more of those violations, an 1945
additional prison term of one, two, three, four, five, six, 1946
seven, eight, nine, ten, eleven, or twelve months. 1947

(b) In lieu of imposing an additional prison term under 1948
division (H) (2) (a) of this section, the court may directly 1949
impose on the offender a sanction that requires the offender to 1950
wear a real-time processing, continual tracking electronic 1951
monitoring device during the period of time specified by the 1952
court. The period of time specified by the court shall equal the 1953
duration of an additional prison term that the court could have 1954
imposed upon the offender under division (H) (2) (a) of this 1955
section. A sanction imposed under this division shall commence 1956
on the date specified by the court, provided that the sanction 1957
shall not commence until after the offender has served the 1958

prison term imposed for the felony violation of section 2907.22, 1959
2907.24, 2907.241, or 2907.25 of the Revised Code and any 1960
residential sanction imposed for the violation under section 1961
2929.16 of the Revised Code. A sanction imposed under this 1962
division shall be considered to be a community control sanction 1963
for purposes of section 2929.15 of the Revised Code, and all 1964
provisions of the Revised Code that pertain to community control 1965
sanctions shall apply to a sanction imposed under this division, 1966
except to the extent that they would by their nature be clearly 1967
inapplicable. The offender shall pay all costs associated with a 1968
sanction imposed under this division, including the cost of the 1969
use of the monitoring device. 1970

(I) At the time of sentencing, the court may recommend the 1971
offender for placement in a program of shock incarceration under 1972
section 5120.031 of the Revised Code or for placement in an 1973
intensive program prison under section 5120.032 of the Revised 1974
Code, disapprove placement of the offender in a program of shock 1975
incarceration or an intensive program prison of that nature, or 1976
make no recommendation on placement of the offender. In no case 1977
shall the department of rehabilitation and correction place the 1978
offender in a program or prison of that nature unless the 1979
department determines as specified in section 5120.031 or 1980
5120.032 of the Revised Code, whichever is applicable, that the 1981
offender is eligible for the placement. 1982

If the court disapproves placement of the offender in a 1983
program or prison of that nature, the department of 1984
rehabilitation and correction shall not place the offender in 1985
any program of shock incarceration or intensive program prison. 1986

If the court recommends placement of the offender in a 1987
program of shock incarceration or in an intensive program 1988

prison, and if the offender is subsequently placed in the 1989
recommended program or prison, the department shall notify the 1990
court of the placement and shall include with the notice a brief 1991
description of the placement. 1992

If the court recommends placement of the offender in a 1993
program of shock incarceration or in an intensive program prison 1994
and the department does not subsequently place the offender in 1995
the recommended program or prison, the department shall send a 1996
notice to the court indicating why the offender was not placed 1997
in the recommended program or prison. 1998

If the court does not make a recommendation under this 1999
division with respect to an offender and if the department 2000
determines as specified in section 5120.031 or 5120.032 of the 2001
Revised Code, whichever is applicable, that the offender is 2002
eligible for placement in a program or prison of that nature, 2003
the department shall screen the offender and determine if there 2004
is an available program of shock incarceration or an intensive 2005
program prison for which the offender is suited. If there is an 2006
available program of shock incarceration or an intensive program 2007
prison for which the offender is suited, the department shall 2008
notify the court of the proposed placement of the offender as 2009
specified in section 5120.031 or 5120.032 of the Revised Code 2010
and shall include with the notice a brief description of the 2011
placement. The court shall have ten days from receipt of the 2012
notice to disapprove the placement. 2013

(J) If a person is convicted of or pleads guilty to 2014
aggravated vehicular homicide in violation of division (A) (1) of 2015
section 2903.06 of the Revised Code and division (B) (2) (c) of 2016
that section applies, the person shall be sentenced pursuant to 2017
section 2929.142 of the Revised Code. 2018

(K) (1) The court shall impose an additional mandatory
prison term of two, three, four, five, six, seven, eight, nine,
ten, or eleven years on an offender who is convicted of or
pleads guilty to a violent felony offense if the offender also
is convicted of or pleads guilty to a specification of the type
described in section 2941.1424 of the Revised Code that charges
that the offender is a violent career criminal and had a firearm
on or about the offender's person or under the offender's
control while committing the presently charged violent felony
offense and displayed or brandished the firearm, indicated that
the offender possessed a firearm, or used the firearm to
facilitate the offense. The offender shall serve the prison term
imposed under this division consecutively to and prior to the
prison term imposed for the underlying offense. The prison term
shall not be reduced pursuant to section 2929.20 or 2967.19 or
any other provision of Chapter 2967. or 5120. of the Revised
Code. A court may not impose more than one sentence under
division (B) (2) (a) of this section and this division for acts
committed as part of the same act or transaction.

(2) As used in division (K) (1) of this section, "violent
career criminal" and "violent felony offense" have the same
meanings as in section 2923.132 of the Revised Code.

Sec. 2929.144. (A) As used in this section, ~~"qualifying:~~ 2041

(1) "Most serious felony being sentenced" means the felony 2042
offense carrying the highest degree of felony of all the 2043
offenses contained in an indictment, information, or complaint. 2044

(2) "Qualifying felony of the first or second degree" 2045
means a felony of the first or second degree committed on or 2046
after ~~the effective date of this section~~ March 22, 2019. 2047

(B) The court imposing a prison term on an offender under 2048
division (A) (1) (a) or (2) (a) of section 2929.14 of the Revised 2049
Code for ~~a one or more qualifying felony felonies~~ of the first 2050
or second degree contained in a single indictment, information, 2051
or complaint shall determine ~~the a single~~ maximum prison term 2052
that is part of the sentence for all qualifying felonies in the 2053
indictment, information, or complaint in accordance with the 2054
following: 2055

(1) If the offender is being sentenced for one felony and 2056
the felony is a qualifying felony of the first or second degree, 2057
the maximum prison term shall be equal to fifty per cent of the 2058
minimum term imposed on the offender under division (A) (1) (a) or 2059
(2) (a) of section 2929.14 of the Revised Code ~~plus fifty per~~ 2060
~~cent of that term.~~ 2061

(2) If the offender is being sentenced for more than one 2062
felony, if one or more of the felonies is a qualifying felony of 2063
the first or second degree, and if the court orders that some or 2064
all of the prison terms imposed are to be served consecutively, 2065
the court shall add all of the minimum terms imposed on the 2066
offender under division (A) (1) (a) or (2) (a) of section 2929.14 2067
of the Revised Code for a qualifying felony of the first or 2068
second degree that are to be served consecutively and all of the 2069
definite terms of the felonies that are not qualifying felonies 2070
of the first or second degree that are to be served 2071
consecutively, and the maximum term shall be equal to ~~the total~~ 2072
~~of those terms so added by the court plus fifty per cent of the~~ 2073
longest minimum term or definite term for the most serious 2074
felony being sentenced. 2075

(3) If the offender is being sentenced for more than one 2076
felony, if one or more of the felonies is a qualifying felony of 2077

the first or second degree, and if the court orders that all of 2078
the prison terms imposed are to run concurrently, the maximum 2079
term shall be equal to ~~the longest of the minimum terms imposed~~ 2080
~~on the offender under division (A) (1) (a) or (2) (a) of section~~ 2081
~~2929.14 of the Revised Code for a qualifying felony of the first~~ 2082
~~or second degree for which the sentence is being imposed plus~~ 2083
fifty per cent of the longest minimum term for the most serious 2084
qualifying felony being sentenced. 2085

(4) Any mandatory prison term, or portion of a mandatory 2086
prison term, that is imposed or to be imposed on the offender 2087
under division (B), (G), or (H) of section 2929.14 of the 2088
Revised Code or under any other provision of the Revised Code, 2089
with respect to a conviction of or plea of guilty to a 2090
specification, and that is in addition to the sentence imposed 2091
for the underlying offense ~~is:~~ 2092

(a) Is separate from the non-life felony indefinite 2093
sentence being imposed for the qualifying first or second degree 2094
felony committed on or after ~~the effective date of this section~~ 2095
~~and shall March 22, 2019;~~ 2096

(b) Shall not be considered or included in determining a 2097
maximum prison term for the offender under divisions (B) (1) to 2098
(3) of this section; and 2099

(c) Is to be imposed separately from the non-life felony 2100
indefinite sentence being imposed under this section. 2101

(C) The court imposing a prison term on an offender 2102
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2103
the Revised Code for a qualifying felony of the first or second 2104
degree shall sentence the offender, as part of the sentence, to 2105
~~the~~ a maximum prison term determined under division (B) of this 2106

section. The court shall impose this maximum term at sentencing 2107
as part of the sentence it imposes under section 2929.14 of the 2108
Revised Code, and shall state the minimum term it imposes under 2109
division (A) (1) (a) or (2) (a) of that section for each qualifying 2110
felony of the first or second degree, and this maximum term, in 2111
the sentencing entry. 2112

(D) If a court imposes a prison term on an offender 2113
pursuant to division (A) (1) (a) or (2) (a) of section 2929.14 of 2114
the Revised Code for a qualifying felony of the first or second 2115
degree, section 2967.271 of the Revised Code applies with 2116
respect to the offender's service of the prison term. 2117

Sec. 2929.20. (A) As used in this section: 2118

(1) (a) Except as provided in division (A) (1) (b) of this 2119
section, "eligible offender" means any person who, on or after 2120
April 7, 2009, is serving a stated prison term that includes one 2121
or more nonmandatory prison terms. 2122

(b) "Eligible offender" does not include any person who, 2123
on or after the effective date of this amendment, is serving a 2124
stated prison term for a non-life felony indefinite prison term 2125
or who, on or after April 7, 2009, is serving a stated prison 2126
term for any of the following criminal offenses that was a 2127
felony and was committed while the person held a public office 2128
in this state: 2129

(i) A violation of section 2921.02, 2921.03, 2921.05, 2130
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 2131
Code; 2132

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 2133
2921.12 of the Revised Code, when the conduct constituting the 2134
violation was related to the duties of the offender's public 2135

office or to the offender's actions as a public official holding 2136
that public office; 2137

(iii) A violation of an existing or former municipal 2138
ordinance or law of this or any other state or the United States 2139
that is substantially equivalent to any violation listed in 2140
division (A) (1) (b) (i) of this section; 2141

(iv) A violation of an existing or former municipal 2142
ordinance or law of this or any other state or the United States 2143
that is substantially equivalent to any violation listed in 2144
division (A) (1) (b) (ii) of this section, when the conduct 2145
constituting the violation was related to the duties of the 2146
offender's public office or to the offender's actions as a 2147
public official holding that public office; 2148

(v) A conspiracy to commit, attempt to commit, or 2149
complicity in committing any offense listed in division (A) (1) 2150
(b) (i) or described in division (A) (1) (b) (iii) of this section; 2151

(vi) A conspiracy to commit, attempt to commit, or 2152
complicity in committing any offense listed in division (A) (1) 2153
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 2154
if the conduct constituting the offense that was the subject of 2155
the conspiracy, that would have constituted the offense 2156
attempted, or constituting the offense in which the offender was 2157
complicit was or would have been related to the duties of the 2158
offender's public office or to the offender's actions as a 2159
public official holding that public office. 2160

(2) "Nonmandatory prison term" means a prison term that is 2161
not a mandatory prison term. 2162

(3) "Public office" means any elected federal, state, or 2163
local government office in this state. 2164

(4) "Victim's representative" has the same meaning as in 2165
section 2930.01 of the Revised Code. 2166

(5) "Imminent danger of death," "medically incapacitated," 2167
and "terminal illness" have the same meanings as in section 2168
2967.05 of the Revised Code. 2169

~~(6) "Aggregated nonmandatory prison term or terms" means~~ 2170
~~the aggregate of the following:~~ 2171

~~(a) All nonmandatory definite prison terms;~~ 2172

~~(b) With respect to any non life felony indefinite prison~~ 2173
~~term, all nonmandatory minimum prison terms imposed as part of~~ 2174
~~the non life felony indefinite prison term or terms.~~ 2175

(B) On the motion of an eligible offender or upon its own 2176
motion, the sentencing court may reduce the eligible offender's 2177
aggregated nonmandatory prison term or terms through a judicial 2178
release under this section. 2179

(C) An eligible offender may file a motion for judicial 2180
release with the sentencing court within the following 2181
applicable periods: 2182

(1) If the aggregated nonmandatory prison term or terms is 2183
less than two years, the eligible offender may file the motion 2184
at any time after the offender is delivered to a state 2185
correctional institution or, if the prison term includes a 2186
mandatory prison term or terms, at any time after the expiration 2187
of all mandatory prison terms. 2188

(2) If the aggregated nonmandatory prison term or terms is 2189
at least two years but less than five years, the eligible 2190
offender may file the motion not earlier than one hundred eighty 2191
days after the offender is delivered to a state correctional 2192

institution or, if the prison term includes a mandatory prison 2193
term or terms, not earlier than one hundred eighty days after 2194
the expiration of all mandatory prison terms. 2195

(3) If the aggregated nonmandatory prison term or terms is 2196
five years, the eligible offender may file the motion not 2197
earlier than the date on which the eligible offender has served 2198
four years of the offender's stated prison term or, if the 2199
prison term includes a mandatory prison term or terms, not 2200
earlier than four years after the expiration of all mandatory 2201
prison terms. 2202

(4) If the aggregated nonmandatory prison term or terms is 2203
more than five years but not more than ten years, the eligible 2204
offender may file the motion not earlier than the date on which 2205
the eligible offender has served five years of the offender's 2206
stated prison term or, if the prison term includes a mandatory 2207
prison term or terms, not earlier than five years after the 2208
expiration of all mandatory prison terms. 2209

(5) If the aggregated nonmandatory prison term or terms is 2210
more than ten years, the eligible offender may file the motion 2211
not earlier than the later of the date on which the offender has 2212
served one-half of the offender's stated prison term or the date 2213
specified in division (C) (4) of this section. 2214

(D) Upon receipt of a timely motion for judicial release 2215
filed by an eligible offender under division (C) of this section 2216
or upon the sentencing court's own motion made within the 2217
appropriate time specified in that division, the court may deny 2218
the motion without a hearing or schedule a hearing on the 2219
motion. The court shall not grant the motion without a hearing. 2220
If a court denies a motion without a hearing, the court later 2221
may consider judicial release for that eligible offender on a 2222

subsequent motion filed by that eligible offender unless the 2223
court denies the motion with prejudice. If a court denies a 2224
motion with prejudice, the court may later consider judicial 2225
release on its own motion. If a court denies a motion after a 2226
hearing, the court shall not consider a subsequent motion for 2227
that eligible offender. The court shall hold only one hearing 2228
for any eligible offender. 2229

A hearing under this section shall be conducted in open 2230
court not less than thirty or more than sixty days after the 2231
motion is filed, provided that the court may delay the hearing 2232
for one hundred eighty additional days. If the court holds a 2233
hearing, the court shall enter a ruling on the motion within ten 2234
days after the hearing. If the court denies the motion without a 2235
hearing, the court shall enter its ruling on the motion within 2236
sixty days after the motion is filed. 2237

(E) If a court schedules a hearing under division (D) of 2238
this section, the court shall notify the eligible offender and 2239
the head of the state correctional institution in which the 2240
eligible offender is confined prior to the hearing. The head of 2241
the state correctional institution immediately shall notify the 2242
appropriate person at the department of rehabilitation and 2243
correction of the hearing, and the department within twenty-four 2244
hours after receipt of the notice, shall post on the database it 2245
maintains pursuant to section 5120.66 of the Revised Code the 2246
offender's name and all of the information specified in division 2247
(A) (1) (c) (i) of that section. If the court schedules a hearing 2248
for judicial release, the court promptly shall give notice of 2249
the hearing to the prosecuting attorney of the county in which 2250
the eligible offender was indicted. Upon receipt of the notice 2251
from the court, the prosecuting attorney shall do whichever of 2252
the following is applicable: 2253

(1) Subject to division (E) (2) of this section, notify the victim of the offense or the victim's representative pursuant to division (B) of section 2930.16 of the Revised Code;

(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim or the victim's representative of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code. The prosecuting attorney, in accordance with 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 division. Division (E) (2) of this section, and the notice-related provisions of division (K) of this section, 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, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (E) (2) of this section was enacted,

shall be known as "Roberta's Law." 2285

(F) Upon an offender's successful completion of 2286
rehabilitative activities, the head of the state correctional 2287
institution may notify the sentencing court of the successful 2288
completion of the activities. 2289

(G) Prior to the date of the hearing on a motion for 2290
judicial release under this section, the head of the state 2291
correctional institution in which the eligible offender is 2292
confined shall send to the court an institutional summary report 2293
on the eligible offender's conduct in the institution and in any 2294
institution from which the eligible offender may have been 2295
transferred. Upon the request of the prosecuting attorney of the 2296
county in which the eligible offender was indicted or of any law 2297
enforcement agency, the head of the state correctional 2298
institution, at the same time the person sends the institutional 2299
summary report to the court, also shall send a copy of the 2300
report to the requesting prosecuting attorney and law 2301
enforcement agencies. The institutional summary report shall 2302
cover the eligible offender's participation in school, 2303
vocational training, work, treatment, and other rehabilitative 2304
activities and any disciplinary action taken against the 2305
eligible offender. The report shall be made part of the record 2306
of the hearing. A presentence investigation report is not 2307
required for judicial release. 2308

(H) If the court grants a hearing on a motion for judicial 2309
release under this section, the eligible offender shall attend 2310
the hearing if ordered to do so by the court. Upon receipt of a 2311
copy of the journal entry containing the order, the head of the 2312
state correctional institution in which the eligible offender is 2313
incarcerated shall deliver the eligible offender to the sheriff 2314

of the county in which the hearing is to be held. The sheriff 2315
shall convey the eligible offender to and from the hearing. 2316

(I) At the hearing on a motion for judicial release under 2317
this section, the court shall afford the eligible offender and 2318
the eligible offender's attorney an opportunity to present 2319
written and, if present, oral information relevant to the 2320
motion. The court shall afford a similar opportunity to the 2321
prosecuting attorney, the victim or the victim's representative, 2322
and any other person the court determines is likely to present 2323
additional relevant information. The court shall consider any 2324
statement of a victim made pursuant to section 2930.14 or 2325
2930.17 of the Revised Code, any victim impact statement 2326
prepared pursuant to section 2947.051 of the Revised Code, and 2327
any report made under division (G) of this section. The court 2328
may consider any written statement of any person submitted to 2329
the court pursuant to division (L) of this section. After ruling 2330
on the motion, the court shall notify the victim of the ruling 2331
in accordance with sections 2930.03 and 2930.16 of the Revised 2332
Code. 2333

(J) (1) A court shall not grant a judicial release under 2334
this section to an eligible offender who is imprisoned for a 2335
felony of the first or second degree, or to an eligible offender 2336
who committed an offense under Chapter 2925. or 3719. of the 2337
Revised Code and for whom there was a presumption under section 2338
2929.13 of the Revised Code in favor of a prison term, unless 2339
the court, with reference to factors under section 2929.12 of 2340
the Revised Code, finds both of the following: 2341

(a) That a sanction other than a prison term would 2342
adequately punish the offender and protect the public from 2343
future criminal violations by the eligible offender because the 2344

applicable factors indicating a lesser likelihood of recidivism 2345
outweigh the applicable factors indicating a greater likelihood 2346
of recidivism; 2347

(b) That a sanction other than a prison term would not 2348
demean the seriousness of the offense because factors indicating 2349
that the eligible offender's conduct in committing the offense 2350
was less serious than conduct normally constituting the offense 2351
outweigh factors indicating that the eligible offender's conduct 2352
was more serious than conduct normally constituting the offense. 2353

(2) A court that grants a judicial release to an eligible 2354
offender under division (J) (1) of this section shall specify on 2355
the record both findings required in that division and also 2356
shall list all the factors described in that division that were 2357
presented at the hearing. 2358

(K) If the court grants a motion for judicial release 2359
under this section, the court shall order the release of the 2360
eligible offender, shall place the eligible offender under an 2361
appropriate community control sanction, under appropriate 2362
conditions, and under the supervision of the department of 2363
probation serving the court and shall reserve the right to 2364
reimpose the sentence that it reduced if the offender violates 2365
the sanction. If the court reimposes the reduced sentence, it 2366
may do so either concurrently with, or consecutive to, any new 2367
sentence imposed upon the eligible offender as a result of the 2368
violation that is a new offense. Except as provided in division 2369
(R) (2) of this section, the period of community control shall be 2370
no longer than five years. The court, in its discretion, may 2371
reduce the period of community control by the amount of time the 2372
eligible offender spent in jail or prison for the offense and in 2373
prison. If the court made any findings pursuant to division (J) 2374

(1) of this section, the court shall serve a copy of the 2375
findings upon counsel for the parties within fifteen days after 2376
the date on which the court grants the motion for judicial 2377
release. 2378

If the court grants a motion for judicial release, the 2379
court shall notify the appropriate person at the department of 2380
rehabilitation and correction, and the department shall post 2381
notice of the release on the database it maintains pursuant to 2382
section 5120.66 of the Revised Code. The court also shall notify 2383
the prosecuting attorney of the county in which the eligible 2384
offender was indicted that the motion has been granted. Unless 2385
the victim or the victim's representative has requested pursuant 2386
to division (B) (2) of section 2930.03 of the Revised Code that 2387
the victim or victim's representative not be provided the 2388
notice, the prosecuting attorney shall notify the victim or the 2389
victim's representative of the judicial release in any manner, 2390
and in accordance with the same procedures, pursuant to which 2391
the prosecuting attorney is authorized to provide notice of the 2392
hearing pursuant to division (E) (2) of this section. If the 2393
notice is based on an offense committed prior to March 22, 2013, 2394
the notice to the victim or victim's representative also shall 2395
include the opt-out information described in division (D) (1) of 2396
section 2930.16 of the Revised Code. 2397

(L) In addition to and independent of the right of a 2398
victim to make a statement pursuant to section 2930.14, 2930.17, 2399
or 2946.051 of the Revised Code and any right of a person to 2400
present written information or make a statement pursuant to 2401
division (I) of this section, any person may submit to the 2402
court, at any time prior to the hearing on the offender's motion 2403
for judicial release, a written statement concerning the effects 2404
of the offender's crime or crimes, the circumstances surrounding 2405

the crime or crimes, the manner in which the crime or crimes 2406
were perpetrated, and the person's opinion as to whether the 2407
offender should be released. 2408

(M) The changes to this section that are made on September 2409
30, 2011, apply to any judicial release decision made on or 2410
after September 30, 2011, for any eligible offender. 2411

(N) Notwithstanding the eligibility requirements specified 2412
in division (A) of this section and the filing time frames 2413
specified in division (C) of this section and notwithstanding 2414
the findings required under division (J) of this section, the 2415
sentencing court, upon the court's own motion and after 2416
considering whether the release of the offender into society 2417
would create undue risk to public safety, may grant a judicial 2418
release to an offender who is not serving a life sentence at any 2419
time during the offender's imposed sentence when the director of 2420
rehabilitation and correction certifies to the sentencing court 2421
through the chief medical officer for the department of 2422
rehabilitation and correction that the offender is in imminent 2423
danger of death, is medically incapacitated, or is suffering 2424
from a terminal illness. 2425

(O) The director of rehabilitation and correction shall 2426
not certify any offender under division (N) of this section who 2427
is serving a death sentence. 2428

(P) A motion made by the court under division (N) of this 2429
section is subject to the notice, hearing, and other procedural 2430
requirements specified in divisions (D), (E), (G), (H), (I), 2431
(K), and (L) of this section, except for the following: 2432

(1) The court may waive the offender's appearance at any 2433
hearing scheduled by the court if the offender's condition makes 2434

it impossible for the offender to participate meaningfully in 2435
the proceeding. 2436

(2) The court may grant the motion without a hearing, 2437
provided that the prosecuting attorney and victim or victim's 2438
representative to whom notice of the hearing was provided under 2439
division (E) of this section indicate that they do not wish to 2440
participate in the hearing or present information relevant to 2441
the motion. 2442

(Q) The court may request health care records from the 2443
department of rehabilitation and correction to verify the 2444
certification made under division (N) of this section. 2445

(R) (1) If the court grants judicial release under division 2446
(N) of this section, the court shall do all of the following: 2447

(a) Order the release of the offender; 2448

(b) Place the offender under an appropriate community 2449
control sanction, under appropriate conditions; 2450

(c) Place the offender under the supervision of the 2451
department of probation serving the court or under the 2452
supervision of the adult parole authority. 2453

(2) The court, in its discretion, may revoke the judicial 2454
release if the offender violates the community control sanction 2455
described in division (R) (1) of this section. The period of that 2456
community control is not subject to the five-year limitation 2457
described in division (K) of this section and shall not expire 2458
earlier than the date on which all of the offender's mandatory 2459
prison terms expire. 2460

(S) If the health of an offender who is released under 2461
division (N) of this section improves so that the offender is no 2462

longer terminally ill, medically incapacitated, or in imminent 2463
danger of death, the court shall, upon the court's own motion, 2464
revoke the judicial release. The court shall not grant the 2465
motion without a hearing unless the offender waives a hearing. 2466
If a hearing is held, the court shall afford the offender and 2467
the offender's attorney an opportunity to present written and, 2468
if the offender or the offender's attorney is present, oral 2469
information relevant to the motion. The court shall afford a 2470
similar opportunity to the prosecuting attorney, the victim or 2471
the victim's representative, and any other person the court 2472
determines is likely to present additional relevant information. 2473
A court that grants a motion under this division shall specify 2474
its findings on the record. 2475

Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 2476
of the Revised Code: 2477

(1) "Prosecutor" means a prosecuting attorney or a city 2478
director of law, village solicitor, or similar chief legal 2479
officer of a municipal corporation who has authority to 2480
prosecute a criminal case that is before the court or the 2481
criminal case in which a defendant in a criminal case has been 2482
found incompetent to stand trial or not guilty by reason of 2483
insanity. 2484

(2) "Examiner" means either of the following: 2485

(a) A psychiatrist or a licensed clinical psychologist who 2486
satisfies the criteria of division (I) of section 5122.01 of the 2487
Revised Code or is employed by a certified forensic center 2488
designated by the department of mental health and addiction 2489
services to conduct examinations or evaluations. 2490

(b) For purposes of a separate intellectual disability 2491

evaluation that is ordered by a court pursuant to division (H) 2492
of section 2945.371 of the Revised Code, a psychologist 2493
designated by the director of developmental disabilities 2494
pursuant to that section to conduct that separate intellectual 2495
disability evaluation. 2496

(3) "Nonsecured status" means any unsupervised, off- 2497
grounds movement or trial visit from a hospital or institution, 2498
or any conditional release, that is granted to a person who is 2499
found incompetent to stand trial and is committed pursuant to 2500
section 2945.39 of the Revised Code or to a person who is found 2501
not guilty by reason of insanity and is committed pursuant to 2502
section 2945.40 of the Revised Code. 2503

(4) "Unsupervised, off-grounds movement" includes only 2504
off-grounds privileges that are unsupervised and that have an 2505
expectation of return to the hospital or institution on a daily 2506
basis. 2507

(5) "Trial visit" means a patient privilege of a longer 2508
stated duration of unsupervised community contact with an 2509
expectation of return to the hospital or institution at 2510
designated times. 2511

(6) "Conditional release" means a commitment status ~~under~~ 2512
to which both of the following apply: 2513

(a) Under the status, the trial court at any time may 2514
revoke a person's conditional release and order the 2515
rehospitalization or reinstitutionalization of the person as 2516
described in division (A) of section 2945.402 of the Revised 2517
Code ~~and pursuant to which.~~ 2518

(b) Pursuant to the status, a person who is found 2519
incompetent to stand trial or a person who is found not guilty 2520

by reason of insanity lives and receives treatment in the 2521
community for a period of time that does not exceed the maximum 2522
prison term or term of imprisonment that the person could have 2523
received for the offense in question had the person been 2524
convicted of the offense instead of being found incompetent to 2525
stand trial on the charge of the offense or being found not 2526
guilty by reason of insanity relative to the offense. The 2527
maximum prison term includes, for an offense that would be a 2528
felony of the first or second degree that occurred on or after 2529
March 22, 2019, both the longest minimum term that the defendant 2530
or person could have received if convicted plus the 2531
corresponding maximum term that would be required. 2532

(7) "Licensed clinical psychologist," "mentally ill person 2533
subject to court order," and "psychiatrist" have the same 2534
meanings as in section 5122.01 of the Revised Code. 2535

(8) "Person with an intellectual disability subject to 2536
institutionalization by court order" has the same meaning as in 2537
section 5123.01 of the Revised Code. 2538

(B) In a criminal action in a court of common pleas, a 2539
county court, or a municipal court, the court, prosecutor, or 2540
defense may raise the issue of the defendant's competence to 2541
stand trial. If the issue is raised before the trial has 2542
commenced, the court shall hold a hearing on the issue as 2543
provided in this section. If the issue is raised after the trial 2544
has commenced, the court shall hold a hearing on the issue only 2545
for good cause shown or on the court's own motion. 2546

(C) The court shall conduct the hearing required or 2547
authorized under division (B) of this section within thirty days 2548
after the issue is raised, unless the defendant has been 2549
referred for evaluation in which case the court shall conduct 2550

the hearing within ten days after the filing of the report of 2551
the evaluation or, in the case of a defendant who is ordered by 2552
the court pursuant to division (H) of section 2945.371 of the 2553
Revised Code to undergo a separate intellectual disability 2554
evaluation conducted by a psychologist designated by the 2555
director of developmental disabilities, within ten days after 2556
the filing of the report of the separate intellectual disability 2557
evaluation under that division. A hearing may be continued for 2558
good cause. 2559

(D) The defendant shall be represented by counsel at the 2560
hearing conducted under division (C) of this section. If the 2561
defendant is unable to obtain counsel, the court shall appoint 2562
counsel under Chapter 120. of the Revised Code or under the 2563
authority recognized in division (C) of section 120.06, division 2564
(E) of section 120.16, division (E) of section 120.26, or 2565
section 2941.51 of the Revised Code before proceeding with the 2566
hearing. 2567

(E) The prosecutor and defense counsel may submit evidence 2568
on the issue of the defendant's competence to stand trial. A 2569
written report of the evaluation of the defendant may be 2570
admitted into evidence at the hearing by stipulation, but, if 2571
either the prosecution or defense objects to its admission, the 2572
report may be admitted under sections 2317.36 to 2317.38 of the 2573
Revised Code or any other applicable statute or rule. 2574

(F) The court shall not find a defendant incompetent to 2575
stand trial solely because the defendant is receiving or has 2576
received treatment as a voluntary or involuntary mentally ill 2577
patient under Chapter 5122. or a voluntary or involuntary 2578
resident with an intellectual disability under Chapter 5123. of 2579
the Revised Code or because the defendant is receiving or has 2580

received psychotropic drugs or other medication, even if the 2581
defendant might become incompetent to stand trial without the 2582
drugs or medication. 2583

(G) A defendant is presumed to be competent to stand 2584
trial. If, after a hearing, the court finds by a preponderance 2585
of the evidence that, because of the defendant's present mental 2586
condition, the defendant is incapable of understanding the 2587
nature and objective of the proceedings against the defendant or 2588
of assisting in the defendant's defense, the court shall find 2589
the defendant incompetent to stand trial and shall enter an 2590
order authorized by section 2945.38 of the Revised Code. 2591

(H) Municipal courts shall follow the procedures set forth 2592
in sections 2945.37 to 2945.402 of the Revised Code. Except as 2593
provided in section 2945.371 of the Revised Code, a municipal 2594
court shall not order an evaluation of the defendant's 2595
competence to stand trial or the defendant's mental condition at 2596
the time of the commission of the offense to be conducted at any 2597
hospital operated by the department of mental health and 2598
addiction services. Those evaluations shall be performed through 2599
community resources including, but not limited to, certified 2600
forensic centers, court probation departments, and community 2601
mental health services providers. All expenses of the 2602
evaluations shall be borne by the legislative authority of the 2603
municipal court, as defined in section 1901.03 of the Revised 2604
Code, and shall be taxed as costs in the case. If a defendant is 2605
found incompetent to stand trial or not guilty by reason of 2606
insanity, a municipal court may commit the defendant as provided 2607
in sections 2945.38 to 2945.402 of the Revised Code. 2608

Sec. 2945.401. (A) A defendant found incompetent to stand 2609
trial and committed pursuant to section 2945.39 of the Revised 2610

Code or a person found not guilty by reason of insanity and 2611
committed pursuant to section 2945.40 of the Revised Code shall 2612
remain subject to the jurisdiction of the trial court pursuant 2613
to that commitment, and to the provisions of this section, until 2614
the final termination of the commitment as described in division 2615
(J) (1) of this section. If the jurisdiction is terminated under 2616
this division because of the final termination of the commitment 2617
resulting from the expiration of the maximum prison term or term 2618
of imprisonment described in division (J) (1) (b) of this section, 2619
the court or prosecutor may file an affidavit for the civil 2620
commitment of the defendant or person pursuant to Chapter 5122. 2621
or 5123. of the Revised Code. 2622

(B) A hearing conducted under any provision of sections 2623
2945.37 to 2945.402 of the Revised Code shall not be conducted 2624
in accordance with Chapters 5122. and 5123. of the Revised Code. 2625
Any person who is committed pursuant to section 2945.39 or 2626
2945.40 of the Revised Code shall not voluntarily admit the 2627
person or be voluntarily admitted to a hospital or institution 2628
pursuant to section 5122.02, 5122.15, 5123.69, or 5123.76 of the 2629
Revised Code. All other provisions of Chapters 5122. and 5123. 2630
of the Revised Code regarding hospitalization or 2631
institutionalization shall apply to the extent they are not in 2632
conflict with this chapter. A commitment under section 2945.39 2633
or 2945.40 of the Revised Code shall not be terminated and the 2634
conditions of the commitment shall not be changed except as 2635
otherwise provided in division (D) (2) of this section with 2636
respect to a person with an intellectual disability subject to 2637
institutionalization by court order or except by order of the 2638
trial court. 2639

(C) The department of mental health and addiction services 2640
or the institution, facility, or program to which a defendant or 2641

person has been committed under section 2945.39 or 2945.40 of 2642
the Revised Code shall report in writing to the trial court, at 2643
the times specified in this division, as to whether the 2644
defendant or person remains a mentally ill person subject to 2645
court order or a person with an intellectual disability subject 2646
to institutionalization by court order and, in the case of a 2647
defendant committed under section 2945.39 of the Revised Code, 2648
as to whether the defendant remains incompetent to stand trial. 2649
The department, institution, facility, or program shall make the 2650
reports after the initial six months of treatment and every two 2651
years after the initial report is made. The trial court shall 2652
provide copies of the reports to the prosecutor and to the 2653
counsel for the defendant or person. Within thirty days after 2654
its receipt pursuant to this division of a report from the 2655
department, institution, facility, or program, the trial court 2656
shall hold a hearing on the continued commitment of the 2657
defendant or person or on any changes in the conditions of the 2658
commitment of the defendant or person. The defendant or person 2659
may request a change in the conditions of confinement, and the 2660
trial court shall conduct a hearing on that request if six 2661
months or more have elapsed since the most recent hearing was 2662
conducted under this section. 2663

(D) (1) Except as otherwise provided in division (D) (2) of 2664
this section, when a defendant or person has been committed 2665
under section 2945.39 or 2945.40 of the Revised Code, at any 2666
time after evaluating the risks to public safety and the welfare 2667
of the defendant or person, the designee of the department of 2668
mental health and addiction services or the managing officer of 2669
the institution or director of the facility or program to which 2670
the defendant or person is committed may recommend a termination 2671
of the defendant's or person's commitment or a change in the 2672

conditions of the defendant's or person's commitment. 2673

Except as otherwise provided in division (D)(2) of this 2674
section, if the designee of the department of mental health and 2675
addiction services recommends on-grounds unsupervised movement, 2676
off-grounds supervised movement, or nonsecured status for the 2677
defendant or person or termination of the defendant's or 2678
person's commitment, the following provisions apply: 2679

(a) If the department's designee recommends on-grounds 2680
unsupervised movement or off-grounds supervised movement, the 2681
department's designee shall file with the trial court an 2682
application for approval of the movement and shall send a copy 2683
of the application to the prosecutor. Within fifteen days after 2684
receiving the application, the prosecutor may request a hearing 2685
on the application and, if a hearing is requested, shall so 2686
inform the department's designee. If the prosecutor does not 2687
request a hearing within the fifteen-day period, the trial court 2688
shall approve the application by entering its order approving 2689
the requested movement or, within five days after the expiration 2690
of the fifteen-day period, shall set a date for a hearing on the 2691
application. If the prosecutor requests a hearing on the 2692
application within the fifteen-day period, the trial court shall 2693
hold a hearing on the application within thirty days after the 2694
hearing is requested. If the trial court, within five days after 2695
the expiration of the fifteen-day period, sets a date for a 2696
hearing on the application, the trial court shall hold the 2697
hearing within thirty days after setting the hearing date. At 2698
least fifteen days before any hearing is held under this 2699
division, the trial court shall give the prosecutor written 2700
notice of the date, time, and place of the hearing. At the 2701
conclusion of each hearing conducted under this division, the 2702
trial court either shall approve or disapprove the application 2703

and shall enter its order accordingly. 2704

(b) If the department's designee recommends termination of 2705
the defendant's or person's commitment at any time or if the 2706
department's designee recommends the first of any nonsecured 2707
status for the defendant or person, the department's designee 2708
shall send written notice of this recommendation to the trial 2709
court and to the local forensic center. The local forensic 2710
center shall evaluate the committed defendant or person and, 2711
within thirty days after its receipt of the written notice, 2712
shall submit to the trial court and the department's designee a 2713
written report of the evaluation. The trial court shall provide 2714
a copy of the department's designee's written notice and of the 2715
local forensic center's written report to the prosecutor and to 2716
the counsel for the defendant or person. Upon the local forensic 2717
center's submission of the report to the trial court and the 2718
department's designee, all of the following apply: 2719

(i) If the forensic center disagrees with the 2720
recommendation of the department's designee, it shall inform the 2721
department's designee and the trial court of its decision and 2722
the reasons for the decision. The department's designee, after 2723
consideration of the forensic center's decision, shall either 2724
withdraw, proceed with, or modify and proceed with the 2725
recommendation. If the department's designee proceeds with, or 2726
modifies and proceeds with, the recommendation, the department's 2727
designee shall proceed in accordance with division (D) (1) (b) 2728
(iii) of this section. 2729

(ii) If the forensic center agrees with the recommendation 2730
of the department's designee, it shall inform the department's 2731
designee and the trial court of its decision and the reasons for 2732
the decision, and the department's designee shall proceed in 2733

accordance with division (D) (1) (b) (iii) of this section. 2734

(iii) If the forensic center disagrees with the 2735
recommendation of the department's designee and the department's 2736
designee proceeds with, or modifies and proceeds with, the 2737
recommendation or if the forensic center agrees with the 2738
recommendation of the department's designee, the department's 2739
designee shall work with community mental health services 2740
providers, programs, facilities, or boards of alcohol, drug 2741
addiction, and mental health services or community mental health 2742
boards to develop a plan to implement the recommendation. If the 2743
defendant or person is on medication, the plan shall include, 2744
but shall not be limited to, a system to monitor the defendant's 2745
or person's compliance with the prescribed medication treatment 2746
plan. The system shall include a schedule that clearly states 2747
when the defendant or person shall report for a medication 2748
compliance check. The medication compliance checks shall be 2749
based upon the effective duration of the prescribed medication, 2750
taking into account the route by which it is taken, and shall be 2751
scheduled at intervals sufficiently close together to detect a 2752
potential increase in mental illness symptoms that the 2753
medication is intended to prevent. 2754

The department's designee, after consultation with the 2755
board of alcohol, drug addiction, and mental health services or 2756
the community mental health board serving the area, shall send 2757
the recommendation and plan developed under division (D) (1) (b) 2758
(iii) of this section, in writing, to the trial court, the 2759
prosecutor, and the counsel for the committed defendant or 2760
person. The trial court shall conduct a hearing on the 2761
recommendation and plan developed under division (D) (1) (b) (iii) 2762
of this section. Divisions (D) (1) (c) and (d) and (E) to (J) of 2763
this section apply regarding the hearing. 2764

(c) If the department's designee's recommendation is for 2765
nonsecured status or termination of commitment, the prosecutor 2766
may obtain an independent expert evaluation of the defendant's 2767
or person's mental condition, and the trial court may continue 2768
the hearing on the recommendation for a period of not more than 2769
thirty days to permit time for the evaluation. 2770

The prosecutor may introduce the evaluation report or 2771
present other evidence at the hearing in accordance with the 2772
Rules of Evidence. 2773

(d) The trial court shall schedule the hearing on a 2774
department's designee's recommendation for nonsecured status or 2775
termination of commitment and shall give reasonable notice to 2776
the prosecutor and the counsel for the defendant or person. 2777
Unless continued for independent evaluation at the prosecutor's 2778
request or for other good cause, the hearing shall be held 2779
within thirty days after the trial court's receipt of the 2780
recommendation and plan. 2781

(2) (a) Division (D) (1) of this section does not apply to 2782
on-grounds unsupervised movement of a defendant or person who 2783
has been committed under section 2945.39 or 2945.40 of the 2784
Revised Code, who is a person with an intellectual disability 2785
subject to institutionalization by court order, and who is being 2786
provided residential habilitation, care, and treatment in a 2787
facility operated by the department of developmental 2788
disabilities. 2789

(b) If, pursuant to section 2945.39 of the Revised Code, 2790
the trial court commits a defendant who is found incompetent to 2791
stand trial and who is a person with an intellectual disability 2792
subject to institutionalization by court order, if the defendant 2793
is being provided residential habilitation, care, and treatment 2794

in a facility operated by the department of developmental 2795
disabilities, if an individual who is conducting a survey for 2796
the department of health to determine the facility's compliance 2797
with the certification requirements of the medicaid program 2798
cites the defendant's receipt of the residential habilitation, 2799
care, and treatment in the facility as being inappropriate under 2800
the certification requirements, if the defendant's receipt of 2801
the residential habilitation, care, and treatment in the 2802
facility potentially jeopardizes the facility's continued 2803
receipt of federal medicaid moneys, and if as a result of the 2804
citation the chief clinical officer of the facility determines 2805
that the conditions of the defendant's commitment should be 2806
changed, the department of developmental disabilities may cause 2807
the defendant to be removed from the particular facility and, 2808
after evaluating the risks to public safety and the welfare of 2809
the defendant and after determining whether another type of 2810
placement is consistent with the certification requirements, may 2811
place the defendant in another facility that the department 2812
selects as an appropriate facility for the defendant's continued 2813
receipt of residential habilitation, care, and treatment and 2814
that is a no less secure setting than the facility in which the 2815
defendant had been placed at the time of the citation. Within 2816
three days after the defendant's removal and alternative 2817
placement under the circumstances described in division (D) (2) 2818
(b) of this section, the department of developmental 2819
disabilities shall notify the trial court and the prosecutor in 2820
writing of the removal and alternative placement. 2821

The trial court shall set a date for a hearing on the 2822
removal and alternative placement, and the hearing shall be held 2823
within twenty-one days after the trial court's receipt of the 2824
notice from the department of developmental disabilities. At 2825

least ten days before the hearing is held, the trial court shall 2826
give the prosecutor, the department of developmental 2827
disabilities, and the counsel for the defendant written notice 2828
of the date, time, and place of the hearing. At the hearing, the 2829
trial court shall consider the citation issued by the individual 2830
who conducted the survey for the department of health to be 2831
prima-facie evidence of the fact that the defendant's commitment 2832
to the particular facility was inappropriate under the 2833
certification requirements of the medicaid program and 2834
potentially jeopardizes the particular facility's continued 2835
receipt of federal medicaid moneys. At the conclusion of the 2836
hearing, the trial court may approve or disapprove the 2837
defendant's removal and alternative placement. If the trial 2838
court approves the defendant's removal and alternative 2839
placement, the department of developmental disabilities may 2840
continue the defendant's alternative placement. If the trial 2841
court disapproves the defendant's removal and alternative 2842
placement, it shall enter an order modifying the defendant's 2843
removal and alternative placement, but that order shall not 2844
require the department of developmental disabilities to replace 2845
the defendant for purposes of continued residential 2846
habilitation, care, and treatment in the facility associated 2847
with the citation issued by the individual who conducted the 2848
survey for the department of health. 2849

(E) In making a determination under this section regarding 2850
nonsecured status or termination of commitment, the trial court 2851
shall consider all relevant factors, including, but not limited 2852
to, all of the following: 2853

(1) Whether, in the trial court's view, the defendant or 2854
person currently represents a substantial risk of physical harm 2855
to the defendant or person or others; 2856

(2) Psychiatric and medical testimony as to the current	2857
mental and physical condition of the defendant or person;	2858
(3) Whether the defendant or person has insight into the	2859
defendant's or person's condition so that the defendant or	2860
person will continue treatment as prescribed or seek	2861
professional assistance as needed;	2862
(4) The grounds upon which the state relies for the	2863
proposed commitment;	2864
(5) Any past history that is relevant to establish the	2865
defendant's or person's degree of conformity to the laws, rules,	2866
regulations, and values of society;	2867
(6) If there is evidence that the defendant's or person's	2868
mental illness is in a state of remission, the medically	2869
suggested cause and degree of the remission and the probability	2870
that the defendant or person will continue treatment to maintain	2871
the remissive state of the defendant's or person's illness	2872
should the defendant's or person's commitment conditions be	2873
altered.	2874
(F) At any hearing held pursuant to division (C) or (D) (1)	2875
or (2) of this section, the defendant or the person shall have	2876
all the rights of a defendant or person at a commitment hearing	2877
as described in section 2945.40 of the Revised Code.	2878
(G) In a hearing held pursuant to division (C) or (D) (1)	2879
of this section, the prosecutor has the burden of proof as	2880
follows:	2881
(1) For a recommendation of termination of commitment, to	2882
show by clear and convincing evidence that the defendant or	2883
person remains a mentally ill person subject to court order or a	2884
person with an intellectual disability subject to	2885

institutionalization by court order; 2886

(2) For a recommendation for a change in the conditions of 2887
the commitment to a less restrictive status, to show by clear 2888
and convincing evidence that the proposed change represents a 2889
threat to public safety or a threat to the safety of any person. 2890

(H) In a hearing held pursuant to division (C) or (D) (1) 2891
or (2) of this section, the prosecutor shall represent the state 2892
or the public interest. 2893

(I) At the conclusion of a hearing conducted under 2894
division (D) (1) of this section regarding a recommendation from 2895
the designee of the department of mental health and addiction 2896
services, managing officer of the institution, or director of a 2897
facility or program, the trial court may approve, disapprove, or 2898
modify the recommendation and shall enter an order accordingly. 2899

(J) (1) A defendant or person who has been committed 2900
pursuant to section 2945.39 or 2945.40 of the Revised Code 2901
continues to be under the jurisdiction of the trial court until 2902
the final termination of the commitment. For purposes of 2903
division (J) of this section, the final termination of a 2904
commitment occurs upon the earlier of one of the following: 2905

(a) The defendant or person no longer is a mentally ill 2906
person subject to court order or a person with an intellectual 2907
disability subject to institutionalization by court order, as 2908
determined by the trial court; 2909

(b) The expiration of the maximum prison term or term of 2910
imprisonment that the defendant or person could have received if 2911
the defendant or person had been convicted of the most serious 2912
offense with which the defendant or person is charged or in 2913
relation to which the defendant or person was found not guilty 2914

by reason of insanity, including, for an offense that would be a 2915
felony of the first or second degree that occurred on or after 2916
March 22, 2019, both the longest minimum term that the defendant 2917
or person could have received if convicted plus the 2918
corresponding maximum term that would be required; 2919

(c) The trial court enters an order terminating the 2920
commitment under the circumstances described in division (J) (2) 2921
(a) (ii) of this section. 2922

(2) (a) If a defendant is found incompetent to stand trial 2923
and committed pursuant to section 2945.39 of the Revised Code, 2924
if neither of the circumstances described in divisions (J) (1) (a) 2925
and (b) of this section applies to that defendant, and if a 2926
report filed with the trial court pursuant to division (C) of 2927
this section indicates that the defendant presently is competent 2928
to stand trial or if, at any other time during the period of the 2929
defendant's commitment, the prosecutor, the counsel for the 2930
defendant, or the designee of the department of mental health 2931
and addiction services or the managing officer of the 2932
institution or director of the facility or program to which the 2933
defendant is committed files an application with the trial court 2934
alleging that the defendant presently is competent to stand 2935
trial and requesting a hearing on the competency issue or the 2936
trial court otherwise has reasonable cause to believe that the 2937
defendant presently is competent to stand trial and determines 2938
on its own motion to hold a hearing on the competency issue, the 2939
trial court shall schedule a hearing on the competency of the 2940
defendant to stand trial, shall give the prosecutor, the counsel 2941
for the defendant, and the department's designee or the managing 2942
officer of the institution or the director of the facility to 2943
which the defendant is committed notice of the date, time, and 2944
place of the hearing at least fifteen days before the hearing, 2945

and shall conduct the hearing within thirty days of the filing 2946
of the application or of its own motion. If, at the conclusion 2947
of the hearing, the trial court determines that the defendant 2948
presently is capable of understanding the nature and objective 2949
of the proceedings against the defendant and of assisting in the 2950
defendant's defense, the trial court shall order that the 2951
defendant is competent to stand trial and shall be proceeded 2952
against as provided by law with respect to the applicable 2953
offenses described in division (C)(1) of section 2945.38 of the 2954
Revised Code and shall enter whichever of the following 2955
additional orders is appropriate: 2956

(i) If the trial court determines that the defendant 2957
remains a mentally ill person subject to court order or a person 2958
with an intellectual disability subject to institutionalization 2959
by court order, the trial court shall order that the defendant's 2960
commitment to the department of mental health and addiction 2961
services or to an institution, facility, or program for the 2962
treatment of intellectual disabilities be continued during the 2963
pendency of the trial on the applicable offenses described in 2964
division (C)(1) of section 2945.38 of the Revised Code. 2965

(ii) If the trial court determines that the defendant no 2966
longer is a mentally ill person subject to court order or a 2967
person with an intellectual disability subject to 2968
institutionalization by court order, the trial court shall order 2969
that the defendant's commitment to the department of mental 2970
health and addiction services or to an institution, facility, or 2971
program for the treatment of intellectual disabilities shall not 2972
be continued during the pendency of the trial on the applicable 2973
offenses described in division (C)(1) of section 2945.38 of the 2974
Revised Code. This order shall be a final termination of the 2975
commitment for purposes of division (J)(1)(c) of this section. 2976

(b) If, at the conclusion of the hearing described in 2977
division (J) (2) (a) of this section, the trial court determines 2978
that the defendant remains incapable of understanding the nature 2979
and objective of the proceedings against the defendant or of 2980
assisting in the defendant's defense, the trial court shall 2981
order that the defendant continues to be incompetent to stand 2982
trial, that the defendant's commitment to the department of 2983
mental health and addiction services or to an institution, 2984
facility, or program for the treatment of intellectual 2985
disabilities shall be continued, and that the defendant remains 2986
subject to the jurisdiction of the trial court pursuant to that 2987
commitment, and to the provisions of this section, until the 2988
final termination of the commitment as described in division (J) 2989
(1) of this section. 2990

Sec. 2949.08. (A) When a person who is convicted of or 2991
pleads guilty to a felony is sentenced to a community 2992
residential sanction in a community-based correctional facility 2993
pursuant to section 2929.16 of the Revised Code or when a person 2994
who is convicted of or pleads guilty to a felony or a 2995
misdemeanor is sentenced to a term of imprisonment in a jail, 2996
the judge or magistrate shall order the person into the custody 2997
of the sheriff or constable, and the sheriff or constable shall 2998
deliver the person with the record of the person's conviction to 2999
the jailer, administrator, or keeper, in whose custody the 3000
person shall remain until the term of imprisonment expires or 3001
the person is otherwise legally discharged. 3002

(B) The record of the person's conviction shall specify 3003
the total number of days, if any, that the person was confined 3004
for any reason arising out of the offense for which the person 3005
was convicted and sentenced prior to delivery to the jailer, 3006
administrator, or keeper under this section. The record shall be 3007

used to determine any reduction of sentence under division (C) 3008
of this section. 3009

(C) (1) If the person is sentenced to a jail for a felony 3010
or a misdemeanor, the jailer in charge of a jail shall reduce 3011
the sentence of a person delivered into the jailer's custody 3012
pursuant to division (A) of this section by the total number of 3013
days the person was confined for any reason arising out of the 3014
offense for which the person was convicted and sentenced, 3015
including confinement in lieu of bail while awaiting trial, 3016
confinement for examination to determine the person's competence 3017
to stand trial or to determine sanity, confinement while 3018
awaiting transportation to the place where the person is to 3019
serve the sentence, and confinement in a juvenile facility. 3020

(2) If the person is sentenced to a community-based 3021
correctional facility for a felony, the total amount of time 3022
that a person shall be confined in a community-based 3023
correctional facility, in a jail, and for any reason arising out 3024
of the offense for which the person was convicted and sentenced 3025
prior to delivery to the jailer, administrator, or keeper shall 3026
not exceed the maximum prison term available for that offense_ 3027
including, for an offense that would be a felony of the first or 3028
second degree that occurred on or after March 22, 2019, both the 3029
longest minimum term that the defendant or person could have 3030
received if convicted, plus the corresponding maximum term that 3031
would be required. Any term in a jail shall be reduced first 3032
pursuant to division (C) (1) of this section by the total number 3033
of days the person was confined prior to delivery to the jailer, 3034
administrator, or keeper. Only after the term in a jail has been 3035
entirely reduced may the term in a community-based correctional 3036
facility be reduced pursuant to this division. This division 3037
does not affect the limitations placed on the duration of a term 3038

in a jail or a community-based correctional facility under 3039
divisions (A) (1), (2), and (3) of section 2929.16 of the Revised 3040
Code. 3041

(D) For purposes of divisions (B) and (C) of this section, 3042
a person shall be considered to have been confined for a day if 3043
the person was confined for any period or periods of time 3044
totaling more than eight hours during that day. 3045

(E) As used in this section, "community-based correctional 3046
facility" and "jail" have the same meanings as in section 3047
2929.01 of the Revised Code. 3048

Sec. 2951.03. (A) (1) Unless the defendant and the 3049
prosecutor who is handling the case against the defendant agree 3050
to waive the presentence investigation report, no person who has 3051
been convicted of or pleaded guilty to a felony shall be placed 3052
under a community control sanction until a written presentence 3053
investigation report has been considered by the court. The court 3054
may order a presentence investigation report notwithstanding an 3055
agreement to waive the report. If a court orders the preparation 3056
of a presentence investigation report pursuant to this section, 3057
section 2947.06 of the Revised Code, or Criminal Rule 32.2, the 3058
officer making the report shall inquire into the circumstances 3059
of the offense and the criminal record, social history, and 3060
present condition of the defendant, all information available 3061
regarding any prior adjudications of the defendant as a 3062
delinquent child and regarding the dispositions made relative to 3063
those adjudications, and any other matters specified in Criminal 3064
Rule 32.2. Whenever the officer considers it advisable, the 3065
officer's investigation may include a physical and mental 3066
examination of the defendant. A physical examination of the 3067
defendant may include a drug test consisting of a chemical 3068

analysis of a blood or urine specimen of the defendant to 3069
determine whether the defendant ingested or was injected with a 3070
drug of abuse. If, pursuant to section 2930.13 of the Revised 3071
Code, the victim of the offense of which the defendant has been 3072
convicted wishes to make a statement regarding the impact of the 3073
offense for the officer's use in preparing the presentence 3074
investigation report, the officer shall comply with the 3075
requirements of that section. 3076

(2) If a defendant is committed to any institution, the 3077
presentence investigation report shall be sent to the 3078
institution with the entry of commitment. If a defendant is 3079
committed to any institution and a presentence investigation 3080
report is not prepared regarding that defendant pursuant to this 3081
section, section 2947.06 of the Revised Code, or Criminal Rule 3082
32.2, the director of the department of rehabilitation and 3083
correction or the director's designee may order that an offender 3084
background investigation and report be conducted and prepared 3085
regarding the defendant pursuant to section 5120.16 of the 3086
Revised Code. An offender background investigation report 3087
prepared pursuant to this section shall be considered 3088
confidential information and is not a public record under 3089
section 149.43 of the Revised Code. 3090

(3) The department of rehabilitation and correction may 3091
use any presentence investigation report and any offender 3092
background investigation report prepared pursuant to this 3093
section for penological and rehabilitative purposes. The 3094
department may disclose any presentence investigation report and 3095
any offender background investigation report to courts, law 3096
enforcement agencies, community-based correctional facilities, 3097
halfway houses, and medical, mental health, and substance abuse 3098
treatment providers. The department shall make the disclosure in 3099

a manner calculated to maintain the report's confidentiality. 3100
Any presentence investigation report or offender background 3101
investigation report that the department discloses to a 3102
community-based correctional facility, a halfway house, or a 3103
medical, mental health, or substance abuse treatment provider 3104
shall not include a victim impact section or information 3105
identifying a witness. 3106

(B) (1) If a presentence investigation report is prepared 3107
pursuant to this section, section 2947.06 of the Revised Code, 3108
or Criminal Rule 32.2, the court, at a reasonable time before 3109
imposing sentence, shall permit the defendant or the defendant's 3110
counsel to read the report, except that the court shall not 3111
permit the defendant or the defendant's counsel to read any of 3112
the following: 3113

(a) Any recommendation as to sentence; 3114

(b) Any diagnostic opinions that, if disclosed, the court 3115
believes might seriously disrupt a program of rehabilitation for 3116
the defendant; 3117

(c) Any sources of information obtained upon a promise of 3118
confidentiality; 3119

(d) Any other information that, if disclosed, the court 3120
believes might result in physical harm or some other type of 3121
harm to the defendant or to any other person. 3122

(2) Prior to sentencing, the court shall permit the 3123
defendant and the defendant's counsel to comment on the 3124
presentence investigation report and, in its discretion, may 3125
permit the defendant and the defendant's counsel to introduce 3126
testimony or other information that relates to any alleged 3127
factual inaccuracy contained in the report. 3128

(3) If the court believes that any information in the 3129
presentence investigation report should not be disclosed 3130
pursuant to division (B)(1) of this section, the court, in lieu 3131
of making the report or any part of the report available, shall 3132
state orally or in writing a summary of the factual information 3133
contained in the report that will be relied upon in determining 3134
the defendant's sentence. The court shall permit the defendant 3135
and the defendant's counsel to comment upon the oral or written 3136
summary of the report. 3137

(4) Any material that is disclosed to the defendant or the 3138
defendant's counsel pursuant to this section shall be disclosed 3139
to the prosecutor who is handling the prosecution of the case 3140
against the defendant. 3141

(5) If the comments of the defendant or the defendant's 3142
counsel, the testimony they introduce, or any of the other 3143
information they introduce alleges any factual inaccuracy in the 3144
presentence investigation report or the summary of the report, 3145
the court shall do either of the following with respect to each 3146
alleged factual inaccuracy: 3147

(a) Make a finding as to the allegation; 3148

(b) Make a determination that no finding is necessary with 3149
respect to the allegation, because the factual matter will not 3150
be taken into account in the sentencing of the defendant. 3151

(c) A court's decision as to the content of a summary 3152
under division (B)(3) of this section or as to the withholding 3153
of information under division (B)(1)(a), (b), (c), or (d) of 3154
this section shall be considered to be within the discretion of 3155
the court. No appeal can be taken from either of those 3156
decisions, and neither of those decisions shall be the basis for 3157

a reversal of the sentence imposed. 3158

(D) (1) The contents of a presentence investigation report 3159
prepared pursuant to this section, section 2947.06 of the 3160
Revised Code, or Criminal Rule 32.2 and the contents of any 3161
written or oral summary of a presentence investigation report or 3162
of a part of a presentence investigation report described in 3163
division (B) (3) of this section are confidential information and 3164
are not a public record. The court, an appellate court, 3165
authorized probation officers, investigators, and court 3166
personnel, the defendant, the defendant's counsel, the 3167
prosecutor who is handling the prosecution of the case against 3168
the defendant, and authorized personnel of an institution to 3169
which the defendant is committed may inspect, receive copies of, 3170
retain copies of, and use a presentence investigation report or 3171
a written or oral summary of a presentence investigation only 3172
for the purposes of or only as authorized by Criminal Rule 32.2 3173
or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, 3174
section 2947.06, or another section of the Revised Code. 3175

(2) Immediately following the imposition of sentence upon 3176
the defendant, the defendant or the defendant's counsel and the 3177
prosecutor shall return to the court all copies of a presentence 3178
investigation report and of any written summary of a presentence 3179
investigation report or part of a presentence investigation 3180
report that the court made available to the defendant or the 3181
defendant's counsel and to the prosecutor pursuant to this 3182
section. The defendant or the defendant's counsel and the 3183
prosecutor shall not make any copies of the presentence 3184
investigation report or of any written summary of a presentence 3185
investigation report or part of a presentence investigation 3186
report that the court made available to them pursuant to this 3187
section. 3188

(3) Except when a presentence investigation report or a written or oral summary of a presentence investigation report is being used for the purposes of or as authorized by Criminal Rule 32.2 or this section, division ~~(F) (1)~~ (G) (1) of section 2953.08, section 2947.06, or another section of the Revised Code, the court or other authorized holder of the report or summary shall retain the report or summary under seal.

(E) In inquiring into the information available regarding any prior adjudications of the defendant as a delinquent child and regarding the dispositions made relative to those adjudications, the officer making the report shall consider all information that is relevant, including, but not limited to, the materials described in division (B) of section 2151.14, division (C) (3) of section 2152.18, division (D) (3) of section 2152.19, and division (E) of section 2152.71 of the Revised Code.

(F) As used in this section:

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

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

(3) "Public record" has the same meaning as in section 149.43 of the Revised Code.

Sec. 2953.07. (A) Upon the hearing of an appeal other than an appeal from a mayor's court, the appellate court may affirm the judgment or reverse it, in whole or in part, or modify it, and order the accused to be discharged or grant a new trial. The appellate court may remand the accused for the sole purpose of correcting a sentence imposed contrary to law, provided that, on an appeal of a sentence imposed upon a person who is convicted

of or pleads guilty to a felony that is brought under section 3218
2953.08 of the Revised Code, division ~~(G)~~(H) of that section 3219
applies to the court. If the judgment is reversed, the appellant 3220
shall recover from the appellee all court costs incurred to 3221
secure the reversal, including the cost of transcripts. In 3222
capital cases, when the judgment is affirmed and the day fixed 3223
for the execution is passed, the appellate court shall appoint a 3224
day for it, and the clerk of the appellate court shall issue a 3225
warrant under the seal of the appellate court, to the sheriff of 3226
the proper county, or the warden of the appropriate state 3227
correctional institution, commanding the sheriff or warden to 3228
carry the sentence into execution on the day so appointed. The 3229
sheriff or warden shall execute and return the warrant as in 3230
other cases, and the clerk shall record the warrant and return. 3231

(B) As used in this section, "appellate court" means, for 3232
a case in which a sentence of death is imposed for an offense 3233
committed before January 1, 1995, both the court of appeals and 3234
the supreme court, and for a case in which a sentence of death 3235
is imposed for an offense committed on or after January 1, 1995, 3236
the supreme court. 3237

Sec. 2953.08. (A) As used in this section: 3238

(1) "Non-life felony indefinite prison term" has the same 3239
meaning as in section 2929.01 of the Revised Code. 3240

(2) A sentence is "contrary to law" if it fails to comport 3241
with all mandatory, definite, or indefinite sentencing 3242
provisions or is not otherwise within the statutory range of 3243
prison terms for the applicable degree of felony, as provided in 3244
division (A) of section 2929.14 of the Revised Code. 3245

(3) "Qualifying felony of the first or second degree" has 3246

the same meaning as in section 2929.144 of the Revised Code. 3247

(B) In addition to any other right to appeal and except as 3248
provided in division ~~(D)~~ (E) of this section, a defendant who is 3249
convicted of or pleads guilty to a felony may appeal as a matter 3250
of right the sentence imposed upon the defendant on one of the 3251
following grounds: 3252

(1) The sentence consisted of or included the maximum 3253
definite prison term allowed for the offense by division (A) of 3254
section 2929.14 or section 2929.142 of the Revised Code or, with 3255
respect to a non-life felony indefinite prison term, the longest 3256
minimum prison term allowed for the offense by division (A) (1) 3257
(a) or (2) (a) of section 2929.14 of the Revised Code, the 3258
maximum definite prison term or longest minimum prison term was 3259
not required for the offense pursuant to Chapter 2925. or any 3260
other provision of the Revised Code, and the court imposed the 3261
sentence under one of the following circumstances: 3262

(a) The sentence was imposed for only one offense. 3263

(b) The sentence was imposed for two or more offenses 3264
arising out of a single incident, and the court imposed the 3265
maximum definite prison term or longest minimum prison term for 3266
the offense of the highest degree. 3267

(2) The sentence consisted of or included a prison term 3268
and the offense for which it was imposed is a felony of the 3269
fourth or fifth degree or is a felony drug offense that is a 3270
violation of a provision of Chapter 2925. of the Revised Code 3271
and that is specified as being subject to division (B) of 3272
section 2929.13 of the Revised Code for purposes of sentencing. 3273
If the court specifies that it found one or more of the factors 3274
in division (B) (1) (b) of section 2929.13 of the Revised Code to 3275

apply relative to the defendant, the defendant is not entitled 3276
under this division to appeal as a matter of right the sentence 3277
imposed upon the offender. 3278

(3) The person was convicted of or pleaded guilty to a 3279
violent sex offense or a designated homicide, assault, or 3280
kidnapping offense, was adjudicated a sexually violent predator 3281
in relation to that offense, and was sentenced pursuant to 3282
division (A) (3) of section 2971.03 of the Revised Code, if the 3283
minimum term of the indefinite term imposed pursuant to division 3284
(A) (3) of section 2971.03 of the Revised Code is the longest 3285
term available for the offense from among the range of definite 3286
terms listed in section 2929.14 of the Revised Code or, with 3287
respect to a non-life felony indefinite prison term, the longest 3288
minimum prison term allowed for the offense by division (A) (1) 3289
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 3290
this division, "designated homicide, assault, or kidnapping 3291
offense" and "violent sex offense" have the same meanings as in 3292
section 2971.01 of the Revised Code. As used in this division, 3293
"adjudicated a sexually violent predator" has the same meaning 3294
as in section 2929.01 of the Revised Code, and a person is 3295
"adjudicated a sexually violent predator" in the same manner and 3296
the same circumstances as are described in that section. 3297

(4) The sentence is contrary to law. 3298

(5) The sentence consisted of an additional prison term of 3299
ten years imposed pursuant to division (B) (2) (a) of section 3300
2929.14 of the Revised Code. 3301

~~(B)~~ (C) In addition to any other right to appeal and 3302
except as provided in division ~~(D)~~ (E) of this section, a 3303
prosecuting attorney, a city director of law, village solicitor, 3304
or similar chief legal officer of a municipal corporation, or 3305

the attorney general, if one of those persons prosecuted the 3306
case, may appeal as a matter of right a sentence imposed upon a 3307
defendant who is convicted of or pleads guilty to a felony or, 3308
in the circumstances described in division ~~(B) (3)~~ (C) (3) of this 3309
section the modification of a sentence imposed upon such a 3310
defendant, on any of the following grounds: 3311

(1) The sentence did not include a prison term despite a 3312
presumption favoring a prison term for the offense for which it 3313
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3314
the Revised Code. 3315

(2) The sentence is contrary to law. 3316

(3) The sentence is a modification under section 2929.20 3317
of the Revised Code of a sentence that was imposed for a felony 3318
of the first or second degree. 3319

~~(C) (1)~~ (D) (1) In addition to the right to appeal a 3320
sentence granted under division ~~(A) or (B)~~ (C) of this 3321
section, a defendant who is convicted of or pleads guilty to a 3322
felony may ~~seek leave to~~ appeal a sentence imposed upon the 3323
defendant on the basis that the sentencing judge has imposed 3324
consecutive sentences under division (C) (3) of section 2929.14 3325
of the Revised Code and that the consecutive sentences exceed 3326
the maximum definite prison term allowed by division (A) of that 3327
section for the most serious offense of which the defendant was 3328
convicted or, with respect to a non-life felony indefinite 3329
prison term, exceed the longest minimum prison term allowed by 3330
division (A) (1) (a) or (2) (a) of that section for the most 3331
serious such offense. Upon the filing of a motion under this 3332
division, the court of appeals may grant leave to appeal the 3333
sentence if the court determines that the allegation included as 3334
the basis of the motion is true. 3335

(2) A defendant may ~~seek leave to~~ appeal an additional 3336
sentence imposed upon the defendant pursuant to division (B) (2) 3337
(a) or (b) of section 2929.14 of the Revised Code if the 3338
additional sentence is for a definite prison term that is longer 3339
than five years. 3340

~~(D) (1)~~ (E) (1) A sentence imposed upon a defendant is not 3341
subject to review under this section if ~~the~~ all of the following 3342
apply: 3343

(a) The sentence is authorized by law. 3344

(b) The sentence, a sentencing range, a minimum aggregate 3345
term of imprisonment, or a maximum aggregate term of 3346
imprisonment has been recommended jointly by the defendant and 3347
the prosecution in the case, ~~and is imposed by a sentencing~~ 3348
~~judge.~~ 3349

(c) The sentence imposed upon the defendant is consistent 3350
with that recommendation. 3351

(2) Except as provided in division ~~(C) (2)~~ (D) (2) of this 3352
section, a sentence imposed upon a defendant is not subject to 3353
review under this section if the sentence is imposed pursuant to 3354
division (B) (2) (b) of section 2929.14 of the Revised Code. 3355
Except as otherwise provided in this division, a defendant 3356
retains all rights to appeal as provided under this chapter or 3357
any other provision of the Revised Code. A defendant has the 3358
right to appeal under this chapter or any other provision of the 3359
Revised Code the court's application of division (B) (2) (c) of 3360
section 2929.14 of the Revised Code. 3361

(3) A sentence imposed for aggravated murder or murder 3362
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 3363
not subject to review under this section. 3364

~~(E)~~ (F) A defendant, prosecuting attorney, city director
of law, village solicitor, or chief municipal legal officer
shall file an appeal of a sentence under this section to a court
of appeals within the time limits specified in Rule 4(B) of the
Rules of Appellate Procedure, provided that if the appeal is
pursuant to division ~~(B) (3)~~ (C) (3) of this section, the time
limits specified in that rule shall not commence running until
the court grants the motion that makes the sentence modification
in question. A sentence appeal under this section shall be
consolidated with any other appeal in the case. If no other
appeal is filed, the court of appeals may review only the
portions of the trial record that pertain to sentencing.

~~(F)~~ (G) On the appeal of a sentence under this section,
the record to be reviewed shall include all of the following, as
applicable:

(1) Any presentence, psychiatric, or other investigative
report that was submitted to the court in writing before the
sentence was imposed. An appellate court that reviews a
presentence investigation report prepared pursuant to section
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in
connection with the appeal of a sentence under this section
shall comply with division (D) (3) of section 2951.03 of the
Revised Code when the appellate court is not using the
presentence investigation report, and the appellate court's use
of a presentence investigation report of that nature in
connection with the appeal of a sentence under this section does
not affect the otherwise confidential character of the contents
of that report as described in division (D) (1) of section
2951.03 of the Revised Code and does not cause that report to
become a public record, as defined in section 149.43 of the
Revised Code, following the appellate court's use of the report.

(2) The trial record in the case in which the sentence was imposed; 3396
3397

(3) Any oral or written statements made to or by the court at the sentencing hearing at which the sentence was imposed; 3398
3399

(4) Any written findings that the court was required to make in connection with the modification of the sentence pursuant to a judicial release under division (I) of section 2929.20 of the Revised Code. 3400
3401
3402
3403

~~(G) (1)~~ (H) (1) If the sentencing court was required to make the findings required by division (B) or (D) of section 2929.13 or division (I) of section 2929.20 of the Revised Code, or to state the findings of the trier of fact required by division (B) (2) (e) of section 2929.14 of the Revised Code, relative to the imposition or modification of the sentence, and if the sentencing court failed to state the required findings on the record, the court hearing an appeal under division ~~(A)~~, ~~(B)~~, ~~or~~ (C), or (D) of this section shall remand the case to the sentencing court and instruct the sentencing court to state, on the record, the required findings. 3404
3405
3406
3407
3408
3409
3410
3411
3412
3413
3414

(2) The court hearing an appeal under division ~~(A)~~, ~~(B)~~, ~~or~~ (C), or (D) of this section shall review the record, including the findings underlying the sentence or modification given by the sentencing court. 3415
3416
3417
3418

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized 3419
3420
3421
3422
3423
3424

by this division if it clearly and convincingly finds either of 3425
the following: 3426

(a) That the record does not support the sentencing 3427
court's findings under division (B) or (D) of section 2929.13, 3428
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 3429
of section 2929.20 of the Revised Code, whichever, if any, is 3430
relevant; 3431

(b) That the sentence is otherwise contrary to law. 3432

~~(H)~~ (I) If a conviction for a qualifying felony of the 3433
first or second degree is reversed under division (G) of this 3434
section and the reversal would affect the maximum prison term 3435
imposed under section 2929.144 of the Revised Code, the 3436
appellate court shall remand the case for resentencing. 3437

(J) A judgment or final order of a court of appeals under 3438
this section may be appealed, by leave of court, to the supreme 3439
court. 3440

~~(I) As used in this section, "non-life felony indefinite~~ 3441
~~prison term" has the same meaning as in section 2929.01 of the~~ 3442
~~Revised Code.~~ 3443

Sec. 2967.14. (A) The department of rehabilitation and 3444
correction or the adult parole authority may require or allow a 3445
parolee, a releasee, or a prisoner otherwise released from a 3446
state correctional institution to reside in a halfway house or 3447
other suitable community residential center that has been 3448
licensed by the division of parole and community services 3449
pursuant to division (C) of this section or, in the 3450
circumstances described in division (E) of section 5120.113 of 3451
the Revised Code, in the reentry program and facility 3452
established under that division, during a part or for the entire 3453

period of the offender's or parolee's conditional release or of 3454
the releasee's term of post-release control. The court of common 3455
pleas that placed an offender under a sanction consisting of a 3456
term in a halfway house or in an alternative residential 3457
sanction may require the offender to reside in a halfway house 3458
or other suitable community residential center that is 3459
designated by the court and that has been licensed by the 3460
division pursuant to division (C) of this section during a part 3461
or for the entire period of the offender's residential sanction. 3462

(B) The division of parole and community services may 3463
negotiate and enter into agreements with any public or private 3464
agency or a department or political subdivision of the state 3465
that operates a halfway house, reentry center, or community 3466
residential center that has been licensed by the division 3467
pursuant to division (C) of this section. An agreement under 3468
this division shall provide for the purchase of beds, shall set 3469
limits of supervision and levels of occupancy, and shall 3470
determine the scope of services for all eligible offenders, 3471
including those subject to a residential sanction, as defined in 3472
rules adopted by the director of rehabilitation and correction 3473
in accordance with Chapter 119. of the Revised Code, or those 3474
released from prison without supervision. The payments for beds 3475
and services shall not exceed the total operating costs of the 3476
halfway house, reentry center, or community residential center 3477
during the term of an agreement. The director of rehabilitation 3478
and correction shall adopt rules in accordance with Chapter 119. 3479
of the Revised Code for determining includable and excludable 3480
costs and income to be used in computing the agency's average 3481
daily per capita costs with its facility at full occupancy. 3482

The director of rehabilitation and correction shall adopt 3483
rules providing for the use of no more than fifteen per cent of 3484

the amount appropriated to the department each fiscal year for 3485
the halfway house, reentry center, and community residential 3486
center program to pay for contracts with licensed halfway houses 3487
for nonresidential services for offenders under the supervision 3488
of the adult parole authority, including but not limited to, 3489
offenders supervised pursuant to an agreement entered into by 3490
the adult parole authority and a court of common pleas under 3491
section 2301.32 of the Revised Code. The nonresidential services 3492
may include, but are not limited to, treatment for substance 3493
abuse, mental health counseling, counseling for sex offenders, 3494
electronic monitoring services, aftercare, and other 3495
nonresidential services that the director identifies by rule. 3496

(C) The division of parole and community services may 3497
license a halfway house, reentry center, or community 3498
residential center as a suitable facility for the care and 3499
treatment of adult offenders, including offenders sentenced 3500
under section 2929.16 or 2929.26 of the Revised Code, only if 3501
the halfway house, reentry center, or community residential 3502
center complies with the standards that the division adopts in 3503
accordance with Chapter 119. of the Revised Code for the 3504
licensure of halfway houses, reentry centers, and community 3505
residential centers. The division shall annually inspect each 3506
licensed halfway house, licensed reentry center, and licensed 3507
community residential center to determine if it is in compliance 3508
with the licensure standards. 3509

(D) The division of parole and community services may 3510
expend up to one-half per cent of the annual appropriation made 3511
for halfway house programs, for goods or services that benefit 3512
those programs. 3513

Sec. 2967.271. (A) As used in this section: 3514

(1) "Offender's minimum prison term" means the minimum 3515
prison term imposed on an offender under a non-life felony 3516
indefinite prison term, diminished as provided in section 3517
2967.191 or 2967.193 of the Revised Code or in any other 3518
provision of the Revised Code, other than division (F) of this 3519
section, that provides for diminution or reduction of an 3520
offender's sentence. 3521

(2) "Offender's presumptive earned early release date" 3522
means the date that is determined under the procedures described 3523
in division (F) of this section by the reduction, if any, of an 3524
offender's minimum prison term by the sentencing court and the 3525
crediting of that reduction toward the satisfaction of the 3526
minimum term. 3527

(3) "Rehabilitative programs and activities" means 3528
education programs, vocational training, employment in prison 3529
industries, treatment for substance abuse, or other constructive 3530
programs developed by the department of rehabilitation and 3531
correction with specific standards for performance by prisoners. 3532

(4) "Security level" means the security level in which an 3533
offender is classified under the inmate classification level 3534
system of the department of rehabilitation and correction that 3535
then is in effect. 3536

(5) "Sexually oriented offense" has the same meaning as in 3537
section 2950.01 of the Revised Code. 3538

(B) When an offender is sentenced to a non-life felony 3539
indefinite prison term, there shall be a presumption that the 3540
person shall be released from service of the sentence on the 3541
expiration of the offender's minimum prison term or on the 3542
offender's presumptive earned early release date, whichever is 3543

earlier. 3544

(C) The presumption established under division (B) of this 3545
section is a rebuttable presumption that the department of 3546
rehabilitation and correction may rebut as provided in this 3547
division. Unless the department rebuts the presumption, the 3548
offender shall be released from service of the sentence on the 3549
expiration of the offender's minimum prison term or on the 3550
offender's presumptive earned early release date, whichever is 3551
earlier. The department may rebut the presumption only if the 3552
department determines, at a hearing, that one or more of the 3553
following applies: 3554

(1) Regardless of the security level in which the offender 3555
is classified at the time of the hearing, both of the following 3556
apply: 3557

(a) During the offender's incarceration, the offender 3558
committed institutional rule infractions that involved 3559
compromising the security of a state correctional institution, 3560
compromising the safety of the staff of a state correctional 3561
institution or its inmates, or physical harm or the threat of 3562
physical harm to the staff of a state correctional institution 3563
or its inmates, or committed a violation of law that was not 3564
prosecuted, and the infractions or violations demonstrate that 3565
the offender has not been rehabilitated. 3566

(b) The offender's behavior while incarcerated, including, 3567
but not limited to the infractions and violations specified in 3568
division (C)(1)(a) of this section, demonstrate that the 3569
offender continues to pose a threat to society. 3570

(2) Regardless of the security level in which the offender 3571
is classified at the time of the hearing, the offender has been 3572

placed by the department in extended restrictive housing at any 3573
time within the year preceding the date of the hearing. 3574

(3) At the time of the hearing, the offender is classified 3575
by the department as a security level three, four, or five, or 3576
at a higher security level. 3577

(D) (1) If the department of rehabilitation and correction, 3578
pursuant to division (C) of this section, rebuts the presumption 3579
established under division (B) of this section, the department 3580
may maintain the offender's incarceration in a state 3581
correctional institution under the sentence after the expiration 3582
of the offender's minimum prison term or, for offenders who have 3583
a presumptive earned early release date, after the offender's 3584
presumptive earned early release date. The department may 3585
maintain the offender's incarceration under this division for an 3586
additional period of incarceration determined by the department. 3587
The additional period of incarceration shall be a reasonable 3588
period determined by the department, shall be specified by the 3589
department, and shall not exceed the offender's maximum prison 3590
term. 3591

(2) If the department maintains an offender's 3592
incarceration for an additional period under division (D) (1) of 3593
this section, there shall be a presumption that the offender 3594
shall be released on the expiration of the offender's minimum 3595
prison term plus the additional period of incarceration 3596
specified by the department as provided under that division or, 3597
for offenders who have a presumptive earned early release date, 3598
on the expiration of the additional period of incarceration to 3599
be served after the offender's presumptive earned early release 3600
date that is specified by the department as provided under that 3601
division. The presumption is a rebuttable presumption that the 3602

department may rebut, but only if it conducts a hearing and 3603
makes the determinations specified in division (C) of this 3604
section, and if the department rebuts the presumption, it may 3605
maintain the offender's incarceration in a state correctional 3606
institution for an additional period determined as specified in 3607
division (D) (1) of this section. Unless the department rebuts 3608
the presumption at the hearing, the offender shall be released 3609
from service of the sentence on the expiration of the offender's 3610
minimum prison term plus the additional period of incarceration 3611
specified by the department or, for offenders who have a 3612
presumptive earned early release date, on the expiration of the 3613
additional period of incarceration to be served after the 3614
offender's presumptive earned early release date as specified by 3615
the department. 3616

(3) The provisions of this division regarding the 3617
establishment of a rebuttable presumption, the department's 3618
rebuttal of the presumption, and the department's maintenance of 3619
an offender's incarceration for an additional period of 3620
incarceration apply, and may be utilized more than one time, 3621
during the remainder of the offender's incarceration. If the 3622
offender has not been released under division (C) or (D) of this 3623
section ~~or this division~~ prior to the expiration of the 3624
offender's maximum prison term imposed as part of the offender's 3625
non-life felony indefinite prison term, the offender shall be 3626
released upon the expiration of that maximum term. If the 3627
maximum prison term imposed as part of the offender's non-life 3628
felony indefinite prison term results from an aggregation of 3629
maximum prison terms under division (B) (2) of section 2929.144 3630
of the Revised Code, the department shall rebut the presumption 3631
as provided in division (C) of this section at least once during 3632
each portion of the maximum prison term attributable to a 3633

maximum prison term that was aggregated under division (B) (2) of 3634
section 2929.144 of the Revised Code. Any maximum prison term 3635
portions shall be served in the same order as the corresponding 3636
minimum prison term portions. 3637

(E) The department shall provide notices of hearings to be 3638
conducted under division (C) or (D) of this section in the same 3639
manner, and to the same persons, as specified in section 2967.12 3640
and Chapter 2930. of the Revised Code with respect to hearings 3641
to be conducted regarding the possible release on parole of an 3642
inmate. 3643

(F) (1) The director of the department of rehabilitation 3644
and correction may notify the sentencing court in writing that 3645
the director is recommending that the court grant a reduction in 3646
the minimum prison term imposed on a specified offender who is 3647
serving a non-life felony indefinite prison term and who is 3648
eligible under division (F) (8) of this section for such a 3649
reduction, due to the offender's exceptional conduct while 3650
incarcerated or the offender's adjustment to incarceration. If 3651
the director wishes to recommend such a reduction for an 3652
offender, the director shall send the notice to the court not 3653
earlier than ninety days prior to the date on which the director 3654
wishes to credit the reduction toward the satisfaction of the 3655
offender's minimum prison term. If the director recommends such 3656
a reduction for an offender, there shall be a presumption that 3657
the court shall grant the recommended reduction to the offender. 3658
The presumption established under this division is a rebuttable 3659
presumption that may be rebutted as provided in division (F) (4) 3660
of this section. 3661

The director shall include with the notice sent to a court 3662
under this division an institutional summary report that covers 3663

the offender's participation while confined in a state 3664
correctional institution in rehabilitative programs and 3665
activities and any disciplinary action taken against the 3666
offender while so confined, and any other documentation 3667
requested by the court, if available. 3668

The notice the director sends to a court under this 3669
division shall do all of the following: 3670

(a) Identify the offender; 3671

(b) Specify the length of the recommended reduction, which 3672
shall be for five to fifteen per cent of the offender's minimum 3673
term determined in accordance with rules adopted by the 3674
department under division (F) (7) of this section; 3675

(c) Specify the reason or reasons that qualify the 3676
offender for the recommended reduction; 3677

(d) Inform the court of the rebuttable presumption and 3678
that the court must either approve or, if the court finds that 3679
the presumption has been rebutted, disapprove of the recommended 3680
reduction, and that if it approves of the recommended reduction, 3681
it must grant the reduction; 3682

(e) Inform the court that it must notify the department of 3683
its decision as to approval or disapproval not later than sixty 3684
days after receipt of the notice from the director. 3685

(2) When the director, under division (F) (1) of this 3686
section, submits a notice to a sentencing court that the 3687
director is recommending that the court grant a reduction in the 3688
minimum prison term imposed on an offender serving a non-life 3689
felony indefinite prison term, the department promptly shall 3690
provide to the prosecuting attorney of the county in which the 3691
offender was indicted a copy of the written notice, a copy of 3692

the institutional summary report described in that division, and 3693
any other information provided to the court. 3694

(3) Upon receipt of a notice submitted by the director 3695
under division (F) (1) of this section, the court shall schedule 3696
a hearing to consider whether to grant the reduction in the 3697
minimum prison term imposed on the specified offender that was 3698
recommended by the director or to find that the presumption has 3699
been rebutted and disapprove the recommended reduction. Upon 3700
scheduling the hearing, the court promptly shall give notice of 3701
the hearing to the prosecuting attorney of the county in which 3702
the offender was indicted and to the department. The notice 3703
shall inform the prosecuting attorney that the prosecuting 3704
attorney may submit to the court, prior to the date of the 3705
hearing, written information relevant to the recommendation and 3706
may present at the hearing written information and oral 3707
information relevant to the recommendation. 3708

Upon receipt of the notice from the court, the prosecuting 3709
attorney shall notify the victim of the offender or the victim's 3710
representative of the recommendation by the director, the date, 3711
time, and place of the hearing, the fact that the victim may 3712
submit to the court, prior to the date of the hearing, written 3713
information relevant to the recommendation, and the address and 3714
procedure for submitting the information. 3715

(4) At the hearing scheduled under division (F) (3) of this 3716
section, the court shall afford the prosecuting attorney an 3717
opportunity to present written information and oral information 3718
relevant to the director's recommendation. In making its 3719
determination as to whether to grant or disapprove the reduction 3720
in the minimum prison term imposed on the specified offender 3721
that was recommended by the director, the court shall consider 3722

any report and other documentation submitted by the director, 3723
any information submitted by a victim, any information submitted 3724
or presented at the hearing by the prosecuting attorney, and all 3725
of the factors set forth in divisions (B) to (D) of section 3726
2929.12 of the Revised Code that are relevant to the offender's 3727
offense and to the offender. 3728

Unless the court, after considering at the hearing the 3729
specified reports, documentation, information, and relevant 3730
factors, finds that the presumption that the recommended 3731
reduction shall be granted has been rebutted and disapproves the 3732
recommended reduction, the court shall grant the recommended 3733
reduction. The court may disapprove the recommended reduction 3734
only if, after considering at the hearing the specified reports, 3735
documentation, information, and relevant factors, it finds that 3736
the presumption that the reduction shall be granted has been 3737
rebutted. The court may find that the presumption has been 3738
rebutted and disapprove the recommended reduction only if it 3739
determines at the hearing that one or more of the following 3740
applies: 3741

(a) Regardless of the security level in which the offender 3742
is classified at the time of the hearing, during the offender's 3743
incarceration, the offender committed institutional rule 3744
infractions that involved compromising the security of a state 3745
correctional institution, compromising the safety of the staff 3746
of a state correctional institution or its inmates, or physical 3747
harm or the threat of physical harm to the staff of a state 3748
correctional institution or its inmates, or committed a 3749
violation of law that was not prosecuted, and the infractions or 3750
violations demonstrate that the offender has not been 3751
rehabilitated. 3752

(b) The offender's behavior while incarcerated, including, 3753
but not limited to, the infractions and violations specified in 3754
division (F) (4) (a) of this section, demonstrates that the 3755
offender continues to pose a threat to society. 3756

(c) At the time of the hearing, the offender is classified 3757
by the department as a security level three, four, or five, or 3758
at a higher security level. 3759

(d) During the offender's incarceration, the offender did 3760
not productively participate in a majority of the rehabilitative 3761
programs and activities recommended by the department for the 3762
offender, or the offender participated in a majority of such 3763
recommended programs or activities but did not successfully 3764
complete a reasonable number of the programs or activities in 3765
which the offender participated. 3766

(e) After release, the offender will not be residing in a 3767
halfway house, reentry center, or community residential center 3768
licensed under division (C) of section 2967.14 of the Revised 3769
Code and, after release, does not have any other place to reside 3770
at a fixed residence address. 3771

(5) If the court pursuant to division (F) (4) of this 3772
section finds that the presumption that the recommended 3773
reduction in the offender's minimum prison term has been 3774
rebutted and disapproves the recommended reduction, the court 3775
shall notify the department of the disapproval not later than 3776
sixty days after receipt of the notice from the director. The 3777
court shall specify in the notification the reason or reasons 3778
for which it found that the presumption was rebutted and 3779
disapproved the recommended reduction. The court shall not 3780
reduce the offender's minimum prison term, and the department 3781
shall not credit the amount of the disapproved reduction toward 3782

satisfaction of the offender's minimum prison term. 3783

If the court pursuant to division (F) (4) of this section 3784
grants the recommended reduction of the offender's minimum 3785
prison term, the court shall notify the department of the grant 3786
of the reduction not later than sixty days after receipt of the 3787
notice from the director, the court shall reduce the offender's 3788
minimum prison term in accordance with the recommendation 3789
submitted by the director, and the department shall credit the 3790
amount of the reduction toward satisfaction of the offender's 3791
minimum prison term. 3792

Upon deciding whether to disapprove or grant the 3793
recommended reduction of the offender's minimum prison term, the 3794
court shall notify the prosecuting attorney of the decision and 3795
the prosecuting attorney shall notify the victim or victim's 3796
representative of the court's decision. 3797

(6) If the court under division (F) (5) of this section 3798
grants the reduction in the minimum prison term imposed on an 3799
offender that was recommended by the director and reduces the 3800
offender's minimum prison term, the date determined by the 3801
department's crediting of the reduction toward satisfaction of 3802
the offender's minimum prison term is the offender's presumptive 3803
earned early release date. 3804

(7) The department of rehabilitation and correction by 3805
rule shall specify both of the following for offenders serving a 3806
non-life felony indefinite prison term: 3807

(a) The type of exceptional conduct while incarcerated and 3808
the type of adjustment to incarceration that will qualify an 3809
offender serving such a prison term for a reduction under 3810
divisions (F) (1) to (6) of this section of the minimum prison 3811

term imposed on the offender under the non-life felony 3812
indefinite prison term. 3813

(b) The per cent of reduction that it may recommend for, 3814
and that may be granted to, an offender serving such a prison 3815
term under divisions (F)(1) to (6) of this section, based on the 3816
offense level of the offense for which the prison term was 3817
imposed, with the department specifying the offense levels used 3818
for purposes of this division and assigning a specific 3819
percentage reduction within the range of five to fifteen per 3820
cent for each such offense level. 3821

(8) Divisions (F)(1) to (6) of this section do not apply 3822
with respect to an offender serving a non-life felony indefinite 3823
prison term for a sexually oriented offense, and no offender 3824
serving such a prison term for a sexually oriented offense is 3825
eligible to be recommended for or granted, or may be recommended 3826
for or granted, a reduction under those divisions in the 3827
offender's minimum prison term imposed under that non-life 3828
felony indefinite prison term. 3829

(G) If an offender is sentenced to a non-life felony 3830
indefinite prison term, any reference in a section of the 3831
Revised Code to a definite prison term shall be construed as 3832
referring to the offender's minimum term under that sentence 3833
plus any additional period of time of incarceration specified by 3834
the department under division (D)(1) or (2) of this section, 3835
except to the extent otherwise specified in the section or to 3836
the extent that that construction clearly would be 3837
inappropriate. 3838

Sec. 5120.021. (A) The provisions of Chapter 5120. of the 3839
Revised Code, as they existed prior to July 1, 1996, and that 3840
address the duration or potential duration of incarceration or 3841

parole or other forms of supervised release, apply to all 3842
persons upon whom a court imposed a term of imprisonment prior 3843
to July 1, 1996, and all persons upon whom a court, on or after 3844
July 1, 1996, and in accordance with law existing prior to July 3845
1, 1996, imposed a term of imprisonment for an offense that was 3846
committed prior to July 1, 1996. 3847

(B) (1) The provisions of Chapter 5120. of the Revised 3848
Code, as they exist on or after July 1, 1996, and that address 3849
the duration or potential duration of incarceration or 3850
supervised release, apply to all persons upon whom a court 3851
imposed a stated prison term for an offense committed on or 3852
after July 1, 1996. 3853

(2) The provisions of Chapter 5120. of the Revised Code, 3854
as they exist on or after ~~the effective date of this amendment~~ 3855
March 22, 2019, and prior to the effective date of this 3856
amendment apply to an offender who is released from confinement 3857
in a state correctional institution on or after ~~that date~~ March 3858
22, 2019, and prior to the effective date of this amendment. 3859

(3) The provisions of Chapter 5120. of the Revised Code, 3860
as they exist on or after the effective date of this amendment, 3861
apply to an offender who is released from confinement in a state 3862
correctional institution on or after that date. 3863

(C) Nothing in this section limits or affects the 3864
applicability of any provision in Chapter 5120. of the Revised 3865
Code, as amended or enacted on or after July 1, 1996, that 3866
pertains to an issue other than the duration or potential 3867
duration of incarceration or supervised release, to persons in 3868
custody or under the supervision of the department of 3869
rehabilitation and correction. 3870

Sec. 5120.038. (A) As used in this section: 3871

(1) "GPS-monitored offender" means an offender who, on or 3872
after the effective date of divisions (C) to (E) of this 3873
section, is released from confinement in a state correctional 3874
institution under a conditional pardon, parole, other form of 3875
authorized release, or transitional control that includes global 3876
positioning system monitoring as a condition of the person's 3877
release, or who, on or after that date, is placed under post- 3878
release control that includes global positioning system 3879
monitoring as a condition under the post-release control. 3880

(2) "Law enforcement automated data system" means the law 3881
enforcement automated data system, also known as LEADS, 3882
established under section 5503.10 of the Revised Code. 3883

(3) "Secondary entity" means an entity under contract with 3884
a third-party contract administrator with which the department 3885
of rehabilitation and correction has entered into a contract for 3886
global positioning system monitoring of GPS-monitored offenders. 3887

(B) Not later than June 30, 2019, the department of 3888
rehabilitation and correction shall ~~study the feasibility of~~ 3889
~~contracting with a third party contract administrator for global~~ 3890
~~position system monitoring that would include a crime scene~~ 3891
~~correlation program that could interface by link with a~~ 3892
~~statewide database for GPS-monitored offenders. The study also~~ 3893
~~shall analyze~~ conduct a study that analyzes the use of GPS 3894
monitoring as a supervision tool. ~~In conducting the study, the~~ 3895
~~department shall consider all of the following factors:~~ 3896

~~(1) The ability of the department or another state entity~~ 3897
~~to establish and operate a statewide internet database of GPS-~~ 3898
~~monitored offenders and the specific information that such a~~ 3899

~~database could include.~~ 3900

~~(2) The capability for a GPS monitoring system run by a
third party contract administrator to include a crime scene
correlation program that interfaces by link with a statewide
database of GPS-monitored offenders.~~ 3901
3902
3903
3904

~~(3) The ability of local law enforcement representatives
to remotely search a statewide internet database of GPS-
monitored offenders that is linked with a crime scene
correlation program.~~ 3905
3906
3907
3908

~~(4) The capability for a GPS monitoring system with crime-
scene correlation features to allow local law enforcement
representatives without a subpoena or warrant to access
information contained in the crime scene correlation program
about a GPS-monitored offender, including the offender's current
location, the offender's location at previous points in time,
the location of recent criminal activity in or near the
offender's inclusionary or exclusionary zones included as
restrictions under the offender's supervision, and any possible
connection between the offender's location and that recent
criminal activity.~~ 3909
3910
3911
3912
3913
3914
3915
3916
3917
3918
3919

~~(5) The ability of law enforcement representatives to
obtain, without a warrant or subpoena, information about a GPS-
monitored offender from either an employee of the department or
a third party contract administrator who is monitoring the
offender, including information of the types listed in division
(B)(4) of this section.~~ 3920
3921
3922
3923
3924
3925

~~(6) The types of offenders for whom GPS monitoring would
be beneficial, the appropriate length for monitoring, and the
costs related to GPS monitoring.~~ 3926
3927
3928

~~(C)~~ Upon completion of the study specified in this 3929
~~division (B) of this section,~~ the department shall submit copies 3930
of the study to the president and minority leader of the senate, 3931
the speaker and minority leader of the house of representatives, 3932
and the governor. 3933

(C) (1) On and after the effective date of this amendment, 3934
each global positioning system monitor that is used to monitor a 3935
GPS-monitored offender shall specify and monitor restrictions 3936
for the offender. The restrictions shall include for the 3937
offender inclusionary zones and, to the extent necessary, 3938
exclusionary zones, and may include for the offender a curfew 3939
specifying times of required presence in the inclusionary zone 3940
and any other reasonable restrictions. 3941

(2) Each contract that the department of rehabilitation 3942
and correction enters into on or after the effective date of 3943
this amendment with a third-party contract administrator for 3944
global positioning system monitoring of GPS-monitored offenders 3945
shall require all of the following: 3946

(a) That the global positioning system used by the 3947
administrator, or by any secondary entity under contract with 3948
the administrator to perform the actual monitoring of the 3949
offender, include a crime scene correlation program to which 3950
access can be obtained as described in division (E) (2) of this 3951
section; 3952

(b) That the crime scene correlation program included in 3953
the administrator's system, or in the system of a secondary 3954
entity under contract with the administrator to perform the 3955
actual monitoring of the offender, will allow local law 3956
enforcement representatives or their designees to obtain, 3957
without need for a subpoena or warrant, real-time access or 3958

active global positioning system access to information contained 3959
in the program about a GPS-monitored offender's location at that 3960
time and, to the extent that it is available, at other previous 3961
points in time identified by the representative or designee, 3962
about the location of recent criminal activity in or near the 3963
offender's inclusionary or exclusionary zones, and about any 3964
possible connection between the offender's location and that 3965
recent criminal activity; 3966

(c) That the administrator, or the secondary entity under 3967
contract with the administrator to perform the actual monitoring 3968
of the offender, allow access to the crime scene correlation 3969
program included in the administrator's or secondary entity's 3970
system to law enforcement representatives as described in 3971
division (E) (2) of this section; 3972

(d) That the global positioning system used by the 3973
administrator, or by any secondary entity under contract with 3974
the administrator to perform the actual monitoring of the 3975
offender, be monitored continuously and that the access 3976
described in divisions (C) (2) (b) and (c) of this section be 3977
afforded twenty-four hours a day and seven days a week. 3978

(D) (1) On and after the effective date of this amendment, 3979
any third-party contract administrator used for global 3980
positioning system monitoring of a GPS-monitored offender, and 3981
any secondary entity under contract with such a third-party 3982
contract administrator to perform the actual monitoring of a 3983
GPS-monitored offender, shall comply in the monitoring of the 3984
offender with system requirements of the department of 3985
rehabilitation and correction that exist on that date for global 3986
positioning system monitoring of such offenders. 3987

(2) If, on the effective date of this amendment, the 3988

department of rehabilitation and correction has not established 3989
system requirements of the type described in division (D) (1) of 3990
this section, within a reasonable period of time after that 3991
effective date, the department shall establish system 3992
requirements for global positioning system monitoring of GPS- 3993
monitored offenders. After establishment of the requirements, 3994
the department, any third-party contract administrator used for 3995
global positioning system monitoring, and any secondary entity 3996
under contract with such a third-party contract administrator to 3997
perform the actual monitoring of a GPS-monitored offender, shall 3998
comply with the established system requirements in the 3999
monitoring of a GPS-monitored offender. 4000

(E) (1) (a) As soon as possible after, but not later than 4001
twelve months after, the effective date of this amendment, the 4002
department of rehabilitation and correction shall adopt 4003
procedures that the department and third-party contract 4004
administrators that are being used for global positioning system 4005
monitoring of a GPS-monitored offender shall use to provide to 4006
the bureau of criminal identification and investigation the 4007
information specified in division (E) (3) of this section for 4008
each GPS-monitored offender being monitored by the department or 4009
administrator. 4010

(b) On and after the date on which the department of 4011
rehabilitation and correction adopts the procedures specified in 4012
division (E) (1) (a) of this section, the department shall provide 4013
to the bureau of criminal identification and investigation the 4014
information specified in division (E) (3) of this section for 4015
each GPS-monitored offender that is being monitored by the 4016
department, and each third-party contract administrator that is 4017
being used for global positioning system monitoring of a GPS- 4018
monitored offender shall provide to the bureau the information 4019

specified in division (E) (3) of this section for each GPS- 4020
monitored offender that is being monitored by the administrator. 4021
If the third-party contract administrator has contracted with a 4022
secondary entity to perform the actual monitoring of a GPS- 4023
monitored offender, the information the administrator provides 4024
to the bureau also shall include the information specified in 4025
division (E) (3) of this section for each GPS-monitored offender 4026
that is being monitored by the secondary entity. The department 4027
and each third-party administrator shall provide the information 4028
in accordance with the procedures adopted by the department 4029
under division (E) (1) (a) of this section. Upon receipt of such 4030
information, the bureau immediately shall enter the information 4031
into the law enforcement automated data system. The 4032
superintendent of the state highway patrol shall ensure that the 4033
law enforcement automated data system is so configured as to 4034
permit the entry into, and transmission through, the system of 4035
that information. 4036

(c) If any information the department of rehabilitation 4037
and correction provides under divisions (E) (1) (a) and (b) of 4038
this section to the bureau of criminal identification and 4039
investigation becomes inaccurate, the department immediately 4040
shall update the information so that it is current and accurate 4041
and immediately provide the updated information to the bureau. 4042
If any information a third-party contract administrator provides 4043
under divisions (E) (1) (a) and (b) of this section to the bureau 4044
of criminal identification and investigation, including any 4045
information with respect to a secondary entity under contract 4046
with the administrator, becomes inaccurate, the administrator 4047
immediately shall update the information so that it is current 4048
and accurate and immediately provide the updated information to 4049
the bureau. Upon receipt of such updated information, the bureau 4050

immediately shall enter the updated information into the law 4051
enforcement automated data system. 4052

(2) If a local law enforcement representative, through use 4053
of the law enforcement automated data system or in any other 4054
manner, learns the identity of, and contact information for, an 4055
employee of the department who is monitoring a GPS-monitored 4056
offender, the identity of, and contact information for, a third- 4057
party contract administrator that is being used for global 4058
positioning system monitoring of a GPS-monitored offender, or 4059
the identity of, and contact information for, a secondary entity 4060
under contract with such a third-party contract administrator to 4061
perform the actual monitoring of a GPS-monitored offender, the 4062
representative or another law enforcement officer designated by 4063
the representative may contact the employee, the administrator, 4064
or the secondary entity and, without need for a subpoena or 4065
warrant, request real-time access or active global positioning 4066
system access to information about the offender's location at 4067
that time and at other previous points in time identified by the 4068
representative or designee. Upon receipt of a request as 4069
described in this division, the employee of the department, the 4070
third-party contract administrator, or the secondary entity, 4071
without need for a subpoena or warrant, shall provide the 4072
representative or designee with the requested information 4073
regarding the offender's location at that time and, to the 4074
extent that it is available, at the other identified previous 4075
points in time. A request under this division also may request 4076
information that the employee, administrator, or secondary 4077
entity has obtained about the location of recent criminal 4078
activity in or near the GPS-monitored offender's inclusionary or 4079
exclusionary zones, and about any possible connection between 4080
the offender's location and that recent criminal activity, and, 4081

upon receipt of such a request, the employee, administrator, or 4082
secondary entity, without need for a subpoena or warrant, shall 4083
provide the representative or designee with that information to 4084
the extent that it is available. 4085

(3) The information to be entered into the law enforcement 4086
automated data system as required under division (E)(1) of this 4087
section shall include, for each GPS-monitored offender for whom 4088
the information is required, all of the following: 4089

(a) The offender's name; 4090

(b) The offense or offenses for which the offender is 4091
subject to global positioning system monitoring and the 4092
offender's other criminal history; 4093

(c) The offender's residence address; 4094

(d) The monitoring parameters and restrictions for the 4095
offender, including all inclusionary zones, exclusionary zones, 4096
and inclusionary zone curfews for the offender and all other 4097
restrictions placed on the offender; 4098

(e) The identity of, and contact information for, 4099
whichever of the following is applicable: 4100

(i) If an employee of the department is monitoring the 4101
offender, the employee; 4102

(ii) If a third-party contract administrator is being used 4103
for global positioning system monitoring of the offender, the 4104
third-party contract administrator; 4105

(iii) If a secondary entity under contract with a third- 4106
party contract administrator is performing the actual monitoring 4107
of a GPS-monitored offender, the secondary entity. 4108

(f) All previous violations of the monitoring parameters 4109
and restrictions applicable to the offender under the global 4110
positioning system monitoring that then is in effect for the 4111
offender. 4112

Sec. 5120.113. (A) For each inmate committed to the 4113
department of rehabilitation and correction, except as provided 4114
in division (B) of this section, the department shall prepare a 4115
written reentry plan for the inmate to help guide the inmate's 4116
rehabilitation program during imprisonment, to assist in the 4117
inmate's reentry into the community, and to assess the inmate's 4118
needs upon release. 4119

(B) Division (A) of this section does not apply to an 4120
inmate who has been sentenced to life imprisonment without 4121
parole or who has been sentenced to death. Division (A) of this 4122
section does not apply to any inmate who is expected to be 4123
imprisoned for thirty days or less, but the department may 4124
prepare a written reentry plan of the type described in that 4125
division if the department determines that the plan is needed. 4126

(C) The department may collect, if available, any social 4127
and other information that will aid in the preparation of 4128
reentry plans under this section. 4129

(D) In the event the department does not prepare a written 4130
reentry plan as specified in division (A) of this section, or 4131
makes a decision to not prepare a written reentry plan under 4132
division (B) of this section or to not collect information under 4133
division (C) of this section, that fact does not give rise to a 4134
claim for damages against the state, the department, the 4135
director of the department, or any employee of the department. 4136

(E) (1) As used in this division, "target offender" means a 4137

parolee, a releasee, or a prisoner otherwise released from a 4138
state correctional institution with respect to whom both of the 4139
following apply: 4140

(a) The department of rehabilitation and correction or the 4141
adult parole authority intends to require the parolee, releasee, 4142
or prisoner to reside in a halfway house, reentry center, or 4143
community residential center that has been licensed by the 4144
division of parole and community services pursuant to division 4145
(C) of section 2967.14 of the Revised Code during a part or for 4146
the entire period of the prisoner's or parolee's conditional 4147
release or of the releasee's term of post-release control. 4148

(b) No halfway house, reentry center, or community 4149
residential center that has been licensed as described in 4150
division (E)(1) of this section will accept the prisoner, 4151
parolee, or releasee to reside in the facility. 4152

(2) Not later than twenty-four months after the effective 4153
date of this amendment, the department, through the adult parole 4154
authority, shall establish and implement a reentry program for 4155
all target offenders. The program shall include a facility. The 4156
program and facility shall satisfy all of the standards that the 4157
division of parole and community services adopts in accordance 4158
with Chapter 119. of the Revised Code for the licensure of 4159
halfway houses, reentry centers, and community residential 4160
centers. Upon the establishment and implementation of the 4161
program and facility, the department or authority shall require 4162
that all target offenders reside in the program's facility 4163
during a part or for the entire period of the target offender's 4164
conditional release or term of post-release control. 4165

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, 4166
or released to community supervision shall be under jurisdiction 4167

of the adult parole authority and shall be supervised by the 4168
field services section through its staff of parole and field 4169
officers in such manner as to insure as nearly as possible the 4170
offender's rehabilitation while at the same time providing 4171
maximum protection to the general public. All state and local 4172
officials shall furnish such information to officers of the 4173
section as they may request in the performance of their duties. 4174

(B) The superintendent, or superintendents, of the field 4175
services section shall be a person, or persons, especially 4176
qualified by training and experience in the field of 4177
corrections. The superintendent, or superintendents, shall 4178
supervise the work of the section and shall formulate and 4179
execute an effective program of offender supervision. The 4180
superintendent, or superintendents, shall collect and preserve 4181
any records and statistics with respect to offenders that are 4182
required by the chief of the authority. The section also shall 4183
include other personnel who are necessary for the performance of 4184
the section's duties. 4185

No person shall be appointed as a superintendent who is 4186
not qualified by education or experience in correctional work 4187
including law enforcement, probation, or parole work, in law, in 4188
social work, or in a combination of the three categories. 4189

(C) The superintendent, or superintendents, of the field 4190
services section, with the approval of the chief of the 4191
authority, may establish district offices for the section and 4192
may assign necessary parole and field officers and clerical 4193
staff to the district offices. 4194

(D) The field services section in the exercise of its 4195
supervision over offenders and persons conditionally pardoned 4196
shall carry out all lawful orders, terms, and conditions 4197

prescribed by the authority, the chief of the division of parole 4198
and community services, or the governor. 4199

(E)(1) As used in division (E) of this section: 4200

(a) "Caseload" means the maximum number of persons 4201
paroled, conditionally pardoned, or released to community 4202
supervision who should be under the supervision of any parole or 4203
field officer, based on the aggregate of the workload of the 4204
officer for each of those persons. 4205

(b) "Parole or field officer" means a parole or field 4206
officer of the field services section. 4207

(c) "Workload" means the minimum number of hours that a 4208
parole or field officer is expected to dedicate to each person 4209
paroled, conditionally pardoned, or released to community 4210
supervision who is under the officer's supervision, based on the 4211
person's risk classification. 4212

(2) Not later than one year after the effective date of 4213
this amendment, the adult parole authority shall establish 4214
supervision standards for parole and field officers. The 4215
standards shall include a specification of a caseload and a 4216
workload for parole and field officers. The caseload and 4217
workload specified in the standards shall comport with industry 4218
standards set forth by the American probation and parole 4219
association. 4220

(3) Not later than two years after establishing the 4221
standards required under division (E)(2) of this section, the 4222
department of rehabilitation and correction shall ensure that 4223
the field services section has enough parole and field officers 4224
to comply with the standards and that the officers have been 4225
trained to the extent required to comply with the standards. 4226

Section 2. That existing sections 181.21, 181.26, 2152.13, 4227
2152.14, 2929.01, 2929.14, 2929.144, 2929.20, 2945.37, 2945.401, 4228
2949.08, 2951.03, 2953.07, 2953.08, 2967.14, 2967.271, 5120.021, 4229
5120.038, 5120.113, and 5149.04 of the Revised Code are hereby 4230
repealed. 4231

Section 3. The General Assembly, applying the principle 4232
stated in division (B) of section 1.52 of the Revised Code that 4233
amendments are to be harmonized if reasonably capable of 4234
simultaneous operation, finds that the following sections, 4235
presented in this act as composites of the sections as amended 4236
by the acts indicated, are the resulting versions of the 4237
sections in effect prior to the effective date of the sections 4238
as presented in this act: 4239

Section 2929.01 of the Revised Code as amended by H.B. 63, 4240
H.B. 411, H.B. 1, S.B. 20, and S.B. 201, all of the 132nd 4241
General Assembly. 4242

Section 2929.14 of the Revised Code as amended by H.B. 63, 4243
S.B. 1, S.B. 20, and S.B. 201, all of the 132nd General 4244
Assembly. 4245

Section 2953.07 of the Revised Code as amended by both 4246
S.B. 2 and S.B. 4 of the 121st General Assembly. 4247