

H.B. 66
As Introduced

Topic: Update to Revised Code sections

_____ moved to amend as follows:

Delete lines 8 through 844 and insert: 1

"**Sec. 2929.01.** As used in this chapter: 2

(A)(1) "Alternative residential facility" means, subject to 3
division (A)(2) of this section, any facility other than an 4
offender's home or residence in which an offender is assigned to 5
live and that satisfies all of the following criteria: 6

(a) It provides programs through which the offender may seek 7
or maintain employment or may receive education, training, 8
treatment, or habilitation. 9

(b) It has received the appropriate license or certificate 10
for any specialized education, training, treatment, habilitation, 11
or other service that it provides from the government agency that 12
is responsible for licensing or certifying that type of education, 13
training, treatment, habilitation, or service. 14

(2) "Alternative residential facility" does not include a 15
community-based correctional facility, jail, halfway house, or 16
prison. 17

(B) "Basic probation supervision" means a requirement that 18
the offender maintain contact with a person appointed to supervise 19

the offender in accordance with sanctions imposed by the court or
 imposed by the parole board pursuant to section 2967.28 of the
 Revised Code. "Basic probation supervision" includes basic parole
 supervision and basic post-release control supervision.

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

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

(E) "Community control sanction" means a sanction that is not
 a prison term and that is described in section 2929.15, 2929.16,
 2929.17, or 2929.18 of the Revised Code or a sanction that is not
 a jail term and that is described in section 2929.26, 2929.27, or
 2929.28 of the Revised Code. "Community control sanction" includes
 probation if the sentence involved was imposed for a felony that
 was committed prior to July 1, 1996, or if the sentence involved
 was imposed for a misdemeanor that was committed prior to January
 1, 2004.

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

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

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

approved programs at the center or outside the center. 49

(I) "Deadly weapon" has the same meaning as in section 50
2923.11 of the Revised Code. 51

(J) "Drug and alcohol use monitoring" means a program under 52
which an offender agrees to submit to random chemical analysis of 53
the offender's blood, breath, or urine to determine whether the 54
offender has ingested any alcohol or other drugs. 55

(K) "Drug treatment program" means any program under which a 56
person undergoes assessment and treatment designed to reduce or 57
completely eliminate the person's physical or emotional reliance 58
upon alcohol, another drug, or alcohol and another drug and under 59
which the person may be required to receive assessment and 60
treatment on an outpatient basis or may be required to reside at a 61
facility other than the person's home or residence while 62
undergoing assessment and treatment. 63

(L) "Economic loss" means any economic detriment suffered by 64
a victim as a direct and proximate result of the commission of an 65
offense and includes any loss of income due to lost time at work 66
because of any injury caused to the victim, ~~and~~ any property loss, 67
medical cost, or funeral expense incurred as a result of the 68
commission of the offense, and the cost of any accounting or 69
auditing done to determine the extent of loss if the cost is 70
incurred and payable by the victim. "Economic loss" does not 71
include non-economic loss or any punitive or exemplary damages. 72

(M) "Education or training" includes study at, or in 73
conjunction with a program offered by, a university, college, or 74
technical college or vocational study and also includes the 75
completion of primary school, secondary school, and literacy 76
curricula or their equivalent. 77

(N) "Firearm" has the same meaning as in section 2923.11 of the Revised Code. 78
79

(O) "Halfway house" means a facility licensed by the division of parole and community services of the department of rehabilitation and correction pursuant to section 2967.14 of the Revised Code as a suitable facility for the care and treatment of adult offenders. 80
81
82
83
84

(P) "House arrest" means a period of confinement of an offender that is in the offender's home or in other premises specified by the sentencing court or by the parole board pursuant to section 2967.28 of the Revised Code and during which all of the following apply: 85
86
87
88
89

(1) The offender is required to remain in the offender's home or other specified premises for the specified period of confinement, except for periods of time during which the offender is at the offender's place of employment or at other premises as authorized by the sentencing court or by the parole board. 90
91
92
93
94

(2) The offender is required to report periodically to a person designated by the court or parole board. 95
96

(3) The offender is subject to any other restrictions and requirements that may be imposed by the sentencing court or by the parole board. 97
98
99

(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" 100
101
102
103
104
105
106

includes intensive parole supervision and intensive post-release control supervision. 107
108

(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. 109
110
111
112

(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. 113
114
115
116
117

(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, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any other provision of the Revised Code that requires a term in a jail for a misdemeanor conviction. 118
119
120
121
122
123
124
125
126

(U) "Delinquent child" has the same meaning as in section 2152.02 of the Revised Code. 127
128

(V) "License violation report" means a report that is made by a sentencing court, or by the parole board pursuant to section 2967.28 of the Revised Code, to the regulatory or licensing board or agency that issued an offender a professional license or a license or permit to do business in this state and that specifies that the offender has been convicted of or pleaded guilty to an offense that may violate the conditions under which the offender's professional license or license or permit to do business in this 129
130
131
132
133
134
135
136

state was granted or an offense for which the offender's 137
 professional license or license or permit to do business in this 138
 state may be revoked or suspended. 139

(W) "Major drug offender" means an offender who is convicted 140
 of or pleads guilty to the possession of, sale of, or offer to 141
 sell any drug, compound, mixture, preparation, or substance that 142
 consists of or contains at least one thousand grams of hashish; at 143
 least one hundred grams of cocaine; at least one thousand unit 144
 doses or one hundred grams of heroin; at least five thousand unit 145
 doses of L.S.D. or five hundred grams of L.S.D. in a liquid 146
 concentrate, liquid extract, or liquid distillate form; at least 147
 fifty grams of a controlled substance analog; at least one 148
 thousand unit doses or one hundred grams of a fentanyl-related 149
 compound; or at least one hundred times the amount of any other 150
 schedule I or II controlled substance other than marihuana that is 151
 necessary to commit a felony of the third degree pursuant to 152
 section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code 153
 that is based on the possession of, sale of, or offer to sell the 154
 controlled substance. 155

(X) "Mandatory prison term" means any of the following: 156

(1) Subject to division (X)(2) of this section, the term in 157
 prison that must be imposed for the offenses or circumstances set 158
 forth in divisions (F)(1) to (8) or (F)(12) to (22) of section 159
 2929.13 and division (B) of section 2929.14 of the Revised Code. 160
 Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 161
 and 2925.11 of the Revised Code, unless the maximum or another 162
 specific term is required under section 2929.14 or 2929.142 of the 163
 Revised Code, a mandatory prison term described in this division 164
 may be any prison term authorized for the level of offense except 165
 that if the offense is a felony of the first or second degree 166

committed on or after ~~the effective date of this amendment~~ March 167
22, 2019, a mandatory prison term described in this division may 168
be one of the terms prescribed in division (A)(1)(a) or (2)(a) of 169
section 2929.14 of the Revised Code, whichever is applicable, that 170
is authorized as the minimum term for the offense. 171

(2) The term of sixty or one hundred twenty days in prison 172
that a sentencing court is required to impose for a third or 173
fourth degree felony OVI offense pursuant to division (G)(2) of 174
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 175
of the Revised Code or the term of one, two, three, four, or five 176
years in prison that a sentencing court is required to impose 177
pursuant to division (G)(2) of section 2929.13 of the Revised 178
Code. 179

(3) The term in prison imposed pursuant to division (A) of 180
section 2971.03 of the Revised Code for the offenses and in the 181
circumstances described in division (F)(11) of section 2929.13 of 182
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 183
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 184
2971.03 of the Revised Code and that term as modified or 185
terminated pursuant to section 2971.05 of the Revised Code. 186

(Y) "Monitored time" means a period of time during which an 187
offender continues to be under the control of the sentencing court 188
or parole board, subject to no conditions other than leading a 189
law-abiding life. 190

(Z) "Offender" means a person who, in this state, is 191
convicted of or pleads guilty to a felony or a misdemeanor. 192

(AA) "Prison" means a residential facility used for the 193
confinement of convicted felony offenders that is under the 194
control of the department of rehabilitation and correction and 195
includes a violation sanction center operated under authority of 196

section 2967.141 of the Revised Code.	197
(BB)(1) "Prison term" includes either of the following sanctions for an offender:	198 199
(a) A stated prison term;	200
(b) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	201 202 203
(2) With respect to a non-life felony indefinite prison term, references in any provision of law to a reduction of, or deduction from, the prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term.	204 205 206 207
(CC) "Repeat violent offender" means a person about whom both of the following apply:	208 209
(1) The person is being sentenced for committing or for complicity in committing any of the following:	210 211
(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree;	212 213 214 215
(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC)(1)(a) of this section.	216 217 218 219
(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC)(1)(a) or (b) of this section.	220 221 222
(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment	223 224

for the offense. "Sanction" includes any sanction imposed pursuant 225
to any provision of sections 2929.14 to 2929.18 or 2929.24 to 226
2929.28 of the Revised Code. 227

(EE) "Sentence" means the sanction or combination of 228
sanctions imposed by the sentencing court on an offender who is 229
convicted of or pleads guilty to an offense. 230

(FF)(1) "Stated prison term" means the prison term, mandatory 231
prison term, or combination of all prison terms and mandatory 232
prison terms imposed by the sentencing court pursuant to section 233
2929.14, 2929.142, or 2971.03 of the Revised Code or under section 234
2919.25 of the Revised Code. "Stated prison term" includes any 235
credit received by the offender for time spent in jail awaiting 236
trial, sentencing, or transfer to prison for the offense and any 237
time spent under house arrest or house arrest with electronic 238
monitoring imposed after earning credits pursuant to section 239
2967.193 of the Revised Code. If an offender is serving a prison 240
term as a risk reduction sentence under sections 2929.143 and 241
5120.036 of the Revised Code, "stated prison term" includes any 242
period of time by which the prison term imposed upon the offender 243
is shortened by the offender's successful completion of all 244
assessment and treatment or programming pursuant to those 245
sections. 246

(2) As used in the definition of "stated prison term" set 247
forth in division (FF)(1) of this section, a prison term is a 248
definite prison term imposed under section 2929.14 of the Revised 249
Code or any other provision of law, is the minimum and maximum 250
prison terms under a non-life felony indefinite prison term, or is 251
a term of life imprisonment except to the extent that the use of 252
that definition in a section of the Revised Code clearly is not 253
intended to include a term of life imprisonment. With respect to 254

an offender sentenced to a non-life felony indefinite prison term, 255
 references in section 2967.191 or 2967.193 of the Revised Code or 256
 any other provision of law to a reduction of, or deduction from, 257
 the offender's stated prison term or to release of the offender 258
 before the expiration of the offender's stated prison term mean a 259
 reduction in, or deduction from, the minimum term imposed as part 260
 of the indefinite term or a release of the offender before the 261
 expiration of that minimum term, references in section 2929.19 or 262
 2967.28 of the Revised Code to a stated prison term with respect 263
 to a prison term imposed for a violation of a post-release control 264
 sanction mean the minimum term so imposed, and references in any 265
 provision of law to an offender's service of the offender's stated 266
 prison term or the expiration of the offender's stated prison term 267
 mean service or expiration of the minimum term so imposed plus any 268
 additional period of incarceration under the sentence that is 269
 required under section 2967.271 of the Revised Code. 270

(GG) "Victim-offender mediation" means a reconciliation or 271
 mediation program that involves an offender and the victim of the 272
 offense committed by the offender and that includes a meeting in 273
 which the offender and the victim may discuss the offense, discuss 274
 restitution, and consider other sanctions for the offense. 275

(HH) "Fourth degree felony OVI offense" means a violation of 276
 division (A) of section 4511.19 of the Revised Code that, under 277
 division (G) of that section, is a felony of the fourth degree. 278

(II) "Mandatory term of local incarceration" means the term 279
 of sixty or one hundred twenty days in a jail, a community-based 280
 correctional facility, a halfway house, or an alternative 281
 residential facility that a sentencing court may impose upon a 282
 person who is convicted of or pleads guilty to a fourth degree 283
 felony OVI offense pursuant to division (G)(1) of section 2929.13 284

of the Revised Code and division (G)(1)(d) or (e) of section 285
4511.19 of the Revised Code. 286

(JJ) "Designated homicide, assault, or kidnapping offense," 287
"violent sex offense," "sexual motivation specification," 288
"sexually violent offense," "sexually violent predator," and 289
"sexually violent predator specification" have the same meanings 290
as in section 2971.01 of the Revised Code. 291

(KK) "Sexually oriented offense," "child-victim oriented 292
offense," and "tier III sex offender/child-victim offender" have 293
the same meanings as in section 2950.01 of the Revised Code. 294

(LL) An offense is "committed in the vicinity of a child" if 295
the offender commits the offense within thirty feet of or within 296
the same residential unit as a child who is under eighteen years 297
of age, regardless of whether the offender knows the age of the 298
child or whether the offender knows the offense is being committed 299
within thirty feet of or within the same residential unit as the 300
child and regardless of whether the child actually views the 301
commission of the offense. 302

(MM) "Family or household member" has the same meaning as in 303
section 2919.25 of the Revised Code. 304

(NN) "Motor vehicle" and "manufactured home" have the same 305
meanings as in section 4501.01 of the Revised Code. 306

(OO) "Detention" and "detention facility" have the same 307
meanings as in section 2921.01 of the Revised Code. 308

(PP) "Third degree felony OVI offense" means a violation of 309
division (A) of section 4511.19 of the Revised Code that, under 310
division (G) of that section, is a felony of the third degree. 311

(QQ) "Random drug testing" has the same meaning as in section 312
5120.63 of the Revised Code. 313

(RR) "Felony sex offense" has the same meaning as in section 314
 2967.28 of the Revised Code. 315

(SS) "Body armor" has the same meaning as in section 316
 2941.1411 of the Revised Code. 317

(TT) "Electronic monitoring" means monitoring through the use 318
 of an electronic monitoring device. 319

(UU) "Electronic monitoring device" means any of the 320
 following: 321

(1) Any device that can be operated by electrical or battery 322
 power and that conforms with all of the following: 323

(a) The device has a transmitter that can be attached to a 324
 person, that will transmit a specified signal to a receiver of the 325
 type described in division (UU)(1)(b) of this section if the 326
 transmitter is removed from the person, turned off, or altered in 327
 any manner without prior court approval in relation to electronic 328
 monitoring or without prior approval of the department of 329
 rehabilitation and correction in relation to the use of an 330
 electronic monitoring device for an inmate on transitional control 331
 or otherwise is tampered with, that can transmit continuously and 332
 periodically a signal to that receiver when the person is within a 333
 specified distance from the receiver, and that can transmit an 334
 appropriate signal to that receiver if the person to whom it is 335
 attached travels a specified distance from that receiver. 336

(b) The device has a receiver that can receive continuously 337
 the signals transmitted by a transmitter of the type described in 338
 division (UU)(1)(a) of this section, can transmit continuously 339
 those signals by a wireless or landline telephone connection to a 340
 central monitoring computer of the type described in division 341
 (UU)(1)(c) of this section, and can transmit continuously an 342

appropriate signal to that central monitoring computer if the
device has been turned off or altered without prior court approval
or otherwise tampered with. The device is designed specifically
for use in electronic monitoring, is not a converted wireless
phone or another tracking device that is clearly not designed for
electronic monitoring, and provides a means of text-based or voice
communication with the person.

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

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

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

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

(3) Any type of technology that can adequately track or 373
determine the location of a subject person at any time and that is 374
approved by the director of rehabilitation and correction, 375
including, but not limited to, any satellite technology, voice 376
tracking system, or retinal scanning system that is so approved. 377

(VV) "Non-economic loss" means nonpecuniary harm suffered by 378
a victim of an offense as a result of or related to the commission 379
of the offense, including, but not limited to, pain and suffering; 380
loss of society, consortium, companionship, care, assistance, 381
attention, protection, advice, guidance, counsel, instruction, 382
training, or education; mental anguish; and any other intangible 383
loss. 384

(WW) "Prosecutor" has the same meaning as in section 2935.01 385
of the Revised Code. 386

(XX) "Continuous alcohol monitoring" means the ability to 387
automatically test and periodically transmit alcohol consumption 388
levels and tamper attempts at least every hour, regardless of the 389
location of the person who is being monitored. 390

(YY) A person is "adjudicated a sexually violent predator" if 391
the person is convicted of or pleads guilty to a violent sex 392
offense and also is convicted of or pleads guilty to a sexually 393
violent predator specification that was included in the 394
indictment, count in the indictment, or information charging that 395
violent sex offense or if the person is convicted of or pleads 396
guilty to a designated homicide, assault, or kidnapping offense 397
and also is convicted of or pleads guilty to both a sexual 398
motivation specification and a sexually violent predator 399
specification that were included in the indictment, count in the 400
indictment, or information charging that designated homicide, 401
assault, or kidnapping offense. 402

(ZZ) An offense is "committed in proximity to a school" if 403
the offender commits the offense in a school safety zone or within 404
five hundred feet of any school building or the boundaries of any 405
school premises, regardless of whether the offender knows the 406
offense is being committed in a school safety zone or within five 407
hundred feet of any school building or the boundaries of any 408
school premises. 409

(AAA) "Human trafficking" means a scheme or plan to which all 410
of the following apply: 411

(1) Its object is one or more of the following: 412

(a) To subject a victim or victims to involuntary servitude, 413
as defined in section 2905.31 of the Revised Code or to compel a 414
victim or victims to engage in sexual activity for hire, to engage 415
in a performance that is obscene, sexually oriented, or nudity 416
oriented, or to be a model or participant in the production of 417
material that is obscene, sexually oriented, or nudity oriented; 418

(b) To facilitate, encourage, or recruit a victim who is less 419
than sixteen years of age or is a person with a developmental 420
disability, or victims who are less than sixteen years of age or 421
are persons with developmental disabilities, for any purpose 422
listed in divisions (A)(2)(a) to (c) of section 2905.32 of the 423
Revised Code; 424

(c) To facilitate, encourage, or recruit a victim who is 425
sixteen or seventeen years of age, or victims who are sixteen or 426
seventeen years of age, for any purpose listed in divisions 427
(A)(2)(a) to (c) of section 2905.32 of the Revised Code, if the 428
circumstances described in division (A)(5), (6), (7), (8), (9), 429
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 430
apply with respect to the person engaging in the conduct and the 431
victim or victims. 432

(2) It involves at least two felony offenses, whether or not 433
 there has been a prior conviction for any of the felony offenses, 434
 to which all of the following apply: 435

(a) Each of the felony offenses is a violation of section 436
 2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 437
 (A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 438
 (4), or (5) of section 2919.22 of the Revised Code or is a 439
 violation of a law of any state other than this state that is 440
 substantially similar to any of the sections or divisions of the 441
 Revised Code identified in this division. 442

(b) At least one of the felony offenses was committed in this 443
 state. 444

(c) The felony offenses are related to the same scheme or 445
 plan and are not isolated instances. 446

(BBB) "Material," "nudity," "obscene," "performance," and 447
 "sexual activity" have the same meanings as in section 2907.01 of 448
 the Revised Code. 449

(CCC) "Material that is obscene, sexually oriented, or nudity 450
 oriented" means any material that is obscene, that shows a person 451
 participating or engaging in sexual activity, masturbation, or 452
 bestiality, or that shows a person in a state of nudity. 453

(DDD) "Performance that is obscene, sexually oriented, or 454
 nudity oriented" means any performance that is obscene, that shows 455
 a person participating or engaging in sexual activity, 456
 masturbation, or bestiality, or that shows a person in a state of 457
 nudity. 458

(EEE) "Accelerant" means a fuel or oxidizing agent, such as 459
 an ignitable liquid, used to initiate a fire or increase the rate 460
 of growth or spread of a fire. 461

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

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

Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section. Financial sanctions that may be imposed pursuant to this section include, but are not limited to, the following:

(1) Restitution by the offender to the victim of the offender's crime or any survivor of the victim, in an amount based on the victim's economic loss. If the court imposes restitution, the court shall order that the restitution be made to the victim in open court, to the adult probation department that serves the county on behalf of the victim, to the clerk of courts, or to another agency designated by the court. If the court imposes restitution, at sentencing, the court shall determine the amount

of restitution to be made by the offender. If the court imposes
restitution, the court may base the amount of restitution it
orders on an amount recommended by the victim, the offender, a
presentence investigation report, estimates or receipts indicating
the cost of repairing or replacing property, and other
information, provided that the amount the court orders as
restitution shall not exceed the amount of the economic loss
suffered by the victim as a direct and proximate result of the
commission of the offense. If the court imposes restitution for
the cost of accounting or auditing done to determine the extent of
economic loss, the court may order restitution for any amount of
the victim's costs of accounting or auditing provided that the
amount of restitution is reasonable and does not exceed the value
of property or services stolen or damaged as a result of the
offense. If the court decides to impose restitution, the court
shall hold a hearing on restitution if the offender, victim, or
survivor disputes the amount. All restitution payments shall be
credited against any recovery of economic loss in a civil action
brought by the victim or any survivor of the victim against the
offender.

If the court imposes restitution, the court may order that
the offender pay a surcharge of not more than five per cent of the
amount of the restitution otherwise ordered to the entity
responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the
case file a motion, or the offender may file a motion, for
modification of the payment terms of any restitution ordered. If
the court grants the motion, it may modify the payment terms as it
determines appropriate.

(2) Except as provided in division (B)(1), (3), or (4) of

this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;

(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;

(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.

(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred by reason of the prisoner's confinement, and if the court does not impose a financial sanction under division (A)(5)(a)(ii) of this section, confinement costs may be assessed pursuant to section 2929.37 of the Revised Code. In addition, the offender may be required to pay the fees specified in section 2929.38 of the Revised Code in accordance with that section.

(c) Reimbursement by the offender for costs pursuant to 581
 section 2929.71 of the Revised Code. 582

(B)(1) For a first, second, or third degree felony violation 583
 of any provision of Chapter 2925., 3719., or 4729. of the Revised 584
 Code, the sentencing court shall impose upon the offender a 585
 mandatory fine of at least one-half of, but not more than, the 586
 maximum statutory fine amount authorized for the level of the 587
 offense pursuant to division (A)(3) of this section. If an 588
 offender alleges in an affidavit filed with the court prior to 589
 sentencing that the offender is indigent and unable to pay the 590
 mandatory fine and if the court determines the offender is an 591
 indigent person and is unable to pay the mandatory fine described 592
 in this division, the court shall not impose the mandatory fine 593
 upon the offender. 594

(2) Any mandatory fine imposed upon an offender under 595
 division (B)(1) of this section and any fine imposed upon an 596
 offender under division (A)(2) or (3) of this section for any 597
 fourth or fifth degree felony violation of any provision of 598
 Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 599
 to law enforcement agencies pursuant to division (F) of section 600
 2925.03 of the Revised Code. 601

(3) For a fourth degree felony OVI offense and for a third 602
 degree felony OVI offense, the sentencing court shall impose upon 603
 the offender a mandatory fine in the amount specified in division 604
 (G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 605
 is applicable. The mandatory fine so imposed shall be disbursed as 606
 provided in the division pursuant to which it is imposed. 607

(4) Notwithstanding any fine otherwise authorized or required 608
 to be imposed under division (A)(2) or (3) or (B)(1) of this 609
 section or section 2929.31 of the Revised Code for a violation of 610

section 2925.03 of the Revised Code, in addition to any penalty or sanction imposed for that offense under section 2925.03 or sections 2929.11 to 2929.18 of the Revised Code and in addition to the forfeiture of property in connection with the offense as prescribed in Chapter 2981. of the Revised Code, the court that sentences an offender for a violation of section 2925.03 of the Revised Code may impose upon the offender a fine in addition to any fine imposed under division (A)(2) or (3) of this section and in addition to any mandatory fine imposed under division (B)(1) of this section. The fine imposed under division (B)(4) of this section shall be used as provided in division (H) of section 2925.03 of the Revised Code. A fine imposed under division (B)(4) of this section shall not exceed whichever of the following is applicable:

(a) The total value of any personal or real property in which the offender has an interest and that was used in the course of, intended for use in the course of, derived from, or realized through conduct in violation of section 2925.03 of the Revised Code, including any property that constitutes proceeds derived from that offense;

(b) If the offender has no interest in any property of the type described in division (B)(4)(a) of this section or if it is not possible to ascertain whether the offender has an interest in any property of that type in which the offender may have an interest, the amount of the mandatory fine for the offense imposed under division (B)(1) of this section or, if no mandatory fine is imposed under division (B)(1) of this section, the amount of the fine authorized for the level of the offense imposed under division (A)(3) of this section.

(5) Prior to imposing a fine under division (B)(4) of this

section, the court shall determine whether the offender has an
 interest in any property of the type described in division
 (B)(4)(a) of this section. Except as provided in division (B)(6)
 or (7) of this section, a fine that is authorized and imposed
 under division (B)(4) of this section does not limit or affect the
 imposition of the penalties and sanctions for a violation of
 section 2925.03 of the Revised Code prescribed under those
 sections or sections 2929.11 to 2929.18 of the Revised Code and
 does not limit or affect a forfeiture of property in connection
 with the offense as prescribed in Chapter 2981. of the Revised
 Code.

(6) If the sum total of a mandatory fine amount imposed for a
 first, second, or third degree felony violation of section 2925.03
 of the Revised Code under division (B)(1) of this section plus the
 amount of any fine imposed under division (B)(4) of this section
 does not exceed the maximum statutory fine amount authorized for
 the level of the offense under division (A)(3) of this section or
 section 2929.31 of the Revised Code, the court may impose a fine
 for the offense in addition to the mandatory fine and the fine
 imposed under division (B)(4) of this section. The sum total of
 the amounts of the mandatory fine, the fine imposed under division
 (B)(4) of this section, and the additional fine imposed under
 division (B)(6) of this section shall not exceed the maximum
 statutory fine amount authorized for the level of the offense
 under division (A)(3) of this section or section 2929.31 of the
 Revised Code. The clerk of the court shall pay any fine that is
 imposed under division (B)(6) of this section to the county,
 township, municipal corporation, park district as created pursuant
 to section 511.18 or 1545.04 of the Revised Code, or state law
 enforcement agencies in this state that primarily were responsible
 for or involved in making the arrest of, and in prosecuting, the

offender pursuant to division (F) of section 2925.03 of the Revised Code. 672 673

(7) If the sum total of the amount of a mandatory fine imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code plus the amount of any fine imposed under division (B)(4) of this section exceeds the maximum statutory fine amount authorized for the level of the offense under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section. 674 675 676 677 678 679 680 681

(8)(a) If an offender who is convicted of or pleads guilty to a 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 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 sentencing court shall sentence the offender to a financial sanction of restitution by the offender to the victim or any survivor of the victim, with the restitution including the costs of housing, counseling, and medical and legal assistance incurred by the victim as a direct result of the offense and the greater of the following: 682 683 684 685 686 687 688 689 690 691 692 693 694 695

(i) The gross income or value to the offender of the victim's labor or services; 696 697

(ii) The value of the victim's labor as guaranteed under the minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws. 698 699 700 701

(b) If a court imposing sentence upon an offender for a
 felony is required to impose upon the offender a financial
 sanction of restitution under division (B)(8)(a) of this section,
 in addition to that financial sanction of restitution, the court
 may sentence the offender to any other financial sanction or
 combination of financial sanctions authorized under this section,
 including a restitution sanction under division (A)(1) of this
 section.

(9) In addition to any other fine that is or may be imposed
 under this section, the court imposing sentence upon an offender
 for a felony that is a sexually oriented offense or a child-victim
 oriented offense, as those terms are defined in section 2950.01 of
 the Revised Code, may impose a fine of not less than fifty nor
 more than five hundred dollars.

(10) For a felony violation of division (A) of section
 2921.321 of the Revised Code that results in the death of the
 police dog or horse that is the subject of the violation, the
 sentencing court shall impose upon the offender a mandatory fine
 from the range of fines provided under division (A)(3) of this
 section for a felony of the third degree. A mandatory fine imposed
 upon an offender under division (B)(10) of this section shall be
 paid to the law enforcement agency that was served by the police
 dog or horse that was killed in the felony violation of division
 (A) of section 2921.321 of the Revised Code to be used as provided
 in division (E)(1)(b) of that section.

(11) In addition to any other fine that is or may be imposed
 under this section, the court imposing sentence upon an offender
 for any of the following offenses that is a felony may impose a
 fine of not less than seventy nor more than five hundred dollars,
 which shall be transmitted to the treasurer of state to be

credited to the address confidentiality program fund created by	732
section 111.48 of the Revised Code:	733
(a) Domestic violence;	734
(b) Menacing by stalking;	735
(c) Rape;	736
(d) Sexual battery;	737
(e) Trafficking in persons;	738
(f) A violation of section 2905.01, 2905.02, 2907.21,	739
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323	740
involving a minor, or division (B)(1), (2), (3), (4), or (5) of	741
section 2919.22 of the Revised Code, if the offender also is	742
convicted of a specification of the type described in section	743
2941.1422 of the Revised Code that charges that the offender	744
knowingly committed the offense in furtherance of human	745
trafficking.	746
(C)(1) Except as provided in section 2951.021 of the Revised	747
Code, the offender shall pay reimbursements imposed upon the	748
offender pursuant to division (A)(5)(a) of this section to pay the	749
costs incurred by a county pursuant to any sanction imposed under	750
this section or section 2929.16 or 2929.17 of the Revised Code or	751
in operating a facility used to confine offenders pursuant to a	752
sanction imposed under section 2929.16 of the Revised Code to the	753
county treasurer. The county treasurer shall deposit the	754
reimbursements in the sanction cost reimbursement fund that each	755
board of county commissioners shall create in its county treasury.	756
The county shall use the amounts deposited in the fund to pay the	757
costs incurred by the county pursuant to any sanction imposed	758
under this section or section 2929.16 or 2929.17 of the Revised	759
Code or in operating a facility used to confine offenders pursuant	760

to a sanction imposed under section 2929.16 of the Revised Code. 761

(2) Except as provided in section 2951.021 of the Revised 762
Code, the offender shall pay reimbursements imposed upon the 763
offender pursuant to division (A)(5)(a) of this section to pay the 764
costs incurred by a municipal corporation pursuant to any sanction 765
imposed under this section or section 2929.16 or 2929.17 of the 766
Revised Code or in operating a facility used to confine offenders 767
pursuant to a sanction imposed under section 2929.16 of the 768
Revised Code to the treasurer of the municipal corporation. The 769
treasurer shall deposit the reimbursements in a special fund that 770
shall be established in the treasury of each municipal 771
corporation. The municipal corporation shall use the amounts 772
deposited in the fund to pay the costs incurred by the municipal 773
corporation pursuant to any sanction imposed under this section or 774
section 2929.16 or 2929.17 of the Revised Code or in operating a 775
facility used to confine offenders pursuant to a sanction imposed 776
under section 2929.16 of the Revised Code. 777

(3) Except as provided in section 2951.021 of the Revised 778
Code, the offender shall pay reimbursements imposed pursuant to 779
division (A)(5)(a) of this section for the costs incurred by a 780
private provider pursuant to a sanction imposed under this section 781
or section 2929.16 or 2929.17 of the Revised Code to the provider. 782

(D) Except as otherwise provided in this division, a 783
financial sanction imposed pursuant to division (A) or (B) of this 784
section is a judgment in favor of the state or a political 785
subdivision in which the court that imposed the financial sanction 786
is located, and the offender subject to the financial sanction is 787
the judgment debtor. A financial sanction of reimbursement imposed 788
pursuant to division (A)(5)(a)(ii) of this section upon an 789
offender who is incarcerated in a state facility or a municipal 790

jail is a judgment in favor of the state or the municipal corporation, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of reimbursement imposed upon an offender pursuant to this section for costs incurred by a private provider of sanctions is a judgment in favor of the private provider, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of a mandatory fine imposed under division (B)(10) of this section that is required under that division to be paid to a law enforcement agency is a judgment in favor of the specified law enforcement agency, and the offender subject to the financial sanction is the judgment debtor. A financial sanction of restitution imposed pursuant to division (A)(1) or (B)(8) of this section is an order in favor of the victim of the offender's criminal act that can be collected through a certificate of judgment as described in division (D)(1) of this section, through execution as described in division (D)(2) of this section, or through an order as described in division (D)(3) of this section, and the offender shall be considered for purposes of the collection as the judgment debtor. Imposition of a financial sanction and execution on the judgment does not preclude any other power of the court to impose or enforce sanctions on the offender. Once the financial sanction is imposed as a judgment or order under this division, the victim, private provider, state, or political subdivision may do any of the following:

(1) Obtain from the clerk of the court in which the judgment was entered a certificate of judgment that shall be in the same manner and form as a certificate of judgment issued in a civil action;

(2) Obtain execution of the judgment or order through any available procedure, including:

(a) An execution against the property of the judgment debtor under Chapter 2329. of the Revised Code;	822 823
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	824 825
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	826 827
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	828 829 830
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	831 832
(iii) A creditor's suit under section 2333.01 of the Revised Code.	833 834
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	835 836
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	837 838
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	839 840
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	841 842 843 844
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into	845 846 847 848 849

contracts with one or more public agencies or private vendors for 850
the collection of, amounts due under the financial sanction 851
imposed pursuant to this section or section 2929.32 of the Revised 852
Code. Before entering into a contract for the collection of 853
amounts due from an offender pursuant to any financial sanction 854
imposed pursuant to this section or section 2929.32 of the Revised 855
Code, a court shall comply with sections 307.86 to 307.92 of the 856
Revised Code. 857

(G) If a court that imposes a financial sanction under 858
division (A) or (B) of this section finds that an offender 859
satisfactorily has completed all other sanctions imposed upon the 860
offender and that all restitution that has been ordered has been 861
paid as ordered, the court may suspend any financial sanctions 862
imposed pursuant to this section or section 2929.32 of the Revised 863
Code that have not been paid. 864

(H) No financial sanction imposed under this section or 865
section 2929.32 of the Revised Code shall preclude a victim from 866
bringing a civil action against the offender." 867

In line 1084, delete everything after "3." 868

Delete lines 1085 through 1091 869

In line 1092, delete "as presented in this act" and insert 870
"Section 2929.01 of the Revised Code is presented in this act as a 871
composite of the section as amended by Sub. H.B. 63, Sub. H.B. 872
411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201, all of 873
the 132nd General Assembly. The General Assembly, applying the 874
principle stated in division (B) of section 1.52 of the Revised 875
Code that amendments are to be harmonized if reasonably capable of 876
simultaneous operation, finds that the composite is the resulting 877
version of the section in effect prior to the effective date of 878
the section as presented in this act" 879

The motion was _____ agreed to.