

As Introduced

132nd General Assembly

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H. B. No. 365

Representatives Hughes, Boggs

**Cosponsors: Representatives Arndt, Brenner, Brown, Carfagna, Celebrezze, Cera,
Craig, Duffey, Gonzales, Kent, Lanese, Leland, Lepore-Hagan, Miller, Ramos,
Schaffer, Sheehy, Sweeney**

A BILL

To amend sections 109.42, 121.22, 149.43, 2903.06, 1
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 3
2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 4
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 6
2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 7
2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 8
2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 9
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 10
5120.113, 5120.53, 5120.66, and 5149.04 and to 11
enact sections 2901.011, 2929.144, 2967.271, and 12
5120.038 of the Revised Code to provide for 13
indefinite prison terms for first or second 14
degree felonies and specified third degree 15
felonies, with presumptive release of offenders 16
sentenced to such a term at the end of the 17
minimum term; to generally allow the Department 18
of Rehabilitation and Correction to reduce the 19
minimum term for exceptional conduct or 20
adjustment to incarceration; to allow the 21
Department to rebut the release presumption and 22

keep the offender in prison up to the maximum 23
term if it makes specified findings; to require 24
the Department to establish a reentry program 25
for all offenders released from prison who it 26
intends to have reside in a halfway house or 27
similar facility but who are not accepted by any 28
such facility; to require the Adult Parole 29
Authority to establish maximum work-load and 30
case-load standards for its parole and field 31
officers and have enough trained officers to 32
comply with the standards; to require that GPS 33
monitoring used for offenders released from 34
prison under such monitoring specify 35
restrictions, including inclusionary zones and 36
necessary exclusionary zones; to require the 37
Department to establish system requirements for 38
GPS monitoring of such offenders by the 39
Department or third-party contract 40
administrators; to require the Department to 41
operate a statewide database for law enforcement 42
use containing specified information about such 43
offenders; to require that third-party 44
administrators for GPS monitoring under a new 45
contract with the Department provide and use a 46
law enforcement-accessible crime scene 47
correlation program; and to name the act's 48
provisions the Reagan Tokes Act. 49

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

Section 1. That sections 109.42, 121.22, 149.43, 2903.06, 50
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 51
2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 52
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 53
2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 54
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 55
2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 56
2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 57
5149.04 be amended and sections 2901.011, 2929.144, 2967.271, 58
and 5120.038 of the Revised Code be enacted to read as follows: 59

Sec. 109.42. (A) The attorney general shall prepare and 60
have printed a pamphlet that contains a compilation of all 61
statutes relative to victim's rights in which the attorney 62
general lists and explains the statutes in the form of a 63
victim's bill of rights. The attorney general shall distribute 64
the pamphlet to all sheriffs, marshals, municipal corporation 65
and township police departments, constables, and other law 66
enforcement agencies, to all prosecuting attorneys, city 67
directors of law, village solicitors, and other similar chief 68
legal officers of municipal corporations, and to organizations 69
that represent or provide services for victims of crime. The 70
victim's bill of rights set forth in the pamphlet shall contain 71
a description of all of the rights of victims that are provided 72
for in Chapter 2930. or in any other section of the Revised Code 73
and shall include, but not be limited to, all of the following: 74

(1) The right of a victim or a victim's representative to 75
attend a proceeding before a grand jury, in a juvenile case, or 76
in a criminal case pursuant to a subpoena without being 77
discharged from the victim's or representative's employment, 78
having the victim's or representative's employment terminated, 79
having the victim's or representative's pay decreased or 80

withheld, or otherwise being punished, penalized, or threatened 81
as a result of time lost from regular employment because of the 82
victim's or representative's attendance at the proceeding 83
pursuant to the subpoena, as set forth in section 2151.211, 84
2930.18, 2939.121, or 2945.451 of the Revised Code; 85

(2) The potential availability pursuant to section 86
2151.359 or 2152.61 of the Revised Code of a forfeited 87
recognizance to pay damages caused by a child when the 88
delinquency of the child or child's violation of probation or 89
community control is found to be proximately caused by the 90
failure of the child's parent or guardian to subject the child 91
to reasonable parental authority or to faithfully discharge the 92
conditions of probation or community control; 93

(3) The availability of awards of reparations pursuant to 94
sections 2743.51 to 2743.72 of the Revised Code for injuries 95
caused by criminal offenses; 96

(4) The right of the victim in certain criminal or 97
juvenile cases or a victim's representative to receive, pursuant 98
to section 2930.06 of the Revised Code, notice of the date, 99
time, and place of the trial or delinquency proceeding in the 100
case or, if there will not be a trial or delinquency proceeding, 101
information from the prosecutor, as defined in section 2930.01 102
of the Revised Code, regarding the disposition of the case; 103

(5) The right of the victim in certain criminal or 104
juvenile cases or a victim's representative to receive, pursuant 105
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 106
notice of the name of the person charged with the violation, the 107
case or docket number assigned to the charge, and a telephone 108
number or numbers that can be called to obtain information about 109
the disposition of the case; 110

(6) The right of the victim in certain criminal or 111
juvenile cases or of the victim's representative pursuant to 112
section 2930.13 or 2930.14 of the Revised Code, subject to any 113
reasonable terms set by the court as authorized under section 114
2930.14 of the Revised Code, to make a statement about the 115
victimization and, if applicable, a statement relative to the 116
sentencing or disposition of the offender; 117

(7) The opportunity to obtain a court order, pursuant to 118
section 2945.04 of the Revised Code, to prevent or stop the 119
commission of the offense of intimidation of a crime victim or 120
witness or an offense against the person or property of the 121
complainant, or of the complainant's ward or child; 122

(8) The right of the victim in certain criminal or 123
juvenile cases or a victim's representative pursuant to sections 124
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 125
Code to receive notice of a pending motion for judicial release, 126
release pursuant to section 2967.19 of the Revised Code, or 127
other early release of the person who committed the offense 128
against the victim, to make an oral or written statement at the 129
court hearing on the motion, and to be notified of the court's 130
decision on the motion; 131

(9) The right of the victim in certain criminal or 132
juvenile cases or a victim's representative pursuant to section 133
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 134
Code to receive notice of any pending commutation, pardon, 135
parole, transitional control, discharge, other form of 136
authorized release, post-release control, or supervised release 137
for the person who committed the offense against the victim or 138
any application for release of that person and to send a written 139
statement relative to the victimization and the pending action 140

to the adult parole authority or the release authority of the	141
department of youth services;	142
(10) The right of the victim to bring a civil action	143
pursuant to sections 2969.01 to 2969.06 of the Revised Code to	144
obtain money from the offender's profit fund;	145
(11) The right, pursuant to section 3109.09 of the Revised	146
Code, to maintain a civil action to recover compensatory damages	147
not exceeding ten thousand dollars and costs from the parent of	148
a minor who willfully damages property through the commission of	149
an act that would be a theft offense, as defined in section	150
2913.01 of the Revised Code, if committed by an adult;	151
(12) The right, pursuant to section 3109.10 of the Revised	152
Code, to maintain a civil action to recover compensatory damages	153
not exceeding ten thousand dollars and costs from the parent of	154
a minor who willfully and maliciously assaults a person;	155
(13) The possibility of receiving restitution from an	156
offender or a delinquent child pursuant to section 2152.20,	157
2929.18, or 2929.28 of the Revised Code;	158
(14) The right of the victim in certain criminal or	159
juvenile cases or a victim's representative, pursuant to section	160
2930.16 of the Revised Code, to receive notice of the escape	161
from confinement or custody of the person who committed the	162
offense, to receive that notice from the custodial agency of the	163
person at the victim's last address or telephone number provided	164
to the custodial agency, and to receive notice that, if either	165
the victim's address or telephone number changes, it is in the	166
victim's interest to provide the new address or telephone number	167
to the custodial agency;	168
(15) The right of a victim of domestic violence to seek	169

the issuance of a civil protection order pursuant to section 170
3113.31 of the Revised Code, the right of a victim of a 171
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 172
2911.211, or 2919.22 of the Revised Code, a violation of a 173
substantially similar municipal ordinance, or an offense of 174
violence who is a family or household member of the offender at 175
the time of the offense to seek the issuance of a temporary 176
protection order pursuant to section 2919.26 of the Revised 177
Code, and the right of both types of victims to be accompanied 178
by a victim advocate during court proceedings; 179

(16) The right of a victim of a sexually oriented offense 180
or of a child-victim oriented offense that is committed by a 181
person who is convicted of, pleads guilty to, or is adjudicated 182
a delinquent child for committing the offense and who is in a 183
category specified in division (B) of section 2950.10 of the 184
Revised Code to receive, pursuant to that section, notice that 185
the person has registered with a sheriff under section 2950.04, 186
2950.041, or 2950.05 of the Revised Code and notice of the 187
person's name, the person's residence that is registered, and 188
the offender's school, institution of higher education, or place 189
of employment address or addresses that are registered, the 190
person's photograph, and a summary of the manner in which the 191
victim must make a request to receive the notice. As used in 192
this division, "sexually oriented offense" and "child-victim 193
oriented offense" have the same meanings as in section 2950.01 194
of the Revised Code. 195

(17) The right of a victim of certain sexually violent 196
offenses committed by an offender who also is convicted of or 197
pleads guilty to a sexually violent predator specification and 198
who is sentenced to a prison term pursuant to division (A) (3) of 199
section 2971.03 of the Revised Code, of a victim of a violation 200

of division (A) (1) (b) of section 2907.02 of the Revised Code 201
committed on or after January 2, 2007, by an offender who is 202
sentenced for the violation pursuant to division (B) (1) (a), (b), 203
or (c) of section 2971.03 of the Revised Code, of a victim of an 204
attempted rape committed on or after January 2, 2007, by an 205
offender who also is convicted of or pleads guilty to a 206
specification of the type described in section 2941.1418, 207
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 208
the violation pursuant to division (B) (2) (a), (b), or (c) of 209
section 2971.03 of the Revised Code, and of a victim of an 210
offense that is described in division (B) (3) (a), (b), (c), or 211
(d) of section 2971.03 of the Revised Code and is committed by 212
an offender who is sentenced pursuant to one of those divisions 213
to receive, pursuant to section 2930.16 of the Revised Code, 214
notice of a hearing to determine whether to modify the 215
requirement that the offender serve the entire prison term in a 216
state correctional facility, whether to continue, revise, or 217
revoke any existing modification of that requirement, or whether 218
to terminate the prison term. As used in this division, 219
"sexually violent offense" and "sexually violent predator 220
specification" have the same meanings as in section 2971.01 of 221
the Revised Code. 222

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 223
prosecuting attorney, assistant prosecuting attorney, city 224
director of law, assistant city director of law, village 225
solicitor, assistant village solicitor, or similar chief legal 226
officer of a municipal corporation or an assistant of any of 227
those officers who prosecutes an offense committed in this 228
state, upon first contact with the victim of the offense, the 229
victim's family, or the victim's dependents, shall give the 230
victim, the victim's family, or the victim's dependents a copy 231

of the pamphlet prepared pursuant to division (A) of this 232
section and explain, upon request, the information in the 233
pamphlet to the victim, the victim's family, or the victim's 234
dependents. 235

(b) Subject to division (B)(1)(c) of this section, a law 236
enforcement agency that investigates an offense or delinquent 237
act committed in this state shall give the victim of the offense 238
or delinquent act, the victim's family, or the victim's 239
dependents a copy of the pamphlet prepared pursuant to division 240
(A) of this section at one of the following times: 241

(i) Upon first contact with the victim, the victim's 242
family, or the victim's dependents; 243

(ii) If the offense or delinquent act is an offense of 244
violence, if the circumstances of the offense or delinquent act 245
and the condition of the victim, the victim's family, or the 246
victim's dependents indicate that the victim, the victim's 247
family, or the victim's dependents will not be able to 248
understand the significance of the pamphlet upon first contact 249
with the agency, and if the agency anticipates that it will have 250
an additional contact with the victim, the victim's family, or 251
the victim's dependents, upon the agency's second contact with 252
the victim, the victim's family, or the victim's dependents. 253

If the agency does not give the victim, the victim's 254
family, or the victim's dependents a copy of the pamphlet upon 255
first contact with them and does not have a second contact with 256
the victim, the victim's family, or the victim's dependents, the 257
agency shall mail a copy of the pamphlet to the victim, the 258
victim's family, or the victim's dependents at their last known 259
address. 260

(c) In complying on and after December 9, 1994, with the duties imposed by division (B) (1) (a) or (b) of this section, an official or a law enforcement agency shall use copies of the pamphlet that are in the official's or agency's possession on December 9, 1994, until the official or agency has distributed all of those copies. After the official or agency has distributed all of those copies, the official or agency shall use only copies of the pamphlet that contain at least the information described in divisions (A) (1) to (17) of this section.

(2) The failure of a law enforcement agency or of a prosecuting attorney, assistant prosecuting attorney, city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation or an assistant to any of those officers to give, as required by division (B) (1) of this section, the victim of an offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section does not give the victim, the victim's family, the victim's dependents, or a victim's representative any rights under section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 2969.06, 3109.09, or 3109.10 of the Revised Code or under any other provision of the Revised Code and does not affect any right under those sections.

(3) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the pamphlet prepared pursuant to division (A) of this section shall not be required

to distribute a copy of an information card or other printed 292
material provided by the clerk of the court of claims pursuant 293
to section 2743.71 of the Revised Code. 294

(C) The cost of printing and distributing the pamphlet 295
prepared pursuant to division (A) of this section shall be paid 296
out of the reparations fund, created pursuant to section 297
2743.191 of the Revised Code, in accordance with division (D) of 298
that section. 299

(D) As used in this section: 300

(1) "Victim's representative" has the same meaning as in 301
section 2930.01 of the Revised Code; 302

(2) "Victim advocate" has the same meaning as in section 303
2919.26 of the Revised Code. 304

Sec. 121.22. (A) This section shall be liberally construed 305
to require public officials to take official action and to 306
conduct all deliberations upon official business only in open 307
meetings unless the subject matter is specifically excepted by 308
law. 309

(B) As used in this section: 310

(1) "Public body" means any of the following: 311

(a) Any board, commission, committee, council, or similar 312
decision-making body of a state agency, institution, or 313
authority, and any legislative authority or board, commission, 314
committee, council, agency, authority, or similar decision- 315
making body of any county, township, municipal corporation, 316
school district, or other political subdivision or local public 317
institution; 318

(b) Any committee or subcommittee of a body described in 319

division (B) (1) (a) of this section;	320
(c) A court of jurisdiction of a sanitary district	321
organized wholly for the purpose of providing a water supply for	322
domestic, municipal, and public use when meeting for the purpose	323
of the appointment, removal, or reappointment of a member of the	324
board of directors of such a district pursuant to section	325
6115.10 of the Revised Code, if applicable, or for any other	326
matter related to such a district other than litigation	327
involving the district. As used in division (B) (1) (c) of this	328
section, "court of jurisdiction" has the same meaning as "court"	329
in section 6115.01 of the Revised Code.	330
(2) "Meeting" means any prearranged discussion of the	331
public business of the public body by a majority of its members.	332
(3) "Regulated individual" means either of the following:	333
(a) A student in a state or local public educational	334
institution;	335
(b) A person who is, voluntarily or involuntarily, an	336
inmate, patient, or resident of a state or local institution	337
because of criminal behavior, mental illness, an intellectual	338
disability, disease, disability, age, or other condition	339
requiring custodial care.	340
(4) "Public office" has the same meaning as in section	341
149.011 of the Revised Code.	342
(C) All meetings of any public body are declared to be	343
public meetings open to the public at all times. A member of a	344
public body shall be present in person at a meeting open to the	345
public to be considered present or to vote at the meeting and	346
for purposes of determining whether a quorum is present at the	347
meeting.	348

The minutes of a regular or special meeting of any public body shall be promptly prepared, filed, and maintained and shall be open to public inspection. The minutes need only reflect the general subject matter of discussions in executive sessions authorized under division (G) or (J) of this section.

(D) This section does not apply to any of the following:

(1) A grand jury;

(2) An audit conference conducted by the auditor of state or independent certified public accountants with officials of the public office that is the subject of the audit;

(3) The adult parole authority when its hearings are conducted at a correctional institution for the sole purpose of interviewing inmates to determine parole or pardon and the department of rehabilitation and correction when its hearings are conducted at a correctional institution for the sole purpose of making determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;

(4) The organized crime investigations commission established under section 177.01 of the Revised Code;

(5) Meetings of a child fatality review board established under section 307.621 of the Revised Code, meetings related to a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, and meetings conducted pursuant to sections 5153.171 to 5153.173 of the Revised Code;

(6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised

Code;	378
(7) The board of nursing when determining whether to	379
suspend a license or certificate without a prior hearing	380
pursuant to division (B) of section 4723.281 of the Revised	381
Code;	382
(8) The state board of pharmacy when determining whether	383
to suspend a license without a prior hearing pursuant to	384
division (D) of section 4729.16 of the Revised Code;	385
(9) The state chiropractic board when determining whether	386
to suspend a license without a hearing pursuant to section	387
4734.37 of the Revised Code;	388
(10) The executive committee of the emergency response	389
commission when determining whether to issue an enforcement	390
order or request that a civil action, civil penalty action, or	391
criminal action be brought to enforce Chapter 3750. of the	392
Revised Code;	393
(11) The board of directors of the nonprofit corporation	394
formed under section 187.01 of the Revised Code or any committee	395
thereof, and the board of directors of any subsidiary of that	396
corporation or a committee thereof;	397
(12) An audit conference conducted by the audit staff of	398
the department of job and family services with officials of the	399
public office that is the subject of that audit under section	400
5101.37 of the Revised Code;	401
(13) The occupational therapy section of the occupational	402
therapy, physical therapy, and athletic trainers board when	403
determining whether to suspend a license or limited permit	404
without a hearing pursuant to division (D) of section 4755.11 of	405
the Revised Code;	406

(14) The physical therapy section of the occupational 407
therapy, physical therapy, and athletic trainers board when 408
determining whether to suspend a license without a hearing 409
pursuant to division (E) of section 4755.47 of the Revised Code; 410

(15) The athletic trainers section of the occupational 411
therapy, physical therapy, and athletic trainers board when 412
determining whether to suspend a license without a hearing 413
pursuant to division (D) of section 4755.64 of the Revised Code. 414

(E) The controlling board, the tax credit authority, or 415
the minority development financing advisory board, when meeting 416
to consider granting assistance pursuant to Chapter 122. or 166. 417
of the Revised Code, in order to protect the interest of the 418
applicant or the possible investment of public funds, by 419
unanimous vote of all board or authority members present, may 420
close the meeting during consideration of the following 421
information confidentially received by the authority or board 422
from the applicant: 423

(1) Marketing plans; 424

(2) Specific business strategy; 425

(3) Production techniques and trade secrets; 426

(4) Financial projections; 427

(5) Personal financial statements of the applicant or 428
members of the applicant's immediate family, including, but not 429
limited to, tax records or other similar information not open to 430
public inspection. 431

The vote by the authority or board to accept or reject the 432
application, as well as all proceedings of the authority or 433
board not subject to this division, shall be open to the public 434

and governed by this section. 435

(F) Every public body, by rule, shall establish a 436
reasonable method whereby any person may determine the time and 437
place of all regularly scheduled meetings and the time, place, 438
and purpose of all special meetings. A public body shall not 439
hold a special meeting unless it gives at least twenty-four 440
hours' advance notice to the news media that have requested 441
notification, except in the event of an emergency requiring 442
immediate official action. In the event of an emergency, the 443
member or members calling the meeting shall notify the news 444
media that have requested notification immediately of the time, 445
place, and purpose of the meeting. 446

The rule shall provide that any person, upon request and 447
payment of a reasonable fee, may obtain reasonable advance 448
notification of all meetings at which any specific type of 449
public business is to be discussed. Provisions for advance 450
notification may include, but are not limited to, mailing the 451
agenda of meetings to all subscribers on a mailing list or 452
mailing notices in self-addressed, stamped envelopes provided by 453
the person. 454

(G) Except as provided in divisions (G) (8) and (J) of this 455
section, the members of a public body may hold an executive 456
session only after a majority of a quorum of the public body 457
determines, by a roll call vote, to hold an executive session 458
and only at a regular or special meeting for the sole purpose of 459
the consideration of any of the following matters: 460

(1) To consider the appointment, employment, dismissal, 461
discipline, promotion, demotion, or compensation of a public 462
employee or official, or the investigation of charges or 463
complaints against a public employee, official, licensee, or 464

regulated individual, unless the public employee, official, 465
licensee, or regulated individual requests a public hearing. 466
Except as otherwise provided by law, no public body shall hold 467
an executive session for the discipline of an elected official 468
for conduct related to the performance of the elected official's 469
official duties or for the elected official's removal from 470
office. If a public body holds an executive session pursuant to 471
division (G) (1) of this section, the motion and vote to hold 472
that executive session shall state which one or more of the 473
approved purposes listed in division (G) (1) of this section are 474
the purposes for which the executive session is to be held, but 475
need not include the name of any person to be considered at the 476
meeting. 477

(2) To consider the purchase of property for public 478
purposes, the sale of property at competitive bidding, or the 479
sale or other disposition of unneeded, obsolete, or unfit-for- 480
use property in accordance with section 505.10 of the Revised 481
Code, if premature disclosure of information would give an 482
unfair competitive or bargaining advantage to a person whose 483
personal, private interest is adverse to the general public 484
interest. No member of a public body shall use division (G) (2) 485
of this section as a subterfuge for providing covert information 486
to prospective buyers or sellers. A purchase or sale of public 487
property is void if the seller or buyer of the public property 488
has received covert information from a member of a public body 489
that has not been disclosed to the general public in sufficient 490
time for other prospective buyers and sellers to prepare and 491
submit offers. 492

If the minutes of the public body show that all meetings 493
and deliberations of the public body have been conducted in 494
compliance with this section, any instrument executed by the 495

public body purporting to convey, lease, or otherwise dispose of 496
any right, title, or interest in any public property shall be 497
conclusively presumed to have been executed in compliance with 498
this section insofar as title or other interest of any bona fide 499
purchasers, lessees, or transferees of the property is 500
concerned. 501

(3) Conferences with an attorney for the public body 502
concerning disputes involving the public body that are the 503
subject of pending or imminent court action; 504

(4) Preparing for, conducting, or reviewing negotiations 505
or bargaining sessions with public employees concerning their 506
compensation or other terms and conditions of their employment; 507

(5) Matters required to be kept confidential by federal 508
law or regulations or state statutes; 509

(6) Details relative to the security arrangements and 510
emergency response protocols for a public body or a public 511
office, if disclosure of the matters discussed could reasonably 512
be expected to jeopardize the security of the public body or 513
public office; 514

(7) In the case of a county hospital operated pursuant to 515
Chapter 339. of the Revised Code, a joint township hospital 516
operated pursuant to Chapter 513. of the Revised Code, or a 517
municipal hospital operated pursuant to Chapter 749. of the 518
Revised Code, to consider trade secrets, as defined in section 519
1333.61 of the Revised Code; 520

(8) To consider confidential information related to the 521
marketing plans, specific business strategy, production 522
techniques, trade secrets, or personal financial statements of 523
an applicant for economic development assistance, or to 524

negotiations with other political subdivisions respecting 525
requests for economic development assistance, provided that both 526
of the following conditions apply: 527

(a) The information is directly related to a request for 528
economic development assistance that is to be provided or 529
administered under any provision of Chapter 715., 725., 1724., 530
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 531
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 532
5709.81 of the Revised Code, or that involves public 533
infrastructure improvements or the extension of utility services 534
that are directly related to an economic development project. 535

(b) A unanimous quorum of the public body determines, by a 536
roll call vote, that the executive session is necessary to 537
protect the interests of the applicant or the possible 538
investment or expenditure of public funds to be made in 539
connection with the economic development project. 540

If a public body holds an executive session to consider 541
any of the matters listed in divisions (G) (2) to (8) of this 542
section, the motion and vote to hold that executive session 543
shall state which one or more of the approved matters listed in 544
those divisions are to be considered at the executive session. 545

A public body specified in division (B) (1) (c) of this 546
section shall not hold an executive session when meeting for the 547
purposes specified in that division. 548

(H) A resolution, rule, or formal action of any kind is 549
invalid unless adopted in an open meeting of the public body. A 550
resolution, rule, or formal action adopted in an open meeting 551
that results from deliberations in a meeting not open to the 552
public is invalid unless the deliberations were for a purpose 553

specifically authorized in division (G) or (J) of this section 554
and conducted at an executive session held in compliance with 555
this section. A resolution, rule, or formal action adopted in an 556
open meeting is invalid if the public body that adopted the 557
resolution, rule, or formal action violated division (F) of this 558
section. 559

(I) (1) Any person may bring an action to enforce this 560
section. An action under division (I) (1) of this section shall 561
be brought within two years after the date of the alleged 562
violation or threatened violation. Upon proof of a violation or 563
threatened violation of this section in an action brought by any 564
person, the court of common pleas shall issue an injunction to 565
compel the members of the public body to comply with its 566
provisions. 567

(2) (a) If the court of common pleas issues an injunction 568
pursuant to division (I) (1) of this section, the court shall 569
order the public body that it enjoins to pay a civil forfeiture 570
of five hundred dollars to the party that sought the injunction 571
and shall award to that party all court costs and, subject to 572
reduction as described in division (I) (2) of this section, 573
reasonable attorney's fees. The court, in its discretion, may 574
reduce an award of attorney's fees to the party that sought the 575
injunction or not award attorney's fees to that party if the 576
court determines both of the following: 577

(i) That, based on the ordinary application of statutory 578
law and case law as it existed at the time of violation or 579
threatened violation that was the basis of the injunction, a 580
well-informed public body reasonably would believe that the 581
public body was not violating or threatening to violate this 582
section; 583

(ii) That a well-informed public body reasonably would believe that the conduct or threatened conduct that was the basis of the injunction would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct.

(b) If the court of common pleas does not issue an injunction pursuant to division (I)(1) of this section and the court determines at that time that the bringing of the action was frivolous conduct, as defined in division (A) of section 2323.51 of the Revised Code, the court shall award to the public body all court costs and reasonable attorney's fees, as determined by the court.

(3) Irreparable harm and prejudice to the party that sought the injunction shall be conclusively and irrebuttably presumed upon proof of a violation or threatened violation of this section.

(4) A member of a public body who knowingly violates an injunction issued pursuant to division (I)(1) of this section may be removed from office by an action brought in the court of common pleas for that purpose by the prosecuting attorney or the attorney general.

(J) (1) Pursuant to division (C) of section 5901.09 of the Revised Code, a veterans service commission shall hold an executive session for one or more of the following purposes unless an applicant requests a public hearing:

(a) Interviewing an applicant for financial assistance under sections 5901.01 to 5901.15 of the Revised Code;

(b) Discussing applications, statements, and other documents described in division (B) of section 5901.09 of the

Revised Code; 613

(c) Reviewing matters relating to an applicant's request 614
for financial assistance under sections 5901.01 to 5901.15 of 615
the Revised Code. 616

(2) A veterans service commission shall not exclude an 617
applicant for, recipient of, or former recipient of financial 618
assistance under sections 5901.01 to 5901.15 of the Revised 619
Code, and shall not exclude representatives selected by the 620
applicant, recipient, or former recipient, from a meeting that 621
the commission conducts as an executive session that pertains to 622
the applicant's, recipient's, or former recipient's application 623
for financial assistance. 624

(3) A veterans service commission shall vote on the grant 625
or denial of financial assistance under sections 5901.01 to 626
5901.15 of the Revised Code only in an open meeting of the 627
commission. The minutes of the meeting shall indicate the name, 628
address, and occupation of the applicant, whether the assistance 629
was granted or denied, the amount of the assistance if 630
assistance is granted, and the votes for and against the 631
granting of assistance. 632

Sec. 149.43. (A) As used in this section: 633

(1) "Public record" means records kept by any public 634
office, including, but not limited to, state, county, city, 635
village, township, and school district units, and records 636
pertaining to the delivery of educational services by an 637
alternative school in this state kept by the nonprofit or for- 638
profit entity operating the alternative school pursuant to 639
section 3313.533 of the Revised Code. "Public record" does not 640
mean any of the following: 641

(a) Medical records;	642
(b) Records pertaining to probation and parole proceedings	643
or , to proceedings related to the imposition of community	644
control sanctions and post-release control sanctions, <u>or to</u>	645
<u>proceedings related to determinations under section 2967.271 of</u>	646
<u>the Revised Code regarding the release or maintained</u>	647
<u>incarceration of an offender to whom that section applies;</u>	648
(c) Records pertaining to actions under section 2151.85	649
and division (C) of section 2919.121 of the Revised Code and to	650
appeals of actions arising under those sections;	651
(d) Records pertaining to adoption proceedings, including	652
the contents of an adoption file maintained by the department of	653
health under sections 3705.12 to 3705.124 of the Revised Code;	654
(e) Information in a record contained in the putative	655
father registry established by section 3107.062 of the Revised	656
Code, regardless of whether the information is held by the	657
department of job and family services or, pursuant to section	658
3111.69 of the Revised Code, the office of child support in the	659
department or a child support enforcement agency;	660
(f) Records specified in division (A) of section 3107.52	661
of the Revised Code;	662
(g) Trial preparation records;	663
(h) Confidential law enforcement investigatory records;	664
(i) Records containing information that is confidential	665
under section 2710.03 or 4112.05 of the Revised Code;	666
(j) DNA records stored in the DNA database pursuant to	667
section 109.573 of the Revised Code;	668

(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	669 670 671 672
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	673 674 675 676
(m) Intellectual property records;	677
(n) Donor profile records;	678
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	679 680
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer residential and familial information;	681 682 683 684 685 686 687
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	688 689 690 691 692
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	693 694
(s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a	695 696

review conducted pursuant to guidelines established by the 697
director of health under section 3701.70 of the Revised Code, 698
records provided to the board or director, statements made by 699
board members during meetings of the board or by persons 700
participating in the director's review, and all work products of 701
the board or director, and in the case of a child fatality 702
review board, child fatality review data submitted by the board 703
to the department of health or a national child death review 704
database, other than the report prepared pursuant to division 705
(A) of section 307.626 of the Revised Code; 706

(t) Records provided to and statements made by the 707
executive director of a public children services agency or a 708
prosecuting attorney acting pursuant to section 5153.171 of the 709
Revised Code other than the information released under that 710
section; 711

(u) Test materials, examinations, or evaluation tools used 712
in an examination for licensure as a nursing home administrator 713
that the board of executives of long-term services and supports 714
administers under section 4751.04 of the Revised Code or 715
contracts under that section with a private or government entity 716
to administer; 717

(v) Records the release of which is prohibited by state or 718
federal law; 719

(w) Proprietary information of or relating to any person 720
that is submitted to or compiled by the Ohio venture capital 721
authority created under section 150.01 of the Revised Code; 722

(x) Financial statements and data any person submits for 723
any purpose to the Ohio housing finance agency or the 724
controlling board in connection with applying for, receiving, or 725

accounting for financial assistance from the agency, and	726
information that identifies any individual who benefits directly	727
or indirectly from financial assistance from the agency;	728
(y) Records listed in section 5101.29 of the Revised Code;	729
(z) Discharges recorded with a county recorder under	730
section 317.24 of the Revised Code, as specified in division (B)	731
(2) of that section;	732
(aa) Usage information including names and addresses of	733
specific residential and commercial customers of a municipally	734
owned or operated public utility;	735
(bb) Records described in division (C) of section 187.04	736
of the Revised Code that are not designated to be made available	737
to the public as provided in that division;	738
(cc) Information and records that are made confidential,	739
privileged, and not subject to disclosure under divisions (B)	740
and (C) of section 2949.221 of the Revised Code;	741
(dd) Personal information, as defined in section 149.45 of	742
the Revised Code;	743
(ee) The confidential name, address, and other personally	744
identifiable information of a program participant in the address	745
confidentiality program established under sections 111.41 to	746
111.47 of the Revised Code, including the contents of any	747
application for absent voter's ballots, absent voter's ballot	748
identification envelope statement of voter, or provisional	749
ballot affirmation completed by a program participant who has a	750
confidential voter registration record, and records or portions	751
of records pertaining to that program that identify the number	752
of program participants that reside within a precinct, ward,	753
township, municipal corporation, county, or any other geographic	754

area smaller than the state. As used in this division, 755
"confidential address" and "program participant" have the 756
meaning defined in section 111.41 of the Revised Code. 757

(ff) Orders for active military service of an individual 758
serving or with previous service in the armed forces of the 759
United States, including a reserve component, or the Ohio 760
organized militia, except that, such order becomes a public 761
record on the day that is fifteen years after the published date 762
or effective date of the call to order. 763

(2) "Confidential law enforcement investigatory record" 764
means any record that pertains to a law enforcement matter of a 765
criminal, quasi-criminal, civil, or administrative nature, but 766
only to the extent that the release of the record would create a 767
high probability of disclosure of any of the following: 768

(a) The identity of a suspect who has not been charged 769
with the offense to which the record pertains, or of an 770
information source or witness to whom confidentiality has been 771
reasonably promised; 772

(b) Information provided by an information source or 773
witness to whom confidentiality has been reasonably promised, 774
which information would reasonably tend to disclose the source's 775
or witness's identity; 776

(c) Specific confidential investigatory techniques or 777
procedures or specific investigatory work product; 778

(d) Information that would endanger the life or physical 779
safety of law enforcement personnel, a crime victim, a witness, 780
or a confidential information source. 781

(3) "Medical record" means any document or combination of 782
documents, except births, deaths, and the fact of admission to 783

or discharge from a hospital, that pertains to the medical 784
history, diagnosis, prognosis, or medical condition of a patient 785
and that is generated and maintained in the process of medical 786
treatment. 787

(4) "Trial preparation record" means any record that 788
contains information that is specifically compiled in reasonable 789
anticipation of, or in defense of, a civil or criminal action or 790
proceeding, including the independent thought processes and 791
personal trial preparation of an attorney. 792

(5) "Intellectual property record" means a record, other 793
than a financial or administrative record, that is produced or 794
collected by or for faculty or staff of a state institution of 795
higher learning in the conduct of or as a result of study or 796
research on an educational, commercial, scientific, artistic, 797
technical, or scholarly issue, regardless of whether the study 798
or research was sponsored by the institution alone or in 799
conjunction with a governmental body or private concern, and 800
that has not been publicly released, published, or patented. 801

(6) "Donor profile record" means all records about donors 802
or potential donors to a public institution of higher education 803
except the names and reported addresses of the actual donors and 804
the date, amount, and conditions of the actual donation. 805

(7) "Peace officer, parole officer, probation officer, 806
bailiff, prosecuting attorney, assistant prosecuting attorney, 807
correctional employee, community-based correctional facility 808
employee, youth services employee, firefighter, EMT, 809
investigator of the bureau of criminal identification and 810
investigation, or federal law enforcement officer residential 811
and familial information" means any information that discloses 812
any of the following about a peace officer, parole officer, 813

probation officer, bailiff, prosecuting attorney, assistant 814
prosecuting attorney, correctional employee, community-based 815
correctional facility employee, youth services employee, 816
firefighter, EMT, investigator of the bureau of criminal 817
identification and investigation, or federal law enforcement 818
officer: 819

(a) The address of the actual personal residence of a 820
peace officer, parole officer, probation officer, bailiff, 821
assistant prosecuting attorney, correctional employee, 822
community-based correctional facility employee, youth services 823
employee, firefighter, EMT, an investigator of the bureau of 824
criminal identification and investigation, or federal law 825
enforcement officer, except for the state or political 826
subdivision in which the peace officer, parole officer, 827
probation officer, bailiff, assistant prosecuting attorney, 828
correctional employee, community-based correctional facility 829
employee, youth services employee, firefighter, EMT, 830
investigator of the bureau of criminal identification and 831
investigation, or federal law enforcement officer resides; 832

(b) Information compiled from referral to or participation 833
in an employee assistance program; 834

(c) The social security number, the residential telephone 835
number, any bank account, debit card, charge card, or credit 836
card number, or the emergency telephone number of, or any 837
medical information pertaining to, a peace officer, parole 838
officer, probation officer, bailiff, prosecuting attorney, 839
assistant prosecuting attorney, correctional employee, 840
community-based correctional facility employee, youth services 841
employee, firefighter, EMT, investigator of the bureau of 842
criminal identification and investigation, or federal law 843

enforcement officer; 844

(d) The name of any beneficiary of employment benefits, 845
including, but not limited to, life insurance benefits, provided 846
to a peace officer, parole officer, probation officer, bailiff, 847
prosecuting attorney, assistant prosecuting attorney, 848
correctional employee, community-based correctional facility 849
employee, youth services employee, firefighter, EMT, 850
investigator of the bureau of criminal identification and 851
investigation, or federal law enforcement officer by the peace 852
officer's, parole officer's, probation officer's, bailiff's, 853
prosecuting attorney's, assistant prosecuting attorney's, 854
correctional employee's, community-based correctional facility 855
employee's, youth services employee's, firefighter's, EMT's, 856
investigator of the bureau of criminal identification and 857
investigation's, or federal law enforcement officer's employer; 858

(e) The identity and amount of any charitable or 859
employment benefit deduction made by the peace officer's, parole 860
officer's, probation officer's, bailiff's, prosecuting 861
attorney's, assistant prosecuting attorney's, correctional 862
employee's, community-based correctional facility employee's, 863
youth services employee's, firefighter's, EMT's, investigator of 864
the bureau of criminal identification and investigation's, or 865
federal law enforcement officer's employer from the peace 866
officer's, parole officer's, probation officer's, bailiff's, 867
prosecuting attorney's, assistant prosecuting attorney's, 868
correctional employee's, community-based correctional facility 869
employee's, youth services employee's, firefighter's, EMT's, 870
investigator of the bureau of criminal identification and 871
investigation's, or federal law enforcement officer's 872
compensation unless the amount of the deduction is required by 873
state or federal law; 874

(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, investigator of the bureau of criminal identification and investigation, or federal law enforcement officer;

(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority.

As used in divisions (A) (7) and (B) (9) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

As used in divisions (A) (7) and (B) (9) of this section, "correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

As used in divisions (A) (7) and (B) (9) of this section, "youth services employee" means any employee of the department of youth services who in the course of performing the employee's

job duties has or has had contact with children committed to the 905
custody of the department of youth services. 906

As used in divisions (A) (7) and (B) (9) of this section, 907
"firefighter" means any regular, paid or volunteer, member of a 908
lawfully constituted fire department of a municipal corporation, 909
township, fire district, or village. 910

As used in divisions (A) (7) and (B) (9) of this section, 911
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 912
emergency medical services for a public emergency medical 913
service organization. "Emergency medical service organization," 914
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 915
in section 4765.01 of the Revised Code. 916

As used in divisions (A) (7) and (B) (9) of this section, 917
"investigator of the bureau of criminal identification and 918
investigation" has the meaning defined in section 2903.11 of the 919
Revised Code. 920

As used in divisions (A) (7) and (B) (9) of this section, 921
"federal law enforcement officer" has the meaning defined in 922
section 9.88 of the Revised Code. 923

(8) "Information pertaining to the recreational activities 924
of a person under the age of eighteen" means information that is 925
kept in the ordinary course of business by a public office, that 926
pertains to the recreational activities of a person under the 927
age of eighteen years, and that discloses any of the following: 928

(a) The address or telephone number of a person under the 929
age of eighteen or the address or telephone number of that 930
person's parent, guardian, custodian, or emergency contact 931
person; 932

(b) The social security number, birth date, or 933

photographic image of a person under the age of eighteen;	934
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	935
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	936
(9) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	937
(10) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.	938
(11) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	939
(12) "Designee" and "elected official" have the same meanings as in section 109.43 of the Revised Code.	940
(B) (1) Upon request and subject to division (B) (8) of this section, all public records responsive to the request shall be promptly prepared and made available for inspection to any person at all reasonable times during regular business hours. Subject to division (B) (8) of this section, upon request, a public office or person responsible for public records shall make copies of the requested public record available at cost and within a reasonable period of time. If a public record contains information that is exempt from the duty to permit public inspection or to copy the public record, the public office or	941
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the person responsible for the public record shall make 963
available all of the information within the public record that 964
is not exempt. When making that public record available for 965
public inspection or copying that public record, the public 966
office or the person responsible for the public record shall 967
notify the requester of any redaction or make the redaction 968
plainly visible. A redaction shall be deemed a denial of a 969
request to inspect or copy the redacted information, except if 970
federal or state law authorizes or requires a public office to 971
make the redaction. 972

(2) To facilitate broader access to public records, a 973
public office or the person responsible for public records shall 974
organize and maintain public records in a manner that they can 975
be made available for inspection or copying in accordance with 976
division (B) of this section. A public office also shall have 977
available a copy of its current records retention schedule at a 978
location readily available to the public. If a requester makes 979
an ambiguous or overly broad request or has difficulty in making 980
a request for copies or inspection of public records under this 981
section such that the public office or the person responsible 982
for the requested public record cannot reasonably identify what 983
public records are being requested, the public office or the 984
person responsible for the requested public record may deny the 985
request but shall provide the requester with an opportunity to 986
revise the request by informing the requester of the manner in 987
which records are maintained by the public office and accessed 988
in the ordinary course of the public office's or person's 989
duties. 990

(3) If a request is ultimately denied, in part or in 991
whole, the public office or the person responsible for the 992
requested public record shall provide the requester with an 993

explanation, including legal authority, setting forth why the 994
request was denied. If the initial request was provided in 995
writing, the explanation also shall be provided to the requester 996
in writing. The explanation shall not preclude the public office 997
or the person responsible for the requested public record from 998
relying upon additional reasons or legal authority in defending 999
an action commenced under division (C) of this section. 1000

(4) Unless specifically required or authorized by state or 1001
federal law or in accordance with division (B) of this section, 1002
no public office or person responsible for public records may 1003
limit or condition the availability of public records by 1004
requiring disclosure of the requester's identity or the intended 1005
use of the requested public record. Any requirement that the 1006
requester disclose the requester's identity or the intended use 1007
of the requested public record constitutes a denial of the 1008
request. 1009

(5) A public office or person responsible for public 1010
records may ask a requester to make the request in writing, may 1011
ask for the requester's identity, and may inquire about the 1012
intended use of the information requested, but may do so only 1013
after disclosing to the requester that a written request is not 1014
mandatory and that the requester may decline to reveal the 1015
requester's identity or the intended use and when a written 1016
request or disclosure of the identity or intended use would 1017
benefit the requester by enhancing the ability of the public 1018
office or person responsible for public records to identify, 1019
locate, or deliver the public records sought by the requester. 1020

(6) If any person chooses to obtain a copy of a public 1021
record in accordance with division (B) of this section, the 1022
public office or person responsible for the public record may 1023

require that person to pay in advance the cost involved in 1024
providing the copy of the public record in accordance with the 1025
choice made by the person seeking the copy under this division. 1026
The public office or the person responsible for the public 1027
record shall permit that person to choose to have the public 1028
record duplicated upon paper, upon the same medium upon which 1029
the public office or person responsible for the public record 1030
keeps it, or upon any other medium upon which the public office 1031
or person responsible for the public record determines that it 1032
reasonably can be duplicated as an integral part of the normal 1033
operations of the public office or person responsible for the 1034
public record. When the person seeking the copy makes a choice 1035
under this division, the public office or person responsible for 1036
the public record shall provide a copy of it in accordance with 1037
the choice made by the person seeking the copy. Nothing in this 1038
section requires a public office or person responsible for the 1039
public record to allow the person seeking a copy of the public 1040
record to make the copies of the public record. 1041

(7) (a) Upon a request made in accordance with division (B) 1042
of this section and subject to division (B) (6) of this section, 1043
a public office or person responsible for public records shall 1044
transmit a copy of a public record to any person by United 1045
States mail or by any other means of delivery or transmission 1046
within a reasonable period of time after receiving the request 1047
for the copy. The public office or person responsible for the 1048
public record may require the person making the request to pay 1049
in advance the cost of postage if the copy is transmitted by 1050
United States mail or the cost of delivery if the copy is 1051
transmitted other than by United States mail, and to pay in 1052
advance the costs incurred for other supplies used in the 1053
mailing, delivery, or transmission. 1054

(b) Any public office may adopt a policy and procedures 1055
that it will follow in transmitting, within a reasonable period 1056
of time after receiving a request, copies of public records by 1057
United States mail or by any other means of delivery or 1058
transmission pursuant to division (B) (7) of this section. A 1059
public office that adopts a policy and procedures under division 1060
(B) (7) of this section shall comply with them in performing its 1061
duties under that division. 1062

(c) In any policy and procedures adopted under division 1063
(B) (7) of this section: 1064

(i) A public office may limit the number of records 1065
requested by a person that the office will physically deliver by 1066
United States mail or by another delivery service to ten per 1067
month, unless the person certifies to the office in writing that 1068
the person does not intend to use or forward the requested 1069
records, or the information contained in them, for commercial 1070
purposes; 1071

(ii) A public office that chooses to provide some or all 1072
of its public records on a web site that is fully accessible to 1073
and searchable by members of the public at all times, other than 1074
during acts of God outside the public office's control or 1075
maintenance, and that charges no fee to search, access, 1076
download, or otherwise receive records provided on the web site, 1077
may limit to ten per month the number of records requested by a 1078
person that the office will deliver in a digital format, unless 1079
the requested records are not provided on the web site and 1080
unless the person certifies to the office in writing that the 1081
person does not intend to use or forward the requested records, 1082
or the information contained in them, for commercial purposes. 1083

(iii) For purposes of division (B) (7) of this section, 1084

"commercial" shall be narrowly construed and does not include 1085
reporting or gathering news, reporting or gathering information 1086
to assist citizen oversight or understanding of the operation or 1087
activities of government, or nonprofit educational research. 1088

(8) A public office or person responsible for public 1089
records is not required to permit a person who is incarcerated 1090
pursuant to a criminal conviction or a juvenile adjudication to 1091
inspect or to obtain a copy of any public record concerning a 1092
criminal investigation or prosecution or concerning what would 1093
be a criminal investigation or prosecution if the subject of the 1094
investigation or prosecution were an adult, unless the request 1095
to inspect or to obtain a copy of the record is for the purpose 1096
of acquiring information that is subject to release as a public 1097
record under this section and the judge who imposed the sentence 1098
or made the adjudication with respect to the person, or the 1099
judge's successor in office, finds that the information sought 1100
in the public record is necessary to support what appears to be 1101
a justiciable claim of the person. 1102

(9) (a) Upon written request made and signed by a 1103
journalist on or after December 16, 1999, a public office, or 1104
person responsible for public records, having custody of the 1105
records of the agency employing a specified peace officer, 1106
parole officer, probation officer, bailiff, prosecuting 1107
attorney, assistant prosecuting attorney, correctional employee, 1108
community-based correctional facility employee, youth services 1109
employee, firefighter, EMT, investigator of the bureau of 1110
criminal identification and investigation, or federal law 1111
enforcement officer shall disclose to the journalist the address 1112
of the actual personal residence of the peace officer, parole 1113
officer, probation officer, bailiff, prosecuting attorney, 1114
assistant prosecuting attorney, correctional employee, 1115

community-based correctional facility employee, youth services 1116
employee, firefighter, EMT, investigator of the bureau of 1117
criminal identification and investigation, or federal law 1118
enforcement officer and, if the peace officer's, parole 1119
officer's, probation officer's, bailiff's, prosecuting 1120
attorney's, assistant prosecuting attorney's, correctional 1121
employee's, community-based correctional facility employee's, 1122
youth services employee's, firefighter's, EMT's, investigator of 1123
the bureau of criminal identification and investigation's, or 1124
federal law enforcement officer's spouse, former spouse, or 1125
child is employed by a public office, the name and address of 1126
the employer of the peace officer's, parole officer's, probation 1127
officer's, bailiff's, prosecuting attorney's, assistant 1128
prosecuting attorney's, correctional employee's, community-based 1129
correctional facility employee's, youth services employee's, 1130
firefighter's, EMT's, investigator of the bureau of criminal 1131
identification and investigation's, or federal law enforcement 1132
officer's spouse, former spouse, or child. The request shall 1133
include the journalist's name and title and the name and address 1134
of the journalist's employer and shall state that disclosure of 1135
the information sought would be in the public interest. 1136

(b) Division (B) (9) (a) of this section also applies to 1137
journalist requests for customer information maintained by a 1138
municipally owned or operated public utility, other than social 1139
security numbers and any private financial information such as 1140
credit reports, payment methods, credit card numbers, and bank 1141
account information. 1142

(c) As used in division (B) (9) of this section, 1143
"journalist" means a person engaged in, connected with, or 1144
employed by any news medium, including a newspaper, magazine, 1145
press association, news agency, or wire service, a radio or 1146

television station, or a similar medium, for the purpose of 1147
gathering, processing, transmitting, compiling, editing, or 1148
disseminating information for the general public. 1149

(C) (1) If a person allegedly is aggrieved by the failure 1150
of a public office or the person responsible for public records 1151
to promptly prepare a public record and to make it available to 1152
the person for inspection in accordance with division (B) of 1153
this section or by any other failure of a public office or the 1154
person responsible for public records to comply with an 1155
obligation in accordance with division (B) of this section, the 1156
person allegedly aggrieved may do only one of the following, and 1157
not both: 1158

(a) File a complaint with the clerk of the court of claims 1159
or the clerk of the court of common pleas under section 2743.75 1160
of the Revised Code; 1161

(b) Commence a mandamus action to obtain a judgment that 1162
orders the public office or the person responsible for the 1163
public record to comply with division (B) of this section, that 1164
awards court costs and reasonable attorney's fees to the person 1165
that instituted the mandamus action, and, if applicable, that 1166
includes an order fixing statutory damages under division (C) (2) 1167
of this section. The mandamus action may be commenced in the 1168
court of common pleas of the county in which division (B) of 1169
this section allegedly was not complied with, in the supreme 1170
court pursuant to its original jurisdiction under Section 2 of 1171
Article IV, Ohio Constitution, or in the court of appeals for 1172
the appellate district in which division (B) of this section 1173
allegedly was not complied with pursuant to its original 1174
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1175

(2) If a requester transmits a written request by hand 1176

delivery or certified mail to inspect or receive copies of any 1177
public record in a manner that fairly describes the public 1178
record or class of public records to the public office or person 1179
responsible for the requested public records, except as 1180
otherwise provided in this section, the requester shall be 1181
entitled to recover the amount of statutory damages set forth in 1182
this division if a court determines that the public office or 1183
the person responsible for public records failed to comply with 1184
an obligation in accordance with division (B) of this section. 1185

The amount of statutory damages shall be fixed at one 1186
hundred dollars for each business day during which the public 1187
office or person responsible for the requested public records 1188
failed to comply with an obligation in accordance with division 1189
(B) of this section, beginning with the day on which the 1190
requester files a mandamus action to recover statutory damages, 1191
up to a maximum of one thousand dollars. The award of statutory 1192
damages shall not be construed as a penalty, but as compensation 1193
for injury arising from lost use of the requested information. 1194
The existence of this injury shall be conclusively presumed. The 1195
award of statutory damages shall be in addition to all other 1196
remedies authorized by this section. 1197

The court may reduce an award of statutory damages or not 1198
award statutory damages if the court determines both of the 1199
following: 1200

(a) That, based on the ordinary application of statutory 1201
law and case law as it existed at the time of the conduct or 1202
threatened conduct of the public office or person responsible 1203
for the requested public records that allegedly constitutes a 1204
failure to comply with an obligation in accordance with division 1205
(B) of this section and that was the basis of the mandamus 1206

action, a well-informed public office or person responsible for 1207
the requested public records reasonably would believe that the 1208
conduct or threatened conduct of the public office or person 1209
responsible for the requested public records did not constitute 1210
a failure to comply with an obligation in accordance with 1211
division (B) of this section; 1212

(b) That a well-informed public office or person 1213
responsible for the requested public records reasonably would 1214
believe that the conduct or threatened conduct of the public 1215
office or person responsible for the requested public records 1216
would serve the public policy that underlies the authority that 1217
is asserted as permitting that conduct or threatened conduct. 1218

(3) In a mandamus action filed under division (C) (1) of 1219
this section, the following apply: 1220

(a) (i) If the court orders the public office or the person 1221
responsible for the public record to comply with division (B) of 1222
this section, the court shall determine and award to the relator 1223
all court costs, which shall be construed as remedial and not 1224
punitive. 1225

(ii) If the court makes a determination described in 1226
division (C) (3) (b) (iii) of this section, the court shall 1227
determine and award to the relator all court costs, which shall 1228
be construed as remedial and not punitive. 1229

(b) If the court renders a judgment that orders the public 1230
office or the person responsible for the public record to comply 1231
with division (B) of this section or if the court determines any 1232
of the following, the court may award reasonable attorney's fees 1233
to the relator, subject to the provisions of division (C) (4) of 1234
this section: 1235

(i) The public office or the person responsible for the public records failed to respond affirmatively or negatively to the public records request in accordance with the time allowed under division (B) of this section.

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a

failure to comply with an obligation in accordance with division 1266
(B) of this section and that was the basis of the mandamus 1267
action, a well-informed public office or person responsible for 1268
the requested public records reasonably would believe that the 1269
conduct or threatened conduct of the public office or person 1270
responsible for the requested public records did not constitute 1271
a failure to comply with an obligation in accordance with 1272
division (B) of this section; 1273

(ii) That a well-informed public office or person 1274
responsible for the requested public records reasonably would 1275
believe that the conduct or threatened conduct of the public 1276
office or person responsible for the requested public records 1277
would serve the public policy that underlies the authority that 1278
is asserted as permitting that conduct or threatened conduct. 1279

(4) All of the following apply to any award of reasonable 1280
attorney's fees awarded under division (C) (3) (b) of this 1281
section: 1282

(a) The fees shall be construed as remedial and not 1283
punitive. 1284

(b) The fees awarded shall not exceed the total of the 1285
reasonable attorney's fees incurred before the public record was 1286
made available to the relator and the fees described in division 1287
(C) (4) (c) of this section. 1288

(c) Reasonable attorney's fees shall include reasonable 1289
fees incurred to produce proof of the reasonableness and amount 1290
of the fees and to otherwise litigate entitlement to the fees. 1291

(d) The court may reduce the amount of fees awarded if the 1292
court determines that, given the factual circumstances involved 1293
with the specific public records request, an alternative means 1294

should have been pursued to more effectively and efficiently 1295
resolve the dispute that was subject to the mandamus action 1296
filed under division (C) (1) of this section. 1297

(5) If the court does not issue a writ of mandamus under 1298
division (C) of this section and the court determines at that 1299
time that the bringing of the mandamus action was frivolous 1300
conduct as defined in division (A) of section 2323.51 of the 1301
Revised Code, the court may award to the public office all court 1302
costs, expenses, and reasonable attorney's fees, as determined 1303
by the court. 1304

(D) Chapter 1347. of the Revised Code does not limit the 1305
provisions of this section. 1306

(E) (1) To ensure that all employees of public offices are 1307
appropriately educated about a public office's obligations under 1308
division (B) of this section, all elected officials or their 1309
appropriate designees shall attend training approved by the 1310
attorney general as provided in section 109.43 of the Revised 1311
Code. In addition, all public offices shall adopt a public 1312
records policy in compliance with this section for responding to 1313
public records requests. In adopting a public records policy 1314
under this division, a public office may obtain guidance from 1315
the model public records policy developed and provided to the 1316
public office by the attorney general under section 109.43 of 1317
the Revised Code. Except as otherwise provided in this section, 1318
the policy may not limit the number of public records that the 1319
public office will make available to a single person, may not 1320
limit the number of public records that it will make available 1321
during a fixed period of time, and may not establish a fixed 1322
period of time before it will respond to a request for 1323
inspection or copying of public records, unless that period is 1324

less than eight hours. 1325

(2) The public office shall distribute the public records 1326
policy adopted by the public office under division (E)(1) of 1327
this section to the employee of the public office who is the 1328
records custodian or records manager or otherwise has custody of 1329
the records of that office. The public office shall require that 1330
employee to acknowledge receipt of the copy of the public 1331
records policy. The public office shall create a poster that 1332
describes its public records policy and shall post the poster in 1333
a conspicuous place in the public office and in all locations 1334
where the public office has branch offices. The public office 1335
may post its public records policy on the internet web site of 1336
the public office if the public office maintains an internet web 1337
site. A public office that has established a manual or handbook 1338
of its general policies and procedures for all employees of the 1339
public office shall include the public records policy of the 1340
public office in the manual or handbook. 1341

(F)(1) The bureau of motor vehicles may adopt rules 1342
pursuant to Chapter 119. of the Revised Code to reasonably limit 1343
the number of bulk commercial special extraction requests made 1344
by a person for the same records or for updated records during a 1345
calendar year. The rules may include provisions for charges to 1346
be made for bulk commercial special extraction requests for the 1347
actual cost of the bureau, plus special extraction costs, plus 1348
ten per cent. The bureau may charge for expenses for redacting 1349
information, the release of which is prohibited by law. 1350

(2) As used in division (F)(1) of this section: 1351

(a) "Actual cost" means the cost of depleted supplies, 1352
records storage media costs, actual mailing and alternative 1353
delivery costs, or other transmitting costs, and any direct 1354

equipment operating and maintenance costs, including actual 1355
costs paid to private contractors for copying services. 1356

(b) "Bulk commercial special extraction request" means a 1357
request for copies of a record for information in a format other 1358
than the format already available, or information that cannot be 1359
extracted without examination of all items in a records series, 1360
class of records, or database by a person who intends to use or 1361
forward the copies for surveys, marketing, solicitation, or 1362
resale for commercial purposes. "Bulk commercial special 1363
extraction request" does not include a request by a person who 1364
gives assurance to the bureau that the person making the request 1365
does not intend to use or forward the requested copies for 1366
surveys, marketing, solicitation, or resale for commercial 1367
purposes. 1368

(c) "Commercial" means profit-seeking production, buying, 1369
or selling of any good, service, or other product. 1370

(d) "Special extraction costs" means the cost of the time 1371
spent by the lowest paid employee competent to perform the task, 1372
the actual amount paid to outside private contractors employed 1373
by the bureau, or the actual cost incurred to create computer 1374
programs to make the special extraction. "Special extraction 1375
costs" include any charges paid to a public agency for computer 1376
or records services. 1377

(3) For purposes of divisions (F) (1) and (2) of this 1378
section, "surveys, marketing, solicitation, or resale for 1379
commercial purposes" shall be narrowly construed and does not 1380
include reporting or gathering news, reporting or gathering 1381
information to assist citizen oversight or understanding of the 1382
operation or activities of government, or nonprofit educational 1383
research. 1384

(G) A request by a defendant, counsel of a defendant, or any agent of a defendant in a criminal action that public records related to that action be made available under this section shall be considered a demand for discovery pursuant to the Criminal Rules, except to the extent that the Criminal Rules plainly indicate a contrary intent. The defendant, counsel of the defendant, or agent of the defendant making a request under this division shall serve a copy of the request on the prosecuting attorney, director of law, or other chief legal officer responsible for prosecuting the action.

Sec. 2901.011. The amendments to sections 109.42, 121.22, 149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, and 5149.04 and the enactment of sections 2901.011, 2929.144, 2967.271, and 5120.038 of the Revised Code by ... B... of the 132nd general assembly constitute the Reagan Tokes Act.

Sec. 2903.06. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:

(1) (a) As the proximate result of committing a violation of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of

division (A) of section 1547.11 of the Revised Code or of a 1415
substantially equivalent municipal ordinance; 1416

(c) As the proximate result of committing a violation of 1417
division (A) (3) of section 4561.15 of the Revised Code or of a 1418
substantially equivalent municipal ordinance. 1419

(2) In one of the following ways: 1420

(a) Recklessly; 1421

(b) As the proximate result of committing, while operating 1422
or participating in the operation of a motor vehicle or 1423
motorcycle in a construction zone, a reckless operation offense, 1424
provided that this division applies only if the person whose 1425
death is caused or whose pregnancy is unlawfully terminated is 1426
in the construction zone at the time of the offender's 1427
commission of the reckless operation offense in the construction 1428
zone and does not apply as described in division (F) of this 1429
section. 1430

(3) In one of the following ways: 1431

(a) Negligently; 1432

(b) As the proximate result of committing, while operating 1433
or participating in the operation of a motor vehicle or 1434
motorcycle in a construction zone, a speeding offense, provided 1435
that this division applies only if the person whose death is 1436
caused or whose pregnancy is unlawfully terminated is in the 1437
construction zone at the time of the offender's commission of 1438
the speeding offense in the construction zone and does not apply 1439
as described in division (F) of this section. 1440

(4) As the proximate result of committing a violation of 1441
any provision of any section contained in Title XLV of the 1442

Revised Code that is a minor misdemeanor or of a municipal 1443
ordinance that, regardless of the penalty set by ordinance for 1444
the violation, is substantially equivalent to any provision of 1445
any section contained in Title XLV of the Revised Code that is a 1446
minor misdemeanor. 1447

(B) (1) Whoever violates division (A) (1) or (2) of this 1448
section is guilty of aggravated vehicular homicide and shall be 1449
punished as provided in divisions (B) (2) and (3) of this 1450
section. 1451

(2) (a) Except as otherwise provided in division (B) (2) (b) 1452
or (c) of this section, aggravated vehicular homicide committed 1453
in violation of division (A) (1) of this section is a felony of 1454
the second degree and the court shall impose a mandatory prison 1455
term on the offender as described in division (E) of this 1456
section. 1457

(b) Except as otherwise provided in division (B) (2) (c) of 1458
this section, aggravated vehicular homicide committed in 1459
violation of division (A) (1) of this section is a felony of the 1460
first degree, and the court shall impose a mandatory prison term 1461
on the offender as described in division (E) of this section, if 1462
any of the following apply: 1463

(i) At the time of the offense, the offender was driving 1464
under a suspension or cancellation imposed under Chapter 4510. 1465
or any other provision of the Revised Code or was operating a 1466
motor vehicle or motorcycle, did not have a valid driver's 1467
license, commercial driver's license, temporary instruction 1468
permit, probationary license, or nonresident operating 1469
privilege, and was not eligible for renewal of the offender's 1470
driver's license or commercial driver's license without 1471
examination under section 4507.10 of the Revised Code. 1472

(ii) The offender previously has been convicted of or	1473
pleaded guilty to a violation of this section.	1474
(iii) The offender previously has been convicted of or	1475
pleaded guilty to any traffic-related homicide, manslaughter, or	1476
assault offense.	1477
(c) Aggravated vehicular homicide committed in violation	1478
of division (A) (1) of this section is a felony of the first	1479
degree, and the court shall sentence the offender to a mandatory	1480
prison term as provided in section 2929.142 of the Revised Code	1481
and described in division (E) of this section if any of the	1482
following apply:	1483
(i) The offender previously has been convicted of or	1484
pleaded guilty to three or more prior violations of section	1485
4511.19 of the Revised Code or of a substantially equivalent	1486
municipal ordinance within the previous ten years.	1487
(ii) The offender previously has been convicted of or	1488
pleaded guilty to three or more prior violations of division (A)	1489
of section 1547.11 of the Revised Code or of a substantially	1490
equivalent municipal ordinance within the previous ten years.	1491
(iii) The offender previously has been convicted of or	1492
pleaded guilty to three or more prior violations of division (A)	1493
(3) of section 4561.15 of the Revised Code or of a substantially	1494
equivalent municipal ordinance within the previous ten years.	1495
(iv) The offender previously has been convicted of or	1496
pleaded guilty to three or more prior violations of division (A)	1497
(1) of this section within the previous ten years.	1498
(v) The offender previously has been convicted of or	1499
pleaded guilty to three or more prior violations of division (A)	1500
(1) of section 2903.08 of the Revised Code within the previous	1501

ten years. 1502

(vi) The offender previously has been convicted of or 1503
pleaded guilty to three or more prior violations of section 1504
2903.04 of the Revised Code within the previous ten years in 1505
circumstances in which division (D) of that section applied 1506
regarding the violations. 1507

(vii) The offender previously has been convicted of or 1508
pleaded guilty to three or more violations of any combination of 1509
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1510
(v), or (vi) of this section within the previous ten years. 1511

(viii) The offender previously has been convicted of or 1512
pleaded guilty to a second or subsequent felony violation of 1513
division (A) of section 4511.19 of the Revised Code. 1514

(d) In addition to any other sanctions imposed pursuant to 1515
division (B) (2) (a), (b), or (c) of this section for aggravated 1516
vehicular homicide committed in violation of division (A) (1) of 1517
this section, the court shall impose upon the offender a class 1518
one suspension of the offender's driver's license, commercial 1519
driver's license, temporary instruction permit, probationary 1520
license, or nonresident operating privilege as specified in 1521
division (A) (1) of section 4510.02 of the Revised Code. 1522

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1523
Code apply to a suspension imposed under division (B) (2) (d) of 1524
this section. 1525

(3) Except as otherwise provided in this division, 1526
aggravated vehicular homicide committed in violation of division 1527
(A) (2) of this section is a felony of the third degree. 1528
Aggravated vehicular homicide committed in violation of division 1529
(A) (2) of this section is a felony of the second degree if, at 1530

the time of the offense, the offender was driving under a 1531
suspension or cancellation imposed under Chapter 4510. or any 1532
other provision of the Revised Code or was operating a motor 1533
vehicle or motorcycle, did not have a valid driver's license, 1534
commercial driver's license, temporary instruction permit, 1535
probationary license, or nonresident operating privilege, and 1536
was not eligible for renewal of the offender's driver's license 1537
or commercial driver's license without examination under section 1538
4507.10 of the Revised Code or if the offender previously has 1539
been convicted of or pleaded guilty to a violation of this 1540
section or any traffic-related homicide, manslaughter, or 1541
assault offense. The court shall impose a mandatory prison term 1542
on the offender when required by division (E) of this section. 1543

In addition to any other sanctions imposed pursuant to 1544
this division for a violation of division (A) (2) of this 1545
section, the court shall impose upon the offender a class two 1546
suspension of the offender's driver's license, commercial 1547
driver's license, temporary instruction permit, probationary 1548
license, or nonresident operating privilege from the range 1549
specified in division (A) (2) of section 4510.02 of the Revised 1550
Code or, if the offender previously has been convicted of or 1551
pleaded guilty to a traffic-related murder, felonious assault, 1552
or attempted murder offense, a class one suspension of the 1553
offender's driver's license, commercial driver's license, 1554
temporary instruction permit, probationary license, or 1555
nonresident operating privilege as specified in division (A) (1) 1556
of that section. 1557

(C) Whoever violates division (A) (3) of this section is 1558
guilty of vehicular homicide. Except as otherwise provided in 1559
this division, vehicular homicide is a misdemeanor of the first 1560
degree. Vehicular homicide committed in violation of division 1561

(A) (3) of this section is a felony of the fourth degree if, at 1562
the time of the offense, the offender was driving under a 1563
suspension or cancellation imposed under Chapter 4510. or any 1564
other provision of the Revised Code or was operating a motor 1565
vehicle or motorcycle, did not have a valid driver's license, 1566
commercial driver's license, temporary instruction permit, 1567
probationary license, or nonresident operating privilege, and 1568
was not eligible for renewal of the offender's driver's license 1569
or commercial driver's license without examination under section 1570
4507.10 of the Revised Code or if the offender previously has 1571
been convicted of or pleaded guilty to a violation of this 1572
section or any traffic-related homicide, manslaughter, or 1573
assault offense. The court shall impose a mandatory jail term or 1574
a mandatory prison term on the offender when required by 1575
division (E) of this section. 1576

In addition to any other sanctions imposed pursuant to 1577
this division, the court shall impose upon the offender a class 1578
four suspension of the offender's driver's license, commercial 1579
driver's license, temporary instruction permit, probationary 1580
license, or nonresident operating privilege from the range 1581
specified in division (A) (4) of section 4510.02 of the Revised 1582
Code, or, if the offender previously has been convicted of or 1583
pleaded guilty to a violation of this section or any traffic- 1584
related homicide, manslaughter, or assault offense, a class 1585
three suspension of the offender's driver's license, commercial 1586
driver's license, temporary instruction permit, probationary 1587
license, or nonresident operating privilege from the range 1588
specified in division (A) (3) of that section, or, if the 1589
offender previously has been convicted of or pleaded guilty to a 1590
traffic-related murder, felonious assault, or attempted murder 1591
offense, a class two suspension of the offender's driver's 1592

license, commercial driver's license, temporary instruction 1593
permit, probationary license, or nonresident operating privilege 1594
as specified in division (A)(2) of that section. 1595

(D) Whoever violates division (A)(4) of this section is 1596
guilty of vehicular manslaughter. Except as otherwise provided 1597
in this division, vehicular manslaughter is a misdemeanor of the 1598
second degree. Vehicular manslaughter is a misdemeanor of the 1599
first degree if, at the time of the offense, the offender was 1600
driving under a suspension or cancellation imposed under Chapter 1601
4510. or any other provision of the Revised Code or was 1602
operating a motor vehicle or motorcycle, did not have a valid 1603
driver's license, commercial driver's license, temporary 1604
instruction permit, probationary license, or nonresident 1605
operating privilege, and was not eligible for renewal of the 1606
offender's driver's license or commercial driver's license 1607
without examination under section 4507.10 of the Revised Code or 1608
if the offender previously has been convicted of or pleaded 1609
guilty to a violation of this section or any traffic-related 1610
homicide, manslaughter, or assault offense. 1611

In addition to any other sanctions imposed pursuant to 1612
this division, the court shall impose upon the offender a class 1613
six suspension of the offender's driver's license, commercial 1614
driver's license, temporary instruction permit, probationary 1615
license, or nonresident operating privilege from the range 1616
specified in division (A)(6) of section 4510.02 of the Revised 1617
Code or, if the offender previously has been convicted of or 1618
pleaded guilty to a violation of this section, any traffic- 1619
related homicide, manslaughter, or assault offense, or a 1620
traffic-related murder, felonious assault, or attempted murder 1621
offense, a class four suspension of the offender's driver's 1622
license, commercial driver's license, temporary instruction 1623

permit, probationary license, or nonresident operating privilege 1624
from the range specified in division (A) (4) of that section. 1625

(E) (1) The court shall impose a mandatory prison term on 1626
an offender who is convicted of or pleads guilty to a violation 1627
of division (A) (1) of this section. Except as otherwise provided 1628
in this division, the mandatory prison term shall be a definite 1629
term from the range of prison terms provided in division (A) (1) 1630
(b) of section 2929.14 of the Revised Code for a felony of the 1631
first degree or from division (A) (2) (b) of that section for a 1632
felony of the second degree, whichever is applicable, except 1633
that if the violation is committed on or after the effective 1634
date of this amendment, the court shall impose as the minimum 1635
prison term for the offense a mandatory prison term that is one 1636
of the minimum terms prescribed for a felony of the first degree 1637
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1638
one of the terms prescribed for a felony of the second degree in 1639
division (A) (2) (a) of that section, whichever is applicable. If 1640
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1641
(viii) of this section applies to an offender who is convicted 1642
of or pleads guilty to the violation of division (A) (1) of this 1643
section, the court shall impose the mandatory prison term 1644
pursuant to division (B) of section 2929.142 of the Revised 1645
Code. The court shall impose a mandatory jail term of at least 1646
fifteen days on an offender who is convicted of or pleads guilty 1647
to a misdemeanor violation of division (A) (3) (b) of this section 1648
and may impose upon the offender a longer jail term as 1649
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1650

(2) The court shall impose a mandatory prison term on an 1651
offender who is convicted of or pleads guilty to a violation of 1652
division (A) (2) or (3) (a) of this section or a felony violation 1653
of division (A) (3) (b) of this section if either division (E) (2) 1654

(a) or (b) of this section applies. The mandatory prison term 1655
shall be a definite term from the range of prison terms provided 1656
in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1657
for a felony of the third degree or from division (A) (4) of that 1658
section for a felony of the fourth degree, whichever is 1659
applicable, except that if the violation is a felony of the 1660
third degree committed on or after the effective date of this 1661
amendment, the court shall impose as the minimum prison term for 1662
the offense a mandatory prison term that is one of the minimum 1663
terms prescribed for a felony of the third degree in division 1664
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1665
shall impose a mandatory prison term on an offender in a 1666
category described in this division if either of the following 1667
applies: 1668

~~(1)~~(a) The offender previously has been convicted of or 1669
pleaded guilty to a violation of this section or section 2903.08 1670
of the Revised Code. 1671

~~(2)~~(b) At the time of the offense, the offender was 1672
driving under suspension or cancellation under Chapter 4510. or 1673
any other provision of the Revised Code or was operating a motor 1674
vehicle or motorcycle, did not have a valid driver's license, 1675
commercial driver's license, temporary instruction permit, 1676
probationary license, or nonresident operating privilege, and 1677
was not eligible for renewal of the offender's driver's license 1678
or commercial driver's license without examination under section 1679
4507.10 of the Revised Code. 1680

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1681
apply in a particular construction zone unless signs of the type 1682
described in section 2903.081 of the Revised Code are erected in 1683
that construction zone in accordance with the guidelines and 1684

design specifications established by the director of 1685
transportation under section 5501.27 of the Revised Code. The 1686
failure to erect signs of the type described in section 2903.081 1687
of the Revised Code in a particular construction zone in 1688
accordance with those guidelines and design specifications does 1689
not limit or affect the application of division (A) (1), (A) (2) 1690
(a), (A) (3) (a), or (A) (4) of this section in that construction 1691
zone or the prosecution of any person who violates any of those 1692
divisions in that construction zone. 1693

(G) (1) As used in this section: 1694

(a) "Mandatory prison term" and "mandatory jail term" have 1695
the same meanings as in section 2929.01 of the Revised Code. 1696

(b) "Traffic-related homicide, manslaughter, or assault 1697
offense" means a violation of section 2903.04 of the Revised 1698
Code in circumstances in which division (D) of that section 1699
applies, a violation of section 2903.06 or 2903.08 of the 1700
Revised Code, or a violation of section 2903.06, 2903.07, or 1701
2903.08 of the Revised Code as they existed prior to March 23, 1702
2000. 1703

(c) "Construction zone" has the same meaning as in section 1704
5501.27 of the Revised Code. 1705

(d) "Reckless operation offense" means a violation of 1706
section 4511.20 of the Revised Code or a municipal ordinance 1707
substantially equivalent to section 4511.20 of the Revised Code. 1708

(e) "Speeding offense" means a violation of section 1709
4511.21 of the Revised Code or a municipal ordinance pertaining 1710
to speed. 1711

(f) "Traffic-related murder, felonious assault, or 1712
attempted murder offense" means a violation of section 2903.01 1713

or 2903.02 of the Revised Code in circumstances in which the
offender used a motor vehicle as the means to commit the
violation, a violation of division (A) (2) of section 2903.11 of
the Revised Code in circumstances in which the deadly weapon
used in the commission of the violation is a motor vehicle, or
an attempt to commit aggravated murder or murder in violation of
section 2923.02 of the Revised Code in circumstances in which
the offender used a motor vehicle as the means to attempt to
commit the aggravated murder or murder.

(g) "Motor vehicle" has the same meaning as in section
4501.01 of the Revised Code.

(2) For the purposes of this section, when a penalty or
suspension is enhanced because of a prior or current violation
of a specified law or a prior or current specified offense, the
reference to the violation of the specified law or the specified
offense includes any violation of any substantially equivalent
municipal ordinance, former law of this state, or current or
former law of another state or the United States.

Sec. 2903.08. (A) No person, while operating or
participating in the operation of a motor vehicle, motorcycle,
snowmobile, locomotive, watercraft, or aircraft, shall cause
serious physical harm to another person or another's unborn in
any of the following ways:

(1) (a) As the proximate result of committing a violation
of division (A) of section 4511.19 of the Revised Code or of a
substantially equivalent municipal ordinance;

(b) As the proximate result of committing a violation of
division (A) of section 1547.11 of the Revised Code or of a
substantially equivalent municipal ordinance;

(c) As the proximate result of committing a violation of 1743
division (A) (3) of section 4561.15 of the Revised Code or of a 1744
substantially equivalent municipal ordinance. 1745

(2) In one of the following ways: 1746

(a) As the proximate result of committing, while operating 1747
or participating in the operation of a motor vehicle or 1748
motorcycle in a construction zone, a reckless operation offense, 1749
provided that this division applies only if the person to whom 1750
the serious physical harm is caused or to whose unborn the 1751
serious physical harm is caused is in the construction zone at 1752
the time of the offender's commission of the reckless operation 1753
offense in the construction zone and does not apply as described 1754
in division (E) of this section; 1755

(b) Recklessly. 1756

(3) As the proximate result of committing, while operating 1757
or participating in the operation of a motor vehicle or 1758
motorcycle in a construction zone, a speeding offense, provided 1759
that this division applies only if the person to whom the 1760
serious physical harm is caused or to whose unborn the serious 1761
physical harm is caused is in the construction zone at the time 1762
of the offender's commission of the speeding offense in the 1763
construction zone and does not apply as described in division 1764
(E) of this section. 1765

(B) (1) Whoever violates division (A) (1) of this section is 1766
guilty of aggravated vehicular assault. Except as otherwise 1767
provided in this division, aggravated vehicular assault is a 1768
felony of the third degree. Aggravated vehicular assault is a 1769
felony of the second degree if any of the following apply: 1770

(a) At the time of the offense, the offender was driving 1771

under a suspension imposed under Chapter 4510. or any other 1772
provision of the Revised Code. 1773

(b) The offender previously has been convicted of or 1774
pleaded guilty to a violation of this section. 1775

(c) The offender previously has been convicted of or 1776
pleaded guilty to any traffic-related homicide, manslaughter, or 1777
assault offense. 1778

(d) The offender previously has been convicted of or 1779
pleaded guilty to three or more prior violations of section 1780
4511.19 of the Revised Code or a substantially equivalent 1781
municipal ordinance within the previous ten years. 1782

(e) The offender previously has been convicted of or 1783
pleaded guilty to three or more prior violations of division (A) 1784
of section 1547.11 of the Revised Code or of a substantially 1785
equivalent municipal ordinance within the previous ten years. 1786

(f) The offender previously has been convicted of or 1787
pleaded guilty to three or more prior violations of division (A) 1788
(3) of section 4561.15 of the Revised Code or of a substantially 1789
equivalent municipal ordinance within the previous ten years. 1790

(g) The offender previously has been convicted of or 1791
pleaded guilty to three or more prior violations of any 1792
combination of the offenses listed in division (B) (1) (d), (e), 1793
or (f) of this section. 1794

(h) The offender previously has been convicted of or 1795
pleaded guilty to a second or subsequent felony violation of 1796
division (A) of section 4511.19 of the Revised Code. 1797

(2) In addition to any other sanctions imposed pursuant to 1798
division (B) (1) of this section, except as otherwise provided in 1799

this division, the court shall impose upon the offender a class 1800
three suspension of the offender's driver's license, commercial 1801
driver's license, temporary instruction permit, probationary 1802
license, or nonresident operating privilege from the range 1803
specified in division (A) (3) of section 4510.02 of the Revised 1804
Code. If the offender previously has been convicted of or 1805
pleaded guilty to a violation of this section, any traffic- 1806
related homicide, manslaughter, or assault offense, or any 1807
traffic-related murder, felonious assault, or attempted murder 1808
offense, the court shall impose either a class two suspension of 1809
the offender's driver's license, commercial driver's license, 1810
temporary instruction permit, probationary license, or 1811
nonresident operating privilege from the range specified in 1812
division (A) (2) of that section or a class one suspension as 1813
specified in division (A) (1) of that section. 1814

(C) (1) Whoever violates division (A) (2) or (3) of this 1815
section is guilty of vehicular assault and shall be punished as 1816
provided in divisions (C) (2) and (3) of this section. 1817

(2) Except as otherwise provided in this division, 1818
vehicular assault committed in violation of division (A) (2) of 1819
this section is a felony of the fourth degree. Vehicular assault 1820
committed in violation of division (A) (2) of this section is a 1821
felony of the third degree if, at the time of the offense, the 1822
offender was driving under a suspension imposed under Chapter 1823
4510. or any other provision of the Revised Code, if the 1824
offender previously has been convicted of or pleaded guilty to a 1825
violation of this section or any traffic-related homicide, 1826
manslaughter, or assault offense, or if, in the same course of 1827
conduct that resulted in the violation of division (A) (2) of 1828
this section, the offender also violated section 4549.02, 1829
4549.021, or 4549.03 of the Revised Code. 1830

In addition to any other sanctions imposed, the court 1831
shall impose upon the offender a class four suspension of the 1832
offender's driver's license, commercial driver's license, 1833
temporary instruction permit, probationary license, or 1834
nonresident operating privilege from the range specified in 1835
division (A)(4) of section 4510.02 of the Revised Code or, if 1836
the offender previously has been convicted of or pleaded guilty 1837
to a violation of this section, any traffic-related homicide, 1838
manslaughter, or assault offense, or any traffic-related murder, 1839
felonious assault, or attempted murder offense, a class three 1840
suspension of the offender's driver's license, commercial 1841
driver's license, temporary instruction permit, probationary 1842
license, or nonresident operating privilege from the range 1843
specified in division (A)(3) of that section. 1844

(3) Except as otherwise provided in this division, 1845
vehicular assault committed in violation of division (A)(3) of 1846
this section is a misdemeanor of the first degree. Vehicular 1847
assault committed in violation of division (A)(3) of this 1848
section is a felony of the fourth degree if, at the time of the 1849
offense, the offender was driving under a suspension imposed 1850
under Chapter 4510. or any other provision of the Revised Code 1851
or if the offender previously has been convicted of or pleaded 1852
guilty to a violation of this section or any traffic-related 1853
homicide, manslaughter, or assault offense. 1854

In addition to any other sanctions imposed, the court 1855
shall impose upon the offender a class four suspension of the 1856
offender's driver's license, commercial driver's license, 1857
temporary instruction permit, probationary license, or 1858
nonresident operating privilege from the range specified in 1859
division (A)(4) of section 4510.02 of the Revised Code or, if 1860
the offender previously has been convicted of or pleaded guilty 1861

to a violation of this section, any traffic-related homicide, 1862
manslaughter, or assault offense, or any traffic-related murder, 1863
felonious assault, or attempted murder offense, a class three 1864
suspension of the offender's driver's license, commercial 1865
driver's license, temporary instruction permit, probationary 1866
license, or nonresident operating privilege from the range 1867
specified in division (A) (3) of section 4510.02 of the Revised 1868
Code. 1869

(D) (1) The court shall impose a mandatory prison term, as 1870
described in division (D) (4) of this section, on an offender who 1871
is convicted of or pleads guilty to a violation of division (A) 1872
(1) of this section. 1873

(2) The court shall impose a mandatory prison term, as 1874
described in division (D) (4) of this section, on an offender who 1875
is convicted of or pleads guilty to a violation of division (A) 1876
(2) of this section or a felony violation of division (A) (3) of 1877
this section if either of the following applies: 1878

(a) The offender previously has been convicted of or 1879
pleaded guilty to a violation of this section or section 2903.06 1880
of the Revised Code. 1881

(b) At the time of the offense, the offender was driving 1882
under suspension under Chapter 4510. or any other provision of 1883
the Revised Code. 1884

(3) The court shall impose a mandatory jail term of at 1885
least seven days on an offender who is convicted of or pleads 1886
guilty to a misdemeanor violation of division (A) (3) of this 1887
section and may impose upon the offender a longer jail term as 1888
authorized pursuant to section 2929.24 of the Revised Code. 1889

(4) A mandatory prison term required under division (D) (1) 1890

or (2) of this section shall be a definite term from the range 1891
of prison terms provided in division (A) (2) (b) of section 1892
2929.14 of the Revised Code for a felony of the second degree, 1893
from division (A) (3) (a) (ii) of that section for a felony of the 1894
third degree, or from division (A) (4) of that section for a 1895
felony of the fourth degree, whichever is applicable, except 1896
that if the violation is a felony of the second or third degree 1897
committed on or after the effective date of this amendment, the 1898
court shall impose as the minimum prison term for the offense a 1899
mandatory prison term that is one of the minimum terms 1900
prescribed for a felony of the second degree in division (A) (2) 1901
(a) of section 2929.14 of the Revised Code or that is one of the 1902
terms prescribed for a felony of the third degree in division 1903
(A) (3) (a) (i) of section 2929.14 of the Revised Code, whichever 1904
is applicable. 1905

(E) Divisions (A) (2) (a) and (3) of this section do not 1906
apply in a particular construction zone unless signs of the type 1907
described in section 2903.081 of the Revised Code are erected in 1908
that construction zone in accordance with the guidelines and 1909
design specifications established by the director of 1910
transportation under section 5501.27 of the Revised Code. The 1911
failure to erect signs of the type described in section 2903.081 1912
of the Revised Code in a particular construction zone in 1913
accordance with those guidelines and design specifications does 1914
not limit or affect the application of division (A) (1) or (2) (b) 1915
of this section in that construction zone or the prosecution of 1916
any person who violates either of those divisions in that 1917
construction zone. 1918

(F) As used in this section: 1919

(1) "Mandatory prison term" and "mandatory jail term" have 1920

the same meanings as in section 2929.01 of the Revised Code.	1921
(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.	1922 1923 1924 1925
(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	1926 1927
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	1928 1929 1930
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	1931 1932 1933 1934 1935 1936 1937
Sec. 2903.11. (A) No person shall knowingly do either of the following:	1938 1939
(1) Cause serious physical harm to another or to another's unborn;	1940 1941
(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance.	1942 1943 1944
(B) No person, with knowledge that the person has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome, shall knowingly do any of the following:	1945 1946 1947 1948

(1) Engage in sexual conduct with another person without 1949
disclosing that knowledge to the other person prior to engaging 1950
in the sexual conduct; 1951

(2) Engage in sexual conduct with a person whom the 1952
offender knows or has reasonable cause to believe lacks the 1953
mental capacity to appreciate the significance of the knowledge 1954
that the offender has tested positive as a carrier of a virus 1955
that causes acquired immunodeficiency syndrome; 1956

(3) Engage in sexual conduct with a person under eighteen 1957
years of age who is not the spouse of the offender. 1958

(C) The prosecution of a person under this section does 1959
not preclude prosecution of that person under section 2907.02 of 1960
the Revised Code. 1961

(D) (1) (a) Whoever violates this section is guilty of 1962
felonious assault. Except as otherwise provided in this division 1963
or division (D) (1) (b) of this section, felonious assault is a 1964
felony of the second degree. If the victim of a violation of 1965
division (A) of this section is a peace officer or an 1966
investigator of the bureau of criminal identification and 1967
investigation, felonious assault is a felony of the first 1968
degree. 1969

(b) Regardless of whether the felonious assault is a 1970
felony of the first or second degree under division (D) (1) (a) of 1971
this section, if the offender also is convicted of or pleads 1972
guilty to a specification as described in section 2941.1423 of 1973
the Revised Code that was included in the indictment, count in 1974
the indictment, or information charging the offense, except as 1975
otherwise provided in this division or unless a longer prison 1976
term is required under any other provision of law, the court 1977

shall sentence the offender to a mandatory prison term as 1978
provided in division (B) (8) of section 2929.14 of the Revised 1979
Code. If the victim of the offense is a peace officer or an 1980
investigator of the bureau of criminal identification and 1981
investigation, and if the victim suffered serious physical harm 1982
as a result of the commission of the offense, felonious assault 1983
is a felony of the first degree, and the court, pursuant to 1984
division (F) of section 2929.13 of the Revised Code, shall 1985
impose as a mandatory prison term one of the definite prison 1986
terms prescribed for a felony of the first degree in division 1987
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1988
the violation is committed on or after the effective date of 1989
this amendment, the court shall impose as the minimum prison 1990
term for the offense a mandatory prison term that is one of the 1991
minimum terms prescribed for a felony of the first degree in 1992
division (A) (1) (a) of section 2929.14 of the Revised Code. 1993

(2) In addition to any other sanctions imposed pursuant to 1994
division (D) (1) of this section for felonious assault committed 1995
in violation of division (A) (1) or (2) of this section, if the 1996
offender also is convicted of or pleads guilty to a 1997
specification of the type described in section 2941.1425 of the 1998
Revised Code that was included in the indictment, count in the 1999
indictment, or information charging the offense, the court shall 2000
sentence the offender to a mandatory prison term under division 2001
(B) (9) of section 2929.14 of the Revised Code. 2002

(3) In addition to any other sanctions imposed pursuant to 2003
division (D) (1) of this section for felonious assault committed 2004
in violation of division (A) (2) of this section, if the deadly 2005
weapon used in the commission of the violation is a motor 2006
vehicle, the court shall impose upon the offender a class two 2007
suspension of the offender's driver's license, commercial 2008

driver's license, temporary instruction permit, probationary	2009
license, or nonresident operating privilege as specified in	2010
division (A) (2) of section 4510.02 of the Revised Code.	2011
(E) As used in this section:	2012
(1) "Deadly weapon" and "dangerous ordnance" have the same	2013
meanings as in section 2923.11 of the Revised Code.	2014
(2) "Motor vehicle" has the same meaning as in section	2015
4501.01 of the Revised Code.	2016
(3) "Peace officer" has the same meaning as in section	2017
2935.01 of the Revised Code.	2018
(4) "Sexual conduct" has the same meaning as in section	2019
2907.01 of the Revised Code, except that, as used in this	2020
section, it does not include the insertion of an instrument,	2021
apparatus, or other object that is not a part of the body into	2022
the vaginal or anal opening of another, unless the offender knew	2023
at the time of the insertion that the instrument, apparatus, or	2024
other object carried the offender's bodily fluid.	2025
(5) "Investigator of the bureau of criminal identification	2026
and investigation" means an investigator of the bureau of	2027
criminal identification and investigation who is commissioned by	2028
the superintendent of the bureau as a special agent for the	2029
purpose of assisting law enforcement officers or providing	2030
emergency assistance to peace officers pursuant to authority	2031
granted under section 109.541 of the Revised Code.	2032
(6) "Investigator" has the same meaning as in section	2033
109.541 of the Revised Code.	2034
(F) The provisions of division (D) (2) of this section and	2035
of division (F) (20) of section 2929.13, divisions (B) (9) and (C)	2036

(6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

Sec. 2903.12. (A) No person, while under the influence of sudden passion or in a sudden fit of rage, either of which is brought on by serious provocation occasioned by the victim that is reasonably sufficient to incite the person into using deadly force, shall knowingly:

(1) Cause serious physical harm to another or to another's unborn;

(2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code.

(B) Whoever violates this section is guilty of aggravated assault. Except as otherwise provided in this division, aggravated assault is a felony of the fourth degree. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, aggravated assault is a felony of the third degree. Regardless of whether the offense is a felony of the third or fourth degree under this division, if the offender also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in this division, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code. If the victim of the offense is a peace officer or an investigator of the bureau of criminal identification and investigation, and if the victim suffered serious physical harm as a result of the commission of the offense, aggravated assault

is a felony of the third degree, and the court, pursuant to 2067
division (F) of section 2929.13 of the Revised Code, shall 2068
impose as a mandatory prison term one of the definite prison 2069
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2070
Revised Code for a felony of the third degree. 2071

(C) As used in this section: 2072

(1) "Investigator of the bureau of criminal identification 2073
and investigation" has the same meaning as in section 2903.11 of 2074
the Revised Code. 2075

(2) "Peace officer" has the same meaning as in section 2076
2935.01 of the Revised Code. 2077

Sec. 2905.01. (A) No person, by force, threat, or 2078
deception, or, in the case of a victim under the age of thirteen 2079
or mentally incompetent, by any means, shall remove another from 2080
the place where the other person is found or restrain the 2081
liberty of the other person, for any of the following purposes: 2082

(1) To hold for ransom, or as a shield or hostage; 2083

(2) To facilitate the commission of any felony or flight 2084
thereafter; 2085

(3) To terrorize, or to inflict serious physical harm on 2086
the victim or another; 2087

(4) To engage in sexual activity, as defined in section 2088
2907.01 of the Revised Code, with the victim against the 2089
victim's will; 2090

(5) To hinder, impede, or obstruct a function of 2091
government, or to force any action or concession on the part of 2092
governmental authority; 2093

(6) To hold in a condition of involuntary servitude. 2094

(B) No person, by force, threat, or deception, or, in the 2095
case of a victim under the age of thirteen or mentally 2096
incompetent, by any means, shall knowingly do any of the 2097
following, under circumstances that create a substantial risk of 2098
serious physical harm to the victim or, in the case of a minor 2099
victim, under circumstances that either create a substantial 2100
risk of serious physical harm to the victim or cause physical 2101
harm to the victim: 2102

(1) Remove another from the place where the other person 2103
is found; 2104

(2) Restrain another of the other person's liberty. 2105

(C) (1) Whoever violates this section is guilty of 2106
kidnapping. Except as otherwise provided in this division or 2107
division (C) (2) or (3) of this section, kidnapping is a felony 2108
of the first degree. Except as otherwise provided in this 2109
division or division (C) (2) or (3) of this section, if an 2110
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2111
of this section releases the victim in a safe place unharmed, 2112
kidnapping is a felony of the second degree. 2113

(2) If the offender in any case also is convicted of or 2114
pleads guilty to a specification as described in section 2115
2941.1422 of the Revised Code that was included in the 2116
indictment, count in the indictment, or information charging the 2117
offense, the court shall order the offender to make restitution 2118
as provided in division (B) (8) of section 2929.18 of the Revised 2119
Code and, except as otherwise provided in division (C) (3) of 2120
this section, shall sentence the offender to a mandatory prison 2121
term as provided in division (B) (7) of section 2929.14 of the 2122

Revised Code. 2123

(3) If the victim of the offense is less than thirteen 2124
years of age and if the offender also is convicted of or pleads 2125
guilty to a sexual motivation specification that was included in 2126
the indictment, count in the indictment, or information charging 2127
the offense, kidnapping is a felony of the first degree, and, 2128
notwithstanding the definite or indefinite sentence provided for 2129
a felony of the first degree in section 2929.14 of the Revised 2130
Code, the offender shall be sentenced pursuant to section 2131
2971.03 of the Revised Code as follows: 2132

(a) Except as otherwise provided in division (C) (3) (b) of 2133
this section, the offender shall be sentenced pursuant to that 2134
section to an indefinite prison term consisting of a minimum 2135
term of fifteen years and a maximum term of life imprisonment. 2136

(b) If the offender releases the victim in a safe place 2137
unharmed, the offender shall be sentenced pursuant to that 2138
section to an indefinite term consisting of a minimum term of 2139
ten years and a maximum term of life imprisonment. 2140

(D) As used in this section: 2141

(1) "Involuntary servitude" has the same meaning as in 2142
section 2905.31 of the Revised Code. 2143

(2) "Sexual motivation specification" has the same meaning 2144
as in section 2971.01 of the Revised Code. 2145

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 2146
entice, isolate, harbor, transport, provide, obtain, or 2147
maintain, or knowingly attempt to recruit, lure, entice, 2148
isolate, harbor, transport, provide, obtain, or maintain, 2149
another person if any of the following applies: 2150

(1) The offender knows that the other person will be 2151
subjected to involuntary servitude or be compelled to engage in 2152
sexual activity for hire, engage in a performance that is 2153
obscene, sexually oriented, or nudity oriented, or be a model or 2154
participant in the production of material that is obscene, 2155
sexually oriented, or nudity oriented. 2156

(2) The other person is less than sixteen years of age or 2157
is a person with a developmental disability whom the offender 2158
knows or has reasonable cause to believe is a person with a 2159
developmental disability, and either the offender knows that the 2160
other person will be subjected to involuntary servitude or the 2161
offender's knowing recruitment, luring, enticement, isolation, 2162
harboring, transportation, provision, obtaining, or maintenance 2163
of the other person or knowing attempt to recruit, lure, entice, 2164
isolate, harbor, transport, provide, obtain, or maintain the 2165
other person is for any of the following purposes: 2166

(a) To engage in sexual activity for hire; 2167

(b) To engage in a performance for hire that is obscene, 2168
sexually oriented, or nudity oriented; 2169

(c) To be a model or participant for hire in the 2170
production of material that is obscene, sexually oriented, or 2171
nudity oriented. 2172

(3) The other person is sixteen or seventeen years of age, 2173
either the offender knows that the other person will be 2174
subjected to involuntary servitude or the offender's knowing 2175
recruitment, luring, enticement, isolation, harboring, 2176
transportation, provision, obtaining, or maintenance of the 2177
other person or knowing attempt to recruit, lure, entice, 2178
isolate, harbor, transport, provide, obtain, or maintain the 2179

other person is for any purpose described in divisions (A) (2) (a) 2180
to (c) of this section, and the circumstances described in 2181
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2182
of section 2907.03 of the Revised Code apply with respect to the 2183
offender and the other person. 2184

(B) For a prosecution under division (A) (1) of this 2185
section, the element "compelled" does not require that the 2186
compulsion be openly displayed or physically exerted. The 2187
element "compelled" has been established if the state proves 2188
that the victim's will was overcome by force, fear, duress, 2189
intimidation, or fraud. 2190

(C) In a prosecution under this section, proof that the 2191
defendant engaged in sexual activity with any person, or 2192
solicited sexual activity with any person, whether or not for 2193
hire, without more, does not constitute a violation of this 2194
section. 2195

(D) A prosecution for a violation of this section does not 2196
preclude a prosecution of a violation of any other section of 2197
the Revised Code. One or more acts, a series of acts, or a 2198
course of behavior that can be prosecuted under this section or 2199
any other section of the Revised Code may be prosecuted under 2200
this section, the other section of the Revised Code, or both 2201
sections. However, if an offender is convicted of or pleads 2202
guilty to a violation of this section and also is convicted of 2203
or pleads guilty to a violation of section 2907.21 of the 2204
Revised Code based on the same conduct involving the same victim 2205
that was the basis of the violation of this section, or is 2206
convicted of or pleads guilty to any other violation of Chapter 2207
2907. of the Revised Code based on the same conduct involving 2208
the same victim that was the basis of the violation of this 2209

section, the two offenses are allied offenses of similar import 2210
under section 2941.25 of the Revised Code. 2211

(E) Whoever violates this section is guilty of trafficking 2212
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2213
violation committed prior to the effective date of this 2214
amendment, notwithstanding the range of definite terms set forth 2215
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2216
the court shall sentence the offender to a definite prison term 2217
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2218
For a violation committed on or after the effective date of this 2219
amendment, notwithstanding the range of minimum terms set forth 2220
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2221
the court shall sentence the offender to an indefinite prison 2222
term pursuant to that division, with a minimum term under that 2223
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2224
years. 2225

(F) As used in this section: 2226

(1) "Person with a developmental disability" means a 2227
person whose ability to resist or consent to an act is 2228
substantially impaired because of a mental or physical condition 2229
or because of advanced age. 2230

(2) "Sexual activity for hire," "performance for hire," 2231
and "model or participant for hire" mean an implicit or explicit 2232
agreement to provide sexual activity, engage in an obscene, 2233
sexually oriented, or nudity oriented performance, or be a model 2234
or participant in the production of obscene, sexually oriented, 2235
or nudity oriented material, whichever is applicable, in 2236
exchange for anything of value paid to any of the following: 2237

(a) The person engaging in such sexual activity, 2238

performance, or modeling or participation; 2239

(b) Any person who recruits, lures, entices, isolates, 2240
harbors, transports, provides, obtains, or maintains, or 2241
attempts to recruit, lure, entice, isolate, harbor, transport, 2242
provide, obtain, or maintain the person described in division 2243
(F) (2) (a) of this section; 2244

(c) Any person associated with a person described in 2245
division (F) (2) (a) or (b) of this section. 2246

(3) "Material that is obscene, sexually oriented, or 2247
nudity oriented" and "performance that is obscene, sexually 2248
oriented, or nudity oriented" have the same meanings as in 2249
section 2929.01 of the Revised Code. 2250

Sec. 2907.02. (A) (1) No person shall engage in sexual 2251
conduct with another who is not the spouse of the offender or 2252
who is the spouse of the offender but is living separate and 2253
apart from the offender, when any of the following applies: 2254

(a) For the purpose of preventing resistance, the offender 2255
substantially impairs the other person's judgment or control by 2256
administering any drug, intoxicant, or controlled substance to 2257
the other person surreptitiously or by force, threat of force, 2258
or deception. 2259

(b) The other person is less than thirteen years of age, 2260
whether or not the offender knows the age of the other person. 2261

(c) The other person's ability to resist or consent is 2262
substantially impaired because of a mental or physical condition 2263
or because of advanced age, and the offender knows or has 2264
reasonable cause to believe that the other person's ability to 2265
resist or consent is substantially impaired because of a mental 2266
or physical condition or because of advanced age. 2267

(2) No person shall engage in sexual conduct with another 2268
when the offender purposely compels the other person to submit 2269
by force or threat of force. 2270

(B) Whoever violates this section is guilty of rape, a 2271
felony of the first degree. If the offender under division (A) 2272
(1) (a) of this section substantially impairs the other person's 2273
judgment or control by administering any controlled substance 2274
described in section 3719.41 of the Revised Code to the other 2275
person surreptitiously or by force, threat of force, or 2276
deception, the prison term imposed upon the offender shall be 2277
one of the definite prison terms prescribed for a felony of the 2278
first degree in division (A) (1) (b) of section 2929.14 of the 2279
Revised Code that is not less than five years, except that if 2280
the violation is committed on or after the effective date of 2281
this amendment, the court shall impose as the minimum prison 2282
term for the offense a mandatory prison term that is one of the 2283
minimum terms prescribed for a felony of the first degree in 2284
division (A) (1) (a) of section 2929.14 of the Revised Code that 2285
is not less than five years. Except as otherwise provided in 2286
this division, notwithstanding sections 2929.11 to 2929.14 of 2287
the Revised Code, an offender under division (A) (1) (b) of this 2288
section shall be sentenced to a prison term or term of life 2289
imprisonment pursuant to section 2971.03 of the Revised Code. If 2290
an offender is convicted of or pleads guilty to a violation of 2291
division (A) (1) (b) of this section, if the offender was less 2292
than sixteen years of age at the time the offender committed the 2293
violation of that division, and if the offender during or 2294
immediately after the commission of the offense did not cause 2295
serious physical harm to the victim, the victim was ten years of 2296
age or older at the time of the commission of the violation, and 2297
the offender has not previously been convicted of or pleaded 2298

guilty to a violation of this section or a substantially similar 2299
existing or former law of this state, another state, or the 2300
United States, the court shall not sentence the offender to a 2301
prison term or term of life imprisonment pursuant to section 2302
2971.03 of the Revised Code, and instead the court shall 2303
sentence the offender as otherwise provided in this division. If 2304
an offender under division (A) (1) (b) of this section previously 2305
has been convicted of or pleaded guilty to violating division 2306
(A) (1) (b) of this section or to violating an existing or former 2307
law of this state, another state, or the United States that is 2308
substantially similar to division (A) (1) (b) of this section, if 2309
the offender during or immediately after the commission of the 2310
offense caused serious physical harm to the victim, or if the 2311
victim under division (A) (1) (b) of this section is less than ten 2312
years of age, in lieu of sentencing the offender to a prison 2313
term or term of life imprisonment pursuant to section 2971.03 of 2314
the Revised Code, the court may impose upon the offender a term 2315
of life without parole. If the court imposes a term of life 2316
without parole pursuant to this division, division (F) of 2317
section 2971.03 of the Revised Code applies, and the offender 2318
automatically is classified a tier III sex offender/child-victim 2319
offender, as described in that division. 2320

(C) A victim need not prove physical resistance to the 2321
offender in prosecutions under this section. 2322

(D) Evidence of specific instances of the victim's sexual 2323
activity, opinion evidence of the victim's sexual activity, and 2324
reputation evidence of the victim's sexual activity shall not be 2325
admitted under this section unless it involves evidence of the 2326
origin of semen, pregnancy, or disease, or the victim's past 2327
sexual activity with the offender, and only to the extent that 2328
the court finds that the evidence is material to a fact at issue 2329

in the case and that its inflammatory or prejudicial nature does 2330
not outweigh its probative value. 2331

Evidence of specific instances of the defendant's sexual 2332
activity, opinion evidence of the defendant's sexual activity, 2333
and reputation evidence of the defendant's sexual activity shall 2334
not be admitted under this section unless it involves evidence 2335
of the origin of semen, pregnancy, or disease, the defendant's 2336
past sexual activity with the victim, or is admissible against 2337
the defendant under section 2945.59 of the Revised Code, and 2338
only to the extent that the court finds that the evidence is 2339
material to a fact at issue in the case and that its 2340
inflammatory or prejudicial nature does not outweigh its 2341
probative value. 2342

(E) Prior to taking testimony or receiving evidence of any 2343
sexual activity of the victim or the defendant in a proceeding 2344
under this section, the court shall resolve the admissibility of 2345
the proposed evidence in a hearing in chambers, which shall be 2346
held at or before preliminary hearing and not less than three 2347
days before trial, or for good cause shown during the trial. 2348

(F) Upon approval by the court, the victim may be 2349
represented by counsel in any hearing in chambers or other 2350
proceeding to resolve the admissibility of evidence. If the 2351
victim is indigent or otherwise is unable to obtain the services 2352
of counsel, the court, upon request, may appoint counsel to 2353
represent the victim without cost to the victim. 2354

(G) It is not a defense to a charge under division (A) (2) 2355
of this section that the offender and the victim were married or 2356
were cohabiting at the time of the commission of the offense. 2357

Sec. 2907.03. (A) No person shall engage in sexual conduct 2358

with another, not the spouse of the offender, when any of the 2359
following apply: 2360

(1) The offender knowingly coerces the other person to 2361
submit by any means that would prevent resistance by a person of 2362
ordinary resolution. 2363

(2) The offender knows that the other person's ability to 2364
appraise the nature of or control the other person's own conduct 2365
is substantially impaired. 2366

(3) The offender knows that the other person submits 2367
because the other person is unaware that the act is being 2368
committed. 2369

(4) The offender knows that the other person submits 2370
because the other person mistakenly identifies the offender as 2371
the other person's spouse. 2372

(5) The offender is the other person's natural or adoptive 2373
parent, or a stepparent, or guardian, custodian, or person in 2374
loco parentis of the other person. 2375

(6) The other person is in custody of law or a patient in 2376
a hospital or other institution, and the offender has 2377
supervisory or disciplinary authority over the other person. 2378

(7) The offender is a teacher, administrator, coach, or 2379
other person in authority employed by or serving in a school for 2380
which the state board of education prescribes minimum standards 2381
pursuant to division (D) of section 3301.07 of the Revised Code, 2382
the other person is enrolled in or attends that school, and the 2383
offender is not enrolled in and does not attend that school. 2384

(8) The other person is a minor, the offender is a 2385
teacher, administrator, coach, or other person in authority 2386

employed by or serving in an institution of higher education, 2387
and the other person is enrolled in or attends that institution. 2388

(9) The other person is a minor, and the offender is the 2389
other person's athletic or other type of coach, is the other 2390
person's instructor, is the leader of a scouting troop of which 2391
the other person is a member, or is a person with temporary or 2392
occasional disciplinary control over the other person. 2393

(10) The offender is a mental health professional, the 2394
other person is a mental health client or patient of the 2395
offender, and the offender induces the other person to submit by 2396
falsely representing to the other person that the sexual conduct 2397
is necessary for mental health treatment purposes. 2398

(11) The other person is confined in a detention facility, 2399
and the offender is an employee of that detention facility. 2400

(12) The other person is a minor, the offender is a 2401
cleric, and the other person is a member of, or attends, the 2402
church or congregation served by the cleric. 2403

(13) The other person is a minor, the offender is a peace 2404
officer, and the offender is more than two years older than the 2405
other person. 2406

(B) Whoever violates this section is guilty of sexual 2407
battery. Except as otherwise provided in this division, sexual 2408
battery is a felony of the third degree. If the other person is 2409
less than thirteen years of age, sexual battery is a felony of 2410
the second degree, and the court shall impose upon the offender 2411
a mandatory prison term equal to one of the definite prison 2412
terms prescribed in division (A) (2) (b) of section 2929.14 of the 2413
Revised Code for a felony of the second degree, except that if 2414
the violation is committed on or after the effective date of 2415

this amendment, the court shall impose as the minimum prison 2416
term for the offense a mandatory prison term that is one of the 2417
minimum terms prescribed in division (A) (2) (a) of that section 2418
for a felony of the second degree. 2419

(C) As used in this section: 2420

(1) "Cleric" has the same meaning as in section 2317.02 of 2421
the Revised Code. 2422

(2) "Detention facility" has the same meaning as in 2423
section 2921.01 of the Revised Code. 2424

(3) "Institution of higher education" means a state 2425
institution of higher education defined in section 3345.011 of 2426
the Revised Code, a private nonprofit college or university 2427
located in this state that possesses a certificate of 2428
authorization issued by the Ohio board of regents pursuant to 2429
Chapter 1713. of the Revised Code, or a school certified under 2430
Chapter 3332. of the Revised Code. 2431

(4) "Peace officer" has the same meaning as in section 2432
2935.01 of the Revised Code. 2433

Sec. 2907.05. (A) No person shall have sexual contact with 2434
another, not the spouse of the offender; cause another, not the 2435
spouse of the offender, to have sexual contact with the 2436
offender; or cause two or more other persons to have sexual 2437
contact when any of the following applies: 2438

(1) The offender purposely compels the other person, or 2439
one of the other persons, to submit by force or threat of force. 2440

(2) For the purpose of preventing resistance, the offender 2441
substantially impairs the judgment or control of the other 2442
person or of one of the other persons by administering any drug, 2443

intoxicant, or controlled substance to the other person 2444
surreptitiously or by force, threat of force, or deception. 2445

(3) The offender knows that the judgment or control of the 2446
other person or of one of the other persons is substantially 2447
impaired as a result of the influence of any drug or intoxicant 2448
administered to the other person with the other person's consent 2449
for the purpose of any kind of medical or dental examination, 2450
treatment, or surgery. 2451

(4) The other person, or one of the other persons, is less 2452
than thirteen years of age, whether or not the offender knows 2453
the age of that person. 2454

(5) The ability of the other person to resist or consent 2455
or the ability of one of the other persons to resist or consent 2456
is substantially impaired because of a mental or physical 2457
condition or because of advanced age, and the offender knows or 2458
has reasonable cause to believe that the ability to resist or 2459
consent of the other person or of one of the other persons is 2460
substantially impaired because of a mental or physical condition 2461
or because of advanced age. 2462

(B) No person shall knowingly touch the genitalia of 2463
another, when the touching is not through clothing, the other 2464
person is less than twelve years of age, whether or not the 2465
offender knows the age of that person, and the touching is done 2466
with an intent to abuse, humiliate, harass, degrade, or arouse 2467
or gratify the sexual desire of any person. 2468

(C) Whoever violates this section is guilty of gross 2469
sexual imposition. 2470

(1) Except as otherwise provided in this section, gross 2471
sexual imposition committed in violation of division (A) (1), 2472

(2), (3), or (5) of this section is a felony of the fourth 2473
degree. If the offender under division (A) (2) of this section 2474
substantially impairs the judgment or control of the other 2475
person or one of the other persons by administering any 2476
controlled substance described in section 3719.41 of the Revised 2477
Code to the person surreptitiously or by force, threat of force, 2478
or deception, gross sexual imposition committed in violation of 2479
division (A) (2) of this section is a felony of the third degree. 2480

(2) Gross sexual imposition committed in violation of 2481
division (A) (4) or (B) of this section is a felony of the third 2482
degree. Except as otherwise provided in this division, for gross 2483
sexual imposition committed in violation of division (A) (4) or 2484
(B) of this section there is a presumption that a prison term 2485
shall be imposed for the offense. The court shall impose on an 2486
offender convicted of gross sexual imposition in violation of 2487
division (A) (4) or (B) of this section a mandatory prison term 2488
~~equal to one of the prison terms prescribed in section 2929.14~~ 2489
~~of the Revised Code, as described in division (C) (3) of this~~ 2490
section, for a felony of the third degree if either of the 2491
following applies: 2492

(a) Evidence other than the testimony of the victim was 2493
admitted in the case corroborating the violation; 2494

(b) The offender previously was convicted of or pleaded 2495
guilty to a violation of this section, rape, the former offense 2496
of felonious sexual penetration, or sexual battery, and the 2497
victim of the previous offense was less than thirteen years of 2498
age. 2499

(3) A mandatory prison term required under division (C) (2) 2500
of this section shall be a definite term from the range of 2501
prison terms provided in division (A) (3) (a) (ii) of section 2502

2929.14 of the Revised Code for a felony of the third degree, 2503
except that if the violation is a felony of the third degree 2504
committed on or after the effective date of this amendment, the 2505
court shall impose as the minimum prison term for the offense a 2506
mandatory prison term that is one of the minimum terms 2507
prescribed for a felony of the third degree in division (A) (3) 2508
(a) (i) of section 2929.14 of the Revised Code. 2509

(D) A victim need not prove physical resistance to the 2510
offender in prosecutions under this section. 2511

(E) Evidence of specific instances of the victim's sexual 2512
activity, opinion evidence of the victim's sexual activity, and 2513
reputation evidence of the victim's sexual activity shall not be 2514
admitted under this section unless it involves evidence of the 2515
origin of semen, pregnancy, or disease, or the victim's past 2516
sexual activity with the offender, and only to the extent that 2517
the court finds that the evidence is material to a fact at issue 2518
in the case and that its inflammatory or prejudicial nature does 2519
not outweigh its probative value. 2520

Evidence of specific instances of the defendant's sexual 2521
activity, opinion evidence of the defendant's sexual activity, 2522
and reputation evidence of the defendant's sexual activity shall 2523
not be admitted under this section unless it involves evidence 2524
of the origin of semen, pregnancy, or disease, the defendant's 2525
past sexual activity with the victim, or is admissible against 2526
the defendant under section 2945.59 of the Revised Code, and 2527
only to the extent that the court finds that the evidence is 2528
material to a fact at issue in the case and that its 2529
inflammatory or prejudicial nature does not outweigh its 2530
probative value. 2531

(F) Prior to taking testimony or receiving evidence of any 2532

sexual activity of the victim or the defendant in a proceeding 2533
under this section, the court shall resolve the admissibility of 2534
the proposed evidence in a hearing in chambers, which shall be 2535
held at or before preliminary hearing and not less than three 2536
days before trial, or for good cause shown during the trial. 2537

(G) Upon approval by the court, the victim may be 2538
represented by counsel in any hearing in chambers or other 2539
proceeding to resolve the admissibility of evidence. If the 2540
victim is indigent or otherwise is unable to obtain the services 2541
of counsel, the court, upon request, may appoint counsel to 2542
represent the victim without cost to the victim. 2543

Sec. 2907.07. (A) No person shall solicit a person who is 2544
less than thirteen years of age to engage in sexual activity 2545
with the offender, whether or not the offender knows the age of 2546
such person. 2547

(B) (1) No person shall solicit another, not the spouse of 2548
the offender, to engage in sexual conduct with the offender, 2549
when the offender is eighteen years of age or older and four or 2550
more years older than the other person, and the other person is 2551
thirteen years of age or older but less than sixteen years of 2552
age, whether or not the offender knows the age of the other 2553
person. 2554

(2) No person shall solicit another, not the spouse of the 2555
offender, to engage in sexual conduct with the offender, when 2556
the offender is eighteen years of age or older and four or more 2557
years older than the other person, the other person is sixteen 2558
or seventeen years of age and a victim of a violation of section 2559
2905.32 of the Revised Code, and the offender knows or has 2560
reckless disregard of the age of the other person. 2561

(C) No person shall solicit another by means of a 2562
telecommunications device, as defined in section 2913.01 of the 2563
Revised Code, to engage in sexual activity with the offender 2564
when the offender is eighteen years of age or older and either 2565
of the following applies: 2566

(1) The other person is less than thirteen years of age, 2567
and the offender knows that the other person is less than 2568
thirteen years of age or is reckless in that regard. 2569

(2) The other person is a law enforcement officer posing 2570
as a person who is less than thirteen years of age, and the 2571
offender believes that the other person is less than thirteen 2572
years of age or is reckless in that regard. 2573

(D) No person shall solicit another by means of a 2574
telecommunications device, as defined in section 2913.01 of the 2575
Revised Code, to engage in sexual activity with the offender 2576
when the offender is eighteen years of age or older and either 2577
of the following applies: 2578

(1) The other person is thirteen years of age or older but 2579
less than sixteen years of age, the offender knows that the 2580
other person is thirteen years of age or older but less than 2581
sixteen years of age or is reckless in that regard, and the 2582
offender is four or more years older than the other person. 2583

(2) The other person is a law enforcement officer posing 2584
as a person who is thirteen years of age or older but less than 2585
sixteen years of age, the offender believes that the other 2586
person is thirteen years of age or older but less than sixteen 2587
years of age or is reckless in that regard, and the offender is 2588
four or more years older than the age the law enforcement 2589
officer assumes in posing as the person who is thirteen years of 2590

age or older but less than sixteen years of age. 2591

(E) Divisions (C) and (D) of this section apply to any 2592
solicitation that is contained in a transmission via a 2593
telecommunications device that either originates in this state 2594
or is received in this state. 2595

(F) (1) Whoever violates this section is guilty of 2596
importuning. 2597

(2) Except as otherwise provided in this division, a 2598
violation of division (A) or (C) of this section is a felony of 2599
the third degree on a first offense, and, notwithstanding 2600
division (C) of section 2929.13 of the Revised Code, there is a 2601
presumption that a prison term shall be imposed as described in 2602
division (D) of section 2929.13 of the Revised Code. If the 2603
offender previously has been convicted of a sexually oriented 2604
offense or a child-victim oriented offense, a violation of 2605
division (A) or (C) of this section is a felony of the second 2606
degree, and the court shall impose upon the offender as a 2607
mandatory prison term one of the definite prison terms 2608
prescribed in division (A) (2) (b) of section 2929.14 of the 2609
Revised Code for a felony of the second degree, except that if 2610
the violation is committed on or after the effective date of 2611
this amendment, the court shall impose as the minimum prison 2612
term for the offense a mandatory prison term that is one of the 2613
minimum terms prescribed in division (A) (2) (a) of that section 2614
for a felony of the second degree. 2615

(3) A violation of division (B) or (D) of this section is 2616
a felony of the fifth degree on a first offense, and, 2617
notwithstanding division (B) of section 2929.13 of the Revised 2618
Code, there is a presumption that a prison term shall be imposed 2619
as described in division (D) of section 2929.13 of the Revised 2620

Code. If the offender previously has been convicted of a 2621
sexually oriented offense or a child-victim oriented offense, a 2622
violation of division (B) or (D) of this section is a felony of 2623
the fourth degree, and the court shall impose upon the offender 2624
as a mandatory prison term one of the prison terms prescribed in 2625
section 2929.14 of the Revised Code for a felony of the fourth 2626
degree that is not less than twelve months in duration. 2627

Sec. 2919.22. (A) No person, who is the parent, guardian, 2628
custodian, person having custody or control, or person in loco 2629
parentis of a child under eighteen years of age or a mentally or 2630
physically handicapped child under twenty-one years of age, 2631
shall create a substantial risk to the health or safety of the 2632
child, by violating a duty of care, protection, or support. It 2633
is not a violation of a duty of care, protection, or support 2634
under this division when the parent, guardian, custodian, or 2635
person having custody or control of a child treats the physical 2636
or mental illness or defect of the child by spiritual means 2637
through prayer alone, in accordance with the tenets of a 2638
recognized religious body. 2639

(B) No person shall do any of the following to a child 2640
under eighteen years of age or a mentally or physically 2641
handicapped child under twenty-one years of age: 2642

(1) Abuse the child; 2643

(2) Torture or cruelly abuse the child; 2644

(3) Administer corporal punishment or other physical 2645
disciplinary measure, or physically restrain the child in a 2646
cruel manner or for a prolonged period, which punishment, 2647
discipline, or restraint is excessive under the circumstances 2648
and creates a substantial risk of serious physical harm to the 2649

child; 2650

(4) Repeatedly administer unwarranted disciplinary 2651
measures to the child, when there is a substantial risk that 2652
such conduct, if continued, will seriously impair or retard the 2653
child's mental health or development; 2654

(5) Entice, coerce, permit, encourage, compel, hire, 2655
employ, use, or allow the child to act, model, or in any other 2656
way participate in, or be photographed for, the production, 2657
presentation, dissemination, or advertisement of any material or 2658
performance that the offender knows or reasonably should know is 2659
obscene, is sexually oriented matter, or is nudity-oriented 2660
matter; 2661

(6) Allow the child to be on the same parcel of real 2662
property and within one hundred feet of, or, in the case of more 2663
than one housing unit on the same parcel of real property, in 2664
the same housing unit and within one hundred feet of, any act in 2665
violation of section 2925.04 or 2925.041 of the Revised Code 2666
when the person knows that the act is occurring, whether or not 2667
any person is prosecuted for or convicted of the violation of 2668
section 2925.04 or 2925.041 of the Revised Code that is the 2669
basis of the violation of this division. 2670

(C) (1) No person shall operate a vehicle, streetcar, or 2671
trackless trolley within this state in violation of division (A) 2672
of section 4511.19 of the Revised Code when one or more children 2673
under eighteen years of age are in the vehicle, streetcar, or 2674
trackless trolley. Notwithstanding any other provision of law, a 2675
person may be convicted at the same trial or proceeding of a 2676
violation of this division and a violation of division (A) of 2677
section 4511.19 of the Revised Code that constitutes the basis 2678
of the charge of the violation of this division. For purposes of 2679

sections 4511.191 to 4511.197 of the Revised Code and all 2680
related provisions of law, a person arrested for a violation of 2681
this division shall be considered to be under arrest for 2682
operating a vehicle while under the influence of alcohol, a drug 2683
of abuse, or a combination of them or for operating a vehicle 2684
with a prohibited concentration of alcohol, a controlled 2685
substance, or a metabolite of a controlled substance in the 2686
whole blood, blood serum or plasma, breath, or urine. 2687

(2) As used in division (C) (1) of this section: 2688

(a) "Controlled substance" has the same meaning as in 2689
section 3719.01 of the Revised Code. 2690

(b) "Vehicle," "streetcar," and "trackless trolley" have 2691
the same meanings as in section 4511.01 of the Revised Code. 2692

(D) (1) Division (B) (5) of this section does not apply to 2693
any material or performance that is produced, presented, or 2694
disseminated for a bona fide medical, scientific, educational, 2695
religious, governmental, judicial, or other proper purpose, by 2696
or to a physician, psychologist, sociologist, scientist, 2697
teacher, person pursuing bona fide studies or research, 2698
librarian, member of the clergy, prosecutor, judge, or other 2699
person having a proper interest in the material or performance. 2700

(2) Mistake of age is not a defense to a charge under 2701
division (B) (5) of this section. 2702

(3) In a prosecution under division (B) (5) of this 2703
section, the trier of fact may infer that an actor, model, or 2704
participant in the material or performance involved is a 2705
juvenile if the material or performance, through its title, 2706
text, visual representation, or otherwise, represents or depicts 2707
the actor, model, or participant as a juvenile. 2708

(4) As used in this division and division (B) (5) of this section:	2709 2710
(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code.	2711 2712 2713
(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest.	2714 2715 2716 2717
(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality.	2718 2719 2720
(E) (1) Whoever violates this section is guilty of endangering children.	2721 2722
(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies:	2723 2724 2725 2726
(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree;	2727 2728
(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree;	2729 2730 2731 2732 2733
(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree;	2734 2735 2736

(d) If the violation is a violation of division (B) (1) of 2737
this section and results in serious physical harm to the child 2738
involved, a felony of the second degree. 2739

(e) If the violation is a felony violation of division (B) 2740
(1) of this section and the offender also is convicted of or 2741
pleads guilty to a specification as described in section 2742
2941.1422 of the Revised Code that was included in the 2743
indictment, count in the indictment, or information charging the 2744
offense, the court shall sentence the offender to a mandatory 2745
prison term as provided in division (B) (7) of section 2929.14 of 2746
the Revised Code and shall order the offender to make 2747
restitution as provided in division (B) (8) of section 2929.18 of 2748
the Revised Code. 2749

(3) If the offender violates division (B) (2), (3), (4), or 2750
(6) of this section, except as otherwise provided in this 2751
division, endangering children is a felony of the third degree. 2752
If the violation results in serious physical harm to the child 2753
involved, or if the offender previously has been convicted of an 2754
offense under this section or of any offense involving neglect, 2755
abandonment, contributing to the delinquency of, or physical 2756
abuse of a child, endangering children is a felony of the second 2757
degree. If the offender violates division (B) (2), (3), or (4) of 2758
this section and the offender also is convicted of or pleads 2759
guilty to a specification as described in section 2941.1422 of 2760
the Revised Code that was included in the indictment, count in 2761
the indictment, or information charging the offense, the court 2762
shall sentence the offender to a mandatory prison term as 2763
provided in division (B) (7) of section 2929.14 of the Revised 2764
Code and shall order the offender to make restitution as 2765
provided in division (B) (8) of section 2929.18 of the Revised 2766
Code. If the offender violates division (B) (6) of this section 2767

and the drug involved is methamphetamine, the court shall impose 2768
a mandatory prison term on the offender as follows: 2769

(a) If the violation is a violation of division (B) (6) of 2770
this section that is a felony of the third degree under division 2771
(E) (3) of this section and the drug involved is methamphetamine, 2772
except as otherwise provided in this division, the court shall 2773
impose as a mandatory prison term one of the prison terms 2774
prescribed for a felony of the third degree that is not less 2775
than two years. If the violation is a violation of division (B) 2776
(6) of this section that is a felony of the third degree under 2777
division (E) (3) of this section, if the drug involved is 2778
methamphetamine, and if the offender previously has been 2779
convicted of or pleaded guilty to a violation of division (B) (6) 2780
of this section, a violation of division (A) of section 2925.04 2781
of the Revised Code, or a violation of division (A) of section 2782
2925.041 of the Revised Code, the court shall impose as a 2783
mandatory prison term one of the prison terms prescribed for a 2784
felony of the third degree that is not less than five years. 2785

(b) If the violation is a violation of division (B) (6) of 2786
this section that is a felony of the second degree under 2787
division (E) (3) of this section and the drug involved is 2788
methamphetamine, except as otherwise provided in this division, 2789
the court shall impose as a mandatory prison term one of the 2790
definite prison terms prescribed for a felony of the second 2791
degree in division (A) (2) (b) of section 2929.14 of the Revised 2792
Code that is not less than three years, except that if the 2793
violation is committed on or after the effective date of this 2794
amendment, the court shall impose as the minimum prison term for 2795
the offense a mandatory prison term that is one of the minimum 2796
terms prescribed for a felony of the second degree in division 2797
(A) (2) (a) of that section that is not less than three years. If 2798

the violation is a violation of division (B) (6) of this section 2799
that is a felony of the second degree under division (E) (3) of 2800
this section, if the drug involved is methamphetamine, and if 2801
the offender previously has been convicted of or pleaded guilty 2802
to a violation of division (B) (6) of this section, a violation 2803
of division (A) of section 2925.04 of the Revised Code, or a 2804
violation of division (A) of section 2925.041 of the Revised 2805
Code, the court shall impose as a mandatory prison term one of 2806
the definite prison terms prescribed for a felony of the second 2807
degree in division (A) (2) (b) of section 2929.14 of the Revised 2808
Code that is not less than five years, except that if the 2809
violation is committed on or after the effective date of this 2810
amendment, the court shall impose as the minimum prison term for 2811
the offense a mandatory prison term that is one of the terms 2812
prescribed for a felony of the second degree in division (A) (2) 2813
(a) of that section that is not less than five years. 2814

(4) If the offender violates division (B) (5) of this 2815
section, endangering children is a felony of the second degree. 2816
If the offender also is convicted of or pleads guilty to a 2817
specification as described in section 2941.1422 of the Revised 2818
Code that was included in the indictment, count in the 2819
indictment, or information charging the offense, the court shall 2820
sentence the offender to a mandatory prison term as provided in 2821
division (B) (7) of section 2929.14 of the Revised Code and shall 2822
order the offender to make restitution as provided in division 2823
(B) (8) of section 2929.18 of the Revised Code. 2824

(5) If the offender violates division (C) of this section, 2825
the offender shall be punished as follows: 2826

(a) Except as otherwise provided in division (E) (5) (b) or 2827
(c) of this section, endangering children in violation of 2828

division (C) of this section is a misdemeanor of the first 2829
degree. 2830

(b) If the violation results in serious physical harm to 2831
the child involved or the offender previously has been convicted 2832
of an offense under this section or any offense involving 2833
neglect, abandonment, contributing to the delinquency of, or 2834
physical abuse of a child, except as otherwise provided in 2835
division (E) (5) (c) of this section, endangering children in 2836
violation of division (C) of this section is a felony of the 2837
fifth degree. 2838

(c) If the violation results in serious physical harm to 2839
the child involved and if the offender previously has been 2840
convicted of a violation of division (C) of this section, 2841
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 2842
of the Revised Code as it existed prior to March 23, 2000, or 2843
section 2903.04 of the Revised Code in a case in which the 2844
offender was subject to the sanctions described in division (D) 2845
of that section, endangering children in violation of division 2846
(C) of this section is a felony of the fourth degree. 2847

(d) In addition to any term of imprisonment, fine, or 2848
other sentence, penalty, or sanction it imposes upon the 2849
offender pursuant to division (E) (5) (a), (b), or (c) of this 2850
section or pursuant to any other provision of law and in 2851
addition to any suspension of the offender's driver's or 2852
commercial driver's license or permit or nonresident operating 2853
privilege under Chapter 4506., 4509., 4510., or 4511. of the 2854
Revised Code or under any other provision of law, the court also 2855
may impose upon the offender a class seven suspension of the 2856
offender's driver's or commercial driver's license or permit or 2857
nonresident operating privilege from the range specified in 2858

division (A) (7) of section 4510.02 of the Revised Code. 2859

(e) In addition to any term of imprisonment, fine, or 2860
other sentence, penalty, or sanction imposed upon the offender 2861
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 2862
or pursuant to any other provision of law for the violation of 2863
division (C) of this section, if as part of the same trial or 2864
proceeding the offender also is convicted of or pleads guilty to 2865
a separate charge charging the violation of division (A) of 2866
section 4511.19 of the Revised Code that was the basis of the 2867
charge of the violation of division (C) of this section, the 2868
offender also shall be sentenced in accordance with section 2869
4511.19 of the Revised Code for that violation of division (A) 2870
of section 4511.19 of the Revised Code. 2871

(F) (1) (a) A court may require an offender to perform not 2872
more than two hundred hours of supervised community service work 2873
under the authority of an agency, subdivision, or charitable 2874
organization. The requirement shall be part of the community 2875
control sanction or sentence of the offender, and the court 2876
shall impose the community service in accordance with and 2877
subject to divisions (F) (1) (a) and (b) of this section. The 2878
court may require an offender whom it requires to perform 2879
supervised community service work as part of the offender's 2880
community control sanction or sentence to pay the court a 2881
reasonable fee to cover the costs of the offender's 2882
participation in the work, including, but not limited to, the 2883
costs of procuring a policy or policies of liability insurance 2884
to cover the period during which the offender will perform the 2885
work. If the court requires the offender to perform supervised 2886
community service work as part of the offender's community 2887
control sanction or sentence, the court shall do so in 2888
accordance with the following limitations and criteria: 2889

(i) The court shall require that the community service work be performed after completion of the term of imprisonment or jail term imposed upon the offender for the violation of division (C) of this section, if applicable.

(ii) The supervised community service work shall be subject to the limitations set forth in divisions (B) (1), (2), and (3) of section 2951.02 of the Revised Code.

(iii) The community service work shall be supervised in the manner described in division (B) (4) of section 2951.02 of the Revised Code by an official or person with the qualifications described in that division. The official or person periodically shall report in writing to the court concerning the conduct of the offender in performing the work.

(iv) The court shall inform the offender in writing that if the offender does not adequately perform, as determined by the court, all of the required community service work, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code, and that, if the court orders that the offender be so committed, the court is authorized, but not required, to grant the offender credit upon the period of the commitment for the community service work that the offender adequately performed.

(b) If a court, pursuant to division (F)(1)(a) of this section, orders an offender to perform community service work as part of the offender's community control sanction or sentence and if the offender does not adequately perform all of the required community service work, as determined by the court, the court may order that the offender be committed to a jail or workhouse for a period of time that does not exceed the term of imprisonment that the court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under the sentence or term that was imposed upon the offender for that violation and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code. The court may order that a person committed pursuant to this division shall receive hour-for-hour credit upon the period of the commitment for the community service work that the offender adequately performed. No commitment pursuant to this division shall exceed the period of the term of imprisonment that the sentencing court could have imposed upon the offender for the violation of division (C) of this section, reduced by the total amount of time that the offender actually was imprisoned under that sentence or term and by the total amount of time that the offender was confined for any reason arising out of the offense for which the offender was convicted and sentenced as described in sections 2949.08 and 2967.191 of the Revised Code.

(2) Division (F)(1) of this section does not limit or affect the authority of the court to suspend the sentence imposed upon a misdemeanor offender and place the offender under a community control sanction pursuant to section 2929.25 of the

Revised Code, to require a misdemeanor or felony offender to 2951
perform supervised community service work in accordance with 2952
division (B) of section 2951.02 of the Revised Code, or to place 2953
a felony offender under a community control sanction. 2954

(G) (1) If a court suspends an offender's driver's or 2955
commercial driver's license or permit or nonresident operating 2956
privilege under division (E) (5) (d) of this section, the period 2957
of the suspension shall be consecutive to, and commence after, 2958
the period of suspension of the offender's driver's or 2959
commercial driver's license or permit or nonresident operating 2960
privilege that is imposed under Chapter 4506., 4509., 4510., or 2961
4511. of the Revised Code or under any other provision of law in 2962
relation to the violation of division (C) of this section that 2963
is the basis of the suspension under division (E) (5) (d) of this 2964
section or in relation to the violation of division (A) of 2965
section 4511.19 of the Revised Code that is the basis for that 2966
violation of division (C) of this section. 2967

(2) An offender is not entitled to request, and the court 2968
shall not grant to the offender, limited driving privileges if 2969
the offender's license, permit, or privilege has been suspended 2970
under division (E) (5) (d) of this section and the offender, 2971
within the preceding six years, has been convicted of or pleaded 2972
guilty to three or more violations of one or more of the 2973
following: 2974

(a) Division (C) of this section; 2975

(b) Any equivalent offense, as defined in section 4511.181 2976
of the Revised Code. 2977

(H) (1) If a person violates division (C) of this section 2978
and if, at the time of the violation, there were two or more 2979

children under eighteen years of age in the motor vehicle 2980
involved in the violation, the offender may be convicted of a 2981
violation of division (C) of this section for each of the 2982
children, but the court may sentence the offender for only one 2983
of the violations. 2984

(2) (a) If a person is convicted of or pleads guilty to a 2985
violation of division (C) of this section but the person is not 2986
also convicted of and does not also plead guilty to a separate 2987
charge charging the violation of division (A) of section 4511.19 2988
of the Revised Code that was the basis of the charge of the 2989
violation of division (C) of this section, both of the following 2990
apply: 2991

(i) For purposes of the provisions of section 4511.19 of 2992
the Revised Code that set forth the penalties and sanctions for 2993
a violation of division (A) of section 4511.19 of the Revised 2994
Code, the conviction of or plea of guilty to the violation of 2995
division (C) of this section shall not constitute a violation of 2996
division (A) of section 4511.19 of the Revised Code; 2997

(ii) For purposes of any provision of law that refers to a 2998
conviction of or plea of guilty to a violation of division (A) 2999
of section 4511.19 of the Revised Code and that is not described 3000
in division (H) (2) (a) (i) of this section, the conviction of or 3001
plea of guilty to the violation of division (C) of this section 3002
shall constitute a conviction of or plea of guilty to a 3003
violation of division (A) of section 4511.19 of the Revised 3004
Code. 3005

(b) If a person is convicted of or pleads guilty to a 3006
violation of division (C) of this section and the person also is 3007
convicted of or pleads guilty to a separate charge charging the 3008
violation of division (A) of section 4511.19 of the Revised Code 3009

that was the basis of the charge of the violation of division 3010
(C) of this section, the conviction of or plea of guilty to the 3011
violation of division (C) of this section shall not constitute, 3012
for purposes of any provision of law that refers to a conviction 3013
of or plea of guilty to a violation of division (A) of section 3014
4511.19 of the Revised Code, a conviction of or plea of guilty 3015
to a violation of division (A) of section 4511.19 of the Revised 3016
Code. 3017

(I) As used in this section: 3018

(1) "Community control sanction" has the same meaning as 3019
in section 2929.01 of the Revised Code; 3020

(2) "Limited driving privileges" has the same meaning as 3021
in section 4501.01 of the Revised Code; 3022

(3) "Methamphetamine" has the same meaning as in section 3023
2925.01 of the Revised Code. 3024

Sec. 2919.25. (A) No person shall knowingly cause or 3025
attempt to cause physical harm to a family or household member. 3026

(B) No person shall recklessly cause serious physical harm 3027
to a family or household member. 3028

(C) No person, by threat of force, shall knowingly cause a 3029
family or household member to believe that the offender will 3030
cause imminent physical harm to the family or household member. 3031

(D) (1) Whoever violates this section is guilty of domestic 3032
violence, and the court shall sentence the offender as provided 3033
in divisions (D) (2) to (6) of this section. 3034

(2) Except as otherwise provided in divisions (D) (3) to 3035
(5) of this section, a violation of division (C) of this section 3036
is a misdemeanor of the fourth degree, and a violation of 3037

division (A) or (B) of this section is a misdemeanor of the 3038
first degree. 3039

(3) Except as otherwise provided in division (D)(4) of 3040
this section, if the offender previously has pleaded guilty to 3041
or been convicted of domestic violence, a violation of an 3042
existing or former municipal ordinance or law of this or any 3043
other state or the United States that is substantially similar 3044
to domestic violence, a violation of section 2903.14, 2909.06, 3045
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3046
the victim of the violation was a family or household member at 3047
the time of the violation, a violation of an existing or former 3048
municipal ordinance or law of this or any other state or the 3049
United States that is substantially similar to any of those 3050
sections if the victim of the violation was a family or 3051
household member at the time of the commission of the violation, 3052
or any offense of violence if the victim of the offense was a 3053
family or household member at the time of the commission of the 3054
offense, a violation of division (A) or (B) of this section is a 3055
felony of the fourth degree, and, if the offender knew that the 3056
victim of the violation was pregnant at the time of the 3057
violation, the court shall impose a mandatory prison term on the 3058
offender pursuant to division (D)(6) of this section, and a 3059
violation of division (C) of this section is a misdemeanor of 3060
the second degree. 3061

(4) If the offender previously has pleaded guilty to or 3062
been convicted of two or more offenses of domestic violence or 3063
two or more violations or offenses of the type described in 3064
division (D)(3) of this section involving a person who was a 3065
family or household member at the time of the violations or 3066
offenses, a violation of division (A) or (B) of this section is 3067
a felony of the third degree, and, if the offender knew that the 3068

victim of the violation was pregnant at the time of the 3069
violation, the court shall impose a mandatory prison term on the 3070
offender pursuant to division (D)(6) of this section, and a 3071
violation of division (C) of this section is a misdemeanor of 3072
the first degree. 3073

(5) Except as otherwise provided in division (D)(3) or (4) 3074
of this section, if the offender knew that the victim of the 3075
violation was pregnant at the time of the violation, a violation 3076
of division (A) or (B) of this section is a felony of the fifth 3077
degree, and the court shall impose a mandatory prison term on 3078
the offender pursuant to division (D)(6) of this section, and a 3079
violation of division (C) of this section is a misdemeanor of 3080
the third degree. 3081

(6) If division (D)(3), (4), or (5) of this section 3082
requires the court that sentences an offender for a violation of 3083
division (A) or (B) of this section to impose a mandatory prison 3084
term on the offender pursuant to this division, the court shall 3085
impose the mandatory prison term as follows: 3086

(a) If the violation of division (A) or (B) of this 3087
section is a felony of the fourth or fifth degree, except as 3088
otherwise provided in division (D)(6)(b) or (c) of this section, 3089
the court shall impose a mandatory prison term on the offender 3090
of at least six months. 3091

(b) If the violation of division (A) or (B) of this 3092
section is a felony of the fifth degree and the offender, in 3093
committing the violation, caused serious physical harm to the 3094
pregnant woman's unborn or caused the termination of the 3095
pregnant woman's pregnancy, the court shall impose a mandatory 3096
prison term on the offender of twelve months. 3097

(c) If the violation of division (A) or (B) of this section is a felony of the fourth degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, the court shall impose a mandatory prison term on the offender of at least twelve months.

(d) If the violation of division (A) or (B) of this section is a felony of the third degree, except as otherwise provided in division (D) (6) (e) of this section and notwithstanding the range of definite prison terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of six months or one of the prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

(e) If the violation of division (A) or (B) of this section is a felony of the third degree and the offender, in committing the violation, caused serious physical harm to the pregnant woman's unborn or caused the termination of the pregnant woman's pregnancy, notwithstanding the range of definite prison terms prescribed in division (A) (3) of section 2929.14 of the Revised Code for a felony of the third degree, the court shall impose a mandatory prison term on the offender of either a definite term of one year or one of the prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for felonies of the third degree.

(E) Notwithstanding any provision of law to the contrary, no court or unit of state or local government shall charge any fee, cost, deposit, or money in connection with the filing of

charges against a person alleging that the person violated this 3128
section or a municipal ordinance substantially similar to this 3129
section or in connection with the prosecution of any charges so 3130
filed. 3131

(F) As used in this section and sections 2919.251 and 3132
2919.26 of the Revised Code: 3133

(1) "Family or household member" means any of the 3134
following: 3135

(a) Any of the following who is residing or has resided 3136
with the offender: 3137

(i) A spouse, a person living as a spouse, or a former 3138
spouse of the offender; 3139

(ii) A parent, a foster parent, or a child of the 3140
offender, or another person related by consanguinity or affinity 3141
to the offender; 3142

(iii) A parent or a child of a spouse, person living as a 3143
spouse, or former spouse of the offender, or another person 3144
related by consanguinity or affinity to a spouse, person living 3145
as a spouse, or former spouse of the offender. 3146

(b) The natural parent of any child of whom the offender 3147
is the other natural parent or is the putative other natural 3148
parent. 3149

(2) "Person living as a spouse" means a person who is 3150
living or has lived with the offender in a common law marital 3151
relationship, who otherwise is cohabiting with the offender, or 3152
who otherwise has cohabited with the offender within five years 3153
prior to the date of the alleged commission of the act in 3154
question. 3155

(3) "Pregnant woman's unborn" has the same meaning as 3156
"such other person's unborn," as set forth in section 2903.09 of 3157
the Revised Code, as it relates to the pregnant woman. Division 3158
(C) of that section applies regarding the use of the term in 3159
this section, except that the second and third sentences of 3160
division (C)(1) of that section shall be construed for purposes 3161
of this section as if they included a reference to this section 3162
in the listing of Revised Code sections they contain. 3163

(4) "Termination of the pregnant woman's pregnancy" has 3164
the same meaning as "unlawful termination of another's 3165
pregnancy," as set forth in section 2903.09 of the Revised Code, 3166
as it relates to the pregnant woman. Division (C) of that 3167
section applies regarding the use of the term in this section, 3168
except that the second and third sentences of division (C)(1) of 3169
that section shall be construed for purposes of this section as 3170
if they included a reference to this section in the listing of 3171
Revised Code sections they contain. 3172

Sec. 2921.321. (A) No person shall knowingly cause, or 3173
attempt to cause, physical harm to a police dog or horse in 3174
either of the following circumstances: 3175

(1) The police dog or horse is assisting a law enforcement 3176
officer in the performance of the officer's official duties at 3177
the time the physical harm is caused or attempted. 3178

(2) The police dog or horse is not assisting a law 3179
enforcement officer in the performance of the officer's official 3180
duties at the time the physical harm is caused or attempted, but 3181
the offender has actual knowledge that the dog or horse is a 3182
police dog or horse. 3183

(B) No person shall recklessly do any of the following: 3184

(1) Taunt, torment, or strike a police dog or horse;	3185
(2) Throw an object or substance at a police dog or horse;	3186
(3) Interfere with or obstruct a police dog or horse, or	3187
interfere with or obstruct a law enforcement officer who is	3188
being assisted by a police dog or horse, in a manner that does	3189
any of the following:	3190
(a) Inhibits or restricts the law enforcement officer's	3191
control of the police dog or horse;	3192
(b) Deprives the law enforcement officer of control of the	3193
police dog or horse;	3194
(c) Releases the police dog or horse from its area of	3195
control;	3196
(d) Enters the area of control of the police dog or horse	3197
without the consent of the law enforcement officer, including	3198
placing food or any other object or substance into that area;	3199
(e) Inhibits or restricts the ability of the police dog or	3200
horse to assist a law enforcement officer.	3201
(4) Engage in any conduct that is likely to cause serious	3202
physical injury or death to a police dog or horse;	3203
(5) If the person is the owner, keeper, or harbinger of a	3204
dog, fail to reasonably restrain the dog from taunting,	3205
tormenting, chasing, approaching in a menacing fashion or	3206
apparent attitude of attack, or attempting to bite or otherwise	3207
endanger a police dog or horse that at the time of the conduct	3208
is assisting a law enforcement officer in the performance of the	3209
officer's duties or that the person knows is a police dog or	3210
horse.	3211

(C) No person shall knowingly cause, or attempt to cause, 3212
physical harm to an assistance dog in either of the following 3213
circumstances: 3214

(1) The dog is assisting or serving a blind, deaf or 3215
hearing impaired, or mobility impaired person at the time the 3216
physical harm is caused or attempted. 3217

(2) The dog is not assisting or serving a blind, deaf or 3218
hearing impaired, or mobility impaired person at the time the 3219
physical harm is caused or attempted, but the offender has 3220
actual knowledge that the dog is an assistance dog. 3221

(D) No person shall recklessly do any of the following: 3222

(1) Taunt, torment, or strike an assistance dog; 3223

(2) Throw an object or substance at an assistance dog; 3224

(3) Interfere with or obstruct an assistance dog, or 3225
interfere with or obstruct a blind, deaf or hearing impaired, or 3226
mobility impaired person who is being assisted or served by an 3227
assistance dog, in a manner that does any of the following: 3228

(a) Inhibits or restricts the assisted or served person's 3229
control of the dog; 3230

(b) Deprives the assisted or served person of control of 3231
the dog; 3232

(c) Releases the dog from its area of control; 3233

(d) Enters the area of control of the dog without the 3234
consent of the assisted or served person, including placing food 3235
or any other object or substance into that area; 3236

(e) Inhibits or restricts the ability of the dog to assist 3237
the assisted or served person. 3238

(4) Engage in any conduct that is likely to cause serious physical injury or death to an assistance dog;

(5) If the person is the owner, keeper, or harbinger of a dog, fail to reasonably restrain the dog from taunting, tormenting, chasing, approaching in a menacing fashion or apparent attitude of attack, or attempting to bite or otherwise endanger an assistance dog that at the time of the conduct is assisting or serving a blind, deaf or hearing impaired, or mobility impaired person or that the person knows is an assistance dog.

(E) (1) Whoever violates division (A) of this section is guilty of assaulting a police dog or horse, and shall be punished as provided in divisions (E) (1) (a) and (b) of this section.

(a) Except as otherwise provided in this division, assaulting a police dog or horse is a misdemeanor of the second degree. If the violation results in the death of the police dog or horse, assaulting a police dog or horse is a felony of the third degree and the court shall impose as a mandatory prison term one of the definite prison terms prescribed in division (A) (3) (b) of section 2929.14 of the Revised Code for a felony of the third degree. If the violation results in serious physical harm to the police dog or horse other than its death, assaulting a police dog or horse is a felony of the fourth degree. If the violation results in physical harm to the police dog or horse other than death or serious physical harm, assaulting a police dog or horse is a misdemeanor of the first degree.

(b) In addition to any other sanction imposed for assaulting a police dog or horse, if the violation of division (A) of this section results in the death of the police dog or

horse, the sentencing court shall impose as a financial sanction 3269
a mandatory fine under division (B) (10) of section 2929.18 of 3270
the Revised Code. The fine shall be paid to the law enforcement 3271
agency that was served by the police dog or horse that was 3272
killed, and shall be used by that agency only for one or more of 3273
the following purposes: 3274

(i) If the dog or horse was not owned by the agency, the 3275
payment to the owner of the dog or horse of the cost of the dog 3276
or horse and the cost of the training of the dog or horse to 3277
qualify it as a police dog or horse, if that cost has not 3278
previously been paid by the agency; 3279

(ii) After payment of the costs described in division (E) 3280
(1) (b) (i) of this section, if applicable, payment of the cost of 3281
replacing the dog or horse that was killed; 3282

(iii) After payment of the costs described in division (E) 3283
(1) (b) (i) of this section, if applicable, payment of the cost of 3284
training the replacement dog or horse to qualify it as a police 3285
dog or horse; 3286

(iv) After payment of the costs described in division (E) 3287
(1) (b) (i) of this section, if applicable, payment of the cost of 3288
further training of the replacement dog or horse that is needed 3289
to train it to the level of training that had been achieved by 3290
the dog or horse that was killed. 3291

(2) Whoever violates division (B) of this section is 3292
guilty of harassing a police dog or horse. Except as otherwise 3293
provided in this division, harassing a police dog or horse is a 3294
misdemeanor of the second degree. If the violation results in 3295
the death of the police dog or horse, harassing a police dog or 3296
horse is a felony of the third degree. If the violation results 3297

in serious physical harm to the police dog or horse, but does 3298
not result in its death, harassing a police dog or horse, is a 3299
felony of the fourth degree. If the violation results in 3300
physical harm to the police dog or horse, but does not result in 3301
its death or in serious physical harm to it, harassing a police 3302
dog or horse is a misdemeanor of the first degree. 3303

(3) Whoever violates division (C) of this section is 3304
guilty of assaulting an assistance dog. Except as otherwise 3305
provided in this division, assaulting an assistance dog is a 3306
misdemeanor of the second degree. If the violation results in 3307
the death of the assistance dog, assaulting an assistance dog is 3308
a felony of the third degree. If the violation results in 3309
serious physical harm to the assistance dog other than its 3310
death, assaulting an assistance dog is a felony of the fourth 3311
degree. If the violation results in physical harm to the 3312
assistance dog other than death or serious physical harm, 3313
assaulting an assistance dog is a misdemeanor of the first 3314
degree. 3315

(4) Whoever violates division (D) of this section is 3316
guilty of harassing an assistance dog. Except as otherwise 3317
provided in this division, harassing an assistance dog is a 3318
misdemeanor of the second degree. If the violation results in 3319
the death of the assistance dog, harassing an assistance dog is 3320
a felony of the third degree. If the violation results in 3321
serious physical harm to the assistance dog, but does not result 3322
in its death, harassing an assistance dog is a felony of the 3323
fourth degree. If the violation results in physical harm to the 3324
assistance dog, but does not result in its death or in serious 3325
physical harm to it, harassing an assistance dog is a 3326
misdemeanor of the first degree. 3327

(5) In addition to any other sanction or penalty imposed 3328
for the offense under this section, Chapter 2929., or any other 3329
provision of the Revised Code, whoever violates division (A), 3330
(B), (C), or (D) of this section is responsible for the payment 3331
of all of the following: 3332

(a) Any veterinary bill or bill for medication incurred as 3333
a result of the violation by the police department regarding a 3334
violation of division (A) or (B) of this section or by the 3335
blind, deaf or hearing impaired, or mobility impaired person 3336
assisted or served by the assistance dog regarding a violation 3337
of division (C) or (D) of this section; 3338

(b) The cost of any damaged equipment that results from 3339
the violation; 3340

(c) If the violation did not result in the death of the 3341
police dog or horse or the assistance dog that was the subject 3342
of the violation and if, as a result of that dog or horse being 3343
the subject of the violation, the dog or horse needs further 3344
training or retraining to be able to continue in the capacity of 3345
a police dog or horse or an assistance dog, the cost of any 3346
further training or retraining of that dog or horse by a law 3347
enforcement officer or by the blind, deaf or hearing impaired, 3348
or mobility impaired person assisted or served by the assistance 3349
dog; 3350

(d) If the violation resulted in the death of the 3351
assistance dog that was the subject of the violation or resulted 3352
in serious physical harm to the police dog or horse or the 3353
assistance dog or horse that was the subject of the violation to 3354
the extent that the dog or horse needs to be replaced on either 3355
a temporary or a permanent basis, the cost of replacing that dog 3356
or horse and of any further training of a new police dog or 3357

horse or a new assistance dog by a law enforcement officer or by 3358
the blind, deaf or hearing impaired, or mobility impaired person 3359
assisted or served by the assistance dog, which replacement or 3360
training is required because of the death of or the serious 3361
physical harm to the dog or horse that was the subject of the 3362
violation. 3363

(F) This section does not apply to a licensed veterinarian 3364
whose conduct is in accordance with Chapter 4741. of the Revised 3365
Code. 3366

(G) This section only applies to an offender who knows or 3367
should know at the time of the violation that the police dog or 3368
horse or assistance dog that is the subject of a violation under 3369
this section is a police dog or horse or an assistance dog. 3370

(H) As used in this section: 3371

(1) "Physical harm" means any injury, illness, or other 3372
physiological impairment, regardless of its gravity or duration. 3373

(2) "Police dog or horse" means a dog or horse that has 3374
been trained, and may be used, to assist law enforcement 3375
officers in the performance of their official duties. 3376

(3) "Serious physical harm" means any of the following: 3377

(a) Any physical harm that carries a substantial risk of 3378
death; 3379

(b) Any physical harm that causes permanent maiming or 3380
that involves some temporary, substantial maiming; 3381

(c) Any physical harm that causes acute pain of a duration 3382
that results in substantial suffering. 3383

(4) "Assistance dog," "blind," and "mobility impaired" 3384

person" have the same meanings as in section 955.011 of the Revised Code.

Sec. 2921.36. (A) No person shall knowingly convey, or attempt to convey, onto the grounds of a detention facility or of an institution, office building, or other place that is under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction any of the following items:

(1) Any deadly weapon or dangerous ordnance, as defined in section 2923.11 of the Revised Code, or any part of or ammunition for use in such a deadly weapon or dangerous ordnance;

(2) Any drug of abuse, as defined in section 3719.011 of the Revised Code;

(3) Any intoxicating liquor, as defined in section 4301.01 of the Revised Code.

(B) Division (A) of this section does not apply to any person who conveys or attempts to convey an item onto the grounds of a detention facility or of an institution, office building, or other place under the control of the department of mental health and addiction services, the department of developmental disabilities, the department of youth services, or the department of rehabilitation and correction pursuant to the written authorization of the person in charge of the detention facility or the institution, office building, or other place and in accordance with the written rules of the detention facility or the institution, office building, or other place.

(C) No person shall knowingly deliver, or attempt to

deliver, to any person who is confined in a detention facility, 3414
to a child confined in a youth services facility, to a prisoner 3415
who is temporarily released from confinement for a work 3416
assignment, or to any patient in an institution under the 3417
control of the department of mental health and addiction 3418
services or the department of developmental disabilities any 3419
item listed in division (A) (1), (2), or (3) of this section. 3420

(D) No person shall knowingly deliver, or attempt to 3421
deliver, cash to any person who is confined in a detention 3422
facility, to a child confined in a youth services facility, or 3423
to a prisoner who is temporarily released from confinement for a 3424
work assignment. 3425

(E) No person shall knowingly deliver, or attempt to 3426
deliver, to any person who is confined in a detention facility, 3427
to a child confined in a youth services facility, or to a 3428
prisoner who is temporarily released from confinement for a work 3429
assignment a cellular telephone, two-way radio, or other 3430
electronic communications device. 3431

(F) (1) It is an affirmative defense to a charge under 3432
division (A) (1) of this section that the weapon or dangerous 3433
ordnance in question was being transported in a motor vehicle 3434
for any lawful purpose, that it was not on the actor's person, 3435
and, if the weapon or dangerous ordnance in question was a 3436
firearm, that it was unloaded and was being carried in a closed 3437
package, box, or case or in a compartment that can be reached 3438
only by leaving the vehicle. 3439

(2) It is an affirmative defense to a charge under 3440
division (C) of this section that the actor was not otherwise 3441
prohibited by law from delivering the item to the confined 3442
person, the child, the prisoner, or the patient and that either 3443

of the following applies: 3444

(a) The actor was permitted by the written rules of the 3445
detention facility or the institution, office building, or other 3446
place to deliver the item to the confined person or the patient. 3447

(b) The actor was given written authorization by the 3448
person in charge of the detention facility or the institution, 3449
office building, or other place to deliver the item to the 3450
confined person or the patient. 3451

(G) (1) Whoever violates division (A) (1) of this section or 3452
commits a violation of division (C) of this section involving an 3453
item listed in division (A) (1) of this section is guilty of 3454
illegal conveyance of weapons onto the grounds of a specified 3455
governmental facility, a felony of the third degree. If the 3456
offender is an officer or employee of the department of 3457
rehabilitation and correction, the court shall impose a 3458
mandatory prison term from the range of definite prison terms 3459
prescribed in division (A) (3) (b) of section 2929.14 of the 3460
Revised Code for a felony of the third degree. 3461

(2) Whoever violates division (A) (2) of this section or 3462
commits a violation of division (C) of this section involving 3463
any drug of abuse is guilty of illegal conveyance of drugs of 3464
abuse onto the grounds of a specified governmental facility, a 3465
felony of the third degree. If the offender is an officer or 3466
employee of the department of rehabilitation and correction or 3467
of the department of youth services, the court shall impose a 3468
mandatory prison term from the range of definite prison terms 3469
prescribed in division (A) (3) (b) of section 2929.14 of the 3470
Revised Code for a felony of the third degree. 3471

(3) Whoever violates division (A) (3) of this section or 3472

commits a violation of division (C) of this section involving 3473
any intoxicating liquor is guilty of illegal conveyance of 3474
intoxicating liquor onto the grounds of a specified governmental 3475
facility, a misdemeanor of the second degree. 3476

(4) Whoever violates division (D) of this section is 3477
guilty of illegal conveyance of cash onto the grounds of a 3478
detention facility, a misdemeanor of the first degree. If the 3479
offender previously has been convicted of or pleaded guilty to a 3480
violation of division (D) of this section, illegal conveyance of 3481
cash onto the grounds of a detention facility is a felony of the 3482
fifth degree. 3483

(5) Whoever violates division (E) of this section is 3484
guilty of illegal conveyance of a communications device onto the 3485
grounds of a specified governmental facility, a misdemeanor of 3486
the first degree, or if the offender previously has been 3487
convicted of or pleaded guilty to a violation of division (E) of 3488
this section, a felony of the fifth degree. 3489

Sec. 2923.132. (A) As used in this section: 3490

(1) (a) "Violent career criminal" means a person who within 3491
the preceding eight years, subject to extension as provided in 3492
division (A) (1) (b) of this section, has been convicted of or 3493
pleaded guilty to two or more violent felony offenses that are 3494
separated by intervening sentences and are not so closely 3495
related to each other and connected in time and place that they 3496
constitute a course of criminal conduct. 3497

(b) Except as provided in division (A) (1) (c) of this 3498
section, the eight-year period described in division (A) (1) (a) 3499
of this section shall be extended by a period of time equal to 3500
any period of time during which the person, within that eight- 3501

year period, was confined as a result of having been accused of 3502
an offense, having been convicted of or pleaded guilty to an 3503
offense, or having been accused of violating or found to have 3504
violated any community control sanction, post-release control 3505
sanction, or term or condition of supervised release. 3506

(c) Division (A) (1) (b) of this section shall not apply to 3507
extend the eight-year period described in division (A) (1) (a) of 3508
this section by any period of time during which a person is 3509
confined if the person is acquitted of the charges or the 3510
charges are dismissed in final disposition of the case or during 3511
which a person is confined as a result of having been accused of 3512
violating any sanction, term, or condition described in division 3513
(A) (1) (b) of this section if the person subsequently is not 3514
found to have violated that sanction, term, or condition. 3515

(2) "Violent felony offense" means any of the following: 3516

(a) A violation of section 2903.01, 2903.02, 2903.03, 3517
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3518
2911.01, 2911.02, or 2911.11 of the Revised Code; 3519

(b) A violation of division (A) (1) or (2) of section 3520
2911.12 of the Revised Code; 3521

(c) A felony violation of section 2907.02, 2907.03, 3522
2907.04, or 2907.05 of the Revised Code; 3523

(d) A felony violation of section 2909.24 of the Revised 3524
Code or a violation of section 2919.25 of the Revised Code that 3525
is a felony of the third degree; 3526

(e) A felony violation of any existing or former ordinance 3527
or law of this state, another state, or the United States that 3528
is or was substantially equivalent to any offense listed or 3529
described in divisions (A) (2) (a) to (e) of this section; 3530

(f) A conspiracy or attempt to commit, or complicity in committing, any of the offenses listed or described in divisions (A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree.

(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

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

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code.

(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance.

(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree, ~~and. For an offense committed prior to the effective date of this amendment,~~ notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven

<u>years.</u>	3560
Sec. 2925.01. As used in this chapter:	3561
(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.	3562 3563 3564 3565 3566 3567 3568
(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.	3569 3570
(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.	3571 3572 3573 3574
(D) "Bulk amount" of a controlled substance means any of the following:	3575 3576
(1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of controlled substance analogs, marihuana, cocaine, L.S.D., heroin, and hashish and except as provided in division (D) (2) or (5) of this section, whichever of the following is applicable:	3577 3578 3579 3580 3581 3582
(a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;	3583 3584 3585 3586
(b) An amount equal to or exceeding ten grams of a	3587

compound, mixture, preparation, or substance that is or contains 3588
any amount of raw or gum opium; 3589

(c) An amount equal to or exceeding thirty grams or ten 3590
unit doses of a compound, mixture, preparation, or substance 3591
that is or contains any amount of a schedule I hallucinogen 3592
other than tetrahydrocannabinol or lysergic acid amide, or a 3593
schedule I stimulant or depressant; 3594

(d) An amount equal to or exceeding twenty grams or five 3595
times the maximum daily dose in the usual dose range specified 3596
in a standard pharmaceutical reference manual of a compound, 3597
mixture, preparation, or substance that is or contains any 3598
amount of a schedule II opiate or opium derivative; 3599

(e) An amount equal to or exceeding five grams or ten unit 3600
doses of a compound, mixture, preparation, or substance that is 3601
or contains any amount of phencyclidine; 3602

(f) An amount equal to or exceeding one hundred twenty 3603
grams or thirty times the maximum daily dose in the usual dose 3604
range specified in a standard pharmaceutical reference manual of 3605
a compound, mixture, preparation, or substance that is or 3606
contains any amount of a schedule II stimulant that is in a 3607
final dosage form manufactured by a person authorized by the 3608
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3609
U.S.C.A. 301, as amended, and the federal drug abuse control 3610
laws, as defined in section 3719.01 of the Revised Code, that is 3611
or contains any amount of a schedule II depressant substance or 3612
a schedule II hallucinogenic substance; 3613

(g) An amount equal to or exceeding three grams of a 3614
compound, mixture, preparation, or substance that is or contains 3615
any amount of a schedule II stimulant, or any of its salts or 3616

isomers, that is not in a final dosage form manufactured by a 3617
person authorized by the Federal Food, Drug, and Cosmetic Act 3618
and the federal drug abuse control laws. 3619

(2) An amount equal to or exceeding one hundred twenty 3620
grams or thirty times the maximum daily dose in the usual dose 3621
range specified in a standard pharmaceutical reference manual of 3622
a compound, mixture, preparation, or substance that is or 3623
contains any amount of a schedule III or IV substance other than 3624
an anabolic steroid or a schedule III opiate or opium 3625
derivative; 3626

(3) An amount equal to or exceeding twenty grams or five 3627
times the maximum daily dose in the usual dose range specified 3628
in a standard pharmaceutical reference manual of a compound, 3629
mixture, preparation, or substance that is or contains any 3630
amount of a schedule III opiate or opium derivative; 3631

(4) An amount equal to or exceeding two hundred fifty 3632
milliliters or two hundred fifty grams of a compound, mixture, 3633
preparation, or substance that is or contains any amount of a 3634
schedule V substance; 3635

(5) An amount equal to or exceeding two hundred solid 3636
dosage units, sixteen grams, or sixteen milliliters of a 3637
compound, mixture, preparation, or substance that is or contains 3638
any amount of a schedule III anabolic steroid. 3639

(E) "Unit dose" means an amount or unit of a compound, 3640
mixture, or preparation containing a controlled substance that 3641
is separately identifiable and in a form that indicates that it 3642
is the amount or unit by which the controlled substance is 3643
separately administered to or taken by an individual. 3644

(F) "Cultivate" includes planting, watering, fertilizing, 3645

or tilling. 3646

(G) "Drug abuse offense" means any of the following: 3647

(1) A violation of division (A) of section 2913.02 that 3648
constitutes theft of drugs, or a violation of section 2925.02, 3649
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3650
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3651
or 2925.37 of the Revised Code; 3652

(2) A violation of an existing or former law of this or 3653
any other state or of the United States that is substantially 3654
equivalent to any section listed in division (G) (1) of this 3655
section; 3656

(3) An offense under an existing or former law of this or 3657
any other state, or of the United States, of which planting, 3658
cultivating, harvesting, processing, making, manufacturing, 3659
producing, shipping, transporting, delivering, acquiring, 3660
possessing, storing, distributing, dispensing, selling, inducing 3661
another to use, administering to another, using, or otherwise 3662
dealing with a controlled substance is an element; 3663

(4) A conspiracy to commit, attempt to commit, or 3664
complicity in committing or attempting to commit any offense 3665
under division (G) (1), (2), or (3) of this section. 3666

(H) "Felony drug abuse offense" means any drug abuse 3667
offense that would constitute a felony under the laws of this 3668
state, any other state, or the United States. 3669

(I) "Harmful intoxicant" does not include beer or 3670
intoxicating liquor but means any of the following: 3671

(1) Any compound, mixture, preparation, or substance the 3672
gas, fumes, or vapor of which when inhaled can induce 3673

intoxication, excitement, giddiness, irrational behavior, 3674
depression, stupefaction, paralysis, unconsciousness, 3675
asphyxiation, or other harmful physiological effects, and 3676
includes, but is not limited to, any of the following: 3677

(a) Any volatile organic solvent, plastic cement, model 3678
cement, fingernail polish remover, lacquer thinner, cleaning 3679
fluid, gasoline, or other preparation containing a volatile 3680
organic solvent; 3681

(b) Any aerosol propellant; 3682

(c) Any fluorocarbon refrigerant; 3683

(d) Any anesthetic gas. 3684

(2) Gamma Butyrolactone; 3685

(3) 1,4 Butanediol. 3686

(J) "Manufacture" means to plant, cultivate, harvest, 3687
process, make, prepare, or otherwise engage in any part of the 3688
production of a drug, by propagation, extraction, chemical 3689
synthesis, or compounding, or any combination of the same, and 3690
includes packaging, repackaging, labeling, and other activities 3691
incident to production. 3692

(K) "Possess" or "possession" means having control over a 3693
thing or substance, but may not be inferred solely from mere 3694
access to the thing or substance through ownership or occupation 3695
of the premises upon which the thing or substance is found. 3696

(L) "Sample drug" means a drug or pharmaceutical 3697
preparation that would be hazardous to health or safety if used 3698
without the supervision of a licensed health professional 3699
authorized to prescribe drugs, or a drug of abuse, and that, at 3700
one time, had been placed in a container plainly marked as a 3701

sample by a manufacturer. 3702

(M) "Standard pharmaceutical reference manual" means the 3703
current edition, with cumulative changes if any, of references 3704
that are approved by the state board of pharmacy. 3705

(N) "Juvenile" means a person under eighteen years of age. 3706

(O) "Counterfeit controlled substance" means any of the 3707
following: 3708

(1) Any drug that bears, or whose container or label 3709
bears, a trademark, trade name, or other identifying mark used 3710
without authorization of the owner of rights to that trademark, 3711
trade name, or identifying mark; 3712

(2) Any unmarked or unlabeled substance that is 3713
represented to be a controlled substance manufactured, 3714
processed, packed, or distributed by a person other than the 3715
person that manufactured, processed, packed, or distributed it; 3716

(3) Any substance that is represented to be a controlled 3717
substance but is not a controlled substance or is a different 3718
controlled substance; 3719

(4) Any substance other than a controlled substance that a 3720
reasonable person would believe to be a controlled substance 3721
because of its similarity in shape, size, and color, or its 3722
markings, labeling, packaging, distribution, or the price for 3723
which it is sold or offered for sale. 3724

(P) An offense is "committed in the vicinity of a school" 3725
if the offender commits the offense on school premises, in a 3726
school building, or within one thousand feet of the boundaries 3727
of any school premises, regardless of whether the offender knows 3728
the offense is being committed on school premises, in a school 3729

building, or within one thousand feet of the boundaries of any 3730
school premises. 3731

(Q) "School" means any school operated by a board of 3732
education, any community school established under Chapter 3314. 3733
of the Revised Code, or any nonpublic school for which the state 3734
board of education prescribes minimum standards under section 3735
3301.07 of the Revised Code, whether or not any instruction, 3736
extracurricular activities, or training provided by the school 3737
is being conducted at the time a criminal offense is committed. 3738

(R) "School premises" means either of the following: 3739

(1) The parcel of real property on which any school is 3740
situated, whether or not any instruction, extracurricular 3741
activities, or training provided by the school is being 3742
conducted on the premises at the time a criminal offense is 3743
committed; 3744

(2) Any other parcel of real property that is owned or 3745
leased by a board of education of a school, the governing 3746
authority of a community school established under Chapter 3314. 3747
of the Revised Code, or the governing body of a nonpublic school 3748
for which the state board of education prescribes minimum 3749
standards under section 3301.07 of the Revised Code and on which 3750
some of the instruction, extracurricular activities, or training 3751
of the school is conducted, whether or not any instruction, 3752
extracurricular activities, or training provided by the school 3753
is being conducted on the parcel of real property at the time a 3754
criminal offense is committed. 3755

(S) "School building" means any building in which any of 3756
the instruction, extracurricular activities, or training 3757
provided by a school is conducted, whether or not any 3758

instruction, extracurricular activities, or training provided by 3759
the school is being conducted in the school building at the time 3760
a criminal offense is committed. 3761

(T) "Disciplinary counsel" means the disciplinary counsel 3762
appointed by the board of commissioners on grievances and 3763
discipline of the supreme court under the Rules for the 3764
Government of the Bar of Ohio. 3765

(U) "Certified grievance committee" means a duly 3766
constituted and organized committee of the Ohio state bar 3767
association or of one or more local bar associations of the 3768
state of Ohio that complies with the criteria set forth in Rule 3769
V, section 6 of the Rules for the Government of the Bar of Ohio. 3770

(V) "Professional license" means any license, permit, 3771
certificate, registration, qualification, admission, temporary 3772
license, temporary permit, temporary certificate, or temporary 3773
registration that is described in divisions (W)(1) to (36) of 3774
this section and that qualifies a person as a professionally 3775
licensed person. 3776

(W) "Professionally licensed person" means any of the 3777
following: 3778

(1) A person who has obtained a license as a manufacturer 3779
of controlled substances or a wholesaler of controlled 3780
substances under Chapter 3719. of the Revised Code; 3781

(2) A person who has received a certificate or temporary 3782
certificate as a certified public accountant or who has 3783
registered as a public accountant under Chapter 4701. of the 3784
Revised Code and who holds an Ohio permit issued under that 3785
chapter; 3786

(3) A person who holds a certificate of qualification to 3787

practice architecture issued or renewed and registered under	3788
Chapter 4703. of the Revised Code;	3789
(4) A person who is registered as a landscape architect	3790
under Chapter 4703. of the Revised Code or who holds a permit as	3791
a landscape architect issued under that chapter;	3792
(5) A person licensed under Chapter 4707. of the Revised	3793
Code;	3794
(6) A person who has been issued a certificate of	3795
registration as a registered barber under Chapter 4709. of the	3796
Revised Code;	3797
(7) A person licensed and regulated to engage in the	3798
business of a debt pooling company by a legislative authority,	3799
under authority of Chapter 4710. of the Revised Code;	3800
(8) A person who has been issued a cosmetologist's	3801
license, hair designer's license, manicurist's license,	3802
esthetician's license, natural hair stylist's license, advanced	3803
cosmetologist's license, advanced hair designer's license,	3804
advanced manicurist's license, advanced esthetician's license,	3805
advanced natural hair stylist's license, cosmetology	3806
instructor's license, hair design instructor's license,	3807
manicurist instructor's license, esthetics instructor's license,	3808
natural hair style instructor's license, independent	3809
contractor's license, or tanning facility permit under Chapter	3810
4713. of the Revised Code;	3811
(9) A person who has been issued a license to practice	3812
dentistry, a general anesthesia permit, a conscious intravenous	3813
sedation permit, a limited resident's license, a limited	3814
teaching license, a dental hygienist's license, or a dental	3815
hygienist's teacher's certificate under Chapter 4715. of the	3816

Revised Code;	3817
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	3818 3819 3820 3821 3822
(11) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	3823 3824 3825 3826
(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	3827 3828 3829
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	3830 3831
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	3832 3833
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	3834 3835 3836 3837
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	3838 3839
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	3840 3841 3842 3843 3844

(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	3845 3846
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	3847 3848 3849
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	3850 3851
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	3852 3853
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	3854 3855
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	3856 3857
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	3858 3859
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	3860 3861
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	3862 3863 3864 3865
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	3866 3867 3868
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	3869 3870 3871

(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code; 3872
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(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; 3875
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(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; 3878
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(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code; 3881
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(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 3887
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(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 3889
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(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 3892
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(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 3894
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(X) "Cocaine" means any of the following: 3897

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 3898
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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 3900
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 3904
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(Y) "L.S.D." means lysergic acid diethylamide. 3910

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 3911
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(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 3914
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(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 3917
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(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing 3924
3925
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3928

under section 2929.11 of the Revised Code. 3929

(DD) "Major drug offender" has the same meaning as in 3930
section 2929.01 of the Revised Code. 3931

(EE) "Minor drug possession offense" means either of the 3932
following: 3933

(1) A violation of section 2925.11 of the Revised Code as 3934
it existed prior to July 1, 1996; 3935

(2) A violation of section 2925.11 of the Revised Code as 3936
it exists on and after July 1, 1996, that is a misdemeanor or a 3937
felony of the fifth degree. 3938

(FF) "Mandatory prison term" has the same meaning as in 3939
section 2929.01 of the Revised Code. 3940

(GG) "Adulterate" means to cause a drug to be adulterated 3941
as described in section 3715.63 of the Revised Code. 3942

(HH) "Public premises" means any hotel, restaurant, 3943
tavern, store, arena, hall, or other place of public 3944
accommodation, business, amusement, or resort. 3945

(II) "Methamphetamine" means methamphetamine, any salt, 3946
isomer, or salt of an isomer of methamphetamine, or any 3947
compound, mixture, preparation, or substance containing 3948
methamphetamine or any salt, isomer, or salt of an isomer of 3949
methamphetamine. 3950

(JJ) "Lawful prescription" means a prescription that is 3951
issued for a legitimate medical purpose by a licensed health 3952
professional authorized to prescribe drugs, that is not altered 3953
or forged, and that was not obtained by means of deception or by 3954
the commission of any theft offense. 3955

(KK) "Deception" and "theft offense" have the same 3956
meanings as in section 2913.01 of the Revised Code. 3957

(LL) "First degree felony mandatory prison term" means one 3958
of the definite prison terms prescribed in division (A) (1) (b) of 3959
section 2929.14 of the Revised Code for a felony of the first 3960
degree, except that if the violation for which sentence is being 3961
imposed is committed on or after the effective date of this 3962
amendment, it means one of the minimum prison terms prescribed 3963
in division (A) (1) (a) of that section for a felony of the first 3964
degree. 3965

(MM) "Second degree felony mandatory prison term" means 3966
one of the definite prison terms prescribed in division (A) (2) 3967
(b) of section 2929.14 of the Revised Code for a felony of the 3968
second degree, except that if the violation for which sentence 3969
is being imposed is committed on or after the effective date of 3970
this amendment, it means one of the minimum prison terms 3971
prescribed in division (A) (2) (a) of that section for a felony of 3972
the second degree. 3973

(NN) "Maximum first degree felony mandatory prison term" 3974
means the maximum definite prison term prescribed in division 3975
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 3976
the first degree, except that if the violation for which 3977
sentence is being imposed is committed on or after the effective 3978
date of this amendment, it means the longest minimum prison term 3979
prescribed in division (A) (1) (a) of that section for a felony of 3980
the first degree. 3981

(OO) "Maximum second degree felony mandatory prison term" 3982
means the maximum definite prison term prescribed in division 3983
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 3984
the second degree, except that if the violation for which 3985

sentence is being imposed is committed on or after the effective 3986
date of this amendment, it means the longest minimum prison term 3987
prescribed in division (A) (2) (a) of that section for a felony of 3988
the second degree. 3989

Sec. 2925.02. (A) No person shall knowingly do any of the 3990
following: 3991

(1) By force, threat, or deception, administer to another 3992
or induce or cause another to use a controlled substance; 3993

(2) By any means, administer or furnish to another or 3994
induce or cause another to use a controlled substance with 3995
purpose to cause serious physical harm to the other person, or 3996
with purpose to cause the other person to become drug dependent; 3997

(3) By any means, administer or furnish to another or 3998
induce or cause another to use a controlled substance, and 3999
thereby cause serious physical harm to the other person, or 4000
cause the other person to become drug dependent; 4001

(4) By any means, do any of the following: 4002

(a) Furnish or administer a controlled substance to a 4003
juvenile who is at least two years the offender's junior, when 4004
the offender knows the age of the juvenile or is reckless in 4005
that regard; 4006

(b) Induce or cause a juvenile who is at least two years 4007
the offender's junior to use a controlled substance, when the 4008
offender knows the age of the juvenile or is reckless in that 4009
regard; 4010

(c) Induce or cause a juvenile who is at least two years 4011
the offender's junior to commit a felony drug abuse offense, 4012
when the offender knows the age of the juvenile or is reckless 4013

in that regard; 4014

(d) Use a juvenile, whether or not the offender knows the 4015
age of the juvenile, to perform any surveillance activity that 4016
is intended to prevent the detection of the offender or any 4017
other person in the commission of a felony drug abuse offense or 4018
to prevent the arrest of the offender or any other person for 4019
the commission of a felony drug abuse offense. 4020

(5) By any means, furnish or administer a controlled 4021
substance to a pregnant woman or induce or cause a pregnant 4022
woman to use a controlled substance, when the offender knows 4023
that the woman is pregnant or is reckless in that regard. 4024

(B) Division (A) (1), (3), (4), or (5) of this section does 4025
not apply to manufacturers, wholesalers, licensed health 4026
professionals authorized to prescribe drugs, pharmacists, owners 4027
of pharmacies, and other persons whose conduct is in accordance 4028
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4029
4741. of the Revised Code. 4030

(C) Whoever violates this section is guilty of corrupting 4031
another with drugs. The penalty for the offense shall be 4032
determined as follows: 4033

(1) If the offense is a violation of division (A) (1), (2), 4034
(3), or (4) of this section and the drug involved is any 4035
compound, mixture, preparation, or substance included in 4036
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4037
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4038
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4039
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4040
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4041
offender shall be punished as follows: 4042

(a) Except as otherwise provided in division (C) (1) (b) of 4043
this section, corrupting another with drugs committed in those 4044
circumstances is a felony of the second degree and, subject to 4045
division (E) of this section, the court shall impose as a 4046
mandatory prison term ~~one of the prison terms prescribed for a~~ 4047
~~felony of the second degree~~ a second degree felony mandatory 4048
prison term. 4049

(b) If the offense was committed in the vicinity of a 4050
school, corrupting another with drugs committed in those 4051
circumstances is a felony of the first degree, and, subject to 4052
division (E) of this section, the court shall impose as a 4053
mandatory prison term ~~one of the prison terms prescribed for a~~ 4054
~~felony of the first degree~~ a first degree felony mandatory 4055
prison term. 4056

(2) If the offense is a violation of division (A) (1), (2), 4057
(3), or (4) of this section and the drug involved is any 4058
compound, mixture, preparation, or substance included in 4059
schedule III, IV, or V, the offender shall be punished as 4060
follows: 4061

(a) Except as otherwise provided in division (C) (2) (b) of 4062
this section, corrupting another with drugs committed in those 4063
circumstances is a felony of the second degree and there is a 4064
presumption for a prison term for the offense. 4065

(b) If the offense was committed in the vicinity of a 4066
school, corrupting another with drugs committed in those 4067
circumstances is a felony of the second degree and the court 4068
shall impose as a mandatory prison term ~~one of the prison terms~~ 4069
~~prescribed for a felony of the second degree~~ a second degree 4070
felony mandatory prison term. 4071

(3) If the offense is a violation of division (A) (1), (2), 4072
(3), or (4) of this section and the drug involved is marihuana, 4073
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4074
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4075
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4076
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4077
offender shall be punished as follows: 4078

(a) Except as otherwise provided in division (C) (3) (b) of 4079
this section, corrupting another with drugs committed in those 4080
circumstances is a felony of the fourth degree and division (C) 4081
of section 2929.13 of the Revised Code applies in determining 4082
whether to impose a prison term on the offender. 4083

(b) If the offense was committed in the vicinity of a 4084
school, corrupting another with drugs committed in those 4085
circumstances is a felony of the third degree and division (C) 4086
of section 2929.13 of the Revised Code applies in determining 4087
whether to impose a prison term on the offender. 4088

(4) If the offense is a violation of division (A) (5) of 4089
this section and the drug involved is any compound, mixture, 4090
preparation, or substance included in schedule I or II, with the 4091
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4092
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4093
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4094
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4095
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4096
felony of the first degree and, subject to division (E) of this 4097
section, the court shall impose as a mandatory prison term ~~one~~ 4098
~~of the prison terms prescribed for a felony of the first degree~~ 4099
a first degree felony mandatory prison term. 4100

(5) If the offense is a violation of division (A) (5) of 4101

this section and the drug involved is any compound, mixture, 4102
preparation, or substance included in schedule III, IV, or V, 4103
corrupting another with drugs is a felony of the second degree 4104
and the court shall impose as a mandatory prison term ~~one of the~~ 4105
~~prison terms prescribed for a felony of the second degree~~ a 4106
second degree felony mandatory prison term. 4107

(6) If the offense is a violation of division (A) (5) of 4108
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4109
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4110
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4111
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4112
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4113
corrupting another with drugs is a felony of the third degree 4114
and division (C) of section 2929.13 of the Revised Code applies 4115
in determining whether to impose a prison term on the offender. 4116

(D) In addition to any prison term authorized or required 4117
by division (C) or (E) of this section and sections 2929.13 and 4118
2929.14 of the Revised Code and in addition to any other 4119
sanction imposed for the offense under this section or sections 4120
2929.11 to 2929.18 of the Revised Code, the court that sentences 4121
an offender who is convicted of or pleads guilty to a violation 4122
of division (A) of this section may suspend for not more than 4123
five years the offender's driver's or commercial driver's 4124
license or permit. However, if the offender pleaded guilty to or 4125
was convicted of a violation of section 4511.19 of the Revised 4126
Code or a substantially similar municipal ordinance or the law 4127
of another state or the United States arising out of the same 4128
set of circumstances as the violation, the court shall suspend 4129
the offender's driver's or commercial driver's license or permit 4130
for not more than five years. The court also shall do all of the 4131
following that are applicable regarding the offender: 4132

(1) (a) If the violation is a felony of the first, second, 4133
or third degree, the court shall impose upon the offender the 4134
mandatory fine specified for the offense under division (B) (1) 4135
of section 2929.18 of the Revised Code unless, as specified in 4136
that division, the court determines that the offender is 4137
indigent. 4138

(b) Notwithstanding any contrary provision of section 4139
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4140
to division (D) (1) (a) of this section and any fine imposed for a 4141
violation of this section pursuant to division (A) of section 4142
2929.18 of the Revised Code shall be paid by the clerk of the 4143
court in accordance with and subject to the requirements of, and 4144
shall be used as specified in, division (F) of section 2925.03 4145
of the Revised Code. 4146

(c) If a person is charged with any violation of this 4147
section that is a felony of the first, second, or third degree, 4148
posts bail, and forfeits the bail, the forfeited bail shall be 4149
paid by the clerk of the court pursuant to division (D) (1) (b) of 4150
this section as if it were a fine imposed for a violation of 4151
this section. 4152

(2) If the offender is a professionally licensed person, 4153
in addition to any other sanction imposed for a violation of 4154
this section, the court immediately shall comply with section 4155
2925.38 of the Revised Code. 4156

(E) Notwithstanding the prison term otherwise authorized 4157
or required for the offense under division (C) of this section 4158
and sections 2929.13 and 2929.14 of the Revised Code, if the 4159
violation of division (A) of this section involves the sale, 4160
offer to sell, or possession of a schedule I or II controlled 4161
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4162

naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4163
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4164
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4165
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4166
if the court imposing sentence upon the offender finds that the 4167
offender as a result of the violation is a major drug offender 4168
and is guilty of a specification of the type described in 4169
section 2941.1410 of the Revised Code, the court, in lieu of the 4170
prison term that otherwise is authorized or required, shall 4171
impose upon the offender the mandatory prison term specified in 4172
division (B) (3) (a) of section 2929.14 of the Revised Code. 4173

(F) (1) If the sentencing court suspends the offender's 4174
driver's or commercial driver's license or permit under division 4175
(D) of this section, the offender, at any time after the 4176
expiration of two years from the day on which the offender's 4177
sentence was imposed or from the day on which the offender 4178
finally was released from a prison term under the sentence, 4179
whichever is later, may file a motion with the sentencing court 4180
requesting termination of the suspension. Upon the filing of the 4181
motion and the court's finding of good cause for the 4182
determination, the court may terminate the suspension. 4183

(2) Any offender who received a mandatory suspension of 4184
the offender's driver's or commercial driver's license or permit 4185
under this section prior to ~~the effective date of this amendment~~ 4186
September 13, 2016, may file a motion with the sentencing court 4187
requesting the termination of the suspension. However, an 4188
offender who pleaded guilty to or was convicted of a violation 4189
of section 4511.19 of the Revised Code or a substantially 4190
similar municipal ordinance or law of another state or the 4191
United States that arose out of the same set of circumstances as 4192
the violation for which the offender's license or permit was 4193

suspended under this section shall not file such a motion. 4194

Upon the filing of a motion under division (F) (2) of this 4195
section, the sentencing court, in its discretion, may terminate 4196
the suspension. 4197

Sec. 2925.03. (A) No person shall knowingly do any of the 4198
following: 4199

(1) Sell or offer to sell a controlled substance or a 4200
controlled substance analog; 4201

(2) Prepare for shipment, ship, transport, deliver, 4202
prepare for distribution, or distribute a controlled substance 4203
or a controlled substance analog, when the offender knows or has 4204
reasonable cause to believe that the controlled substance or a 4205
controlled substance analog is intended for sale or resale by 4206
the offender or another person. 4207

(B) This section does not apply to any of the following: 4208

(1) Manufacturers, licensed health professionals 4209
authorized to prescribe drugs, pharmacists, owners of 4210
pharmacies, and other persons whose conduct is in accordance 4211
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4212
4741. of the Revised Code; 4213

(2) If the offense involves an anabolic steroid, any 4214
person who is conducting or participating in a research project 4215
involving the use of an anabolic steroid if the project has been 4216
approved by the United States food and drug administration; 4217

(3) Any person who sells, offers for sale, prescribes, 4218
dispenses, or administers for livestock or other nonhuman 4219
species an anabolic steroid that is expressly intended for 4220
administration through implants to livestock or other nonhuman 4221

species and approved for that purpose under the "Federal Food, 4222
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4223
as amended, and is sold, offered for sale, prescribed, 4224
dispensed, or administered for that purpose in accordance with 4225
that act. 4226

(C) Whoever violates division (A) of this section is 4227
guilty of one of the following: 4228

(1) If the drug involved in the violation is any compound, 4229
mixture, preparation, or substance included in schedule I or 4230
schedule II, with the exception of marihuana, cocaine, L.S.D., 4231
heroin, hashish, and controlled substance analogs, whoever 4232
violates division (A) of this section is guilty of aggravated 4233
trafficking in drugs. The penalty for the offense shall be 4234
determined as follows: 4235

(a) Except as otherwise provided in division (C) (1) (b), 4236
(c), (d), (e), or (f) of this section, aggravated trafficking in 4237
drugs is a felony of the fourth degree, and division (C) of 4238
section 2929.13 of the Revised Code applies in determining 4239
whether to impose a prison term on the offender. 4240

(b) Except as otherwise provided in division (C) (1) (c), 4241
(d), (e), or (f) of this section, if the offense was committed 4242
in the vicinity of a school or in the vicinity of a juvenile, 4243
aggravated trafficking in drugs is a felony of the third degree, 4244
and division (C) of section 2929.13 of the Revised Code applies 4245
in determining whether to impose a prison term on the offender. 4246

(c) Except as otherwise provided in this division, if the 4247
amount of the drug involved equals or exceeds the bulk amount 4248
but is less than five times the bulk amount, aggravated 4249
trafficking in drugs is a felony of the third degree, and, 4250

except as otherwise provided in this division, there is a 4251
presumption for a prison term for the offense. If aggravated 4252
trafficking in drugs is a felony of the third degree under this 4253
division and if the offender two or more times previously has 4254
been convicted of or pleaded guilty to a felony drug abuse 4255
offense, the court shall impose as a mandatory prison term one 4256
of the prison terms prescribed for a felony of the third degree. 4257
If the amount of the drug involved is within that range and if 4258
the offense was committed in the vicinity of a school or in the 4259
vicinity of a juvenile, aggravated trafficking in drugs is a 4260
felony of the second degree, and the court shall impose as a 4261
mandatory prison term ~~one of the prison terms prescribed for a~~ 4262
~~felony of the second degree~~ a second degree felony mandatory 4263
prison term. 4264

(d) Except as otherwise provided in this division, if the 4265
amount of the drug involved equals or exceeds five times the 4266
bulk amount but is less than fifty times the bulk amount, 4267
aggravated trafficking in drugs is a felony of the second 4268
degree, and the court shall impose as a mandatory prison term 4269
~~one of the prison terms prescribed for a felony of the second~~ 4270
~~degree~~ a second degree felony mandatory prison term. If the 4271
amount of the drug involved is within that range and if the 4272
offense was committed in the vicinity of a school or in the 4273
vicinity of a juvenile, aggravated trafficking in drugs is a 4274
felony of the first degree, and the court shall impose as a 4275
mandatory prison term ~~one of the prison terms prescribed for a~~ 4276
~~felony of the first degree~~ a first degree felony mandatory 4277
prison term. 4278

(e) If the amount of the drug involved equals or exceeds 4279
fifty times the bulk amount but is less than one hundred times 4280
the bulk amount and regardless of whether the offense was 4281

committed in the vicinity of a school or in the vicinity of a 4282
juvenile, aggravated trafficking in drugs is a felony of the 4283
first degree, and the court shall impose as a mandatory prison 4284
~~term one of the prison terms prescribed for a felony of the~~ 4285
~~first degree~~ a first degree felony mandatory prison term. 4286

(f) If the amount of the drug involved equals or exceeds 4287
one hundred times the bulk amount and regardless of whether the 4288
offense was committed in the vicinity of a school or in the 4289
vicinity of a juvenile, aggravated trafficking in drugs is a 4290
felony of the first degree, the offender is a major drug 4291
offender, and the court shall impose as a mandatory prison term 4292
~~the maximum prison term prescribed for a felony of the first~~ 4293
~~degree~~ a maximum first degree felony mandatory prison term. 4294

(2) If the drug involved in the violation is any compound, 4295
mixture, preparation, or substance included in schedule III, IV, 4296
or V, whoever violates division (A) of this section is guilty of 4297
trafficking in drugs. The penalty for the offense shall be 4298
determined as follows: 4299

(a) Except as otherwise provided in division (C) (2) (b), 4300
(c), (d), or (e) of this section, trafficking in drugs is a 4301
felony of the fifth degree, and division (B) of section 2929.13 4302
of the Revised Code applies in determining whether to impose a 4303
prison term on the offender. 4304

(b) Except as otherwise provided in division (C) (2) (c), 4305
(d), or (e) of this section, if the offense was committed in the 4306
vicinity of a school or in the vicinity of a juvenile, 4307
trafficking in drugs is a felony of the fourth degree, and 4308
division (C) of section 2929.13 of the Revised Code applies in 4309
determining whether to impose a prison term on the offender. 4310

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, trafficking in drugs is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, trafficking in drugs is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a~~

~~felony of the first degree~~ a first degree felony mandatory 4342
prison term. 4343

(3) If the drug involved in the violation is marihuana or 4344
a compound, mixture, preparation, or substance containing 4345
marihuana other than hashish, whoever violates division (A) of 4346
this section is guilty of trafficking in marihuana. The penalty 4347
for the offense shall be determined as follows: 4348

(a) Except as otherwise provided in division (C) (3) (b), 4349
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4350
marihuana is a felony of the fifth degree, and division (B) of 4351
section 2929.13 of the Revised Code applies in determining 4352
whether to impose a prison term on the offender. 4353

(b) Except as otherwise provided in division (C) (3) (c), 4354
(d), (e), (f), (g), or (h) of this section, if the offense was 4355
committed in the vicinity of a school or in the vicinity of a 4356
juvenile, trafficking in marihuana is a felony of the fourth 4357
degree, and division (B) of section 2929.13 of the Revised Code 4358
applies in determining whether to impose a prison term on the 4359
offender. 4360

(c) Except as otherwise provided in this division, if the 4361
amount of the drug involved equals or exceeds two hundred grams 4362
but is less than one thousand grams, trafficking in marihuana is 4363
a felony of the fourth degree, and division (B) of section 4364
2929.13 of the Revised Code applies in determining whether to 4365
impose a prison term on the offender. If the amount of the drug 4366
involved is within that range and if the offense was committed 4367
in the vicinity of a school or in the vicinity of a juvenile, 4368
trafficking in marihuana is a felony of the third degree, and 4369
division (C) of section 2929.13 of the Revised Code applies in 4370
determining whether to impose a prison term on the offender. 4371

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, trafficking in marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five thousand grams but is less than twenty thousand grams, trafficking in marihuana is a felony of the third degree, and there is a presumption that a prison term shall be imposed for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the second degree, and there is a presumption that a prison term shall be imposed for the offense.

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty thousand grams but is less than forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory

prison term ~~the maximum prison term prescribed for a felony of~~ 4403
~~the first degree~~ a maximum first degree felony mandatory prison 4404
term. 4405

(g) Except as otherwise provided in this division, if the 4406
amount of the drug involved equals or exceeds forty thousand 4407
grams, trafficking in marihuana is a felony of the second 4408
degree, and the court shall impose as a mandatory prison term 4409
~~the maximum prison term prescribed for a felony of the second~~ 4410
~~degree~~ a maximum second degree felony mandatory prison term. If 4411
the amount of the drug involved equals or exceeds forty thousand 4412
grams and if the offense was committed in the vicinity of a 4413
school or in the vicinity of a juvenile, trafficking in 4414
marihuana is a felony of the first degree, and the court shall 4415
impose as a mandatory prison term ~~the maximum prison term~~ 4416
~~prescribed for a felony of the first degree~~ a maximum first 4417
degree felony mandatory prison term. 4418

(h) Except as otherwise provided in this division, if the 4419
offense involves a gift of twenty grams or less of marihuana, 4420
trafficking in marihuana is a minor misdemeanor upon a first 4421
offense and a misdemeanor of the third degree upon a subsequent 4422
offense. If the offense involves a gift of twenty grams or less 4423
of marihuana and if the offense was committed in the vicinity of 4424
a school or in the vicinity of a juvenile, trafficking in 4425
marihuana is a misdemeanor of the third degree. 4426

(4) If the drug involved in the violation is cocaine or a 4427
compound, mixture, preparation, or substance containing cocaine, 4428
whoever violates division (A) of this section is guilty of 4429
trafficking in cocaine. The penalty for the offense shall be 4430
determined as follows: 4431

(a) Except as otherwise provided in division (C) (4) (b), 4432

(c), (d), (e), (f), or (g) of this section, trafficking in cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C)(4)(c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, trafficking in cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in cocaine is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, trafficking in cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison

term one of the prison terms prescribed for a felony of the 4463
third degree. If the amount of the drug involved is within that 4464
range and if the offense was committed in the vicinity of a 4465
school or in the vicinity of a juvenile, trafficking in cocaine 4466
is a felony of the second degree, and the court shall impose as 4467
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4468
~~felony of the second degree~~ a second degree felony mandatory 4469
prison term. 4470

(e) Except as otherwise provided in this division, if the 4471
amount of the drug involved equals or exceeds twenty grams but 4472
is less than twenty-seven grams of cocaine, trafficking in 4473
cocaine is a felony of the second degree, and the court shall 4474
impose as a mandatory prison term ~~one of the prison terms~~ 4475
~~prescribed for a felony of the second degree~~ a second degree 4476
felony mandatory prison term. If the amount of the drug involved 4477
is within that range and if the offense was committed in the 4478
vicinity of a school or in the vicinity of a juvenile, 4479
trafficking in cocaine is a felony of the first degree, and the 4480
court shall impose as a mandatory prison term ~~one of the prison~~ 4481
~~terms prescribed for a felony of the first degree~~ a first degree 4482
felony mandatory prison term. 4483

(f) If the amount of the drug involved equals or exceeds 4484
twenty-seven grams but is less than one hundred grams of cocaine 4485
and regardless of whether the offense was committed in the 4486
vicinity of a school or in the vicinity of a juvenile, 4487
trafficking in cocaine is a felony of the first degree, and the 4488
court shall impose as a mandatory prison term ~~one of the prison~~ 4489
~~terms prescribed for a felony of the first degree~~ a first degree 4490
felony mandatory prison term. 4491

(g) If the amount of the drug involved equals or exceeds 4492

one hundred grams of cocaine and regardless of whether the 4493
offense was committed in the vicinity of a school or in the 4494
vicinity of a juvenile, trafficking in cocaine is a felony of 4495
the first degree, the offender is a major drug offender, and the 4496
court shall impose as a mandatory prison term ~~the maximum prison~~ 4497
~~term prescribed for a felony of the first degree~~ a maximum first 4498
degree felony mandatory prison term. 4499

(5) If the drug involved in the violation is L.S.D. or a 4500
compound, mixture, preparation, or substance containing L.S.D., 4501
whoever violates division (A) of this section is guilty of 4502
trafficking in L.S.D. The penalty for the offense shall be 4503
determined as follows: 4504

(a) Except as otherwise provided in division (C) (5) (b), 4505
(c), (d), (e), (f), or (g) of this section, trafficking in 4506
L.S.D. is a felony of the fifth degree, and division (B) of 4507
section 2929.13 of the Revised Code applies in determining 4508
whether to impose a prison term on the offender. 4509

(b) Except as otherwise provided in division (C) (5) (c), 4510
(d), (e), (f), or (g) of this section, if the offense was 4511
committed in the vicinity of a school or in the vicinity of a 4512
juvenile, trafficking in L.S.D. is a felony of the fourth 4513
degree, and division (C) of section 2929.13 of the Revised Code 4514
applies in determining whether to impose a prison term on the 4515
offender. 4516

(c) Except as otherwise provided in this division, if the 4517
amount of the drug involved equals or exceeds ten unit doses but 4518
is less than fifty unit doses of L.S.D. in a solid form or 4519
equals or exceeds one gram but is less than five grams of L.S.D. 4520
in a liquid concentrate, liquid extract, or liquid distillate 4521
form, trafficking in L.S.D. is a felony of the fourth degree, 4522

and division (B) of section 2929.13 of the Revised Code applies 4523
in determining whether to impose a prison term for the offense. 4524
If the amount of the drug involved is within that range and if 4525
the offense was committed in the vicinity of a school or in the 4526
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4527
third degree, and there is a presumption for a prison term for 4528
the offense. 4529

(d) Except as otherwise provided in this division, if the 4530
amount of the drug involved equals or exceeds fifty unit doses 4531
but is less than two hundred fifty unit doses of L.S.D. in a 4532
solid form or equals or exceeds five grams but is less than 4533
twenty-five grams of L.S.D. in a liquid concentrate, liquid 4534
extract, or liquid distillate form, trafficking in L.S.D. is a 4535
felony of the third degree, and, except as otherwise provided in 4536
this division, there is a presumption for a prison term for the 4537
offense. If trafficking in L.S.D. is a felony of the third 4538
degree under this division and if the offender two or more times 4539
previously has been convicted of or pleaded guilty to a felony 4540
drug abuse offense, the court shall impose as a mandatory prison 4541
term one of the prison terms prescribed for a felony of the 4542
third degree. If the amount of the drug involved is within that 4543
range and if the offense was committed in the vicinity of a 4544
school or in the vicinity of a juvenile, trafficking in L.S.D. 4545
is a felony of the second degree, and the court shall impose as 4546
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4547
~~felony of the second degree~~ a second degree felony mandatory 4548
prison term. 4549

(e) Except as otherwise provided in this division, if the 4550
amount of the drug involved equals or exceeds two hundred fifty 4551
unit doses but is less than one thousand unit doses of L.S.D. in 4552
a solid form or equals or exceeds twenty-five grams but is less 4553

than one hundred grams of L.S.D. in a liquid concentrate, liquid 4554
extract, or liquid distillate form, trafficking in L.S.D. is a 4555
felony of the second degree, and the court shall impose as a 4556
mandatory prison term ~~one of the prison terms prescribed for a~~ 4557
~~felony of the second degree~~ a second degree felony mandatory 4558
prison term. If the amount of the drug involved is within that 4559
range and if the offense was committed in the vicinity of a 4560
school or in the vicinity of a juvenile, trafficking in L.S.D. 4561
is a felony of the first degree, and the court shall impose as a 4562
mandatory prison term ~~one of the prison terms prescribed for a~~ 4563
~~felony of the first degree~~ a first degree felony mandatory 4564
prison term. 4565

(f) If the amount of the drug involved equals or exceeds 4566
one thousand unit doses but is less than five thousand unit 4567
doses of L.S.D. in a solid form or equals or exceeds one hundred 4568
grams but is less than five hundred grams of L.S.D. in a liquid 4569
concentrate, liquid extract, or liquid distillate form and 4570
regardless of whether the offense was committed in the vicinity 4571
of a school or in the vicinity of a juvenile, trafficking in 4572
L.S.D. is a felony of the first degree, and the court shall 4573
impose as a mandatory prison term ~~one of the prison terms~~ 4574
~~prescribed for a felony of the first degree~~ a first degree 4575
felony mandatory prison term. 4576

(g) If the amount of the drug involved equals or exceeds 4577
five thousand unit doses of L.S.D. in a solid form or equals or 4578
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4579
liquid extract, or liquid distillate form and regardless of 4580
whether the offense was committed in the vicinity of a school or 4581
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4582
of the first degree, the offender is a major drug offender, and 4583
the court shall impose as a mandatory prison term ~~the maximum~~ 4584

~~prison term prescribed for a felony of the first degree, a~~ 4585
~~maximum first degree felony mandatory prison term.~~ 4586

(6) If the drug involved in the violation is heroin or a 4587
compound, mixture, preparation, or substance containing heroin, 4588
whoever violates division (A) of this section is guilty of 4589
trafficking in heroin. The penalty for the offense shall be 4590
determined as follows: 4591

(a) Except as otherwise provided in division (C) (6) (b), 4592
(c), (d), (e), (f), or (g) of this section, trafficking in 4593
heroin is a felony of the fifth degree, and division (B) of 4594
section 2929.13 of the Revised Code applies in determining 4595
whether to impose a prison term on the offender. 4596

(b) Except as otherwise provided in division (C) (6) (c), 4597
(d), (e), (f), or (g) of this section, if the offense was 4598
committed in the vicinity of a school or in the vicinity of a 4599
juvenile, trafficking in heroin is a felony of the fourth 4600
degree, and division (C) of section 2929.13 of the Revised Code 4601
applies in determining whether to impose a prison term on the 4602
offender. 4603

(c) Except as otherwise provided in this division, if the 4604
amount of the drug involved equals or exceeds ten unit doses but 4605
is less than fifty unit doses or equals or exceeds one gram but 4606
is less than five grams, trafficking in heroin is a felony of 4607
the fourth degree, and division (B) of section 2929.13 of the 4608
Revised Code applies in determining whether to impose a prison 4609
term for the offense. If the amount of the drug involved is 4610
within that range and if the offense was committed in the 4611
vicinity of a school or in the vicinity of a juvenile, 4612
trafficking in heroin is a felony of the third degree, and there 4613
is a presumption for a prison term for the offense. 4614

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term ~~one of the prison~~

~~terms prescribed for a felony of the first degree~~ a first degree 4646
felony mandatory prison term. 4647

(g) If the amount of the drug involved equals or exceeds 4648
one thousand unit doses or equals or exceeds one hundred grams 4649
and regardless of whether the offense was committed in the 4650
vicinity of a school or in the vicinity of a juvenile, 4651
trafficking in heroin is a felony of the first degree, the 4652
offender is a major drug offender, and the court shall impose as 4653
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4654
~~felony of the first degree~~ a maximum first degree felony 4655
mandatory prison term. 4656

(7) If the drug involved in the violation is hashish or a 4657
compound, mixture, preparation, or substance containing hashish, 4658
whoever violates division (A) of this section is guilty of 4659
trafficking in hashish. The penalty for the offense shall be 4660
determined as follows: 4661

(a) Except as otherwise provided in division (C) (7) (b), 4662
(c), (d), (e), (f), or (g) of this section, trafficking in 4663
hashish is a felony of the fifth degree, and division (B) of 4664
section 2929.13 of the Revised Code applies in determining 4665
whether to impose a prison term on the offender. 4666

(b) Except as otherwise provided in division (C) (7) (c), 4667
(d), (e), (f), or (g) of this section, if the offense was 4668
committed in the vicinity of a school or in the vicinity of a 4669
juvenile, trafficking in hashish is a felony of the fourth 4670
degree, and division (B) of section 2929.13 of the Revised Code 4671
applies in determining whether to impose a prison term on the 4672
offender. 4673

(c) Except as otherwise provided in this division, if the 4674

amount of the drug involved equals or exceeds ten grams but is 4675
less than fifty grams of hashish in a solid form or equals or 4676
exceeds two grams but is less than ten grams of hashish in a 4677
liquid concentrate, liquid extract, or liquid distillate form, 4678
trafficking in hashish is a felony of the fourth degree, and 4679
division (B) of section 2929.13 of the Revised Code applies in 4680
determining whether to impose a prison term on the offender. If 4681
the amount of the drug involved is within that range and if the 4682
offense was committed in the vicinity of a school or in the 4683
vicinity of a juvenile, trafficking in hashish is a felony of 4684
the third degree, and division (C) of section 2929.13 of the 4685
Revised Code applies in determining whether to impose a prison 4686
term on the offender. 4687

(d) Except as otherwise provided in this division, if the 4688
amount of the drug involved equals or exceeds fifty grams but is 4689
less than two hundred fifty grams of hashish in a solid form or 4690
equals or exceeds ten grams but is less than fifty grams of 4691
hashish in a liquid concentrate, liquid extract, or liquid 4692
distillate form, trafficking in hashish is a felony of the third 4693
degree, and division (C) of section 2929.13 of the Revised Code 4694
applies in determining whether to impose a prison term on the 4695
offender. If the amount of the drug involved is within that 4696
range and if the offense was committed in the vicinity of a 4697
school or in the vicinity of a juvenile, trafficking in hashish 4698
is a felony of the second degree, and there is a presumption 4699
that a prison term shall be imposed for the offense. 4700

(e) Except as otherwise provided in this division, if the 4701
amount of the drug involved equals or exceeds two hundred fifty 4702
grams but is less than one thousand grams of hashish in a solid 4703
form or equals or exceeds fifty grams but is less than two 4704
hundred grams of hashish in a liquid concentrate, liquid 4705

extract, or liquid distillate form, trafficking in hashish is a 4706
felony of the third degree, and there is a presumption that a 4707
prison term shall be imposed for the offense. If the amount of 4708
the drug involved is within that range and if the offense was 4709
committed in the vicinity of a school or in the vicinity of a 4710
juvenile, trafficking in hashish is a felony of the second 4711
degree, and there is a presumption that a prison term shall be 4712
imposed for the offense. 4713

(f) Except as otherwise provided in this division, if the 4714
amount of the drug involved equals or exceeds one thousand grams 4715
but is less than two thousand grams of hashish in a solid form 4716
or equals or exceeds two hundred grams but is less than four 4717
hundred grams of hashish in a liquid concentrate, liquid 4718
extract, or liquid distillate form, trafficking in hashish is a 4719
felony of the second degree, and the court shall impose as a 4720
mandatory prison term a second degree felony mandatory prison 4721
term of five, six, seven, or eight years. If the amount of the 4722
drug involved is within that range and if the offense was 4723
committed in the vicinity of a school or in the vicinity of a 4724
juvenile, trafficking in hashish is a felony of the first 4725
degree, and the court shall impose as a mandatory prison term 4726
~~the maximum prison term prescribed for a felony of the first-~~ 4727
~~degree a maximum first degree felony mandatory prison term.~~ 4728

(g) Except as otherwise provided in this division, if the 4729
amount of the drug involved equals or exceeds two thousand grams 4730
of hashish in a solid form or equals or exceeds four hundred 4731
grams of hashish in a liquid concentrate, liquid extract, or 4732
liquid distillate form, trafficking in hashish is a felony of 4733
the second degree, and the court shall impose as a mandatory 4734
prison term ~~the maximum prison term prescribed for a felony of-~~ 4735
~~the second degree a maximum second degree felony mandatory~~ 4736

prison term. If the amount of the drug involved equals or 4737
exceeds two thousand grams of hashish in a solid form or equals 4738
or exceeds four hundred grams of hashish in a liquid 4739
concentrate, liquid extract, or liquid distillate form and if 4740
the offense was committed in the vicinity of a school or in the 4741
vicinity of a juvenile, trafficking in hashish is a felony of 4742
the first degree, and the court shall impose as a mandatory 4743
prison term ~~the maximum prison term prescribed for a felony of~~ 4744
~~the first degree~~ a maximum first degree felony mandatory prison 4745
term. 4746

(8) If the drug involved in the violation is a controlled 4747
substance analog or compound, mixture, preparation, or substance 4748
that contains a controlled substance analog, whoever violates 4749
division (A) of this section is guilty of trafficking in a 4750
controlled substance analog. The penalty for the offense shall 4751
be determined as follows: 4752

(a) Except as otherwise provided in division (C) (8) (b), 4753
(c), (d), (e), (f), or (g) of this section, trafficking in a 4754
controlled substance analog is a felony of the fifth degree, and 4755
division (C) of section 2929.13 of the Revised Code applies in 4756
determining whether to impose a prison term on the offender. 4757

(b) Except as otherwise provided in division (C) (8) (c), 4758
(d), (e), (f), or (g) of this section, if the offense was 4759
committed in the vicinity of a school or in the vicinity of a 4760
juvenile, trafficking in a controlled substance analog is a 4761
felony of the fourth degree, and division (C) of section 2929.13 4762
of the Revised Code applies in determining whether to impose a 4763
prison term on the offender. 4764

(c) Except as otherwise provided in this division, if the 4765
amount of the drug involved equals or exceeds ten grams but is 4766

less than twenty grams, trafficking in a controlled substance 4767
analog is a felony of the fourth degree, and division (B) of 4768
section 2929.13 of the Revised Code applies in determining 4769
whether to impose a prison term for the offense. If the amount 4770
of the drug involved is within that range and if the offense was 4771
committed in the vicinity of a school or in the vicinity of a 4772
juvenile, trafficking in a controlled substance analog is a 4773
felony of the third degree, and there is a presumption for a 4774
prison term for the offense. 4775

(d) Except as otherwise provided in this division, if the 4776
amount of the drug involved equals or exceeds twenty grams but 4777
is less than thirty grams, trafficking in a controlled substance 4778
analog is a felony of the third degree, and there is a 4779
presumption for a prison term for the offense. If the amount of 4780
the drug involved is within that range and if the offense was 4781
committed in the vicinity of a school or in the vicinity of a 4782
juvenile, trafficking in a controlled substance analog is a 4783
felony of the second degree, and there is a presumption for a 4784
prison term for the offense. 4785

(e) Except as otherwise provided in this division, if the 4786
amount of the drug involved equals or exceeds thirty grams but 4787
is less than forty grams, trafficking in a controlled substance 4788
analog is a felony of the second degree, and the court shall 4789
impose as a mandatory prison term ~~one of the prison terms~~ 4790
~~prescribed for a felony of the second degree~~ a second degree 4791
felony mandatory prison term. If the amount of the drug involved 4792
is within that range and if the offense was committed in the 4793
vicinity of a school or in the vicinity of a juvenile, 4794
trafficking in a controlled substance analog is a felony of the 4795
first degree, and the court shall impose as a mandatory prison 4796
term ~~one of the prison terms prescribed for a felony of the~~ 4797

~~first degree~~ a first degree felony mandatory prison term. 4798

(f) If the amount of the drug involved equals or exceeds 4799
forty grams but is less than fifty grams and regardless of 4800
whether the offense was committed in the vicinity of a school or 4801
in the vicinity of a juvenile, trafficking in a controlled 4802
substance analog is a felony of the first degree, and the court 4803
shall impose as a mandatory prison term ~~one of the prison terms~~ 4804
~~prescribed for a felony of the first degree~~ a first degree 4805
felony mandatory prison term. 4806

(g) If the amount of the drug involved equals or exceeds 4807
fifty grams and regardless of whether the offense was committed 4808
in the vicinity of a school or in the vicinity of a juvenile, 4809
trafficking in a controlled substance analog is a felony of the 4810
first degree, the offender is a major drug offender, and the 4811
court shall impose as a mandatory prison term ~~the maximum prison~~ 4812
~~term prescribed for a felony of the first degree~~ a maximum first 4813
degree felony mandatory prison term. 4814

(D) In addition to any prison term authorized or required 4815
by division (C) of this section and sections 2929.13 and 2929.14 4816
of the Revised Code, and in addition to any other sanction 4817
imposed for the offense under this section or sections 2929.11 4818
to 2929.18 of the Revised Code, the court that sentences an 4819
offender who is convicted of or pleads guilty to a violation of 4820
division (A) of this section may suspend the driver's or 4821
commercial driver's license or permit of the offender in 4822
accordance with division (G) of this section. However, if the 4823
offender pleaded guilty to or was convicted of a violation of 4824
section 4511.19 of the Revised Code or a substantially similar 4825
municipal ordinance or the law of another state or the United 4826
States arising out of the same set of circumstances as the 4827

violation, the court shall suspend the offender's driver's or 4828
commercial driver's license or permit in accordance with 4829
division (G) of this section. If applicable, the court also 4830
shall do the following: 4831

(1) If the violation of division (A) of this section is a 4832
felony of the first, second, or third degree, the court shall 4833
impose upon the offender the mandatory fine specified for the 4834
offense under division (B)(1) of section 2929.18 of the Revised 4835
Code unless, as specified in that division, the court determines 4836
that the offender is indigent. Except as otherwise provided in 4837
division (H)(1) of this section, a mandatory fine or any other 4838
fine imposed for a violation of this section is subject to 4839
division (F) of this section. If a person is charged with a 4840
violation of this section that is a felony of the first, second, 4841
or third degree, posts bail, and forfeits the bail, the clerk of 4842
the court shall pay the forfeited bail pursuant to divisions (D) 4843
(1) and (F) of this section, as if the forfeited bail was a fine 4844
imposed for a violation of this section. If any amount of the 4845
forfeited bail remains after that payment and if a fine is 4846
imposed under division (H)(1) of this section, the clerk of the 4847
court shall pay the remaining amount of the forfeited bail 4848
pursuant to divisions (H)(2) and (3) of this section, as if that 4849
remaining amount was a fine imposed under division (H)(1) of 4850
this section. 4851

(2) If the offender is a professionally licensed person, 4852
the court immediately shall comply with section 2925.38 of the 4853
Revised Code. 4854

(E) When a person is charged with the sale of or offer to 4855
sell a bulk amount or a multiple of a bulk amount of a 4856
controlled substance, the jury, or the court trying the accused, 4857

shall determine the amount of the controlled substance involved 4858
at the time of the offense and, if a guilty verdict is returned, 4859
shall return the findings as part of the verdict. In any such 4860
case, it is unnecessary to find and return the exact amount of 4861
the controlled substance involved, and it is sufficient if the 4862
finding and return is to the effect that the amount of the 4863
controlled substance involved is the requisite amount, or that 4864
the amount of the controlled substance involved is less than the 4865
requisite amount. 4866

(F) (1) Notwithstanding any contrary provision of section 4867
3719.21 of the Revised Code and except as provided in division 4868
(H) of this section, the clerk of the court shall pay any 4869
mandatory fine imposed pursuant to division (D) (1) of this 4870
section and any fine other than a mandatory fine that is imposed 4871
for a violation of this section pursuant to division (A) or (B) 4872
(5) of section 2929.18 of the Revised Code to the county, 4873
township, municipal corporation, park district, as created 4874
pursuant to section 511.18 or 1545.04 of the Revised Code, or 4875
state law enforcement agencies in this state that primarily were 4876
responsible for or involved in making the arrest of, and in 4877
prosecuting, the offender. However, the clerk shall not pay a 4878
mandatory fine so imposed to a law enforcement agency unless the 4879
agency has adopted a written internal control policy under 4880
division (F) (2) of this section that addresses the use of the 4881
fine moneys that it receives. Each agency shall use the 4882
mandatory fines so paid to subsidize the agency's law 4883
enforcement efforts that pertain to drug offenses, in accordance 4884
with the written internal control policy adopted by the 4885
recipient agency under division (F) (2) of this section. 4886

(2) Prior to receiving any fine moneys under division (F) 4887
(1) of this section or division (B) of section 2925.42 of the 4888

Revised Code, a law enforcement agency shall adopt a written 4889
internal control policy that addresses the agency's use and 4890
disposition of all fine moneys so received and that provides for 4891
the keeping of detailed financial records of the receipts of 4892
those fine moneys, the general types of expenditures made out of 4893
those fine moneys, and the specific amount of each general type 4894
of expenditure. The policy shall not provide for or permit the 4895
identification of any specific expenditure that is made in an 4896
ongoing investigation. All financial records of the receipts of 4897
those fine moneys, the general types of expenditures made out of 4898
those fine moneys, and the specific amount of each general type 4899
of expenditure by an agency are public records open for 4900
inspection under section 149.43 of the Revised Code. 4901
Additionally, a written internal control policy adopted under 4902
this division is such a public record, and the agency that 4903
adopted it shall comply with it. 4904

(3) As used in division (F) of this section: 4905

(a) "Law enforcement agencies" includes, but is not 4906
limited to, the state board of pharmacy and the office of a 4907
prosecutor. 4908

(b) "Prosecutor" has the same meaning as in section 4909
2935.01 of the Revised Code. 4910

(G) (1) If the sentencing court suspends the offender's 4911
driver's or commercial driver's license or permit under division 4912
(D) of this section or any other provision of this chapter, the 4913
court shall suspend the license, by order, for not more than 4914
five years. If an offender's driver's or commercial driver's 4915
license or permit is suspended pursuant to this division, the 4916
offender, at any time after the expiration of two years from the 4917
day on which the offender's sentence was imposed or from the day 4918

on which the offender finally was released from a prison term 4919
under the sentence, whichever is later, may file a motion with 4920
the sentencing court requesting termination of the suspension; 4921
upon the filing of such a motion and the court's finding of good 4922
cause for the termination, the court may terminate the 4923
suspension. 4924

(2) Any offender who received a mandatory suspension of 4925
the offender's driver's or commercial driver's license or permit 4926
under this section prior to ~~the effective date of this amendment~~ 4927
September 13, 2016, may file a motion with the sentencing court 4928
requesting the termination of the suspension. However, an 4929
offender who pleaded guilty to or was convicted of a violation 4930
of section 4511.19 of the Revised Code or a substantially 4931
similar municipal ordinance or law of another state or the 4932
United States that arose out of the same set of circumstances as 4933
the violation for which the offender's license or permit was 4934
suspended under this section shall not file such a motion. 4935

Upon the filing of a motion under division (G) (2) of this 4936
section, the sentencing court, in its discretion, may terminate 4937
the suspension. 4938

(H) (1) In addition to any prison term authorized or 4939
required by division (C) of this section and sections 2929.13 4940
and 2929.14 of the Revised Code, in addition to any other 4941
penalty or sanction imposed for the offense under this section 4942
or sections 2929.11 to 2929.18 of the Revised Code, and in 4943
addition to the forfeiture of property in connection with the 4944
offense as prescribed in Chapter 2981. of the Revised Code, the 4945
court that sentences an offender who is convicted of or pleads 4946
guilty to a violation of division (A) of this section may impose 4947
upon the offender an additional fine specified for the offense 4948

in division (B) (4) of section 2929.18 of the Revised Code. A 4949
fine imposed under division (H) (1) of this section is not 4950
subject to division (F) of this section and shall be used solely 4951
for the support of one or more eligible community addiction 4952
services providers in accordance with divisions (H) (2) and (3) 4953
of this section. 4954

(2) The court that imposes a fine under division (H) (1) of 4955
this section shall specify in the judgment that imposes the fine 4956
one or more eligible community addiction services providers for 4957
the support of which the fine money is to be used. No community 4958
addiction services provider shall receive or use money paid or 4959
collected in satisfaction of a fine imposed under division (H) 4960
(1) of this section unless the services provider is specified in 4961
the judgment that imposes the fine. No community addiction 4962
services provider shall be specified in the judgment unless the 4963
services provider is an eligible community addiction services 4964
provider and, except as otherwise provided in division (H) (2) of 4965
this section, unless the services provider is located in the 4966
county in which the court that imposes the fine is located or in 4967
a county that is immediately contiguous to the county in which 4968
that court is located. If no eligible community addiction 4969
services provider is located in any of those counties, the 4970
judgment may specify an eligible community addiction services 4971
provider that is located anywhere within this state. 4972

(3) Notwithstanding any contrary provision of section 4973
3719.21 of the Revised Code, the clerk of the court shall pay 4974
any fine imposed under division (H) (1) of this section to the 4975
eligible community addiction services provider specified 4976
pursuant to division (H) (2) of this section in the judgment. The 4977
eligible community addiction services provider that receives the 4978
fine moneys shall use the moneys only for the alcohol and drug 4979

addiction services identified in the application for 4980
certification of services under section 5119.36 of the Revised 4981
Code or in the application for a license under section 5119.391 4982
of the Revised Code filed with the department of mental health 4983
and addiction services by the community addiction services 4984
provider specified in the judgment. 4985

(4) Each community addiction services provider that 4986
receives in a calendar year any fine moneys under division (H) 4987
(3) of this section shall file an annual report covering that 4988
calendar year with the court of common pleas and the board of 4989
county commissioners of the county in which the services 4990
provider is located, with the court of common pleas and the 4991
board of county commissioners of each county from which the 4992
services provider received the moneys if that county is 4993
different from the county in which the services provider is 4994
located, and with the attorney general. The community addiction 4995
services provider shall file the report no later than the first 4996
day of March in the calendar year following the calendar year in 4997
which the services provider received the fine moneys. The report 4998
shall include statistics on the number of persons served by the 4999
community addiction services provider, identify the types of 5000
alcohol and drug addiction services provided to those persons, 5001
and include a specific accounting of the purposes for which the 5002
fine moneys received were used. No information contained in the 5003
report shall identify, or enable a person to determine the 5004
identity of, any person served by the community addiction 5005
services provider. Each report received by a court of common 5006
pleas, a board of county commissioners, or the attorney general 5007
is a public record open for inspection under section 149.43 of 5008
the Revised Code. 5009

(5) As used in divisions (H) (1) to (5) of this section: 5010

(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.

(b) "Eligible community addiction services provider" means a community addiction services provider, as defined in section 5119.01 of the Revised Code, or a community addiction services provider that maintains a methadone treatment program licensed under section 5119.391 of the Revised Code.

(I) As used in this section, "drug" includes any substance that is represented to be a drug.

(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed an item described in division (HH) (2) (a), (b), or (c) of section 3719.01 of the Revised Code.

Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.

(B) This section does not apply to any person listed in division (B) (1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C) (1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.

(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

If the drug involved in the violation is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, and if the offense was committed in the vicinity of a juvenile or in the vicinity of a school, illegal manufacture of drugs is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the first degree~~ a first degree felony mandatory prison term.

(3) If the drug involved in the violation of division (A) of this section is methamphetamine, the penalty for the violation shall be determined as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, if the drug involved in the violation is methamphetamine, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term ~~one of the prison terms prescribed for a felony of the second degree~~ a second degree felony mandatory prison term

that is not less than three years. If the offender previously 5070
has been convicted of or pleaded guilty to a violation of 5071
division (A) of this section, a violation of division (B) (6) of 5072
section 2919.22 of the Revised Code, or a violation of division 5073
(A) of section 2925.041 of the Revised Code, the court shall 5074
impose as a mandatory prison term ~~one of the prison terms~~ 5075
~~prescribed for a felony of the second degree~~ a second degree 5076
felony mandatory prison term that is not less than five years. 5077

(b) If the drug involved in the violation is 5078
methamphetamine and if the offense was committed in the vicinity 5079
of a juvenile, in the vicinity of a school, or on public 5080
premises, illegal manufacture of drugs is a felony of the first 5081
degree, and, subject to division (E) of this section, the court 5082
shall impose a mandatory prison term on the offender determined 5083
in accordance with this division. Except as otherwise provided 5084
in this division, the court shall impose as a mandatory prison 5085
term ~~one of the prison terms prescribed for a felony of the~~ 5086
~~first degree~~ a first degree felony mandatory prison term that is 5087
not less than four years. If the offender previously has been 5088
convicted of or pleaded guilty to a violation of division (A) of 5089
this section, a violation of division (B) (6) of section 2919.22 5090
of the Revised Code, or a violation of division (A) of section 5091
2925.041 of the Revised Code, the court shall impose as a 5092
mandatory prison term ~~one of the prison terms prescribed for a~~ 5093
~~felony of the first degree~~ a first degree felony mandatory 5094
prison term that is not less than five years. 5095

(4) If the drug involved in the violation of division (A) 5096
of this section is any compound, mixture, preparation, or 5097
substance included in schedule III, IV, or V, illegal 5098
manufacture of drugs is a felony of the third degree or, if the 5099
offense was committed in the vicinity of a school or in the 5100

vicinity of a juvenile, a felony of the second degree, and there 5101
is a presumption for a prison term for the offense. 5102

(5) If the drug involved in the violation is marihuana, 5103
the penalty for the offense shall be determined as follows: 5104

(a) Except as otherwise provided in division (C) (5) (b), 5105
(c), (d), (e), or (f) of this section, illegal cultivation of 5106
marihuana is a minor misdemeanor or, if the offense was 5107
committed in the vicinity of a school or in the vicinity of a 5108
juvenile, a misdemeanor of the fourth degree. 5109

(b) If the amount of marihuana involved equals or exceeds 5110
one hundred grams but is less than two hundred grams, illegal 5111
cultivation of marihuana is a misdemeanor of the fourth degree 5112
or, if the offense was committed in the vicinity of a school or 5113
in the vicinity of a juvenile, a misdemeanor of the third 5114
degree. 5115

(c) If the amount of marihuana involved equals or exceeds 5116
two hundred grams but is less than one thousand grams, illegal 5117
cultivation of marihuana is a felony of the fifth degree or, if 5118
the offense was committed in the vicinity of a school or in the 5119
vicinity of a juvenile, a felony of the fourth degree, and 5120
division (B) of section 2929.13 of the Revised Code applies in 5121
determining whether to impose a prison term on the offender. 5122

(d) If the amount of marihuana involved equals or exceeds 5123
one thousand grams but is less than five thousand grams, illegal 5124
cultivation of marihuana is a felony of the third degree or, if 5125
the offense was committed in the vicinity of a school or in the 5126
vicinity of a juvenile, a felony of the second degree, and 5127
division (C) of section 2929.13 of the Revised Code applies in 5128
determining whether to impose a prison term on the offender. 5129

(e) If the amount of marihuana involved equals or exceeds 5130
five thousand grams but is less than twenty thousand grams, 5131
illegal cultivation of marihuana is a felony of the third degree 5132
or, if the offense was committed in the vicinity of a school or 5133
in the vicinity of a juvenile, a felony of the second degree, 5134
and there is a presumption for a prison term for the offense. 5135

(f) Except as otherwise provided in this division, if the 5136
amount of marihuana involved equals or exceeds twenty thousand 5137
grams, illegal cultivation of marihuana is a felony of the 5138
second degree, and the court shall impose as a mandatory prison 5139
term ~~the maximum prison term prescribed for a felony of the~~ 5140
~~second degree~~ a maximum second degree felony mandatory prison 5141
term. If the amount of the drug involved equals or exceeds 5142
twenty thousand grams and if the offense was committed in the 5143
vicinity of a school or in the vicinity of a juvenile, illegal 5144
cultivation of marihuana is a felony of the first degree, and 5145
the court shall impose as a mandatory prison term ~~the maximum~~ 5146
~~prison term prescribed for a felony of the first degree~~ a 5147
maximum first degree felony mandatory prison term. 5148

(D) In addition to any prison term authorized or required 5149
by division (C) or (E) of this section and sections 2929.13 and 5150
2929.14 of the Revised Code and in addition to any other 5151
sanction imposed for the offense under this section or sections 5152
2929.11 to 2929.18 of the Revised Code, the court that sentences 5153
an offender who is convicted of or pleads guilty to a violation 5154
of division (A) of this section may suspend the offender's 5155
driver's or commercial driver's license or permit in accordance 5156
with division (G) of section 2925.03 of the Revised Code. 5157
However, if the offender pleaded guilty to or was convicted of a 5158
violation of section 4511.19 of the Revised Code or a 5159
substantially similar municipal ordinance or the law of another 5160

state or the United States arising out of the same set of 5161
circumstances as the violation, the court shall suspend the 5162
offender's driver's or commercial driver's license or permit in 5163
accordance with division (G) of section 2925.03 of the Revised 5164
Code. If applicable, the court also shall do the following: 5165

(1) If the violation of division (A) of this section is a 5166
felony of the first, second, or third degree, the court shall 5167
impose upon the offender the mandatory fine specified for the 5168
offense under division (B) (1) of section 2929.18 of the Revised 5169
Code unless, as specified in that division, the court determines 5170
that the offender is indigent. The clerk of the court shall pay 5171
a mandatory fine or other fine imposed for a violation of this 5172
section pursuant to division (A) of section 2929.18 of the 5173
Revised Code in accordance with and subject to the requirements 5174
of division (F) of section 2925.03 of the Revised Code. The 5175
agency that receives the fine shall use the fine as specified in 5176
division (F) of section 2925.03 of the Revised Code. If a person 5177
is charged with a violation of this section that is a felony of 5178
the first, second, or third degree, posts bail, and forfeits the 5179
bail, the clerk shall pay the forfeited bail as if the forfeited 5180
bail were a fine imposed for a violation of this section. 5181

(2) If the offender is a professionally licensed person, 5182
the court immediately shall comply with section 2925.38 of the 5183
Revised Code. 5184

(E) Notwithstanding the prison term otherwise authorized 5185
or required for the offense under division (C) of this section 5186
and sections 2929.13 and 2929.14 of the Revised Code, if the 5187
violation of division (A) of this section involves the sale, 5188
offer to sell, or possession of a schedule I or II controlled 5189
substance, with the exception of marihuana, and if the court 5190

imposing sentence upon the offender finds that the offender as a 5191
result of the violation is a major drug offender and is guilty 5192
of a specification of the type described in section 2941.1410 of 5193
the Revised Code, the court, in lieu of the prison term 5194
otherwise authorized or required, shall impose upon the offender 5195
the mandatory prison term specified in division (B) (3) of 5196
section 2929.14 of the Revised Code. 5197

(F) It is an affirmative defense, as provided in section 5198
2901.05 of the Revised Code, to a charge under this section for 5199
a fifth degree felony violation of illegal cultivation of 5200
marihuana that the marihuana that gave rise to the charge is in 5201
an amount, is in a form, is prepared, compounded, or mixed with 5202
substances that are not controlled substances in a manner, or is 5203
possessed or cultivated under any other circumstances that 5204
indicate that the marihuana was solely for personal use. 5205

Notwithstanding any contrary provision of division (F) of 5206
this section, if, in accordance with section 2901.05 of the 5207
Revised Code, a person who is charged with a violation of 5208
illegal cultivation of marihuana that is a felony of the fifth 5209
degree sustains the burden of going forward with evidence of and 5210
establishes by a preponderance of the evidence the affirmative 5211
defense described in this division, the person may be prosecuted 5212
for and may be convicted of or plead guilty to a misdemeanor 5213
violation of illegal cultivation of marihuana. 5214

(G) Arrest or conviction for a minor misdemeanor violation 5215
of this section does not constitute a criminal record and need 5216
not be reported by the person so arrested or convicted in 5217
response to any inquiries about the person's criminal record, 5218
including any inquiries contained in an application for 5219
employment, a license, or any other right or privilege or made 5220

in connection with the person's appearance as a witness. 5221

(H) (1) If the sentencing court suspends the offender's 5222
driver's or commercial driver's license or permit under this 5223
section in accordance with division (G) of section 2925.03 of 5224
the Revised Code, the offender may request termination of, and 5225
the court may terminate, the suspension of the offender in 5226
accordance with that division. 5227

(2) Any offender who received a mandatory suspension of 5228
the offender's driver's or commercial driver's license or permit 5229
under this section prior to ~~the effective date of this amendment~~ 5230
September 13, 2016, may file a motion with the sentencing court 5231
requesting the termination of the suspension. However, an 5232
offender who pleaded guilty to or was convicted of a violation 5233
of section 4511.19 of the Revised Code or a substantially 5234
similar municipal ordinance or law of another state or the 5235
United States that arose out of the same set of circumstances as 5236
the violation for which the offender's license or permit was 5237
suspended under this section shall not file such a motion. 5238

Upon the filing of a motion under division (H) (2) of this 5239
section, the sentencing court, in its discretion, may terminate 5240
the suspension. 5241

Sec. 2925.041. (A) No person shall knowingly assemble or 5242
possess one or more chemicals that may be used to manufacture a 5243
controlled substance in schedule I or II with the intent to 5244
manufacture a controlled substance in schedule I or II in 5245
violation of section 2925.04 of the Revised Code. 5246

(B) In a prosecution under this section, it is not 5247
necessary to allege or prove that the offender assembled or 5248
possessed all chemicals necessary to manufacture a controlled 5249

substance in schedule I or II. The assembly or possession of a 5250
single chemical that may be used in the manufacture of a 5251
controlled substance in schedule I or II, with the intent to 5252
manufacture a controlled substance in either schedule, is 5253
sufficient to violate this section. 5254

(C) Whoever violates this section is guilty of illegal 5255
assembly or possession of chemicals for the manufacture of 5256
drugs. Except as otherwise provided in this division, illegal 5257
assembly or possession of chemicals for the manufacture of drugs 5258
is a felony of the third degree, and, except as otherwise 5259
provided in division (C)(1) or (2) of this section, division (C) 5260
of section 2929.13 of the Revised Code applies in determining 5261
whether to impose a prison term on the offender. If the offense 5262
was committed in the vicinity of a juvenile or in the vicinity 5263
of a school, illegal assembly or possession of chemicals for the 5264
manufacture of drugs is a felony of the second degree, and, 5265
except as otherwise provided in division (C)(1) or (2) of this 5266
section, division (C) of section 2929.13 of the Revised Code 5267
applies in determining whether to impose a prison term on the 5268
offender. If the violation of division (A) of this section is a 5269
felony of the third degree under this division and if the 5270
chemical or chemicals assembled or possessed in violation of 5271
division (A) of this section may be used to manufacture 5272
methamphetamine, there either is a presumption for a prison term 5273
for the offense or the court shall impose a mandatory prison 5274
term on the offender, determined as follows: 5275

(1) Except as otherwise provided in this division, there 5276
is a presumption for a prison term for the offense. If the 5277
offender two or more times previously has been convicted of or 5278
pleaded guilty to a felony drug abuse offense, except as 5279
otherwise provided in this division, the court shall impose as a 5280

mandatory prison term one of the prison terms prescribed for a 5281
felony of the third degree that is not less than two years. If 5282
the offender two or more times previously has been convicted of 5283
or pleaded guilty to a felony drug abuse offense and if at least 5284
one of those previous convictions or guilty pleas was to a 5285
violation of division (A) of this section, a violation of 5286
division (B) (6) of section 2919.22 of the Revised Code, or a 5287
violation of division (A) of section 2925.04 of the Revised 5288
Code, the court shall impose as a mandatory prison term one of 5289
the prison terms prescribed for a felony of the third degree 5290
that is not less than five years. 5291

(2) If the violation of division (A) of this section is a 5292
felony of the second degree under division (C) of this section 5293
and the chemical or chemicals assembled or possessed in 5294
committing the violation may be used to manufacture 5295
methamphetamine, the court shall impose as a mandatory prison 5296
~~term one of the prison terms prescribed for a felony of the~~ 5297
~~second degree~~ a second degree felony mandatory prison term that 5298
is not less than three years. If the violation of division (A) 5299
of this section is a felony of the second degree under division 5300
(C) of this section, if the chemical or chemicals assembled or 5301
possessed in committing the violation may be used to manufacture 5302
methamphetamine, and if the offender previously has been 5303
convicted of or pleaded guilty to a violation of division (A) of 5304
this section, a violation of division (B) (6) of section 2919.22 5305
of the Revised Code, or a violation of division (A) of section 5306
2925.04 of the Revised Code, the court shall impose as a 5307
mandatory prison term ~~one of the prison terms prescribed for a~~ 5308
~~felony of the second degree~~ a second degree felony mandatory 5309
prison term that is not less than five years. 5310

(D) In addition to any prison term authorized by division 5311

(C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

(1) The court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section under division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or

a person who has been admitted to the bar by order of the 5343
supreme court in compliance with its prescribed and published 5344
rules, the court shall comply with section 2925.38 of the 5345
Revised Code. 5346

(E) (1) If the sentencing court suspends the offender's 5347
driver's or commercial driver's license or permit under this 5348
section in accordance with division (G) of section 2925.03 of 5349
the Revised Code, the offender may request termination of, and 5350
the court may terminate, the suspension of the offender in 5351
accordance with that division. 5352

(2) Any offender who received a mandatory suspension of 5353
the offender's driver's or commercial driver's license or permit 5354
under this section prior to ~~the effective date of this amendment~~ 5355
September 13, 2016, may file a motion with the sentencing court 5356
requesting the termination of the suspension. However, an 5357
offender who pleaded guilty to or was convicted of a violation 5358
of section 4511.19 of the Revised Code or a substantially 5359
similar municipal ordinance or law of another state or the 5360
United States that arose out of the same set of circumstances as 5361
the violation for which the offender's license or permit was 5362
suspended under this section shall not file such a motion. 5363

Upon the filing of a motion under division (E) (2) of this 5364
section, the sentencing court, in its discretion, may terminate 5365
the suspension. 5366

Sec. 2925.05. (A) No person shall knowingly provide money 5367
or other items of value to another person with the purpose that 5368
the recipient of the money or items of value use them to obtain 5369
any controlled substance for the purpose of violating section 5370
2925.04 of the Revised Code or for the purpose of selling or 5371
offering to sell the controlled substance in the following 5372

amount: 5373

(1) If the drug to be sold or offered for sale is any 5374
compound, mixture, preparation, or substance included in 5375
schedule I or II, with the exception of marihuana, cocaine, 5376
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5377
amount of the drug that equals or exceeds the bulk amount of the 5378
drug; 5379

(2) If the drug to be sold or offered for sale is 5380
marihuana or a compound, mixture, preparation, or substance 5381
other than hashish containing marihuana, an amount of the 5382
marihuana that equals or exceeds two hundred grams; 5383

(3) If the drug to be sold or offered for sale is cocaine 5384
or a compound, mixture, preparation, or substance containing 5385
cocaine, an amount of the cocaine that equals or exceeds five 5386
grams; 5387

(4) If the drug to be sold or offered for sale is L.S.D. 5388
or a compound, mixture, preparation, or substance containing 5389
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5390
doses if the L.S.D. is in a solid form or equals or exceeds one 5391
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5392
or liquid distillate form; 5393

(5) If the drug to be sold or offered for sale is heroin 5394
or a compound, mixture, preparation, or substance containing 5395
heroin, an amount of the heroin that equals or exceeds ten unit 5396
doses or equals or exceeds one gram; 5397

(6) If the drug to be sold or offered for sale is hashish 5398
or a compound, mixture, preparation, or substance containing 5399
hashish, an amount of the hashish that equals or exceeds ten 5400
grams if the hashish is in a solid form or equals or exceeds two 5401

grams if the hashish is in a liquid concentrate, liquid extract, 5402
or liquid distillate form. 5403

(B) This section does not apply to any person listed in 5404
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5405
Code to the extent and under the circumstances described in 5406
those divisions. 5407

(C) (1) If the drug involved in the violation is any 5408
compound, mixture, preparation, or substance included in 5409
schedule I or II, with the exception of marihuana, whoever 5410
violates division (A) of this section is guilty of aggravated 5411
funding of drug trafficking, a felony of the first degree, and, 5412
subject to division (E) of this section, the court shall impose 5413
as a mandatory prison term ~~one of the prison terms prescribed~~ 5414
~~for a felony of the first degree~~ a first degree felony mandatory 5415
prison term. 5416

(2) If the drug involved in the violation is any compound, 5417
mixture, preparation, or substance included in schedule III, IV, 5418
or V, whoever violates division (A) of this section is guilty of 5419
funding of drug trafficking, a felony of the second degree, and 5420
the court shall impose as a mandatory prison term ~~one of the~~ 5421
~~prison terms prescribed for a felony of the second degree~~ a 5422
second degree felony mandatory prison term. 5423

(3) If the drug involved in the violation is marihuana, 5424
whoever violates division (A) of this section is guilty of 5425
funding of marihuana trafficking, a felony of the third degree, 5426
and, except as otherwise provided in this division, there is a 5427
presumption for a prison term for the offense. If funding of 5428
marihuana trafficking is a felony of the third degree under this 5429
division and if the offender two or more times previously has 5430
been convicted of or pleaded guilty to a felony drug abuse 5431

offense, the court shall impose as a mandatory prison term one 5432
of the prison terms prescribed for a felony of the third degree. 5433

(D) In addition to any prison term authorized or required 5434
by division (C) or (E) of this section and sections 2929.13 and 5435
2929.14 of the Revised Code and in addition to any other 5436
sanction imposed for the offense under this section or sections 5437
2929.11 to 2929.18 of the Revised Code, the court that sentences 5438
an offender who is convicted of or pleads guilty to a violation 5439
of division (A) of this section may suspend the offender's 5440
driver's or commercial driver's license or permit in accordance 5441
with division (G) of section 2925.03 of the Revised Code. 5442
However, if the offender pleaded guilty to or was convicted of a 5443
violation of section 4511.19 of the Revised Code or a 5444
substantially similar municipal ordinance or the law of another 5445
state or the United States arising out of the same set of 5446
circumstances as the violation, the court shall suspend the 5447
offender's driver's or commercial driver's license or permit in 5448
accordance with division (G) of section 2925.03 of the Revised 5449
Code. If applicable, the court also shall do the following: 5450

(1) The court shall impose the mandatory fine specified 5451
for the offense under division (B)(1) of section 2929.18 of the 5452
Revised Code unless, as specified in that division, the court 5453
determines that the offender is indigent. The clerk of the court 5454
shall pay a mandatory fine or other fine imposed for a violation 5455
of this section pursuant to division (A) of section 2929.18 of 5456
the Revised Code in accordance with and subject to the 5457
requirements of division (F) of section 2925.03 of the Revised 5458
Code. The agency that receives the fine shall use the fine in 5459
accordance with division (F) of section 2925.03 of the Revised 5460
Code. If a person is charged with a violation of this section, 5461
posts bail, and forfeits the bail, the forfeited bail shall be 5462

paid as if the forfeited bail were a fine imposed for a 5463
violation of this section. 5464

(2) If the offender is a professionally licensed person, 5465
the court immediately shall comply with section 2925.38 of the 5466
Revised Code. 5467

(E) Notwithstanding the prison term otherwise authorized 5468
or required for the offense under division (C) of this section 5469
and sections 2929.13 and 2929.14 of the Revised Code, if the 5470
violation of division (A) of this section involves the sale, 5471
offer to sell, or possession of a schedule I or II controlled 5472
substance, with the exception of marihuana, and if the court 5473
imposing sentence upon the offender finds that the offender as a 5474
result of the violation is a major drug offender and is guilty 5475
of a specification of the type described in section 2941.1410 of 5476
the Revised Code, the court, in lieu of the prison term 5477
otherwise authorized or required, shall impose upon the offender 5478
the mandatory prison term specified in division (B)(3) of 5479
section 2929.14 of the Revised Code. 5480

(F)(1) If the sentencing court suspends the offender's 5481
driver's or commercial driver's license or permit under this 5482
section in accordance with division (G) of section 2925.03 of 5483
the Revised Code, the offender may request termination of, and 5484
the court may terminate, the suspension in accordance with that 5485
division. 5486

(2) Any offender who received a mandatory suspension of 5487
the offender's driver's or commercial driver's license or permit 5488
under this section prior to ~~the effective date of this amendment~~ 5489
September 13, 2016, may file a motion with the sentencing court 5490
requesting the termination of the suspension. However, an 5491
offender who pleaded guilty to or was convicted of a violation 5492

of section 4511.19 of the Revised Code or a substantially 5493
similar municipal ordinance or law of another state or the 5494
United States that arose out of the same set of circumstances as 5495
the violation for which the offender's license or permit was 5496
suspended under this section shall not file such a motion. 5497

Upon the filing of a motion under division (F)(2) of this 5498
section, the sentencing court, in its discretion, may terminate 5499
the suspension. 5500

Sec. 2925.11. (A) No person shall knowingly obtain, 5501
possess, or use a controlled substance or a controlled substance 5502
analog. 5503

(B)(1) This section does not apply to any of the 5504
following: 5505

(a) Manufacturers, licensed health professionals 5506
authorized to prescribe drugs, pharmacists, owners of 5507
pharmacies, and other persons whose conduct was in accordance 5508
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5509
4741. of the Revised Code; 5510

(b) If the offense involves an anabolic steroid, any 5511
person who is conducting or participating in a research project 5512
involving the use of an anabolic steroid if the project has been 5513
approved by the United States food and drug administration; 5514

(c) Any person who sells, offers for sale, prescribes, 5515
dispenses, or administers for livestock or other nonhuman 5516
species an anabolic steroid that is expressly intended for 5517
administration through implants to livestock or other nonhuman 5518
species and approved for that purpose under the "Federal Food, 5519
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5520
as amended, and is sold, offered for sale, prescribed, 5521

dispensed, or administered for that purpose in accordance with 5522
that act; 5523

(d) Any person who obtained the controlled substance 5524
pursuant to a lawful prescription issued by a licensed health 5525
professional authorized to prescribe drugs. 5526

(2) (a) As used in division (B) (2) of this section: 5527

(i) "Community addiction services provider" has the same 5528
meaning as in section 5119.01 of the Revised Code. 5529

(ii) "Community control sanction" and "drug treatment 5530
program" have the same meanings as in section 2929.01 of the 5531
Revised Code. 5532

(iii) "Health care facility" has the same meaning as in 5533
section 2919.16 of the Revised Code. 5534

(iv) "Minor drug possession offense" means a violation of 5535
this section that is a misdemeanor or a felony of the fifth 5536
degree. 5537

(v) "Post-release control sanction" has the same meaning 5538
as in section 2967.28 of the Revised Code. 5539

(vi) "Peace officer" has the same meaning as in section 5540
2935.01 of the Revised Code. 5541

(vii) "Public agency" has the same meaning as in section 5542
2930.01 of the Revised Code. 5543

(viii) "Qualified individual" means a person who is not on 5544
community control or post-release control and is a person acting 5545
in good faith who seeks or obtains medical assistance for 5546
another person who is experiencing a drug overdose, a person who 5547
experiences a drug overdose and who seeks medical assistance for 5548

that overdose, or a person who is the subject of another person 5549
seeking or obtaining medical assistance for that overdose as 5550
described in division (B) (2) (b) of this section. 5551

(ix) "Seek or obtain medical assistance" includes, but is 5552
not limited to making a 9-1-1 call, contacting in person or by 5553
telephone call an on-duty peace officer, or transporting or 5554
presenting a person to a health care facility. 5555

(b) Subject to division (B) (2) (f) of this section, a 5556
qualified individual shall not be arrested, charged, prosecuted, 5557
convicted, or penalized pursuant to this chapter for a minor 5558
drug possession offense if all of the following apply: 5559

(i) The evidence of the obtaining, possession, or use of 5560
the controlled substance or controlled substance analog that 5561
would be the basis of the offense was obtained as a result of 5562
the qualified individual seeking the medical assistance or 5563
experiencing an overdose and needing medical assistance. 5564

(ii) Subject to division (B) (2) (g) of this section, within 5565
thirty days after seeking or obtaining the medical assistance, 5566
the qualified individual seeks and obtains a screening and 5567
receives a referral for treatment from a community addiction 5568
services provider or a properly credentialed addiction treatment 5569
professional. 5570

(iii) Subject to division (B) (2) (g) of this section, the 5571
qualified individual who obtains a screening and receives a 5572
referral for treatment under division (B) (2) (b) (ii) of this 5573
section, upon the request of any prosecuting attorney, submits 5574
documentation to the prosecuting attorney that verifies that the 5575
qualified individual satisfied the requirements of that 5576
division. The documentation shall be limited to the date and 5577

time of the screening obtained and referral received. 5578

(c) If a person is found to be in violation of any 5579
community control sanction and if the violation is a result of 5580
either of the following, the court shall first consider ordering 5581
the person's participation or continued participation in a drug 5582
treatment program or mitigating the penalty specified in section 5583
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5584
applicable, after which the court has the discretion either to 5585
order the person's participation or continued participation in a 5586
drug treatment program or to impose the penalty with the 5587
mitigating factor specified in any of those applicable sections: 5588

(i) Seeking or obtaining medical assistance in good faith 5589
for another person who is experiencing a drug overdose; 5590

(ii) Experiencing a drug overdose and seeking medical 5591
assistance for that overdose or being the subject of another 5592
person seeking or obtaining medical assistance for that overdose 5593
as described in division (B) (2) (b) of this section. 5594

(d) If a person is found to be in violation of any post- 5595
release control sanction and if the violation is a result of 5596
either of the following, the court or the parole board shall 5597
first consider ordering the person's participation or continued 5598
participation in a drug treatment program or mitigating the 5599
penalty specified in section 2929.141 or 2967.28 of the Revised 5600
Code, whichever is applicable, after which the court or the 5601
parole board has the discretion either to order the person's 5602
participation or continued participation in a drug treatment 5603
program or to impose the penalty with the mitigating factor 5604
specified in either of those applicable sections: 5605

(i) Seeking or obtaining medical assistance in good faith 5606

for another person who is experiencing a drug overdose; 5607

(ii) Experiencing a drug overdose and seeking medical 5608
assistance for that emergency or being the subject of another 5609
person seeking or obtaining medical assistance for that overdose 5610
as described in division (B) (2) (b) of this section. 5611

(e) Nothing in division (B) (2) (b) of this section shall be 5612
construed to do any of the following: 5613

(i) Limit the admissibility of any evidence in connection 5614
with the investigation or prosecution of a crime with regards to 5615
a defendant who does not qualify for the protections of division 5616
(B) (2) (b) of this section or with regards to any crime other 5617
than a minor drug possession offense committed by a person who 5618
qualifies for protection pursuant to division (B) (2) (b) of this 5619
section for a minor drug possession offense; 5620

(ii) Limit any seizure of evidence or contraband otherwise 5621
permitted by law; 5622

(iii) Limit or abridge the authority of a peace officer to 5623
detain or take into custody a person in the course of an 5624
investigation or to effectuate an arrest for any offense except 5625
as provided in that division; 5626

(iv) Limit, modify, or remove any immunity from liability 5627
available pursuant to law in effect prior to ~~the effective date~~ 5628
~~of this amendment~~ September 13, 2016, to any public agency or to 5629
an employee of any public agency. 5630

(f) Division (B) (2) (b) of this section does not apply to 5631
any person who twice previously has been granted an immunity 5632
under division (B) (2) (b) of this section. No person shall be 5633
granted an immunity under division (B) (2) (b) of this section 5634
more than two times. 5635

(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.

(C) Whoever violates division (A) of this section is guilty of one of the following:

(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin, hashish, and controlled substance analogs, whoever violates division (A) of this section is guilty of aggravated possession of drugs. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (1) (b), (c), (d), or (e) of this section, aggravated possession of drugs is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds the bulk amount but is less than five times the bulk amount, aggravated possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term 5665
~~one of the prison terms prescribed for a felony of the second-~~ 5666
~~degree~~ a second degree felony mandatory prison term. 5667

(d) If the amount of the drug involved equals or exceeds 5668
fifty times the bulk amount but is less than one hundred times 5669
the bulk amount, aggravated possession of drugs is a felony of 5670
the first degree, and the court shall impose as a mandatory 5671
prison term ~~one of the prison terms prescribed for a felony of~~ 5672
~~the first degree~~ a first degree felony mandatory prison term. 5673

(e) If the amount of the drug involved equals or exceeds 5674
one hundred times the bulk amount, aggravated possession of 5675
drugs is a felony of the first degree, the offender is a major 5676
drug offender, and the court shall impose as a mandatory prison 5677
term ~~the maximum prison term prescribed for a felony of the~~ 5678
~~first degree~~ a maximum first degree felony mandatory prison 5679
term. 5680

(2) If the drug involved in the violation is a compound, 5681
mixture, preparation, or substance included in schedule III, IV, 5682
or V, whoever violates division (A) of this section is guilty of 5683
possession of drugs. The penalty for the offense shall be 5684
determined as follows: 5685

(a) Except as otherwise provided in division (C) (2) (b), 5686
(c), or (d) of this section, possession of drugs is a 5687
misdemeanor of the first degree or, if the offender previously 5688
has been convicted of a drug abuse offense, a felony of the 5689
fifth degree. 5690

(b) If the amount of the drug involved equals or exceeds 5691
the bulk amount but is less than five times the bulk amount, 5692
possession of drugs is a felony of the fourth degree, and 5693

division (C) of section 2929.13 of the Revised Code applies in 5694
determining whether to impose a prison term on the offender. 5695

(c) If the amount of the drug involved equals or exceeds 5696
five times the bulk amount but is less than fifty times the bulk 5697
amount, possession of drugs is a felony of the third degree, and 5698
there is a presumption for a prison term for the offense. 5699

(d) If the amount of the drug involved equals or exceeds 5700
fifty times the bulk amount, possession of drugs is a felony of 5701
the second degree, and the court shall impose upon the offender 5702
as a mandatory prison term ~~one of the prison terms prescribed~~ 5703
~~for a felony of the second degree~~ a second degree felony 5704
mandatory prison term. 5705

(3) If the drug involved in the violation is marihuana or 5706
a compound, mixture, preparation, or substance containing 5707
marihuana other than hashish, whoever violates division (A) of 5708
this section is guilty of possession of marihuana. The penalty 5709
for the offense shall be determined as follows: 5710

(a) Except as otherwise provided in division (C) (3) (b), 5711
(c), (d), (e), (f), or (g) of this section, possession of 5712
marihuana is a minor misdemeanor. 5713

(b) If the amount of the drug involved equals or exceeds 5714
one hundred grams but is less than two hundred grams, possession 5715
of marihuana is a misdemeanor of the fourth degree. 5716

(c) If the amount of the drug involved equals or exceeds 5717
two hundred grams but is less than one thousand grams, 5718
possession of marihuana is a felony of the fifth degree, and 5719
division (B) of section 2929.13 of the Revised Code applies in 5720
determining whether to impose a prison term on the offender. 5721

(d) If the amount of the drug involved equals or exceeds 5722

one thousand grams but is less than five thousand grams, 5723
possession of marihuana is a felony of the third degree, and 5724
division (C) of section 2929.13 of the Revised Code applies in 5725
determining whether to impose a prison term on the offender. 5726

(e) If the amount of the drug involved equals or exceeds 5727
five thousand grams but is less than twenty thousand grams, 5728
possession of marihuana is a felony of the third degree, and 5729
there is a presumption that a prison term shall be imposed for 5730
the offense. 5731

(f) If the amount of the drug involved equals or exceeds 5732
twenty thousand grams but is less than forty thousand grams, 5733
possession of marihuana is a felony of the second degree, and 5734
the court shall impose as a mandatory prison term a second 5735
degree felony mandatory prison term of five, six, seven, or 5736
eight years. 5737

(g) If the amount of the drug involved equals or exceeds 5738
forty thousand grams, possession of marihuana is a felony of the 5739
second degree, and the court shall impose as a mandatory prison 5740
~~term the maximum prison term prescribed for a felony of the~~ 5741
~~second degree~~ a maximum second degree felony mandatory prison 5742
term. 5743

(4) If the drug involved in the violation is cocaine or a 5744
compound, mixture, preparation, or substance containing cocaine, 5745
whoever violates division (A) of this section is guilty of 5746
possession of cocaine. The penalty for the offense shall be 5747
determined as follows: 5748

(a) Except as otherwise provided in division (C) (4) (b), 5749
(c), (d), (e), or (f) of this section, possession of cocaine is 5750
a felony of the fifth degree, and division (B) of section 5751

2929.13 of the Revised Code applies in determining whether to 5752
impose a prison term on the offender. 5753

(b) If the amount of the drug involved equals or exceeds 5754
five grams but is less than ten grams of cocaine, possession of 5755
cocaine is a felony of the fourth degree, and division (B) of 5756
section 2929.13 of the Revised Code applies in determining 5757
whether to impose a prison term on the offender. 5758

(c) If the amount of the drug involved equals or exceeds 5759
ten grams but is less than twenty grams of cocaine, possession 5760
of cocaine is a felony of the third degree, and, except as 5761
otherwise provided in this division, there is a presumption for 5762
a prison term for the offense. If possession of cocaine is a 5763
felony of the third degree under this division and if the 5764
offender two or more times previously has been convicted of or 5765
pleaded guilty to a felony drug abuse offense, the court shall 5766
impose as a mandatory prison term one of the prison terms 5767
prescribed for a felony of the third degree. 5768

(d) If the amount of the drug involved equals or exceeds 5769
twenty grams but is less than twenty-seven grams of cocaine, 5770
possession of cocaine is a felony of the second degree, and the 5771
court shall impose as a mandatory prison term ~~one of the prison~~ 5772
~~terms prescribed for a felony of the second degree~~ a second 5773
degree felony mandatory prison term. 5774

(e) If the amount of the drug involved equals or exceeds 5775
twenty-seven grams but is less than one hundred grams of 5776
cocaine, possession of cocaine is a felony of the first degree, 5777
and the court shall impose as a mandatory prison term ~~one of the~~ 5778
~~prison terms prescribed for a felony of the first degree~~ a first 5779
degree felony mandatory prison term. 5780

(f) If the amount of the drug involved equals or exceeds 5781
one hundred grams of cocaine, possession of cocaine is a felony 5782
of the first degree, the offender is a major drug offender, and 5783
the court shall impose as a mandatory prison term ~~the maximum~~ 5784
~~prison term prescribed for a felony of the first degree~~ a 5785
maximum first degree felony mandatory prison term. 5786

(5) If the drug involved in the violation is L.S.D., 5787
whoever violates division (A) of this section is guilty of 5788
possession of L.S.D. The penalty for the offense shall be 5789
determined as follows: 5790

(a) Except as otherwise provided in division (C) (5) (b), 5791
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5792
felony of the fifth degree, and division (B) of section 2929.13 5793
of the Revised Code applies in determining whether to impose a 5794
prison term on the offender. 5795

(b) If the amount of L.S.D. involved equals or exceeds ten 5796
unit doses but is less than fifty unit doses of L.S.D. in a 5797
solid form or equals or exceeds one gram but is less than five 5798
grams of L.S.D. in a liquid concentrate, liquid extract, or 5799
liquid distillate form, possession of L.S.D. is a felony of the 5800
fourth degree, and division (C) of section 2929.13 of the 5801
Revised Code applies in determining whether to impose a prison 5802
term on the offender. 5803

(c) If the amount of L.S.D. involved equals or exceeds 5804
fifty unit doses, but is less than two hundred fifty unit doses 5805
of L.S.D. in a solid form or equals or exceeds five grams but is 5806
less than twenty-five grams of L.S.D. in a liquid concentrate, 5807
liquid extract, or liquid distillate form, possession of L.S.D. 5808
is a felony of the third degree, and there is a presumption for 5809
a prison term for the offense. 5810

(d) If the amount of L.S.D. involved equals or exceeds two 5811
hundred fifty unit doses but is less than one thousand unit 5812
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5813
grams but is less than one hundred grams of L.S.D. in a liquid 5814
concentrate, liquid extract, or liquid distillate form, 5815
possession of L.S.D. is a felony of the second degree, and the 5816
court shall impose as a mandatory prison term ~~one of the prison~~ 5817
~~terms prescribed for a felony of the second degree~~ a second 5818
degree felony mandatory prison term. 5819

(e) If the amount of L.S.D. involved equals or exceeds one 5820
thousand unit doses but is less than five thousand unit doses of 5821
L.S.D. in a solid form or equals or exceeds one hundred grams 5822
but is less than five hundred grams of L.S.D. in a liquid 5823
concentrate, liquid extract, or liquid distillate form, 5824
possession of L.S.D. is a felony of the first degree, and the 5825
court shall impose as a mandatory prison term ~~one of the prison~~ 5826
~~terms prescribed for a felony of the first degree~~ a first degree 5827
felony mandatory prison term. 5828

(f) If the amount of L.S.D. involved equals or exceeds 5829
five thousand unit doses of L.S.D. in a solid form or equals or 5830
exceeds five hundred grams of L.S.D. in a liquid concentrate, 5831
liquid extract, or liquid distillate form, possession of L.S.D. 5832
is a felony of the first degree, the offender is a major drug 5833
offender, and the court shall impose as a mandatory prison term 5834
~~the maximum prison term prescribed for a felony of the first~~ 5835
~~degree~~ a maximum first degree felony mandatory prison term. 5836

(6) If the drug involved in the violation is heroin or a 5837
compound, mixture, preparation, or substance containing heroin, 5838
whoever violates division (A) of this section is guilty of 5839
possession of heroin. The penalty for the offense shall be 5840

determined as follows: 5841

(a) Except as otherwise provided in division (C) (6) (b), 5842
(c), (d), (e), or (f) of this section, possession of heroin is a 5843
felony of the fifth degree, and division (B) of section 2929.13 5844
of the Revised Code applies in determining whether to impose a 5845
prison term on the offender. 5846

(b) If the amount of the drug involved equals or exceeds 5847
ten unit doses but is less than fifty unit doses or equals or 5848
exceeds one gram but is less than five grams, possession of 5849
heroin is a felony of the fourth degree, and division (C) of 5850
section 2929.13 of the Revised Code applies in determining 5851
whether to impose a prison term on the offender. 5852

(c) If the amount of the drug involved equals or exceeds 5853
fifty unit doses but is less than one hundred unit doses or 5854
equals or exceeds five grams but is less than ten grams, 5855
possession of heroin is a felony of the third degree, and there 5856
is a presumption for a prison term for the offense. 5857

(d) If the amount of the drug involved equals or exceeds 5858
one hundred unit doses but is less than five hundred unit doses 5859
or equals or exceeds ten grams but is less than fifty grams, 5860
possession of heroin is a felony of the second degree, and the 5861
court shall impose as a mandatory prison term ~~one of the prison~~ 5862
~~terms prescribed for a felony of the second degree~~ a second 5863
degree felony mandatory prison term. 5864

(e) If the amount of the drug involved equals or exceeds 5865
five hundred unit doses but is less than one thousand unit doses 5866
or equals or exceeds fifty grams but is less than one hundred 5867
grams, possession of heroin is a felony of the first degree, and 5868
the court shall impose as a mandatory prison term ~~one of the~~ 5869

~~prison terms prescribed for a felony of the first degree, a first~~ 5870
~~degree felony mandatory prison term.~~ 5871

(f) If the amount of the drug involved equals or exceeds 5872
one thousand unit doses or equals or exceeds one hundred grams, 5873
possession of heroin is a felony of the first degree, the 5874
offender is a major drug offender, and the court shall impose as 5875
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5876
~~felony of the first degree, a maximum first degree felony~~ 5877
~~mandatory prison term.~~ 5878

(7) If the drug involved in the violation is hashish or a 5879
compound, mixture, preparation, or substance containing hashish, 5880
whoever violates division (A) of this section is guilty of 5881
possession of hashish. The penalty for the offense shall be 5882
determined as follows: 5883

(a) Except as otherwise provided in division (C) (7) (b), 5884
(c), (d), (e), (f), or (g) of this section, possession of 5885
hashish is a minor misdemeanor. 5886

(b) If the amount of the drug involved equals or exceeds 5887
five grams but is less than ten grams of hashish in a solid form 5888
or equals or exceeds one gram but is less than two grams of 5889
hashish in a liquid concentrate, liquid extract, or liquid 5890
distillate form, possession of hashish is a misdemeanor of the 5891
fourth degree. 5892

(c) If the amount of the drug involved equals or exceeds 5893
ten grams but is less than fifty grams of hashish in a solid 5894
form or equals or exceeds two grams but is less than ten grams 5895
of hashish in a liquid concentrate, liquid extract, or liquid 5896
distillate form, possession of hashish is a felony of the fifth 5897
degree, and division (B) of section 2929.13 of the Revised Code 5898

applies in determining whether to impose a prison term on the 5899
offender. 5900

(d) If the amount of the drug involved equals or exceeds 5901
fifty grams but is less than two hundred fifty grams of hashish 5902
in a solid form or equals or exceeds ten grams but is less than 5903
fifty grams of hashish in a liquid concentrate, liquid extract, 5904
or liquid distillate form, possession of hashish is a felony of 5905
the third degree, and division (C) of section 2929.13 of the 5906
Revised Code applies in determining whether to impose a prison 5907
term on the offender. 5908

(e) If the amount of the drug involved equals or exceeds 5909
two hundred fifty grams but is less than one thousand grams of 5910
hashish in a solid form or equals or exceeds fifty grams but is 5911
less than two hundred grams of hashish in a liquid concentrate, 5912
liquid extract, or liquid distillate form, possession of hashish 5913
is a felony of the third degree, and there is a presumption that 5914
a prison term shall be imposed for the offense. 5915

(f) If the amount of the drug involved equals or exceeds 5916
one thousand grams but is less than two thousand grams of 5917
hashish in a solid form or equals or exceeds two hundred grams 5918
but is less than four hundred grams of hashish in a liquid 5919
concentrate, liquid extract, or liquid distillate form, 5920
possession of hashish is a felony of the second degree, and the 5921
court shall impose as a mandatory prison term a second degree 5922
felony mandatory prison term of five, six, seven, or eight 5923
years. 5924

(g) If the amount of the drug involved equals or exceeds 5925
two thousand grams of hashish in a solid form or equals or 5926
exceeds four hundred grams of hashish in a liquid concentrate, 5927
liquid extract, or liquid distillate form, possession of hashish 5928

is a felony of the second degree, and the court shall impose as 5929
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5930
~~felony of the second degree~~ a maximum second degree felony 5931
mandatory prison term. 5932

(8) If the drug involved is a controlled substance analog 5933
or compound, mixture, preparation, or substance that contains a 5934
controlled substance analog, whoever violates division (A) of 5935
this section is guilty of possession of a controlled substance 5936
analog. The penalty for the offense shall be determined as 5937
follows: 5938

(a) Except as otherwise provided in division (C) (8) (b), 5939
(c), (d), (e), or (f) of this section, possession of a 5940
controlled substance analog is a felony of the fifth degree, and 5941
division (B) of section 2929.13 of the Revised Code applies in 5942
determining whether to impose a prison term on the offender. 5943

(b) If the amount of the drug involved equals or exceeds 5944
ten grams but is less than twenty grams, possession of a 5945
controlled substance analog is a felony of the fourth degree, 5946
and there is a presumption for a prison term for the offense. 5947

(c) If the amount of the drug involved equals or exceeds 5948
twenty grams but is less than thirty grams, possession of a 5949
controlled substance analog is a felony of the third degree, and 5950
there is a presumption for a prison term for the offense. 5951

(d) If the amount of the drug involved equals or exceeds 5952
thirty grams but is less than forty grams, possession of a 5953
controlled substance analog is a felony of the second degree, 5954
and the court shall impose as a mandatory prison term ~~one of the~~ 5955
~~prison terms prescribed for a felony of the second degree~~ a 5956
second degree felony mandatory prison term. 5957

(e) If the amount of the drug involved equals or exceeds 5958
forty grams but is less than fifty grams, possession of a 5959
controlled substance analog is a felony of the first degree, and 5960
the court shall impose as a mandatory prison term ~~one of the~~ 5961
~~prison terms prescribed for a felony of the first degree~~ a first 5962
degree felony mandatory prison term. 5963

(f) If the amount of the drug involved equals or exceeds 5964
fifty grams, possession of a controlled substance analog is a 5965
felony of the first degree, the offender is a major drug 5966
offender, and the court shall impose as a mandatory prison term 5967
~~the maximum prison term prescribed for a felony of the first~~ 5968
~~degree~~ a maximum first degree felony mandatory prison term. 5969

(D) Arrest or conviction for a minor misdemeanor violation 5970
of this section does not constitute a criminal record and need 5971
not be reported by the person so arrested or convicted in 5972
response to any inquiries about the person's criminal record, 5973
including any inquiries contained in any application for 5974
employment, license, or other right or privilege, or made in 5975
connection with the person's appearance as a witness. 5976

(E) In addition to any prison term or jail term authorized 5977
or required by division (C) of this section and sections 5978
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5979
Code and in addition to any other sanction that is imposed for 5980
the offense under this section, sections 2929.11 to 2929.18, or 5981
sections 2929.21 to 2929.28 of the Revised Code, the court that 5982
sentences an offender who is convicted of or pleads guilty to a 5983
violation of division (A) of this section may suspend the 5984
offender's driver's or commercial driver's license or permit for 5985
not more than five years. However, if the offender pleaded 5986
guilty to or was convicted of a violation of section 4511.19 of 5987

the Revised Code or a substantially similar municipal ordinance 5988
or the law of another state or the United States arising out of 5989
the same set of circumstances as the violation, the court shall 5990
suspend the offender's driver's or commercial driver's license 5991
or permit for not more than five years. If applicable, the court 5992
also shall do the following: 5993

(1) (a) If the violation is a felony of the first, second, 5994
or third degree, the court shall impose upon the offender the 5995
mandatory fine specified for the offense under division (B) (1) 5996
of section 2929.18 of the Revised Code unless, as specified in 5997
that division, the court determines that the offender is 5998
indigent. 5999

(b) Notwithstanding any contrary provision of section 6000
3719.21 of the Revised Code, the clerk of the court shall pay a 6001
mandatory fine or other fine imposed for a violation of this 6002
section pursuant to division (A) of section 2929.18 of the 6003
Revised Code in accordance with and subject to the requirements 6004
of division (F) of section 2925.03 of the Revised Code. The 6005
agency that receives the fine shall use the fine as specified in 6006
division (F) of section 2925.03 of the Revised Code. 6007

(c) If a person is charged with a violation of this 6008
section that is a felony of the first, second, or third degree, 6009
posts bail, and forfeits the bail, the clerk shall pay the 6010
forfeited bail pursuant to division (E) (1) (b) of this section as 6011
if it were a mandatory fine imposed under division (E) (1) (a) of 6012
this section. 6013

(2) If the offender is a professionally licensed person, 6014
in addition to any other sanction imposed for a violation of 6015
this section, the court immediately shall comply with section 6016
2925.38 of the Revised Code. 6017

(F) It is an affirmative defense, as provided in section 6018
2901.05 of the Revised Code, to a charge of a fourth degree 6019
felony violation under this section that the controlled 6020
substance that gave rise to the charge is in an amount, is in a 6021
form, is prepared, compounded, or mixed with substances that are 6022
not controlled substances in a manner, or is possessed under any 6023
other circumstances, that indicate that the substance was 6024
possessed solely for personal use. Notwithstanding any contrary 6025
provision of this section, if, in accordance with section 6026
2901.05 of the Revised Code, an accused who is charged with a 6027
fourth degree felony violation of division (C) (2), (4), (5), or 6028
(6) of this section sustains the burden of going forward with 6029
evidence of and establishes by a preponderance of the evidence 6030
the affirmative defense described in this division, the accused 6031
may be prosecuted for and may plead guilty to or be convicted of 6032
a misdemeanor violation of division (C) (2) of this section or a 6033
fifth degree felony violation of division (C) (4), (5), or (6) of 6034
this section respectively. 6035

(G) When a person is charged with possessing a bulk amount 6036
or multiple of a bulk amount, division (E) of section 2925.03 of 6037
the Revised Code applies regarding the determination of the 6038
amount of the controlled substance involved at the time of the 6039
offense. 6040

(H) It is an affirmative defense to a charge of possession 6041
of a controlled substance analog under division (C) (8) of this 6042
section that the person charged with violating that offense 6043
obtained, possessed, or used an item described in division (HH) 6044
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6045

(I) Any offender who received a mandatory suspension of 6046
the offender's driver's or commercial driver's license or permit 6047

under this section prior to ~~the effective date of this amendment~~ 6048
September 13, 2016, may file a motion with the sentencing court 6049
requesting the termination of the suspension. However, an 6050
offender who pleaded guilty to or was convicted of a violation 6051
of section 4511.19 of the Revised Code or a substantially 6052
similar municipal ordinance or law of another state or the 6053
United States that arose out of the same set of circumstances as 6054
the violation for which the offender's license or permit was 6055
suspended under this section shall not file such a motion. 6056

Upon the filing of a motion under division (I) of this 6057
section, the sentencing court, in its discretion, may terminate 6058
the suspension. 6059

Sec. 2929.01. As used in this chapter: 6060

(A) (1) "Alternative residential facility" means, subject 6061
to division (A) (2) of this section, any facility other than an 6062
offender's home or residence in which an offender is assigned to 6063
live and that satisfies all of the following criteria: 6064

(a) It provides programs through which the offender may 6065
seek or maintain employment or may receive education, training, 6066
treatment, or habilitation. 6067

(b) It has received the appropriate license or certificate 6068
for any specialized education, training, treatment, 6069
habilitation, or other service that it provides from the 6070
government agency that is responsible for licensing or 6071
certifying that type of education, training, treatment, 6072
habilitation, or service. 6073

(2) "Alternative residential facility" does not include a 6074
community-based correctional facility, jail, halfway house, or 6075
prison. 6076

(B) "Basic probation supervision" means a requirement that 6077
the offender maintain contact with a person appointed to 6078
supervise the offender in accordance with sanctions imposed by 6079
the court or imposed by the parole board pursuant to section 6080
2967.28 of the Revised Code. "Basic probation supervision" 6081
includes basic parole supervision and basic post-release control 6082
supervision. 6083

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6084
the same meanings as in section 2925.01 of the Revised Code. 6085

(D) "Community-based correctional facility" means a 6086
community-based correctional facility and program or district 6087
community-based correctional facility and program developed 6088
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6089

(E) "Community control sanction" means a sanction that is 6090
not a prison term and that is described in section 2929.15, 6091
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6092
that is not a jail term and that is described in section 6093
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6094
control sanction" includes probation if the sentence involved 6095
was imposed for a felony that was committed prior to July 1, 6096
1996, or if the sentence involved was imposed for a misdemeanor 6097
that was committed prior to January 1, 2004. 6098

(F) "Controlled substance," "marihuana," "schedule I," and 6099
"schedule II" have the same meanings as in section 3719.01 of 6100
the Revised Code. 6101

(G) "Curfew" means a requirement that an offender during a 6102
specified period of time be at a designated place. 6103

(H) "Day reporting" means a sanction pursuant to which an 6104
offender is required each day to report to and leave a center or 6105

other approved reporting location at specified times in order to 6106
participate in work, education or training, treatment, and other 6107
approved programs at the center or outside the center. 6108

(I) "Deadly weapon" has the same meaning as in section 6109
2923.11 of the Revised Code. 6110

(J) "Drug and alcohol use monitoring" means a program 6111
under which an offender agrees to submit to random chemical 6112
analysis of the offender's blood, breath, or urine to determine 6113
whether the offender has ingested any alcohol or other drugs. 6114

(K) "Drug treatment program" means any program under which 6115
a person undergoes assessment and treatment designed to reduce 6116
or completely eliminate the person's physical or emotional 6117
reliance upon alcohol, another drug, or alcohol and another drug 6118
and under which the person may be required to receive assessment 6119
and treatment on an outpatient basis or may be required to 6120
reside at a facility other than the person's home or residence 6121
while undergoing assessment and treatment. 6122

(L) "Economic loss" means any economic detriment suffered 6123
by a victim as a direct and proximate result of the commission 6124
of an offense and includes any loss of income due to lost time 6125
at work because of any injury caused to the victim, and any 6126
property loss, medical cost, or funeral expense incurred as a 6127
result of the commission of the offense. "Economic loss" does 6128
not include non-economic loss or any punitive or exemplary 6129
damages. 6130

(M) "Education or training" includes study at, or in 6131
conjunction with a program offered by, a university, college, or 6132
technical college or vocational study and also includes the 6133
completion of primary school, secondary school, and literacy 6134

curricula or their equivalent. 6135

(N) "Firearm" has the same meaning as in section 2923.11 6136
of the Revised Code. 6137

(O) "Halfway house" means a facility licensed by the 6138
division of parole and community services of the department of 6139
rehabilitation and correction pursuant to section 2967.14 of the 6140
Revised Code as a suitable facility for the care and treatment 6141
of adult offenders. 6142

(P) "House arrest" means a period of confinement of an 6143
offender that is in the offender's home or in other premises 6144
specified by the sentencing court or by the parole board 6145
pursuant to section 2967.28 of the Revised Code and during which 6146
all of the following apply: 6147

(1) The offender is required to remain in the offender's 6148
home or other specified premises for the specified period of 6149
confinement, except for periods of time during which the 6150
offender is at the offender's place of employment or at other 6151
premises as authorized by the sentencing court or by the parole 6152
board. 6153

(2) The offender is required to report periodically to a 6154
person designated by the court or parole board. 6155

(3) The offender is subject to any other restrictions and 6156
requirements that may be imposed by the sentencing court or by 6157
the parole board. 6158

(Q) "Intensive probation supervision" means a requirement 6159
that an offender maintain frequent contact with a person 6160
appointed by the court, or by the parole board pursuant to 6161
section 2967.28 of the Revised Code, to supervise the offender 6162
while the offender is seeking or maintaining necessary 6163

employment and participating in training, education, and 6164
treatment programs as required in the court's or parole board's 6165
order. "Intensive probation supervision" includes intensive 6166
parole supervision and intensive post-release control 6167
supervision. 6168

(R) "Jail" means a jail, workhouse, minimum security jail, 6169
or other residential facility used for the confinement of 6170
alleged or convicted offenders that is operated by a political 6171
subdivision or a combination of political subdivisions of this 6172
state. 6173

(S) "Jail term" means the term in a jail that a sentencing 6174
court imposes or is authorized to impose pursuant to section 6175
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6176
provision of the Revised Code that authorizes a term in a jail 6177
for a misdemeanor conviction. 6178

(T) "Mandatory jail term" means the term in a jail that a 6179
sentencing court is required to impose pursuant to division (G) 6180
of section 1547.99 of the Revised Code, division (E) of section 6181
2903.06 or division (D) of section 2903.08 of the Revised Code, 6182
division (E) or (G) of section 2929.24 of the Revised Code, 6183
division (B) of section 4510.14 of the Revised Code, or division 6184
(G) of section 4511.19 of the Revised Code or pursuant to any 6185
other provision of the Revised Code that requires a term in a 6186
jail for a misdemeanor conviction. 6187

(U) "Delinquent child" has the same meaning as in section 6188
2152.02 of the Revised Code. 6189

(V) "License violation report" means a report that is made 6190
by a sentencing court, or by the parole board pursuant to 6191
section 2967.28 of the Revised Code, to the regulatory or 6192

licensing board or agency that issued an offender a professional 6193
license or a license or permit to do business in this state and 6194
that specifies that the offender has been convicted of or 6195
pleaded guilty to an offense that may violate the conditions 6196
under which the offender's professional license or license or 6197
permit to do business in this state was granted or an offense 6198
for which the offender's professional license or license or 6199
permit to do business in this state may be revoked or suspended. 6200

(W) "Major drug offender" means an offender who is 6201
convicted of or pleads guilty to the possession of, sale of, or 6202
offer to sell any drug, compound, mixture, preparation, or 6203
substance that consists of or contains at least one thousand 6204
grams of hashish; at least one hundred grams of cocaine; at 6205
least one thousand unit doses or one hundred grams of heroin; at 6206
least five thousand unit doses of L.S.D. or five hundred grams 6207
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6208
distillate form; at least fifty grams of a controlled substance 6209
analog; or at least one hundred times the amount of any other 6210
schedule I or II controlled substance other than marihuana that 6211
is necessary to commit a felony of the third degree pursuant to 6212
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6213
Code that is based on the possession of, sale of, or offer to 6214
sell the controlled substance. 6215

(X) "Mandatory prison term" means any of the following: 6216

(1) Subject to division (X)(2) of this section, the term 6217
in prison that must be imposed for the offenses or circumstances 6218
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 6219
section 2929.13 and division (B) of section 2929.14 of the 6220
Revised Code. Except as provided in sections 2925.02, 2925.03, 6221
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6222

maximum or another specific term is required under section 6223
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6224
described in this division may be any prison term authorized for 6225
the level of offense except that if the offense is a felony of 6226
the first or second degree committed on or after the effective 6227
date of this amendment or is a felony of the third degree that 6228
is described in division (A) (3) (a) of section 2929.14 of the 6229
Revised Code and committed on or after that effective date, a 6230
mandatory prison term described in this division may be one of 6231
the terms prescribed in division (A) (1) (a), (2) (a), or (3) (a) (i) 6232
of section 2929.14 of the Revised Code, whichever is applicable, 6233
that is authorized as the minimum term for the offense. 6234

(2) The term of sixty or one hundred twenty days in prison 6235
that a sentencing court is required to impose for a third or 6236
fourth degree felony OVI offense pursuant to division (G) (2) of 6237
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6238
of the Revised Code or the term of one, two, three, four, or 6239
five years in prison that a sentencing court is required to 6240
impose pursuant to division (G) (2) of section 2929.13 of the 6241
Revised Code. 6242

(3) The term in prison imposed pursuant to division (A) of 6243
section 2971.03 of the Revised Code for the offenses and in the 6244
circumstances described in division (F) (11) of section 2929.13 6245
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6246
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6247
section 2971.03 of the Revised Code and that term as modified or 6248
terminated pursuant to section 2971.05 of the Revised Code. 6249

(Y) "Monitored time" means a period of time during which 6250
an offender continues to be under the control of the sentencing 6251
court or parole board, subject to no conditions other than 6252

leading a law-abiding life. 6253

(Z) "Offender" means a person who, in this state, is 6254
convicted of or pleads guilty to a felony or a misdemeanor. 6255

(AA) "Prison" means a residential facility used for the 6256
confinement of convicted felony offenders that is under the 6257
control of the department of rehabilitation and correction but 6258
does not include a violation sanction center operated under 6259
authority of section 2967.141 of the Revised Code. 6260

(BB) (1) "Prison term" includes either of the following 6261
sanctions for an offender: 6262

~~(1)~~ (a) A stated prison term; 6263

~~(2)~~ (b) A term in a prison shortened by, or with the 6264
approval of, the sentencing court pursuant to section 2929.143, 6265
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6266
Code. 6267

(2) With respect to a non-life felony indefinite prison 6268
term, references in any provision of law to a reduction of, or 6269
deduction from, the prison term mean a reduction in, or 6270
deduction from, the minimum term imposed as part of the 6271
indefinite term. 6272

(CC) "Repeat violent offender" means a person about whom 6273
both of the following apply: 6274

(1) The person is being sentenced for committing or for 6275
complicity in committing any of the following: 6276

(a) Aggravated murder, murder, any felony of the first or 6277
second degree that is an offense of violence, or an attempt to 6278
commit any of these offenses if the attempt is a felony of the 6279
first or second degree; 6280

(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.

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

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

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

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

programming pursuant to those sections.

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(2) As used in the definition of "stated prison term" set forth in division (FF)(1) of this section, a prison term is a definite prison term imposed under section 2929.14 of the Revised Code or any other provision of law, is the minimum and maximum prison terms under a non-life felony indefinite prison term, or is a term of life imprisonment except to the extent that the use of that definition in a section of the Revised Code clearly is not intended to include a term of life imprisonment. With respect to an offender sentenced to a non-life felony indefinite prison term, references in section 2967.191 or 2967.193 of the Revised Code or any other provision of law to a reduction of, or deduction from, the offender's stated prison term or to release of the offender before the expiration of the offender's stated prison term mean a reduction in, or deduction from, the minimum term imposed as part of the indefinite term or a release of the offender before the expiration of that minimum term, references in section 2929.19 or 2967.28 of the Revised Code to a stated prison term with respect to a prison term imposed for a violation of a post-release control sanction mean the minimum term so imposed, and references in any provision of law to an offender's service of the offender's stated prison term or the expiration of the offender's stated prison term mean service or expiration of the minimum term so imposed plus any additional period of incarceration under the sentence that is required under section 2967.271 of the Revised Code.

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

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the offense. 6342

(HH) "Fourth degree felony OVI offense" means a violation 6343
of division (A) of section 4511.19 of the Revised Code that, 6344
under division (G) of that section, is a felony of the fourth 6345
degree. 6346

(II) "Mandatory term of local incarceration" means the 6347
term of sixty or one hundred twenty days in a jail, a community- 6348
based correctional facility, a halfway house, or an alternative 6349
residential facility that a sentencing court may impose upon a 6350
person who is convicted of or pleads guilty to a fourth degree 6351
felony OVI offense pursuant to division (G) (1) of section 6352
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6353
section 4511.19 of the Revised Code. 6354

(JJ) "Designated homicide, assault, or kidnapping 6355
offense," "violent sex offense," "sexual motivation 6356
specification," "sexually violent offense," "sexually violent 6357
predator," and "sexually violent predator specification" have 6358
the same meanings as in section 2971.01 of the Revised Code. 6359

(KK) "Sexually oriented offense," "child-victim oriented 6360
offense," and "tier III sex offender/child-victim offender" have 6361
the same meanings as in section 2950.01 of the Revised Code. 6362

(LL) An offense is "committed in the vicinity of a child" 6363
if the offender commits the offense within thirty feet of or 6364
within the same residential unit as a child who is under 6365
eighteen years of age, regardless of whether the offender knows 6366
the age of the child or whether the offender knows the offense 6367
is being committed within thirty feet of or within the same 6368
residential unit as the child and regardless of whether the 6369
child actually views the commission of the offense. 6370

(MM) "Family or household member" has the same meaning as
in section 2919.25 of the Revised Code. 6371
6372

(NN) "Motor vehicle" and "manufactured home" have the same
meanings as in section 4501.01 of the Revised Code. 6373
6374

(OO) "Detention" and "detention facility" have the same
meanings as in section 2921.01 of the Revised Code. 6375
6376

(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. 6377
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(QQ) "Random drug testing" has the same meaning as in
section 5120.63 of the Revised Code. 6381
6382

(RR) "Felony sex offense" has the same meaning as in
section 2967.28 of the Revised Code. 6383
6384

(SS) "Body armor" has the same meaning as in section
2941.1411 of the Revised Code. 6385
6386

(TT) "Electronic monitoring" means monitoring through the
use of an electronic monitoring device. 6387
6388

(UU) "Electronic monitoring device" means any of the
following: 6389
6390

(1) Any device that can be operated by electrical or
battery power and that conforms with all of the following: 6391
6392

(a) The device has a transmitter that can be attached to a
person, that will transmit a specified signal to a receiver of
the type described in division (UU) (1) (b) of this section if the
transmitter is removed from the person, turned off, or altered
in any manner without prior court approval in relation to 6393
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electronic monitoring or without prior approval of the 6398
department of rehabilitation and correction in relation to the 6399
use of an electronic monitoring device for an inmate on 6400
transitional control or otherwise is tampered with, that can 6401
transmit continuously and periodically a signal to that receiver 6402
when the person is within a specified distance from the 6403
receiver, and that can transmit an appropriate signal to that 6404
receiver if the person to whom it is attached travels a 6405
specified distance from that receiver. 6406

(b) The device has a receiver that can receive 6407
continuously the signals transmitted by a transmitter of the 6408
type described in division (UU) (1) (a) of this section, can 6409
transmit continuously those signals by a wireless or landline 6410
telephone connection to a central monitoring computer of the 6411
type described in division (UU) (1) (c) of this section, and can 6412
transmit continuously an appropriate signal to that central 6413
monitoring computer if the device has been turned off or altered 6414
without prior court approval or otherwise tampered with. The 6415
device is designed specifically for use in electronic 6416
monitoring, is not a converted wireless phone or another 6417
tracking device that is clearly not designed for electronic 6418
monitoring, and provides a means of text-based or voice 6419
communication with the person. 6420

(c) The device has a central monitoring computer that can 6421
receive continuously the signals transmitted by a wireless or 6422
landline telephone connection by a receiver of the type 6423
described in division (UU) (1) (b) of this section and can monitor 6424
continuously the person to whom an electronic monitoring device 6425
of the type described in division (UU) (1) (a) of this section is 6426
attached. 6427

(2) Any device that is not a device of the type described 6428
in division (UU) (1) of this section and that conforms with all 6429
of the following: 6430

(a) The device includes a transmitter and receiver that 6431
can monitor and determine the location of a subject person at 6432
any time, or at a designated point in time, through the use of a 6433
central monitoring computer or through other electronic means. 6434

(b) The device includes a transmitter and receiver that 6435
can determine at any time, or at a designated point in time, 6436
through the use of a central monitoring computer or other 6437
electronic means the fact that the transmitter is turned off or 6438
altered in any manner without prior approval of the court in 6439
relation to the electronic monitoring or without prior approval 6440
of the department of rehabilitation and correction in relation 6441
to the use of an electronic monitoring device for an inmate on 6442
transitional control or otherwise is tampered with. 6443

(3) Any type of technology that can adequately track or 6444
determine the location of a subject person at any time and that 6445
is approved by the director of rehabilitation and correction, 6446
including, but not limited to, any satellite technology, voice 6447
tracking system, or retinal scanning system that is so approved. 6448

(VV) "Non-economic loss" means nonpecuniary harm suffered 6449
by a victim of an offense as a result of or related to the 6450
commission of the offense, including, but not limited to, pain 6451
and suffering; loss of society, consortium, companionship, care, 6452
assistance, attention, protection, advice, guidance, counsel, 6453
instruction, training, or education; mental anguish; and any 6454
other intangible loss. 6455

(WW) "Prosecutor" has the same meaning as in section 6456

2935.01 of the Revised Code. 6457

(XX) "Continuous alcohol monitoring" means the ability to 6458
automatically test and periodically transmit alcohol consumption 6459
levels and tamper attempts at least every hour, regardless of 6460
the location of the person who is being monitored. 6461

(YY) A person is "adjudicated a sexually violent predator" 6462
if the person is convicted of or pleads guilty to a violent sex 6463
offense and also is convicted of or pleads guilty to a sexually 6464
violent predator specification that was included in the 6465
indictment, count in the indictment, or information charging 6466
that violent sex offense or if the person is convicted of or 6467
pleads guilty to a designated homicide, assault, or kidnapping 6468
offense and also is convicted of or pleads guilty to both a 6469
sexual motivation specification and a sexually violent predator 6470
specification that were included in the indictment, count in the 6471
indictment, or information charging that designated homicide, 6472
assault, or kidnapping offense. 6473

(ZZ) An offense is "committed in proximity to a school" if 6474
the offender commits the offense in a school safety zone or 6475
within five hundred feet of any school building or the 6476
boundaries of any school premises, regardless of whether the 6477
offender knows the offense is being committed in a school safety 6478
zone or within five hundred feet of any school building or the 6479
boundaries of any school premises. 6480

(AAA) "Human trafficking" means a scheme or plan to which 6481
all of the following apply: 6482

(1) Its object is one or more of the following: 6483

(a) To subject a victim or victims to involuntary 6484
servitude, as defined in section 2905.31 of the Revised Code or 6485

to compel a victim or victims to engage in sexual activity for 6486
hire, to engage in a performance that is obscene, sexually 6487
oriented, or nudity oriented, or to be a model or participant in 6488
the production of material that is obscene, sexually oriented, 6489
or nudity oriented; 6490

(b) To facilitate, encourage, or recruit a victim who is 6491
less than sixteen years of age or is a person with a 6492
developmental disability, or victims who are less than sixteen 6493
years of age or are persons with developmental disabilities, for 6494
any purpose listed in divisions (A) (2) (a) to (c) of section 6495
2905.32 of the Revised Code; 6496

(c) To facilitate, encourage, or recruit a victim who is 6497
sixteen or seventeen years of age, or victims who are sixteen or 6498
seventeen years of age, for any purpose listed in divisions (A) 6499
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6500
circumstances described in division (A) (5), (6), (7), (8), (9), 6501
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6502
apply with respect to the person engaging in the conduct and the 6503
victim or victims. 6504

(2) It involves at least two felony offenses, whether or 6505
not there has been a prior conviction for any of the felony 6506
offenses, to which all of the following apply: 6507

(a) Each of the felony offenses is a violation of section 6508
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6509
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6510
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6511
is a violation of a law of any state other than this state that 6512
is substantially similar to any of the sections or divisions of 6513
the Revised Code identified in this division. 6514

(b) At least one of the felony offenses was committed in 6515
this state. 6516

(c) The felony offenses are related to the same scheme or 6517
plan and are not isolated instances. 6518

(BBB) "Material," "nudity," "obscene," "performance," and 6519
"sexual activity" have the same meanings as in section 2907.01 6520
of the Revised Code. 6521

(CCC) "Material that is obscene, sexually oriented, or 6522
nudity oriented" means any material that is obscene, that shows 6523
a person participating or engaging in sexual activity, 6524
masturbation, or bestiality, or that shows a person in a state 6525
of nudity. 6526

(DDD) "Performance that is obscene, sexually oriented, or 6527
nudity oriented" means any performance that is obscene, that 6528
shows a person participating or engaging in sexual activity, 6529
masturbation, or bestiality, or that shows a person in a state 6530
of nudity. 6531

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6532
as an ignitable liquid, used to initiate a fire or increase the 6533
rate of growth or spread of a fire. 6534

(FFF) "Non-life felony indefinite prison term" means a 6535
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6536
(i) of section 2929.14 and section 2929.144 of the Revised Code 6537
for a felony of the first or second degree committed on or after 6538
the effective date of this amendment or a felony of the third 6539
degree that is described in division (A) (3) (a) of section 6540
2929.14 of the Revised Code and committed on or after that 6541
effective date. 6542

Sec. 2929.14. (A) Except as provided in division (B) (1), 6543

(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6544
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6545
of section 2919.25 of the Revised Code and except in relation to 6546
an offense for which a sentence of death or life imprisonment is 6547
to be imposed, if the court imposing a sentence upon an offender 6548
for a felony elects or is required to impose a prison term on 6549
the offender pursuant to this chapter, the court shall impose a 6550
~~definite~~ prison term that shall be one of the following: 6551

(1) (a) For a felony of the first degree committed on or 6552
after the effective date of this amendment, the prison term 6553
shall be an indefinite prison term with a stated minimum term 6554
selected by the court of three, four, five, six, seven, eight, 6555
nine, ten, or eleven years and a maximum term that is determined 6556
pursuant to section 2929.144 of the Revised Code, except that if 6557
the section that criminalizes the conduct constituting the 6558
felony specifies a different minimum term or penalty for the 6559
offense, the specific language of that section shall control in 6560
determining the minimum term or otherwise sentencing the 6561
offender but the minimum term or sentence imposed under that 6562
specific language shall be considered for purposes of the 6563
Revised Code as if it had been imposed under this division. 6564

(b) For a felony of the first degree committed prior to 6565
the effective date of this amendment, the prison term shall be a 6566
definite prison term of three, four, five, six, seven, eight, 6567
nine, ten, or eleven years. 6568

(2) (a) For a felony of the second degree committed on or 6569
after the effective date of this amendment, the prison term 6570
shall be an indefinite prison term with a stated minimum term 6571
selected by the court of two, three, four, five, six, seven, or 6572
eight years and a maximum term that is determined pursuant to 6573

section 2929.144 of the Revised Code, except that if the section 6574
that criminalizes the conduct constituting the felony specifies 6575
a different minimum term or penalty for the offense, the 6576
specific language of that section shall control in determining 6577
the minimum term or otherwise sentencing the offender but the 6578
minimum term or sentence imposed under that specific language 6579
shall be considered for purposes of the Revised Code as if it 6580
had been imposed under this division. 6581

(b) For a felony of the second degree committed prior to 6582
the effective date of this amendment, the prison term shall be a 6583
definite term of two, three, four, five, six, seven, or eight 6584
years. 6585

(3) (a) For a felony of the third degree that is a 6586
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6587
2907.05, or 3795.04 of the Revised Code or that is a violation 6588
of section 2911.02 or 2911.12 of the Revised Code if the 6589
offender previously has been convicted of or pleaded guilty in 6590
two or more separate proceedings to two or more violations of 6591
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 6592
Code, the prison term shall be one of the following: 6593

(i) If the felony of the third degree is committed on or 6594
after the effective date of this amendment, the prison term 6595
shall be an indefinite prison term with a stated minimum 6596
selected by the court of twelve, eighteen, twenty-four, thirty, 6597
thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6598
and a maximum term that is determined pursuant to section 6599
2929.144 of the Revised Code, except that if the section that 6600
criminalizes the conduct constituting the felony specifies a 6601
different minimum term or penalty for the offense, the specific 6602
language of that section shall control in determining the 6603

minimum term or otherwise sentencing the offender but the 6604
minimum term or sentence imposed under that specific language 6605
shall be considered for purposes of the Revised Code as if it 6606
had been imposed under this division. 6607

(ii) If the felony of the third degree is committed prior 6608
to the effective date of this amendment, the prison term shall 6609
be a definite term of twelve, eighteen, twenty-four, thirty, 6610
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6611

(b) For a felony of the third degree that is not an 6612
offense for which division (A) (3) (a) of this section applies, 6613
the prison term shall be a definite term of nine, twelve, 6614
eighteen, twenty-four, thirty, or thirty-six months. 6615

(4) For a felony of the fourth degree, the prison term 6616
shall be a definite term of six, seven, eight, nine, ten, 6617
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6618
or eighteen months. 6619

(5) For a felony of the fifth degree, the prison term 6620
shall be a definite term of six, seven, eight, nine, ten, 6621
eleven, or twelve months. 6622

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6623
section, if an offender who is convicted of or pleads guilty to 6624
a felony also is convicted of or pleads guilty to a 6625
specification of the type described in section 2941.141, 6626
2941.144, or 2941.145 of the Revised Code, the court shall 6627
impose on the offender one of the following prison terms: 6628

(i) A prison term of six years if the specification is of 6629
the type described in division (A) of section 2941.144 of the 6630
Revised Code that charges the offender with having a firearm 6631
that is an automatic firearm or that was equipped with a firearm 6632

muffler or suppressor on or about the offender's person or under 6633
the offender's control while committing the offense; 6634

(ii) A prison term of three years if the specification is 6635
of the type described in division (A) of section 2941.145 of the 6636
Revised Code that charges the offender with having a firearm on 6637
or about the offender's person or under the offender's control 6638
while committing the offense and displaying the firearm, 6639
brandishing the firearm, indicating that the offender possessed 6640
the firearm, or using it to facilitate the offense; 6641

(iii) A prison term of one year if the specification is of 6642
the type described in division (A) of section 2941.141 of the 6643
Revised Code that charges the offender with having a firearm on 6644
or about the offender's person or under the offender's control 6645
while committing the offense; 6646

(iv) A prison term of nine years if the specification is 6647
of the type described in division (D) of section 2941.144 of the 6648
Revised Code that charges the offender with having a firearm 6649
that is an automatic firearm or that was equipped with a firearm 6650
muffler or suppressor on or about the offender's person or under 6651
the offender's control while committing the offense and 6652
specifies that the offender previously has been convicted of or 6653
pleaded guilty to a specification of the type described in 6654
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6655
the Revised Code; 6656

(v) A prison term of fifty-four months if the 6657
specification is of the type described in division (D) of 6658
section 2941.145 of the Revised Code that charges the offender 6659
with having a firearm on or about the offender's person or under 6660
the offender's control while committing the offense and 6661
displaying the firearm, brandishing the firearm, indicating that 6662

the offender possessed the firearm, or using the firearm to 6663
facilitate the offense and that the offender previously has been 6664
convicted of or pleaded guilty to a specification of the type 6665
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6666
2941.1412 of the Revised Code; 6667

(vi) A prison term of eighteen months if the specification 6668
is of the type described in division (D) of section 2941.141 of 6669
the Revised Code that charges the offender with having a firearm 6670
on or about the offender's person or under the offender's 6671
control while committing the offense and that the offender 6672
previously has been convicted of or pleaded guilty to a 6673
specification of the type described in section 2941.141, 6674
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6675

(b) If a court imposes a prison term on an offender under 6676
division (B)(1)(a) of this section, the prison term shall not be 6677
reduced pursuant to section 2967.19, section 2929.20, section 6678
2967.193, or any other provision of Chapter 2967. or Chapter 6679
5120. of the Revised Code. Except as provided in division (B)(1) 6680
(g) of this section, a court shall not impose more than one 6681
prison term on an offender under division (B)(1)(a) of this 6682
section for felonies committed as part of the same act or 6683
transaction. 6684

(c) (i) Except as provided in division (B)(1)(e) of this 6685
section, if an offender who is convicted of or pleads guilty to 6686
a violation of section 2923.161 of the Revised Code or to a 6687
felony that includes, as an essential element, purposely or 6688
knowingly causing or attempting to cause the death of or 6689
physical harm to another, also is convicted of or pleads guilty 6690
to a specification of the type described in division (A) of 6691
section 2941.146 of the Revised Code that charges the offender 6692

with committing the offense by discharging a firearm from a 6693
motor vehicle other than a manufactured home, the court, after 6694
imposing a prison term on the offender for the violation of 6695
section 2923.161 of the Revised Code or for the other felony 6696
offense under division (A), (B) (2), or (B) (3) of this section, 6697
shall impose an additional prison term of five years upon the 6698
offender that shall not be reduced pursuant to section 2929.20, 6699
section 2967.19, section 2967.193, or any other provision of 6700
Chapter 2967. or Chapter 5120. of the Revised Code. 6701

(ii) Except as provided in division (B) (1) (e) of this 6702
section, if an offender who is convicted of or pleads guilty to 6703
a violation of section 2923.161 of the Revised Code or to a 6704
felony that includes, as an essential element, purposely or 6705
knowingly causing or attempting to cause the death of or 6706
physical harm to another, also is convicted of or pleads guilty 6707
to a specification of the type described in division (C) of 6708
section 2941.146 of the Revised Code that charges the offender 6709
with committing the offense by discharging a firearm from a 6710
motor vehicle other than a manufactured home and that the 6711
offender previously has been convicted of or pleaded guilty to a 6712
specification of the type described in section 2941.141, 6713
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6714
the court, after imposing a prison term on the offender for the 6715
violation of section 2923.161 of the Revised Code or for the 6716
other felony offense under division (A), (B) (2), or (3) of this 6717
section, shall impose an additional prison term of ninety months 6718
upon the offender that shall not be reduced pursuant to section 6719
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6720
2967. or Chapter 5120. of the Revised Code. 6721

(iii) A court shall not impose more than one additional 6722
prison term on an offender under division (B) (1) (c) of this 6723

section for felonies committed as part of the same act or 6724
transaction. If a court imposes an additional prison term on an 6725
offender under division (B) (1) (c) of this section relative to an 6726
offense, the court also shall impose a prison term under 6727
division (B) (1) (a) of this section relative to the same offense, 6728
provided the criteria specified in that division for imposing an 6729
additional prison term are satisfied relative to the offender 6730
and the offense. 6731

(d) If an offender who is convicted of or pleads guilty to 6732
an offense of violence that is a felony also is convicted of or 6733
pleads guilty to a specification of the type described in 6734
section 2941.1411 of the Revised Code that charges the offender 6735
with wearing or carrying body armor while committing the felony 6736
offense of violence, the court shall impose on the offender ~~a~~an 6737
additional prison term of two years. The prison term so imposed, 6738
subject to divisions (C) to (I) of section 2967.19 of the 6739
Revised Code, shall not be reduced pursuant to section 2929.20, 6740
section 2967.19, section 2967.193, or any other provision of 6741
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6742
shall not impose more than one prison term on an offender under 6743
division (B) (1) (d) of this section for felonies committed as 6744
part of the same act or transaction. If a court imposes an 6745
additional prison term under division (B) (1) (a) or (c) of this 6746
section, the court is not precluded from imposing an additional 6747
prison term under division (B) (1) (d) of this section. 6748

(e) The court shall not impose any of the prison terms 6749
described in division (B) (1) (a) of this section or any of the 6750
additional prison terms described in division (B) (1) (c) of this 6751
section upon an offender for a violation of section 2923.12 or 6752
2923.123 of the Revised Code. The court shall not impose any of 6753
the prison terms described in division (B) (1) (a) or (b) of this 6754

section upon an offender for a violation of section 2923.122 6755
that involves a deadly weapon that is a firearm other than a 6756
dangerous ordnance, section 2923.16, or section 2923.121 of the 6757
Revised Code. The court shall not impose any of the prison terms 6758
described in division (B)(1)(a) of this section or any of the 6759
additional prison terms described in division (B)(1)(c) of this 6760
section upon an offender for a violation of section 2923.13 of 6761
the Revised Code unless all of the following apply: 6762

(i) The offender previously has been convicted of 6763
aggravated murder, murder, or any felony of the first or second 6764
degree. 6765

(ii) Less than five years have passed since the offender 6766
was released from prison or post-release control, whichever is 6767
later, for the prior offense. 6768

(f)(i) If an offender is convicted of or pleads guilty to 6769
a felony that includes, as an essential element, causing or 6770
attempting to cause the death of or physical harm to another and 6771
also is convicted of or pleads guilty to a specification of the 6772
type described in division (A) of section 2941.1412 of the 6773
Revised Code that charges the offender with committing the 6774
offense by discharging a firearm at a peace officer as defined 6775
in section 2935.01 of the Revised Code or a corrections officer, 6776
as defined in section 2941.1412 of the Revised Code, the court, 6777
after imposing a prison term on the offender for the felony 6778
offense under division (A), (B)(2), or (B)(3) of this section, 6779
shall impose an additional prison term of seven years upon the 6780
offender that shall not be reduced pursuant to section 2929.20, 6781
section 2967.19, section 2967.193, or any other provision of 6782
Chapter 2967. or Chapter 5120. of the Revised Code. 6783

(ii) If an offender is convicted of or pleads guilty to a 6784

felony that includes, as an essential element, causing or 6785
attempting to cause the death of or physical harm to another and 6786
also is convicted of or pleads guilty to a specification of the 6787
type described in division (B) of section 2941.1412 of the 6788
Revised Code that charges the offender with committing the 6789
offense by discharging a firearm at a peace officer, as defined 6790
in section 2935.01 of the Revised Code, or a corrections 6791
officer, as defined in section 2941.1412 of the Revised Code, 6792
and that the offender previously has been convicted of or 6793
pleaded guilty to a specification of the type described in 6794
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6795
the Revised Code, the court, after imposing a prison term on the 6796
offender for the felony offense under division (A), (B) (2), or 6797
(3) of this section, shall impose an additional prison term of 6798
one hundred twenty-six months upon the offender that shall not 6799
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6800
any other provision of Chapter 2967. or 5120. of the Revised 6801
Code. 6802

(iii) If an offender is convicted of or pleads guilty to 6803
two or more felonies that include, as an essential element, 6804
causing or attempting to cause the death or physical harm to 6805
another and also is convicted of or pleads guilty to a 6806
specification of the type described under division (B) (1) (f) of 6807
this section in connection with two or more of the felonies of 6808
which the offender is convicted or to which the offender pleads 6809
guilty, the sentencing court shall impose on the offender the 6810
prison term specified under division (B) (1) (f) of this section 6811
for each of two of the specifications of which the offender is 6812
convicted or to which the offender pleads guilty and, in its 6813
discretion, also may impose on the offender the prison term 6814
specified under that division for any or all of the remaining 6815

specifications. If a court imposes an additional prison term on 6816
an offender under division (B) (1) (f) of this section relative to 6817
an offense, the court shall not impose a prison term under 6818
division (B) (1) (a) or (c) of this section relative to the same 6819
offense. 6820

(g) If an offender is convicted of or pleads guilty to two 6821
or more felonies, if one or more of those felonies are 6822
aggravated murder, murder, attempted aggravated murder, 6823
attempted murder, aggravated robbery, felonious assault, or 6824
rape, and if the offender is convicted of or pleads guilty to a 6825
specification of the type described under division (B) (1) (a) of 6826
this section in connection with two or more of the felonies, the 6827
sentencing court shall impose on the offender the prison term 6828
specified under division (B) (1) (a) of this section for each of 6829
the two most serious specifications of which the offender is 6830
convicted or to which the offender pleads guilty and, in its 6831
discretion, also may impose on the offender the prison term 6832
specified under that division for any or all of the remaining 6833
specifications. 6834

(2) (a) If division (B) (2) (b) of this section does not 6835
apply, the court may impose on an offender, in addition to the 6836
longest prison term authorized or required for the offense or, 6837
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 6838
of this section applies, in addition to the longest minimum 6839
prison term authorized or required for the offense, an 6840
additional definite prison term of one, two, three, four, five, 6841
six, seven, eight, nine, or ten years if all of the following 6842
criteria are met: 6843

(i) The offender is convicted of or pleads guilty to a 6844
specification of the type described in section 2941.149 of the 6845

Revised Code that the offender is a repeat violent offender. 6846

(ii) The offense of which the offender currently is 6847
convicted or to which the offender currently pleads guilty is 6848
aggravated murder and the court does not impose a sentence of 6849
death or life imprisonment without parole, murder, terrorism and 6850
the court does not impose a sentence of life imprisonment 6851
without parole, any felony of the first degree that is an 6852
offense of violence and the court does not impose a sentence of 6853
life imprisonment without parole, or any felony of the second 6854
degree that is an offense of violence and the trier of fact 6855
finds that the offense involved an attempt to cause or a threat 6856
to cause serious physical harm to a person or resulted in 6857
serious physical harm to a person. 6858

(iii) The court imposes the longest prison term for the 6859
offense or the longest minimum prison term for the offense, 6860
whichever is applicable, that is not life imprisonment without 6861
parole. 6862

(iv) The court finds that the prison terms imposed 6863
pursuant to division (B) (2) (a) (iii) of this section and, if 6864
applicable, division (B) (1) or (3) of this section are 6865
inadequate to punish the offender and protect the public from 6866
future crime, because the applicable factors under section 6867
2929.12 of the Revised Code indicating a greater likelihood of 6868
recidivism outweigh the applicable factors under that section 6869
indicating a lesser likelihood of recidivism. 6870

(v) The court finds that the prison terms imposed pursuant 6871
to division (B) (2) (a) (iii) of this section and, if applicable, 6872
division (B) (1) or (3) of this section are demeaning to the 6873
seriousness of the offense, because one or more of the factors 6874
under section 2929.12 of the Revised Code indicating that the 6875

offender's conduct is more serious than conduct normally 6876
constituting the offense are present, and they outweigh the 6877
applicable factors under that section indicating that the 6878
offender's conduct is less serious than conduct normally 6879
constituting the offense. 6880

(b) The court shall impose on an offender the longest 6881
prison term authorized or required for the offense or, for 6882
offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of 6883
this section applies, the longest minimum prison term authorized 6884
or required for the offense, and shall impose on the offender an 6885
additional definite prison term of one, two, three, four, five, 6886
six, seven, eight, nine, or ten years if all of the following 6887
criteria are met: 6888

(i) The offender is convicted of or pleads guilty to a 6889
specification of the type described in section 2941.149 of the 6890
Revised Code that the offender is a repeat violent offender. 6891

(ii) The offender within the preceding twenty years has 6892
been convicted of or pleaded guilty to three or more offenses 6893
described in division (CC) (1) of section 2929.01 of the Revised 6894
Code, including all offenses described in that division of which 6895
the offender is convicted or to which the offender pleads guilty 6896
in the current prosecution and all offenses described in that 6897
division of which the offender previously has been convicted or 6898
to which the offender previously pleaded guilty, whether 6899
prosecuted together or separately. 6900

(iii) The offense or offenses of which the offender 6901
currently is convicted or to which the offender currently pleads 6902
guilty is aggravated murder and the court does not impose a 6903
sentence of death or life imprisonment without parole, murder, 6904
terrorism and the court does not impose a sentence of life 6905

imprisonment without parole, any felony of the first degree that 6906
is an offense of violence and the court does not impose a 6907
sentence of life imprisonment without parole, or any felony of 6908
the second degree that is an offense of violence and the trier 6909
of fact finds that the offense involved an attempt to cause or a 6910
threat to cause serious physical harm to a person or resulted in 6911
serious physical harm to a person. 6912

(c) For purposes of division (B) (2) (b) of this section, 6913
two or more offenses committed at the same time or as part of 6914
the same act or event shall be considered one offense, and that 6915
one offense shall be the offense with the greatest penalty. 6916

(d) A sentence imposed under division (B) (2) (a) or (b) of 6917
this section shall not be reduced pursuant to section 2929.20, 6918
section 2967.19, or section 2967.193, or any other provision of 6919
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6920
shall serve an additional prison term imposed under division (B) 6921
(2) (a) or (b) of this section consecutively to and prior to the 6922
prison term imposed for the underlying offense. 6923

(e) When imposing a sentence pursuant to division (B) (2) 6924
(a) or (b) of this section, the court shall state its findings 6925
explaining the imposed sentence. 6926

(3) Except when an offender commits a violation of section 6927
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6928
for the violation is life imprisonment or commits a violation of 6929
section 2903.02 of the Revised Code, if the offender commits a 6930
violation of section 2925.03 or 2925.11 of the Revised Code and 6931
that section classifies the offender as a major drug offender, 6932
if the offender commits a felony violation of section 2925.02, 6933
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6934
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6935

division (E) of section 4729.51, or division (J) of section 4729.54 of the Revised Code that includes the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and the court imposing sentence upon the offender finds that the offender is guilty of a specification of the type described in section 2941.1410 of the Revised Code charging that the offender is a major drug offender, if the court imposing sentence upon an offender for a felony finds that the offender is guilty of corrupt activity with the most serious offense in the pattern of corrupt activity being a felony of the first degree, or if the offender is guilty of an attempted violation of section 2907.02 of the Revised Code and, had the offender completed the violation of section 2907.02 of the Revised Code that was attempted, the offender would have been subject to a sentence of life imprisonment or life imprisonment without parole for the violation of section 2907.02 of the Revised Code, the court shall impose upon the offender for the felony violation a mandatory prison term ~~of the maximum prison term prescribed for a felony of the first degree~~ determined as described in this division that, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, cannot be reduced pursuant to section 2929.20, section 2967.19, or any other provision of Chapter 2967. or 5120. of the Revised Code. The mandatory prison term shall be the maximum definite prison term prescribed in division (A)(1)(b) of this section for a felony of the first degree, except that for offenses for which division (A)(1)(a) of this section applies, the mandatory prison term shall be the longest minimum prison term prescribed in that division for the offense.

(4) If the offender is being sentenced for a third or fourth degree felony OVI offense under division (G)(2) of

section 2929.13 of the Revised Code, the sentencing court shall 6967
impose upon the offender a mandatory prison term in accordance 6968
with that division. In addition to the mandatory prison term, if 6969
the offender is being sentenced for a fourth degree felony OVI 6970
offense, the court, notwithstanding division (A)(4) of this 6971
section, may sentence the offender to a definite prison term of 6972
not less than six months and not more than thirty months, and if 6973
the offender is being sentenced for a third degree felony OVI 6974
offense, the sentencing court may sentence the offender to an 6975
additional prison term of any duration specified in division (A) 6976
(3) of this section. In either case, the additional prison term 6977
imposed shall be reduced by the sixty or one hundred twenty days 6978
imposed upon the offender as the mandatory prison term. The 6979
total of the additional prison term imposed under division (B) 6980
(4) of this section plus the sixty or one hundred twenty days 6981
imposed as the mandatory prison term shall equal a definite term 6982
in the range of six months to thirty months for a fourth degree 6983
felony OVI offense and shall equal one of the authorized prison 6984
terms specified in division (A)(3) of this section for a third 6985
degree felony OVI offense. If the court imposes an additional 6986
prison term under division (B)(4) of this section, the offender 6987
shall serve the additional prison term after the offender has 6988
served the mandatory prison term required for the offense. In 6989
addition to the mandatory prison term or mandatory and 6990
additional prison term imposed as described in division (B)(4) 6991
of this section, the court also may sentence the offender to a 6992
community control sanction under section 2929.16 or 2929.17 of 6993
the Revised Code, but the offender shall serve all of the prison 6994
terms so imposed prior to serving the community control 6995
sanction. 6996

If the offender is being sentenced for a fourth degree 6997

felony OVI offense under division (G) (1) of section 2929.13 of 6998
the Revised Code and the court imposes a mandatory term of local 6999
incarceration, the court may impose a prison term as described 7000
in division (A) (1) of that section. 7001

(5) If an offender is convicted of or pleads guilty to a 7002
violation of division (A) (1) or (2) of section 2903.06 of the 7003
Revised Code and also is convicted of or pleads guilty to a 7004
specification of the type described in section 2941.1414 of the 7005
Revised Code that charges that the victim of the offense is a 7006
peace officer, as defined in section 2935.01 of the Revised 7007
Code, or an investigator of the bureau of criminal 7008
identification and investigation, as defined in section 2903.11 7009
of the Revised Code, the court shall impose on the offender a 7010
prison term of five years. If a court imposes a prison term on 7011
an offender under division (B) (5) of this section, the prison 7012
term, subject to divisions (C) to (I) of section 2967.19 of the 7013
Revised Code, shall not be reduced pursuant to section 2929.20, 7014
section 2967.19, section 2967.193, or any other provision of 7015
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7016
shall not impose more than one prison term on an offender under 7017
division (B) (5) of this section for felonies committed as part 7018
of the same act. 7019

(6) If an offender is convicted of or pleads guilty to a 7020
violation of division (A) (1) or (2) of section 2903.06 of the 7021
Revised Code and also is convicted of or pleads guilty to a 7022
specification of the type described in section 2941.1415 of the 7023
Revised Code that charges that the offender previously has been 7024
convicted of or pleaded guilty to three or more violations of 7025
division (A) or (B) of section 4511.19 of the Revised Code or an 7026
equivalent offense, as defined in section 2941.1415 of the 7027
Revised Code, or three or more violations of any combination of 7028

those divisions and offenses, the court shall impose on the 7029
offender a prison term of three years. If a court imposes a 7030
prison term on an offender under division (B) (6) of this 7031
section, the prison term, subject to divisions (C) to (I) of 7032
section 2967.19 of the Revised Code, shall not be reduced 7033
pursuant to section 2929.20, section 2967.19, section 2967.193, 7034
or any other provision of Chapter 2967. or Chapter 5120. of the 7035
Revised Code. A court shall not impose more than one prison term 7036
on an offender under division (B) (6) of this section for 7037
felonies committed as part of the same act. 7038

(7) (a) If an offender is convicted of or pleads guilty to 7039
a felony violation of section 2905.01, 2905.02, 2907.21, 7040
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7041
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7042
the Revised Code and also is convicted of or pleads guilty to a 7043
specification of the type described in section 2941.1422 of the 7044
Revised Code that charges that the offender knowingly committed 7045
the offense in furtherance of human trafficking, the court shall 7046
impose on the offender a mandatory prison term that is one of 7047
the following: 7048

(i) If the offense is a felony of the first degree, a 7049
definite prison term of not less than five years and not greater 7050
than ~~ten~~ eleven years, except that if the offense is a felony of 7051
the first degree committed on or after the effective date of 7052
this amendment, the court shall impose as the minimum prison 7053
term a mandatory term of not less than five years and not 7054
greater than eleven years; 7055

(ii) If the offense is a felony of the second or third 7056
degree, a definite prison term of not less than three years and 7057
not greater than the maximum prison term allowed for the offense 7058

by division (A) ~~(2) (b) or (3)~~ of ~~this section 2929.14 of the~~ 7059
~~Revised Code, except that if the offense is a felony of the~~ 7060
~~second degree committed on or after the effective date of this~~ 7061
~~amendment, the court shall impose as the minimum prison term a~~ 7062
~~mandatory term of not less than three years and not greater than~~ 7063
~~eight years;~~ 7064

(iii) If the offense is a felony of the fourth or fifth 7065
degree, a definite prison term that is the maximum prison term 7066
allowed for the offense by division (A) of section 2929.14 of 7067
the Revised Code. 7068

(b) Subject to divisions (C) to (I) of section 2967.19 of 7069
the Revised Code, the prison term imposed under division (B) (7) 7070
(a) of this section shall not be reduced pursuant to section 7071
2929.20, section 2967.19, section 2967.193, or any other 7072
provision of Chapter 2967. of the Revised Code. A court shall 7073
not impose more than one prison term on an offender under 7074
division (B) (7) (a) of this section for felonies committed as 7075
part of the same act, scheme, or plan. 7076

(8) If an offender is convicted of or pleads guilty to a 7077
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7078
Revised Code and also is convicted of or pleads guilty to a 7079
specification of the type described in section 2941.1423 of the 7080
Revised Code that charges that the victim of the violation was a 7081
woman whom the offender knew was pregnant at the time of the 7082
violation, notwithstanding the range ~~of prison terms~~ prescribed 7083
in division (A) of this section as the definite prison term or 7084
minimum prison term for felonies of the same degree as the 7085
violation, the court shall impose on the offender a mandatory 7086
prison term that is either a definite prison term of six months 7087
or one of the prison terms prescribed in division (A) of this 7088

~~section 2929.14 of the Revised Code~~ for felonies of the same 7089
degree as the violation, except that if the violation is a 7090
felony of the first or second degree committed on or after the 7091
effective date of this amendment, the court shall impose as the 7092
minimum prison term under division (A) (1) (a) or (2) (a) of this 7093
section a mandatory term that is one of the terms prescribed in 7094
that division, whichever is applicable, for the offense. 7095

(9) (a) If an offender is convicted of or pleads guilty to 7096
a violation of division (A) (1) or (2) of section 2903.11 of the 7097
Revised Code and also is convicted of or pleads guilty to a 7098
specification of the type described in section 2941.1425 of the 7099
Revised Code, the court shall impose on the offender a mandatory 7100
prison term of six years if either of the following applies: 7101

(i) The violation is a violation of division (A) (1) of 7102
section 2903.11 of the Revised Code and the specification 7103
charges that the offender used an accelerant in committing the 7104
violation and the serious physical harm to another or to 7105
another's unborn caused by the violation resulted in a 7106
permanent, serious disfigurement or permanent, substantial 7107
incapacity; 7108

(ii) The violation is a violation of division (A) (2) of 7109
section 2903.11 of the Revised Code and the specification 7110
charges that the offender used an accelerant in committing the 7111
violation, that the violation caused physical harm to another or 7112
to another's unborn, and that the physical harm resulted in a 7113
permanent, serious disfigurement or permanent, substantial 7114
incapacity. 7115

(b) If a court imposes a prison term on an offender under 7116
division (B) (9) (a) of this section, the prison term shall not be 7117
reduced pursuant to section 2929.20, section 2967.19, section 7118

2967.193, or any other provision of Chapter 2967. or Chapter 7119
5120. of the Revised Code. A court shall not impose more than 7120
one prison term on an offender under division (B) (9) of this 7121
section for felonies committed as part of the same act. 7122

(c) The provisions of divisions (B) (9) and (C) (6) of this 7123
section and of division (D) (2) of section 2903.11, division (F) 7124
(20) of section 2929.13, and section 2941.1425 of the Revised 7125
Code shall be known as "Judy's Law." 7126

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7127
if a mandatory prison term is imposed upon an offender pursuant 7128
to division (B) (1) (a) of this section for having a firearm on or 7129
about the offender's person or under the offender's control 7130
while committing a felony, if a mandatory prison term is imposed 7131
upon an offender pursuant to division (B) (1) (c) of this section 7132
for committing a felony specified in that division by 7133
discharging a firearm from a motor vehicle, or if both types of 7134
mandatory prison terms are imposed, the offender shall serve any 7135
mandatory prison term imposed under either division 7136
consecutively to any other mandatory prison term imposed under 7137
either division or under division (B) (1) (d) of this section, 7138
consecutively to and prior to any prison term imposed for the 7139
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7140
this section or any other section of the Revised Code, and 7141
consecutively to any other prison term or mandatory prison term 7142
previously or subsequently imposed upon the offender. 7143

(b) If a mandatory prison term is imposed upon an offender 7144
pursuant to division (B) (1) (d) of this section for wearing or 7145
carrying body armor while committing an offense of violence that 7146
is a felony, the offender shall serve the mandatory term so 7147
imposed consecutively to any other mandatory prison term imposed 7148

under that division or under division (B) (1) (a) or (c) of this section, consecutively to and prior to any prison term imposed for the underlying felony under division (A), (B) (2), or (B) (3) of this section or any other section of the Revised Code, and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

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

(d) If a mandatory prison term is imposed upon an offender pursuant to division (B) (7) or (8) of this section, the offender shall serve the mandatory prison term so imposed consecutively to any other mandatory prison term imposed under that division or under any other provision of law and consecutively to any other prison term or mandatory prison term previously or subsequently imposed upon the offender.

(2) If an offender who is an inmate in a jail, prison, or other residential detention facility violates section 2917.02, 2917.03, or 2921.35 of the Revised Code or division (A) (1) or (2) of section 2921.34 of the Revised Code, if an offender who is under detention at a detention facility commits a felony violation of section 2923.131 of the Revised Code, or if an offender who is an inmate in a jail, prison, or other residential detention facility or is under detention at a detention facility commits another felony while the offender is

an escapee in violation of division (A) (1) or (2) of section 7179
2921.34 of the Revised Code, any prison term imposed upon the 7180
offender for one of those violations shall be served by the 7181
offender consecutively to the prison term or term of 7182
imprisonment the offender was serving when the offender 7183
committed that offense and to any other prison term previously 7184
or subsequently imposed upon the offender. 7185

(3) If a prison term is imposed for a violation of 7186
division (B) of section 2911.01 of the Revised Code, a violation 7187
of division (A) of section 2913.02 of the Revised Code in which 7188
the stolen property is a firearm or dangerous ordnance, or a 7189
felony violation of division (B) of section 2921.331 of the 7190
Revised Code, the offender shall serve that prison term 7191
consecutively to any other prison term or mandatory prison term 7192
previously or subsequently imposed upon the offender. 7193

(4) If multiple prison terms are imposed on an offender 7194
for convictions of multiple offenses, the court may require the 7195
offender to serve the prison terms consecutively if the court 7196
finds that the consecutive service is necessary to protect the 7197
public from future crime or to punish the offender and that 7198
consecutive sentences are not disproportionate to the 7199
seriousness of the offender's conduct and to the danger the 7200
offender poses to the public, and if the court also finds any of 7201
the following: 7202

(a) The offender committed one or more of the multiple 7203
offenses while the offender was awaiting trial or sentencing, 7204
was under a sanction imposed pursuant to section 2929.16, 7205
2929.17, or 2929.18 of the Revised Code, or was under post- 7206
release control for a prior offense. 7207

(b) At least two of the multiple offenses were committed 7208

as part of one or more courses of conduct, and the harm caused 7209
by two or more of the multiple offenses so committed was so 7210
great or unusual that no single prison term for any of the 7211
offenses committed as part of any of the courses of conduct 7212
adequately reflects the seriousness of the offender's conduct. 7213

(c) The offender's history of criminal conduct 7214
demonstrates that consecutive sentences are necessary to protect 7215
the public from future crime by the offender. 7216

(5) If a mandatory prison term is imposed upon an offender 7217
pursuant to division (B) (5) or (6) of this section, the offender 7218
shall serve the mandatory prison term consecutively to and prior 7219
to any prison term imposed for the underlying violation of 7220
division (A) (1) or (2) of section 2903.06 of the Revised Code 7221
pursuant to division (A) of this section or section 2929.142 of 7222
the Revised Code. If a mandatory prison term is imposed upon an 7223
offender pursuant to division (B) (5) of this section, and if a 7224
mandatory prison term also is imposed upon the offender pursuant 7225
to division (B) (6) of this section in relation to the same 7226
violation, the offender shall serve the mandatory prison term 7227
imposed pursuant to division (B) (5) of this section 7228
consecutively to and prior to the mandatory prison term imposed 7229
pursuant to division (B) (6) of this section and consecutively to 7230
and prior to any prison term imposed for the underlying 7231
violation of division (A) (1) or (2) of section 2903.06 of the 7232
Revised Code pursuant to division (A) of this section or section 7233
2929.142 of the Revised Code. 7234

(6) If a mandatory prison term is imposed on an offender 7235
pursuant to division (B) (9) of this section, the offender shall 7236
serve the mandatory prison term consecutively to and prior to 7237
any prison term imposed for the underlying violation of division 7238

(A) (1) or (2) of section 2903.11 of the Revised Code and 7239
consecutively to and prior to any other prison term or mandatory 7240
prison term previously or subsequently imposed on the offender. 7241

(7) When consecutive prison terms are imposed pursuant to 7242
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7243
or (2) of this section, subject to division (C) (8) of this 7244
section, the term to be served is the aggregate of all of the 7245
terms so imposed. 7246

(8) When a court sentences an offender to a non-life 7247
felony indefinite prison term, any definite prison term or 7248
mandatory definite prison term previously or subsequently 7249
imposed on the offender in addition to that indefinite sentence 7250
that is required to be served consecutively to that indefinite 7251
sentence shall be served prior to the indefinite sentence. 7252

(9) If a court is sentencing an offender for a felony of 7253
the first, second, or third degree, if division (A) (1) (a), (2) 7254
(a), or (3) (a) (i) of this section applies with respect to the 7255
sentencing for the offense, and if the court is required under 7256
the Revised Code section that sets forth the offense or any 7257
other Revised Code provision to impose a mandatory prison term 7258
for the offense, the court shall impose the required mandatory 7259
prison term as the minimum term imposed under division (A) (1) 7260
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7261
applicable. 7262

(D) (1) If a court imposes a prison term, other than a term 7263
of life imprisonment, for a felony of the first degree, for a 7264
felony of the second degree, for a felony sex offense, or for a 7265
felony of the third degree that is an offense of violence and 7266
that is not a felony sex offense ~~and in the commission of which~~ 7267
~~the offender caused or threatened to cause physical harm to a~~ 7268

~~person~~, it shall include in the sentence a requirement that the 7269
offender be subject to a period of post-release control after 7270
the offender's release from imprisonment, in accordance with 7271
~~that division~~ section 2967.28 of the Revised Code. If a court 7272
imposes a sentence including a prison term of a type described 7273
in this division on or after July 11, 2006, the failure of a 7274
court to include a post-release control requirement in the 7275
sentence pursuant to this division does not negate, limit, or 7276
otherwise affect the mandatory period of post-release control 7277
that is required for the offender under division (B) of section 7278
2967.28 of the Revised Code. Section 2929.191 of the Revised 7279
Code applies if, prior to July 11, 2006, a court imposed a 7280
sentence including a prison term of a type described in this 7281
division and failed to include in the sentence pursuant to this 7282
division a statement regarding post-release control. 7283

(2) If a court imposes a prison term for a felony of the 7284
third, fourth, or fifth degree that is not subject to division 7285
(D) (1) of this section, it shall include in the sentence a 7286
requirement that the offender be subject to a period of post- 7287
release control after the offender's release from imprisonment, 7288
in accordance with that division, if the parole board determines 7289
that a period of post-release control is necessary. Section 7290
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7291
a court imposed a sentence including a prison term of a type 7292
described in this division and failed to include in the sentence 7293
pursuant to this division a statement regarding post-release 7294
control. 7295

(E) The court shall impose sentence upon the offender in 7296
accordance with section 2971.03 of the Revised Code, and Chapter 7297
2971. of the Revised Code applies regarding the prison term or 7298
term of life imprisonment without parole imposed upon the 7299

offender and the service of that term of imprisonment if any of 7300
the following apply: 7301

(1) A person is convicted of or pleads guilty to a violent 7302
sex offense or a designated homicide, assault, or kidnapping 7303
offense, and, in relation to that offense, the offender is 7304
adjudicated a sexually violent predator. 7305

(2) A person is convicted of or pleads guilty to a 7306
violation of division (A) (1) (b) of section 2907.02 of the 7307
Revised Code committed on or after January 2, 2007, and either 7308
the court does not impose a sentence of life without parole when 7309
authorized pursuant to division (B) of section 2907.02 of the 7310
Revised Code, or division (B) of section 2907.02 of the Revised 7311
Code provides that the court shall not sentence the offender 7312
pursuant to section 2971.03 of the Revised Code. 7313

(3) A person is convicted of or pleads guilty to attempted 7314
rape committed on or after January 2, 2007, and a specification 7315
of the type described in section 2941.1418, 2941.1419, or 7316
2941.1420 of the Revised Code. 7317

(4) A person is convicted of or pleads guilty to a 7318
violation of section 2905.01 of the Revised Code committed on or 7319
after January 1, 2008, and that section requires the court to 7320
sentence the offender pursuant to section 2971.03 of the Revised 7321
Code. 7322

(5) A person is convicted of or pleads guilty to 7323
aggravated murder committed on or after January 1, 2008, and 7324
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7325
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7326
(d) of section 2929.03, or division (A) or (B) of section 7327
2929.06 of the Revised Code requires the court to sentence the 7328

offender pursuant to division (B) (3) of section 2971.03 of the Revised Code. 7329
7330

(6) A person is convicted of or pleads guilty to murder 7331
committed on or after January 1, 2008, and division (B) (2) of 7332
section 2929.02 of the Revised Code requires the court to 7333
sentence the offender pursuant to section 2971.03 of the Revised 7334
Code. 7335

(F) If a person who has been convicted of or pleaded 7336
guilty to a felony is sentenced to a prison term or term of 7337
imprisonment under this section, sections 2929.02 to 2929.06 of 7338
the Revised Code, section 2929.142 of the Revised Code, section 7339
2971.03 of the Revised Code, or any other provision of law, 7340
section 5120.163 of the Revised Code applies regarding the 7341
person while the person is confined in a state correctional 7342
institution. 7343

(G) If an offender who is convicted of or pleads guilty to 7344
a felony that is an offense of violence also is convicted of or 7345
pleads guilty to a specification of the type described in 7346
section 2941.142 of the Revised Code that charges the offender 7347
with having committed the felony while participating in a 7348
criminal gang, the court shall impose upon the offender an 7349
additional prison term of one, two, or three years. 7350

(H) (1) If an offender who is convicted of or pleads guilty 7351
to aggravated murder, murder, or a felony of the first, second, 7352
or third degree that is an offense of violence also is convicted 7353
of or pleads guilty to a specification of the type described in 7354
section 2941.143 of the Revised Code that charges the offender 7355
with having committed the offense in a school safety zone or 7356
towards a person in a school safety zone, the court shall impose 7357
upon the offender an additional prison term of two years. The 7358

offender shall serve the additional two years consecutively to 7359
and prior to the prison term imposed for the underlying offense. 7360

(2) (a) If an offender is convicted of or pleads guilty to 7361
a felony violation of section 2907.22, 2907.24, 2907.241, or 7362
2907.25 of the Revised Code and to a specification of the type 7363
described in section 2941.1421 of the Revised Code and if the 7364
court imposes a prison term on the offender for the felony 7365
violation, the court may impose upon the offender an additional 7366
prison term as follows: 7367

(i) Subject to division (H) (2) (a) (ii) of this section, an 7368
additional prison term of one, two, three, four, five, or six 7369
months; 7370

(ii) If the offender previously has been convicted of or 7371
pleaded guilty to one or more felony or misdemeanor violations 7372
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7373
the Revised Code and also was convicted of or pleaded guilty to 7374
a specification of the type described in section 2941.1421 of 7375
the Revised Code regarding one or more of those violations, an 7376
additional prison term of one, two, three, four, five, six, 7377
seven, eight, nine, ten, eleven, or twelve months. 7378

(b) In lieu of imposing an additional prison term under 7379
division (H) (2) (a) of this section, the court may directly 7380
impose on the offender a sanction that requires the offender to 7381
wear a real-time processing, continual tracking electronic 7382
monitoring device during the period of time specified by the 7383
court. The period of time specified by the court shall equal the 7384
duration of an additional prison term that the court could have 7385
imposed upon the offender under division (H) (2) (a) of this 7386
section. A sanction imposed under this division shall commence 7387
on the date specified by the court, provided that the sanction 7388

shall not commence until after the offender has served the 7389
prison term imposed for the felony violation of section 2907.22, 7390
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7391
residential sanction imposed for the violation under section 7392
2929.16 of the Revised Code. A sanction imposed under this 7393
division shall be considered to be a community control sanction 7394
for purposes of section 2929.15 of the Revised Code, and all 7395
provisions of the Revised Code that pertain to community control 7396
sanctions shall apply to a sanction imposed under this division, 7397
except to the extent that they would by their nature be clearly 7398
inapplicable. The offender shall pay all costs associated with a 7399
sanction imposed under this division, including the cost of the 7400
use of the monitoring device. 7401

(I) At the time of sentencing, the court may recommend the 7402
offender for placement in a program of shock incarceration under 7403
section 5120.031 of the Revised Code or for placement in an 7404
intensive program prison under section 5120.032 of the Revised 7405
Code, disapprove placement of the offender in a program of shock 7406
incarceration or an intensive program prison of that nature, or 7407
make no recommendation on placement of the offender. In no case 7408
shall the department of rehabilitation and correction place the 7409
offender in a program or prison of that nature unless the 7410
department determines as specified in section 5120.031 or 7411
5120.032 of the Revised Code, whichever is applicable, that the 7412
offender is eligible for the placement. 7413

If the court disapproves placement of the offender in a 7414
program or prison of that nature, the department of 7415
rehabilitation and correction shall not place the offender in 7416
any program of shock incarceration or intensive program prison. 7417

If the court recommends placement of the offender in a 7418

program of shock incarceration or in an intensive program 7419
prison, and if the offender is subsequently placed in the 7420
recommended program or prison, the department shall notify the 7421
court of the placement and shall include with the notice a brief 7422
description of the placement. 7423

If the court recommends placement of the offender in a 7424
program of shock incarceration or in an intensive program prison 7425
and the department does not subsequently place the offender in 7426
the recommended program or prison, the department shall send a 7427
notice to the court indicating why the offender was not placed 7428
in the recommended program or prison. 7429

If the court does not make a recommendation under this 7430
division with respect to an offender and if the department 7431
determines as specified in section 5120.031 or 5120.032 of the 7432
Revised Code, whichever is applicable, that the offender is 7433
eligible for placement in a program or prison of that nature, 7434
the department shall screen the offender and determine if there 7435
is an available program of shock incarceration or an intensive 7436
program prison for which the offender is suited. If there is an 7437
available program of shock incarceration or an intensive program 7438
prison for which the offender is suited, the department shall 7439
notify the court of the proposed placement of the offender as 7440
specified in section 5120.031 or 5120.032 of the Revised Code 7441
and shall include with the notice a brief description of the 7442
placement. The court shall have ten days from receipt of the 7443
notice to disapprove the placement. 7444

(J) If a person is convicted of or pleads guilty to 7445
aggravated vehicular homicide in violation of division (A) (1) of 7446
section 2903.06 of the Revised Code and division (B) (2) (c) of 7447
that section applies, the person shall be sentenced pursuant to 7448

section 2929.142 of the Revised Code. 7449

(K) (1) The court shall impose an additional mandatory 7450
prison term of two, three, four, five, six, seven, eight, nine, 7451
ten, or eleven years on an offender who is convicted of or 7452
pleads guilty to a violent felony offense if the offender also 7453
is convicted of or pleads guilty to a specification of the type 7454
described in section 2941.1424 of the Revised Code that charges 7455
that the offender is a violent career criminal and had a firearm 7456
on or about the offender's person or under the offender's 7457
control while committing the presently charged violent felony 7458
offense and displayed or brandished the firearm, indicated that 7459
the offender possessed a firearm, or used the firearm to 7460
facilitate the offense. The offender shall serve the prison term 7461
imposed under this division consecutively to and prior to the 7462
prison term imposed for the underlying offense. The prison term 7463
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7464
any other provision of Chapter 2967. or 5120. of the Revised 7465
Code. A court may not impose more than one sentence under 7466
division (B) (2) (a) of this section and this division for acts 7467
committed as part of the same act or transaction. 7468

(2) As used in division (K) (1) of this section, "violent 7469
career criminal" and "violent felony offense" have the same 7470
meanings as in section 2923.132 of the Revised Code. 7471

Sec. 2929.142. (A) Notwithstanding the definite prison 7472
~~term terms and minimum prison terms specified in division~~ 7473
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7474
Code for a felony of the first degree, if an offender is 7475
convicted of or pleads guilty to aggravated vehicular homicide 7476
in violation of division (A) (1) of section 2903.06 of the 7477
Revised Code, the court shall impose upon the offender a 7478

mandatory prison term of ten, eleven, twelve, thirteen, 7479
fourteen, or fifteen years, determined as specified in division 7480
(B) of this section, if any of the following apply: 7481

~~(A)~~ (1) The offender previously has been convicted of or 7482
pleaded guilty to three or more prior violations of section 7483
4511.19 of the Revised Code or of a substantially equivalent 7484
municipal ordinance within the previous ten years. 7485

~~(B)~~ (2) The offender previously has been convicted of or 7486
pleaded guilty to three or more prior violations of division (A) 7487
of section 1547.11 of the Revised Code or of a substantially 7488
equivalent municipal ordinance within the previous ten years. 7489

~~(C)~~ (3) The offender previously has been convicted of or 7490
pleaded guilty to three or more prior violations of division (A) 7491
(3) of section 4561.15 of the Revised Code or of a substantially 7492
equivalent municipal ordinance within the previous ten years. 7493

~~(D)~~ (4) The offender previously has been convicted of or 7494
pleaded guilty to three or more prior violations of division (A) 7495
(1) of section 2903.06 of the Revised Code. 7496

~~(E)~~ (5) The offender previously has been convicted of or 7497
pleaded guilty to three or more prior violations of division (A) 7498
(1) of section 2903.08 of the Revised Code. 7499

~~(F)~~ (6) The offender previously has been convicted of or 7500
pleaded guilty to three or more prior violations of section 7501
2903.04 of the Revised Code in circumstances in which division 7502
(D) of that section applied regarding the violations. 7503

~~(G)~~ (7) The offender previously has been convicted of or 7504
pleaded guilty to three or more violations of any combination of 7505
the offenses listed in division (A) ~~, (B), (C), (D), (E), or (F)~~ 7506
(1), (2), (3), (4), (5), or (6) of this section. 7507

~~(H)~~(8) The offender previously has been convicted of or 7508
pleaded guilty to a second or subsequent felony violation of 7509
division (A) of section 4511.19 of the Revised Code. 7510

(B) The mandatory prison term required under division (A) 7511
of this section shall be a definite term of ten, eleven, twelve, 7512
thirteen, fourteen, or fifteen years, except that if the 7513
aggravated vehicular homicide is committed on or after the 7514
effective date of this amendment, the court shall impose as the 7515
minimum prison term for the offense under division (A) (1) (a) of 7516
section 2929.14 of the Revised Code a mandatory prison term that 7517
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 7518

Sec. 2929.144. (A) As used in this section, "qualifying 7519
felony of the first, second, or third degree" means a felony of 7520
the first or second degree committed on or after the effective 7521
date of this section or a felony of the third degree that is 7522
described in division (A) (3) (a) of section 2929.14 of the 7523
Revised Code and committed on or after that date. 7524

(B) The court imposing a prison term on an offender under 7525
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of 7526
the Revised Code for a qualifying felony of the first, second, 7527
or third degree shall determine the maximum prison term that is 7528
part of the sentence in accordance with the following: 7529

(1) If the offender is being sentenced for one felony and 7530
the felony is a qualifying felony of the first, second, or third 7531
degree, the maximum prison term shall be one hundred fifty per 7532
cent of the minimum term imposed on the offender under division 7533
(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the 7534
Revised Code. 7535

(2) If the offender is being sentenced for more than one 7536

felony, if one or more of the felonies is a qualifying felony of 7537
the first, second, or third degree, and if the court orders that 7538
some or all of the prison terms imposed are to be served 7539
consecutively, the court shall add all of the minimum terms 7540
imposed on the offender under division (A)(1)(a), (2)(a), or (3) 7541
(a)(i) of section 2929.14 of the Revised Code for a qualifying 7542
felony of the first, second, or third degree that are to be 7543
served consecutively and all of the definite terms of the 7544
felonies that are not qualifying felonies of the first, second, 7545
or third degree that are to be served consecutively, and the 7546
maximum term shall be one hundred fifty per cent of the total of 7547
those terms so added by the court. 7548

(3) If the offender is being sentenced for more than one 7549
felony, if one or more of the felonies is a qualifying felony of 7550
the first, second, or third degree, and if the court orders that 7551
all of the prison terms imposed are to run concurrently, the 7552
maximum term shall be one hundred fifty per cent of the longest 7553
of the minimum terms imposed on the offender under division (A) 7554
(1)(a), (2)(a), or (3)(a)(i) of section 2929.14 of the Revised 7555
Code for a qualifying felony of the first, second, or third 7556
degree for which the sentence is being imposed. 7557

(4) Any mandatory prison term, or portion of a mandatory 7558
prison term, that is imposed or to be imposed on the offender 7559
under division (B), (G), or (H) of section 2929.14 of the 7560
Revised Code or under any other provision of the Revised Code, 7561
with respect to a conviction of or plea of guilty to a 7562
specification, and that is in addition to the sentence imposed 7563
for the underlying offense is separate from the sentence being 7564
imposed for the qualifying first, second, or third degree felony 7565
committed on or after the effective date of this section and 7566
shall not be considered or included in determining a maximum 7567

prison term for the offender under divisions (B) (1) to (3) of 7568
this section. 7569

(C) The court imposing a prison term on an offender 7570
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7571
2929.14 of the Revised Code for a qualifying felony of the 7572
first, second, or third degree shall sentence the offender, as 7573
part of the sentence, to the maximum prison term determined 7574
under division (B) of this section. The court shall impose this 7575
maximum term at sentencing as part of the sentence it imposes 7576
under section 2929.14 of the Revised Code, and shall state the 7577
minimum term it imposes under division (A) (1) (a), (2) (a), or (3) 7578
(a) (i) of that section, and this maximum term, in the sentencing 7579
entry. 7580

(D) If a court imposes a prison term on an offender 7581
pursuant to division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7582
2929.14 of the Revised Code for a qualifying felony of the 7583
first, second, or third degree, section 2967.271 of the Revised 7584
Code applies with respect to the offender's service of the 7585
prison term. 7586

Sec. 2929.15. (A) (1) If in sentencing an offender for a 7587
felony the court is not required to impose a prison term, a 7588
mandatory prison term, or a term of life imprisonment upon the 7589
offender, the court may directly impose a sentence that consists 7590
of one or more community control sanctions authorized pursuant 7591
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7592
the court is sentencing an offender for a fourth degree felony 7593
OVI offense under division (G) (1) of section 2929.13 of the 7594
Revised Code, in addition to the mandatory term of local 7595
incarceration imposed under that division and the mandatory fine 7596
required by division (B) (3) of section 2929.18 of the Revised 7597

Code, the court may impose upon the offender a community control 7598
sanction or combination of community control sanctions in 7599
accordance with sections 2929.16 and 2929.17 of the Revised 7600
Code. If the court is sentencing an offender for a third or 7601
fourth degree felony OVI offense under division (G) (2) of 7602
section 2929.13 of the Revised Code, in addition to the 7603
mandatory prison term or mandatory prison term and additional 7604
prison term imposed under that division, the court also may 7605
impose upon the offender a community control sanction or 7606
combination of community control sanctions under section 2929.16 7607
or 2929.17 of the Revised Code, but the offender shall serve all 7608
of the prison terms so imposed prior to serving the community 7609
control sanction. 7610

The duration of all community control sanctions imposed 7611
upon an offender under this division shall not exceed five 7612
years. If the offender absconds or otherwise leaves the 7613
jurisdiction of the court in which the offender resides without 7614
obtaining permission from the court or the offender's probation 7615
officer to leave the jurisdiction of the court, or if the 7616
offender is confined in any institution for the commission of 7617
any offense while under a community control sanction, the period 7618
of the community control sanction ceases to run until the 7619
offender is brought before the court for its further action. If 7620
the court sentences the offender to one or more nonresidential 7621
sanctions under section 2929.17 of the Revised Code, the court 7622
shall impose as a condition of the nonresidential sanctions 7623
that, during the period of the sanctions, the offender must 7624
abide by the law and must not leave the state without the 7625
permission of the court or the offender's probation officer. The 7626
court may impose any other conditions of release under a 7627
community control sanction that the court considers appropriate, 7628

including, but not limited to, requiring that the offender not 7629
ingest or be injected with a drug of abuse and submit to random 7630
drug testing as provided in division (D) of this section to 7631
determine whether the offender ingested or was injected with a 7632
drug of abuse and requiring that the results of the drug test 7633
indicate that the offender did not ingest or was not injected 7634
with a drug of abuse. 7635

(2) (a) If a court sentences an offender to any community 7636
control sanction or combination of community control sanctions 7637
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7638
the Revised Code, the court shall place the offender under the 7639
general control and supervision of a department of probation in 7640
the county that serves the court for purposes of reporting to 7641
the court a violation of any condition of the sanctions, any 7642
condition of release under a community control sanction imposed 7643
by the court, a violation of law, or the departure of the 7644
offender from this state without the permission of the court or 7645
the offender's probation officer. Alternatively, if the offender 7646
resides in another county and a county department of probation 7647
has been established in that county or that county is served by 7648
a multicounty probation department established under section 7649
2301.27 of the Revised Code, the court may request the court of 7650
common pleas of that county to receive the offender into the 7651
general control and supervision of that county or multicounty 7652
department of probation for purposes of reporting to the court a 7653
violation of any condition of the sanctions, any condition of 7654
release under a community control sanction imposed by the court, 7655
a violation of law, or the departure of the offender from this 7656
state without the permission of the court or the offender's 7657
probation officer, subject to the jurisdiction of the trial 7658
judge over and with respect to the person of the offender, and 7659

to the rules governing that department of probation. 7660

If there is no department of probation in the county that 7661
serves the court, the court shall place the offender, regardless 7662
of the offender's county of residence, under the general control 7663
and supervision of the adult parole authority for purposes of 7664
reporting to the court a violation of any of the sanctions, any 7665
condition of release under a community control sanction imposed 7666
by the court, a violation of law, or the departure of the 7667
offender from this state without the permission of the court or 7668
the offender's probation officer. 7669

(b) If the court imposing sentence upon an offender 7670
sentences the offender to any community control sanction or 7671
combination of community control sanctions authorized pursuant 7672
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7673
if the offender violates any condition of the sanctions, any 7674
condition of release under a community control sanction imposed 7675
by the court, violates any law, or departs the state without the 7676
permission of the court or the offender's probation officer, the 7677
public or private person or entity that operates or administers 7678
the sanction or the program or activity that comprises the 7679
sanction shall report the violation or departure directly to the 7680
sentencing court, or shall report the violation or departure to 7681
the county or multicounty department of probation with general 7682
control and supervision over the offender under division (A)(2) 7683
(a) of this section or the officer of that department who 7684
supervises the offender, or, if there is no such department with 7685
general control and supervision over the offender under that 7686
division, to the adult parole authority. If the public or 7687
private person or entity that operates or administers the 7688
sanction or the program or activity that comprises the sanction 7689
reports the violation or departure to the county or multicounty 7690

department of probation or the adult parole authority, the 7691
department's or authority's officers may treat the offender as 7692
if the offender were on probation and in violation of the 7693
probation, and shall report the violation of the condition of 7694
the sanction, any condition of release under a community control 7695
sanction imposed by the court, the violation of law, or the 7696
departure from the state without the required permission to the 7697
sentencing court. 7698

(3) If an offender who is eligible for community control 7699
sanctions under this section admits to being drug addicted or 7700
the court has reason to believe that the offender is drug 7701
addicted, and if the offense for which the offender is being 7702
sentenced was related to the addiction, the court may require 7703
that the offender be assessed by a properly credentialed 7704
professional within a specified period of time and shall require 7705
the professional to file a written assessment of the offender 7706
with the court. If a court imposes treatment and recovery 7707
support services as a community control sanction, the court 7708
shall direct the level and type of treatment and recovery 7709
support services after consideration of the written assessment, 7710
if available at the time of sentencing, and recommendations of 7711
the professional and other treatment and recovery support 7712
services providers. 7713

(4) If an assessment completed pursuant to division (A) (3) 7714
of this section indicates that the offender is addicted to drugs 7715
or alcohol, the court may include in any community control 7716
sanction imposed for a violation of section 2925.02, 2925.03, 7717
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7718
2925.36, or 2925.37 of the Revised Code a requirement that the 7719
offender participate in alcohol and drug addiction services and 7720
recovery supports certified under section 5119.36 of the Revised 7721

Code or offered by a properly credentialed community addiction 7722
services provider. 7723

(B) (1) If the conditions of a community control sanction 7724
are violated or if the offender violates a law or leaves the 7725
state without the permission of the court or the offender's 7726
probation officer, the sentencing court may impose upon the 7727
violator one or more of the following penalties: 7728

(a) A longer time under the same sanction if the total 7729
time under the sanctions does not exceed the five-year limit 7730
specified in division (A) of this section; 7731

(b) A more restrictive sanction under section 2929.16, 7732
2929.17, or 2929.18 of the Revised Code; 7733

(c) A prison term on the offender pursuant to section 7734
2929.14 of the Revised Code and division (B) (3) of this section, 7735
provided that a prison term imposed under this division is 7736
subject to the following limitations, as applicable: 7737

(i) If the prison term is imposed for any technical 7738
violation of the conditions of a community control sanction 7739
imposed for a felony of the fifth degree or for any violation of 7740
law committed while under a community control sanction imposed 7741
for such a felony that consists of a new criminal offense and 7742
that is not a felony, the prison term shall not exceed ninety 7743
days. 7744

(ii) If the prison term is imposed for any technical 7745
violation of the conditions of a community control sanction 7746
imposed for a felony of the fourth degree that is not an offense 7747
of violence and is not a sexually oriented offense or for any 7748
violation of law committed while under a community control 7749
sanction imposed for such a felony that consists of a new 7750

criminal offense and that is not a felony, the prison term shall 7751
not exceed one hundred eighty days. 7752

(2) If an offender was acting pursuant to division (B) (2) 7753
(b) of section 2925.11 of the Revised Code and in so doing 7754
violated the conditions of a community control sanction based on 7755
a minor drug possession offense, as defined in section 2925.11 7756
of the Revised Code, the sentencing court may consider the 7757
offender's conduct in seeking or obtaining medical assistance 7758
for another in good faith or for self or may consider the 7759
offender being the subject of another person seeking or 7760
obtaining medical assistance in accordance with that division as 7761
a mitigating factor before imposing any of the penalties 7762
described in division (B) (1) of this section. 7763

(3) The prison term, if any, imposed upon a violator 7764
pursuant to this division and division (B) (1) of this section 7765
shall be within the range of prison terms ~~available for the~~ 7766
~~offense for which the sanction that was violated was imposed~~ 7767
described in this division and shall not exceed the prison term 7768
specified in the notice provided to the offender at the 7769
sentencing hearing pursuant to division (B) (2) of section 7770
2929.19 of the Revised Code. The court may reduce the longer 7771
period of time that the offender is required to spend under the 7772
longer sanction, the more restrictive sanction, or a prison term 7773
imposed pursuant to division (B) (1) of this section by the time 7774
the offender successfully spent under the sanction that was 7775
initially imposed. Except as otherwise specified in this 7776
division, the prison term imposed under this division and 7777
division (B) (1) of this section shall be within the range of 7778
prison terms available as a definite term for the offense for 7779
which the sanction that was violated was imposed. If the offense 7780
for which the sanction that was violated was imposed is a felony 7781

of the first or second degree committed on or after the 7782
effective date of this amendment or a felony of the third degree 7783
that is described in division (A) (3) (a) of section 2929.14 of 7784
the Revised Code and committed on or after that effective date, 7785
the prison term so imposed under this division shall be within 7786
the range of prison terms available as a minimum term for the 7787
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 7788
section 2929.14 of the Revised Code. 7789

(C) If an offender, for a significant period of time, 7790
fulfills the conditions of a sanction imposed pursuant to 7791
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7792
exemplary manner, the court may reduce the period of time under 7793
the sanction or impose a less restrictive sanction, but the 7794
court shall not permit the offender to violate any law or permit 7795
the offender to leave the state without the permission of the 7796
court or the offender's probation officer. 7797

(D) (1) If a court under division (A) (1) of this section 7798
imposes a condition of release under a community control 7799
sanction that requires the offender to submit to random drug 7800
testing, the department of probation or the adult parole 7801
authority that has general control and supervision of the 7802
offender under division (A) (2) (a) of this section may cause the 7803
offender to submit to random drug testing performed by a 7804
laboratory or entity that has entered into a contract with any 7805
of the governmental entities or officers authorized to enter 7806
into a contract with that laboratory or entity under section 7807
341.26, 753.33, or 5120.63 of the Revised Code. 7808

(2) If no laboratory or entity described in division (D) 7809
(1) of this section has entered into a contract as specified in 7810
that division, the department of probation or the adult parole 7811

authority that has general control and supervision of the 7812
offender under division (A) (2) (a) of this section shall cause 7813
the offender to submit to random drug testing performed by a 7814
reputable public laboratory to determine whether the individual 7815
who is the subject of the drug test ingested or was injected 7816
with a drug of abuse. 7817

(3) A laboratory or entity that has entered into a 7818
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7819
Revised Code shall perform the random drug tests under division 7820
(D) (1) of this section in accordance with the applicable 7821
standards that are included in the terms of that contract. A 7822
public laboratory shall perform the random drug tests under 7823
division (D) (2) of this section in accordance with the standards 7824
set forth in the policies and procedures established by the 7825
department of rehabilitation and correction pursuant to section 7826
5120.63 of the Revised Code. An offender who is required under 7827
division (A) (1) of this section to submit to random drug testing 7828
as a condition of release under a community control sanction and 7829
whose test results indicate that the offender ingested or was 7830
injected with a drug of abuse shall pay the fee for the drug 7831
test if the department of probation or the adult parole 7832
authority that has general control and supervision of the 7833
offender requires payment of a fee. A laboratory or entity that 7834
performs the random drug testing on an offender under division 7835
(D) (1) or (2) of this section shall transmit the results of the 7836
drug test to the appropriate department of probation or the 7837
adult parole authority that has general control and supervision 7838
of the offender under division (A) (2) (a) of this section. 7839

Sec. 2929.19. (A) The court shall hold a sentencing 7840
hearing before imposing a sentence under this chapter upon an 7841
offender who was convicted of or pleaded guilty to a felony and 7842

before resentencing an offender who was convicted of or pleaded 7843
guilty to a felony and whose case was remanded pursuant to 7844
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 7845
the offender, the prosecuting attorney, the victim or the 7846
victim's representative in accordance with section 2930.14 of 7847
the Revised Code, and, with the approval of the court, any other 7848
person may present information relevant to the imposition of 7849
sentence in the case. The court shall inform the offender of the 7850
verdict of the jury or finding of the court and ask the offender 7851
whether the offender has anything to say as to why sentence 7852
should not be imposed upon the offender. 7853

(B) (1) At the sentencing hearing, the court, before 7854
imposing sentence, shall consider the record, any information 7855
presented at the hearing by any person pursuant to division (A) 7856
of this section, and, if one was prepared, the presentence 7857
investigation report made pursuant to section 2951.03 of the 7858
Revised Code or Criminal Rule 32.2, and any victim impact 7859
statement made pursuant to section 2947.051 of the Revised Code. 7860

(2) Subject to division (B) (3) of this section, if the 7861
sentencing court determines at the sentencing hearing that a 7862
prison term is necessary or required, the court shall do all of 7863
the following: 7864

(a) Impose a stated prison term and, if the court imposes 7865
a mandatory prison term, notify the offender that the prison 7866
term is a mandatory prison term; 7867

(b) In addition to any other information, include in the 7868
sentencing entry the name and section reference to the offense 7869
or offenses, the sentence or sentences imposed and whether the 7870
sentence or sentences contain mandatory prison terms, if 7871
sentences are imposed for multiple counts whether the sentences 7872

are to be served concurrently or consecutively, and the name and 7873
section reference of any specification or specifications for 7874
which sentence is imposed and the sentence or sentences imposed 7875
for the specification or specifications; 7876

(c) If the prison term is a non-life felony indefinite 7877
prison term, notify the offender of all of the following: 7878

(i) That it is rebuttably presumed that the offender will 7879
be released from service of the sentence on the expiration of 7880
the minimum prison term imposed as part of the sentence or on 7881
the offender's presumptive earned early release date, as defined 7882
in section 2967.271 of the Revised Code, whichever is earlier; 7883

(ii) That the department of rehabilitation and correction 7884
may rebut the presumption described in division (B)(2)(c)(i) of 7885
this section if, at a hearing held under section 2967.271 of the 7886
Revised Code, the department makes specified determinations 7887
regarding the offender's conduct while confined, the offender's 7888
rehabilitation, the offender's threat to society, the offender's 7889
restrictive housing, if any, while confined, and the offender's 7890
security classification; 7891

(iii) That if, as described in division (B)(2)(c)(ii) of 7892
this section, the department at the hearing makes the specified 7893
determinations and rebuts the presumption, the department may 7894
maintain the offender's incarceration after the expiration of 7895
that minimum term or after that presumptive earned early release 7896
date for the length of time the department determines to be 7897
reasonable, subject to the limitation specified in section 7898
2967.271 of the Revised Code; 7899

(iv) That the department may make the specified 7900
determinations and maintain the offender's incarceration under 7901

the provisions described in divisions (B) (2) (c) (i) and (ii) of 7902
this section more than one time, subject to the limitation 7903
specified in section 2967.271 of the Revised Code; 7904

(v) That if the offender has not been released prior to 7905
the expiration of the offender's maximum prison term imposed as 7906
part of the sentence, the offender must be released upon the 7907
expiration of that term. 7908

(d) Notify the offender that the offender will be 7909
supervised under section 2967.28 of the Revised Code after the 7910
offender leaves prison if the offender is being sentenced, other 7911
than to a sentence of life imprisonment, for a felony of the 7912
first degree or second degree, for a felony sex offense, or for 7913
a felony of the third degree that is an offense of violence and 7914
is not a felony sex offense and in the commission of which the 7915
offender caused or threatened to cause physical harm to a 7916
person. This division applies with respect to all prison terms 7917
imposed for an offense of a type described in this division, 7918
including a non-life felony indefinite prison term and including 7919
a term imposed for any ~~such~~ offense of a type described in this 7920
division that is a risk reduction sentence, as defined in 7921
section 2967.28 of the Revised Code. If a court imposes a 7922
sentence including a prison term of a type described in division 7923
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 7924
failure of a court to notify the offender pursuant to division 7925
(B) (2) ~~(e)~~ (d) of this section that the offender will be 7926
supervised under section 2967.28 of the Revised Code after the 7927
offender leaves prison or to include in the judgment of 7928
conviction entered on the journal a statement to that effect 7929
does not negate, limit, or otherwise affect the mandatory period 7930
of supervision that is required for the offender under division 7931
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 7932

the Revised Code applies if, prior to July 11, 2006, a court 7933
imposed a sentence including a prison term of a type described 7934
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 7935
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 7936
regarding post-release control or to include in the judgment of 7937
conviction entered on the journal or in the sentence a statement 7938
regarding post-release control. 7939

~~(d)~~ (e) Notify the offender that the offender may be 7940
supervised under section 2967.28 of the Revised Code after the 7941
offender leaves prison if the offender is being sentenced for a 7942
felony of the third, fourth, or fifth degree that is not subject 7943
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 7944
with respect to all prison terms imposed for an offense of a 7945
type described in this division, including a term imposed for 7946
any such offense that is a risk reduction sentence, as defined 7947
in section 2967.28 of the Revised Code. Section 2929.191 of the 7948
Revised Code applies if, prior to July 11, 2006, a court imposed 7949
a sentence including a prison term of a type described in 7950
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 7951
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 7952
regarding post-release control or to include in the judgment of 7953
conviction entered on the journal or in the sentence a statement 7954
regarding post-release control. 7955

~~(e)~~ (f) Notify the offender that, if a period of 7956
supervision is imposed following the offender's release from 7957
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 7958
section, and if the offender violates that supervision or a 7959
condition of post-release control imposed under division (B) of 7960
section 2967.131 of the Revised Code, the parole board may 7961
impose a prison term, as part of the sentence, of up to one-half 7962
of the ~~stated~~ definite prison term originally imposed upon the 7963

offender as the offender's stated prison term or up to one-half 7964
of the minimum prison term originally imposed upon the offender 7965
as part of the offender's stated non-life felony indefinite 7966
prison term. If a court imposes a sentence including a prison 7967
term on or after July 11, 2006, the failure of a court to notify 7968
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7969
that the parole board may impose a prison term as described in 7970
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 7971
supervision or a condition of post-release control imposed under 7972
division (B) of section 2967.131 of the Revised Code or to 7973
include in the judgment of conviction entered on the journal a 7974
statement to that effect does not negate, limit, or otherwise 7975
affect the authority of the parole board to so impose a prison 7976
term for a violation of that nature if, pursuant to division (D) 7977
(1) of section 2967.28 of the Revised Code, the parole board 7978
notifies the offender prior to the offender's release of the 7979
board's authority to so impose a prison term. Section 2929.191 7980
of the Revised Code applies if, prior to July 11, 2006, a court 7981
imposed a sentence including a prison term and failed to notify 7982
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7983
regarding the possibility of the parole board imposing a prison 7984
term for a violation of supervision or a condition of post- 7985
release control. 7986

~~(f)~~ (g) Require that the offender not ingest or be injected 7987
with a drug of abuse and submit to random drug testing as 7988
provided in section 341.26, 753.33, or 5120.63 of the Revised 7989
Code, whichever is applicable to the offender who is serving a 7990
prison term, and require that the results of the drug test 7991
administered under any of those sections indicate that the 7992
offender did not ingest or was not injected with a drug of 7993
abuse. 7994

~~(g)~~(h)(i) Determine, notify the offender of, and include 7995
in the sentencing entry the number of days that the offender has 7996
been confined for any reason arising out of the offense for 7997
which the offender is being sentenced and by which the 7998
department of rehabilitation and correction must reduce the 7999
~~stated definite prison term imposed on the offender as the~~ 8000
offender's stated prison term or, if the offense is an offense 8001
for which a non-life felony indefinite prison term is imposed 8002
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 8003
2929.14 of the Revised Code, the minimum and maximum prison 8004
terms imposed on the offender as part of that non-life felony 8005
indefinite prison term, under section 2967.191 of the Revised 8006
Code. The court's calculation shall not include the number of 8007
days, if any, that the offender previously served in the custody 8008
of the department of rehabilitation and correction arising out 8009
of the offense for which the prisoner was convicted and 8010
sentenced. 8011

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 8012
(i) of this section, the court shall consider the arguments of 8013
the parties and conduct a hearing if one is requested. 8014

(iii) The sentencing court retains continuing jurisdiction 8015
to correct any error not previously raised at sentencing in 8016
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 8017
section. The offender may, at any time after sentencing, file a 8018
motion in the sentencing court to correct any error made in 8019
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 8020
section, and the court may in its discretion grant or deny that 8021
motion. If the court changes the number of days in its 8022
determination or redetermination, the court shall cause the 8023
entry granting that change to be delivered to the department of 8024
rehabilitation and correction without delay. Sections 2931.15 8025

and 2953.21 of the Revised Code do not apply to a motion made 8026
under this section. 8027

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 8028
(h) (i) of this section is not grounds for setting aside the 8029
offender's conviction or sentence and does not otherwise render 8030
the sentence void or voidable. 8031

(3) (a) The court shall include in the offender's sentence 8032
a statement that the offender is a tier III sex offender/child- 8033
victim offender, and the court shall comply with the 8034
requirements of section 2950.03 of the Revised Code if any of 8035
the following apply: 8036

(i) The offender is being sentenced for a violent sex 8037
offense or designated homicide, assault, or kidnapping offense 8038
that the offender committed on or after January 1, 1997, and the 8039
offender is adjudicated a sexually violent predator in relation 8040
to that offense. 8041

(ii) The offender is being sentenced for a sexually 8042
oriented offense that the offender committed on or after January 8043
1, 1997, and the offender is a tier III sex offender/child- 8044
victim offender relative to that offense. 8045

(iii) The offender is being sentenced on or after July 31, 8046
2003, for a child-victim oriented offense, and the offender is a 8047
tier III sex offender/child-victim offender relative to that 8048
offense. 8049

(iv) The offender is being sentenced under section 2971.03 8050
of the Revised Code for a violation of division (A) (1) (b) of 8051
section 2907.02 of the Revised Code committed on or after 8052
January 2, 2007. 8053

(v) The offender is sentenced to a term of life without 8054

parole under division (B) of section 2907.02 of the Revised Code. 8055
8056

(vi) The offender is being sentenced for attempted rape 8057
committed on or after January 2, 2007, and a specification of 8058
the type described in section 2941.1418, 2941.1419, or 2941.1420 8059
of the Revised Code. 8060

(vii) The offender is being sentenced under division (B) 8061
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8062
for an offense described in those divisions committed on or 8063
after January 1, 2008. 8064

(b) Additionally, if any criterion set forth in divisions 8065
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8066
circumstances described in division (E) of section 2929.14 of 8067
the Revised Code, the court shall impose sentence on the 8068
offender as described in that division. 8069

(4) If the sentencing court determines at the sentencing 8070
hearing that a community control sanction should be imposed and 8071
the court is not prohibited from imposing a community control 8072
sanction, the court shall impose a community control sanction. 8073
The court shall notify the offender that, if the conditions of 8074
the sanction are violated, if the offender commits a violation 8075
of any law, or if the offender leaves this state without the 8076
permission of the court or the offender's probation officer, the 8077
court may impose a longer time under the same sanction, may 8078
impose a more restrictive sanction, or may impose a prison term 8079
on the offender and shall indicate the specific prison term that 8080
may be imposed as a sanction for the violation, as selected by 8081
the court from the range of prison terms for the offense 8082
pursuant to section 2929.14 of the Revised Code and as described 8083
in section 2929.15 of the Revised Code. 8084

(5) Before imposing a financial sanction under section 8085
2929.18 of the Revised Code or a fine under section 2929.32 of 8086
the Revised Code, the court shall consider the offender's 8087
present and future ability to pay the amount of the sanction or 8088
fine. 8089

(6) If the sentencing court sentences the offender to a 8090
sanction of confinement pursuant to section 2929.14 or 2929.16 8091
of the Revised Code that is to be served in a local detention 8092
facility, as defined in section 2929.36 of the Revised Code, and 8093
if the local detention facility is covered by a policy adopted 8094
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8095
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8096
and section 2929.37 of the Revised Code, both of the following 8097
apply: 8098

(a) The court shall specify both of the following as part 8099
of the sentence: 8100

(i) If the offender is presented with an itemized bill 8101
pursuant to section 2929.37 of the Revised Code for payment of 8102
the costs of confinement, the offender is required to pay the 8103
bill in accordance with that section. 8104

(ii) If the offender does not dispute the bill described 8105
in division (B) (6) (a) (i) of this section and does not pay the 8106
bill by the times specified in section 2929.37 of the Revised 8107
Code, the clerk of the court may issue a certificate of judgment 8108
against the offender as described in that section. 8109

(b) The sentence automatically includes any certificate of 8110
judgment issued as described in division (B) (6) (a) (ii) of this 8111
section. 8112

(7) The failure of the court to notify the offender that a 8113

prison term is a mandatory prison term pursuant to division (B) 8114
(2) (a) of this section or to include in the sentencing entry any 8115
information required by division (B) (2) (b) of this section does 8116
not affect the validity of the imposed sentence or sentences. If 8117
the sentencing court notifies the offender at the sentencing 8118
hearing that a prison term is mandatory but the sentencing entry 8119
does not specify that the prison term is mandatory, the court 8120
may complete a corrected journal entry and send copies of the 8121
corrected entry to the offender and the department of 8122
rehabilitation and correction, or, at the request of the state, 8123
the court shall complete a corrected journal entry and send 8124
copies of the corrected entry to the offender and department of 8125
rehabilitation and correction. 8126

(C) (1) If the offender is being sentenced for a fourth 8127
degree felony OVI offense under division (G) (1) of section 8128
2929.13 of the Revised Code, the court shall impose the 8129
mandatory term of local incarceration in accordance with that 8130
division, shall impose a mandatory fine in accordance with 8131
division (B) (3) of section 2929.18 of the Revised Code, and, in 8132
addition, may impose additional sanctions as specified in 8133
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 8134
Code. The court shall not impose a prison term on the offender 8135
except that the court may impose a prison term upon the offender 8136
as provided in division (A) (1) of section 2929.13 of the Revised 8137
Code. 8138

(2) If the offender is being sentenced for a third or 8139
fourth degree felony OVI offense under division (G) (2) of 8140
section 2929.13 of the Revised Code, the court shall impose the 8141
mandatory prison term in accordance with that division, shall 8142
impose a mandatory fine in accordance with division (B) (3) of 8143
section 2929.18 of the Revised Code, and, in addition, may 8144

impose an additional prison term as specified in section 2929.14 8145
of the Revised Code. In addition to the mandatory prison term or 8146
mandatory prison term and additional prison term the court 8147
imposes, the court also may impose a community control sanction 8148
on the offender, but the offender shall serve all of the prison 8149
terms so imposed prior to serving the community control 8150
sanction. 8151

(D) The sentencing court, pursuant to division (I) (1) of 8152
section 2929.14 of the Revised Code, may recommend placement of 8153
the offender in a program of shock incarceration under section 8154
5120.031 of the Revised Code or an intensive program prison 8155
under section 5120.032 of the Revised Code, disapprove placement 8156
of the offender in a program or prison of that nature, or make 8157
no recommendation. If the court recommends or disapproves 8158
placement, it shall make a finding that gives its reasons for 8159
its recommendation or disapproval. 8160

Sec. 2929.191. (A) (1) If, prior to July 11, 2006, a court 8161
imposed a sentence including a prison term of a type described 8162
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8163
and failed to notify the offender pursuant to that division that 8164
the offender will be supervised under section 2967.28 of the 8165
Revised Code after the offender leaves prison or to include a 8166
statement to that effect in the judgment of conviction entered 8167
on the journal or in the sentence pursuant to division (D) (1) of 8168
section 2929.14 of the Revised Code, at any time before the 8169
offender is released from imprisonment under that term and at a 8170
hearing conducted in accordance with division (C) of this 8171
section, the court may prepare and issue a correction to the 8172
judgment of conviction that includes in the judgment of 8173
conviction the statement that the offender will be supervised 8174
under section 2967.28 of the Revised Code after the offender 8175

leaves prison. 8176

If, prior to July 11, 2006, a court imposed a sentence 8177
including a prison term of a type described in division (B) (2) 8178
~~(d)~~ (e) of section 2929.19 of the Revised Code and failed to 8179
notify the offender pursuant to that division that the offender 8180
may be supervised under section 2967.28 of the Revised Code 8181
after the offender leaves prison or to include a statement to 8182
that effect in the judgment of conviction entered on the journal 8183
or in the sentence pursuant to division (D) (2) of section 8184
2929.14 of the Revised Code, at any time before the offender is 8185
released from imprisonment under that term and at a hearing 8186
conducted in accordance with division (C) of this section, the 8187
court may prepare and issue a correction to the judgment of 8188
conviction that includes in the judgment of conviction the 8189
statement that the offender may be supervised under section 8190
2967.28 of the Revised Code after the offender leaves prison. 8191

(2) If a court prepares and issues a correction to a 8192
judgment of conviction as described in division (A) (1) of this 8193
section before the offender is released from imprisonment under 8194
the prison term the court imposed prior to July 11, 2006, the 8195
court shall place upon the journal of the court an entry nunc 8196
pro tunc to record the correction to the judgment of conviction 8197
and shall provide a copy of the entry to the offender or, if the 8198
offender is not physically present at the hearing, shall send a 8199
copy of the entry to the department of rehabilitation and 8200
correction for delivery to the offender. If the court sends a 8201
copy of the entry to the department, the department promptly 8202
shall deliver a copy of the entry to the offender. The court's 8203
placement upon the journal of the entry nunc pro tunc before the 8204
offender is released from imprisonment under the term shall be 8205
considered, and shall have the same effect, as if the court at 8206

the time of original sentencing had included the statement in 8207
the sentence and the judgment of conviction entered on the 8208
journal and had notified the offender that the offender will be 8209
so supervised regarding a sentence including a prison term of a 8210
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8211
the Revised Code or that the offender may be so supervised 8212
regarding a sentence including a prison term of a type described 8213
in division (B) (2) ~~(d)~~ (e) of that section. 8214

(B) (1) If, prior to July 11, 2006, a court imposed a 8215
sentence including a prison term and failed to notify the 8216
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8217
the Revised Code regarding the possibility of the parole board 8218
imposing a prison term for a violation of supervision or a 8219
condition of post-release control or to include in the judgment 8220
of conviction entered on the journal a statement to that effect, 8221
at any time before the offender is released from imprisonment 8222
under that term and at a hearing conducted in accordance with 8223
division (C) of this section, the court may prepare and issue a 8224
correction to the judgment of conviction that includes in the 8225
judgment of conviction the statement that if a period of 8226
supervision is imposed following the offender's release from 8227
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8228
section 2929.19 of the Revised Code, and if the offender 8229
violates that supervision or a condition of post-release control 8230
imposed under division (B) of section 2967.131 of the Revised 8231
Code the parole board may impose as part of the sentence a 8232
prison term of up to one-half of the stated prison term 8233
originally imposed upon the offender. 8234

(2) If the court prepares and issues a correction to a 8235
judgment of conviction as described in division (B) (1) of this 8236
section before the offender is released from imprisonment under 8237

the term, the court shall place upon the journal of the court an 8238
entry nunc pro tunc to record the correction to the judgment of 8239
conviction and shall provide a copy of the entry to the offender 8240
or, if the offender is not physically present at the hearing, 8241
shall send a copy of the entry to the department of 8242
rehabilitation and correction for delivery to the offender. If 8243
the court sends a copy of the entry to the department, the 8244
department promptly shall deliver a copy of the entry to the 8245
offender. The court's placement upon the journal of the entry 8246
nunc pro tunc before the offender is released from imprisonment 8247
under the term shall be considered, and shall have the same 8248
effect, as if the court at the time of original sentencing had 8249
included the statement in the judgment of conviction entered on 8250
the journal and had notified the offender pursuant to division 8251
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8252
the possibility of the parole board imposing a prison term for a 8253
violation of supervision or a condition of post-release control. 8254

(C) On and after July 11, 2006, a court that wishes to 8255
prepare and issue a correction to a judgment of conviction of a 8256
type described in division (A) (1) or (B) (1) of this section 8257
shall not issue the correction until after the court has 8258
conducted a hearing in accordance with this division. Before a 8259
court holds a hearing pursuant to this division, the court shall 8260
provide notice of the date, time, place, and purpose of the 8261
hearing to the offender who is the subject of the hearing, the 8262
prosecuting attorney of the county, and the department of 8263
rehabilitation and correction. The offender has the right to be 8264
physically present at the hearing, except that, upon the court's 8265
own motion or the motion of the offender or the prosecuting 8266
attorney, the court may permit the offender to appear at the 8267
hearing by video conferencing equipment if available and 8268

compatible. An appearance by video conferencing equipment 8269
pursuant to this division has the same force and effect as if 8270
the offender were physically present at the hearing. At the 8271
hearing, the offender and the prosecuting attorney may make a 8272
statement as to whether the court should issue a correction to 8273
the judgment of conviction. 8274

Sec. 2929.20. (A) As used in this section: 8275

(1) (a) Except as provided in division (A) (1) (b) of this 8276
section, "eligible offender" means any person who, on or after 8277
April 7, 2009, is serving a stated prison term that includes one 8278
or more nonmandatory prison terms. 8279

(b) "Eligible offender" does not include any person who, 8280
on or after April 7, 2009, is serving a stated prison term for 8281
any of the following criminal offenses that was a felony and was 8282
committed while the person held a public office in this state: 8283

(i) A violation of section 2921.02, 2921.03, 2921.05, 8284
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8285
Code; 8286

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8287
2921.12 of the Revised Code, when the conduct constituting the 8288
violation was related to the duties of the offender's public 8289
office or to the offender's actions as a public official holding 8290
that public office; 8291

(iii) A violation of an existing or former municipal 8292
ordinance or law of this or any other state or the United States 8293
that is substantially equivalent to any violation listed in 8294
division (A) (1) (b) (i) of this section; 8295

(iv) A violation of an existing or former municipal 8296
ordinance or law of this or any other state or the United States 8297

that is substantially equivalent to any violation listed in 8298
division (A) (1) (b) (ii) of this section, when the conduct 8299
constituting the violation was related to the duties of the 8300
offender's public office or to the offender's actions as a 8301
public official holding that public office; 8302

(v) A conspiracy to commit, attempt to commit, or 8303
complicity in committing any offense listed in division (A) (1) 8304
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8305

(vi) A conspiracy to commit, attempt to commit, or 8306
complicity in committing any offense listed in division (A) (1) 8307
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8308
if the conduct constituting the offense that was the subject of 8309
the conspiracy, that would have constituted the offense 8310
attempted, or constituting the offense in which the offender was 8311
complicit was or would have been related to the duties of the 8312
offender's public office or to the offender's actions as a 8313
public official holding that public office. 8314

(2) "Nonmandatory prison term" means a prison term that is 8315
not a mandatory prison term. 8316

(3) "Public office" means any elected federal, state, or 8317
local government office in this state. 8318

(4) "Victim's representative" has the same meaning as in 8319
section 2930.01 of the Revised Code. 8320

(5) "Imminent danger of death," "medically incapacitated," 8321
and "terminal illness" have the same meanings as in section 8322
2967.05 of the Revised Code. 8323

(6) "Aggregated nonmandatory prison term or terms" means 8324
the aggregate of the following: 8325

<u>(a) All nonmandatory definite prison terms;</u>	8326
<u>(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms.</u>	8327 8328 8329
(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section.	8330 8331 8332 8333
(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods:	8334 8335 8336
(1) If the aggregated nonmandatory prison term or terms is less than two years, the eligible offender may file the motion at any time after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, at any time after the expiration of all mandatory prison terms.	8337 8338 8339 8340 8341 8342
(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible offender may file the motion not earlier than one hundred eighty days after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than one hundred eighty days after the expiration of all mandatory prison terms.	8343 8344 8345 8346 8347 8348 8349
(3) If the aggregated nonmandatory prison term or terms is five years, the eligible offender may file the motion not earlier than the date on which the eligible offender has served four years of the offender's stated prison term or, if the prison term includes a mandatory prison term or terms, not	8350 8351 8352 8353 8354

earlier than four years after the expiration of all mandatory 8355
prison terms. 8356

(4) If the aggregated nonmandatory prison term or terms is 8357
more than five years but not more than ten years, the eligible 8358
offender may file the motion not earlier than the date on which 8359
the eligible offender has served five years of the offender's 8360
stated prison term or, if the prison term includes a mandatory 8361
prison term or terms, not earlier than five years after the 8362
expiration of all mandatory prison terms. 8363

(5) If the aggregated nonmandatory prison term or terms is 8364
more than ten years, the eligible offender may file the motion 8365
not earlier than the later of the date on which the offender has 8366
served one-half of the offender's stated prison term or the date 8367
specified in division (C) (4) of this section. 8368

(D) Upon receipt of a timely motion for judicial release 8369
filed by an eligible offender under division (C) of this section 8370
or upon the sentencing court's own motion made within the 8371
appropriate time specified in that division, the court may deny 8372
the motion without a hearing or schedule a hearing on the 8373
motion. The court shall not grant the motion without a hearing. 8374
If a court denies a motion without a hearing, the court later 8375
may consider judicial release for that eligible offender on a 8376
subsequent motion filed by that eligible offender unless the 8377
court denies the motion with prejudice. If a court denies a 8378
motion with prejudice, the court may later consider judicial 8379
release on its own motion. If a court denies a motion after a 8380
hearing, the court shall not consider a subsequent motion for 8381
that eligible offender. The court shall hold only one hearing 8382
for any eligible offender. 8383

A hearing under this section shall be conducted in open 8384

court not less than thirty or more than sixty days after the 8385
motion is filed, provided that the court may delay the hearing 8386
for one hundred eighty additional days. If the court holds a 8387
hearing, the court shall enter a ruling on the motion within ten 8388
days after the hearing. If the court denies the motion without a 8389
hearing, the court shall enter its ruling on the motion within 8390
sixty days after the motion is filed. 8391

(E) If a court schedules a hearing under division (D) of 8392
this section, the court shall notify the eligible offender and 8393
the head of the state correctional institution in which the 8394
eligible offender is confined prior to the hearing. The head of 8395
the state correctional institution immediately shall notify the 8396
appropriate person at the department of rehabilitation and 8397
correction of the hearing, and the department within twenty-four 8398
hours after receipt of the notice, shall post on the database it 8399
maintains pursuant to section 5120.66 of the Revised Code the 8400
offender's name and all of the information specified in division 8401
(A) (1) (c) (i) of that section. If the court schedules a hearing 8402
for judicial release, the court promptly shall give notice of 8403
the hearing to the prosecuting attorney of the county in which 8404
the eligible offender was indicted. Upon receipt of the notice 8405
from the court, the prosecuting attorney shall do whichever of 8406
the following is applicable: 8407

(1) Subject to division (E) (2) of this section, notify the 8408
victim of the offense or the victim's representative pursuant to 8409
division (B) of section 2930.16 of the Revised Code; 8410

(2) If the offense was an offense of violence that is a 8411
felony of the first, second, or third degree, except as 8412
otherwise provided in this division, notify the victim or the 8413
victim's representative of the hearing regardless of whether the 8414

victim or victim's representative has requested the 8415
notification. The notice of the hearing shall not be given under 8416
this division to a victim or victim's representative if the 8417
victim or victim's representative has requested pursuant to 8418
division (B) (2) of section 2930.03 of the Revised Code that the 8419
victim or the victim's representative not be provided the 8420
notice. If notice is to be provided to a victim or victim's 8421
representative under this division, the prosecuting attorney may 8422
give the notice by any reasonable means, including regular mail, 8423
telephone, and electronic mail, in accordance with division (D) 8424
(1) of section 2930.16 of the Revised Code. If the notice is 8425
based on an offense committed prior to March 22, 2013, the 8426
notice also shall include the opt-out information described in 8427
division (D) (1) of section 2930.16 of the Revised Code. The 8428
prosecuting attorney, in accordance with division (D) (2) of 8429
section 2930.16 of the Revised Code, shall keep a record of all 8430
attempts to provide the notice, and of all notices provided, 8431
under this division. Division (E) (2) of this section, and the 8432
notice-related provisions of division (K) of this section, 8433
division (D) (1) of section 2930.16, division (H) of section 8434
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8435
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8436
division (A) (2) of section 5149.101 of the Revised Code enacted 8437
in the act in which division (E) (2) of this section was enacted, 8438
shall be known as "Roberta's Law." 8439

(F) Upon an offender's successful completion of 8440
rehabilitative activities, the head of the state correctional 8441
institution may notify the sentencing court of the successful 8442
completion of the activities. 8443

(G) Prior to the date of the hearing on a motion for 8444
judicial release under this section, the head of the state 8445

correctional institution in which the eligible offender is 8446
confined shall send to the court an institutional summary report 8447
on the eligible offender's conduct in the institution and in any 8448
institution from which the eligible offender may have been 8449
transferred. Upon the request of the prosecuting attorney of the 8450
county in which the eligible offender was indicted or of any law 8451
enforcement agency, the head of the state correctional 8452
institution, at the same time the person sends the institutional 8453
summary report to the court, also shall send a copy of the 8454
report to the requesting prosecuting attorney and law 8455
enforcement agencies. The institutional summary report shall 8456
cover the eligible offender's participation in school, 8457
vocational training, work, treatment, and other rehabilitative 8458
activities and any disciplinary action taken against the 8459
eligible offender. The report shall be made part of the record 8460
of the hearing. A presentence investigation report is not 8461
required for judicial release. 8462

(H) If the court grants a hearing on a motion for judicial 8463
release under this section, the eligible offender shall attend 8464
the hearing if ordered to do so by the court. Upon receipt of a 8465
copy of the journal entry containing the order, the head of the 8466
state correctional institution in which the eligible offender is 8467
incarcerated shall deliver the eligible offender to the sheriff 8468
of the county in which the hearing is to be held. The sheriff 8469
shall convey the eligible offender to and from the hearing. 8470

(I) At the hearing on a motion for judicial release under 8471
this section, the court shall afford the eligible offender and 8472
the eligible offender's attorney an opportunity to present 8473
written and, if present, oral information relevant to the 8474
motion. The court shall afford a similar opportunity to the 8475
prosecuting attorney, the victim or the victim's representative, 8476

and any other person the court determines is likely to present 8477
additional relevant information. The court shall consider any 8478
statement of a victim made pursuant to section 2930.14 or 8479
2930.17 of the Revised Code, any victim impact statement 8480
prepared pursuant to section 2947.051 of the Revised Code, and 8481
any report made under division (G) of this section. The court 8482
may consider any written statement of any person submitted to 8483
the court pursuant to division (L) of this section. After ruling 8484
on the motion, the court shall notify the victim of the ruling 8485
in accordance with sections 2930.03 and 2930.16 of the Revised 8486
Code. 8487

(J) (1) A court shall not grant a judicial release under 8488
this section to an eligible offender who is imprisoned for a 8489
felony of the first or second degree, or to an eligible offender 8490
who committed an offense under Chapter 2925. or 3719. of the 8491
Revised Code and for whom there was a presumption under section 8492
2929.13 of the Revised Code in favor of a prison term, unless 8493
the court, with reference to factors under section 2929.12 of 8494
the Revised Code, finds both of the following: 8495

(a) That a sanction other than a prison term would 8496
adequately punish the offender and protect the public from 8497
future criminal violations by the eligible offender because the 8498
applicable factors indicating a lesser likelihood of recidivism 8499
outweigh the applicable factors indicating a greater likelihood 8500
of recidivism; 8501

(b) That a sanction other than a prison term would not 8502
demean the seriousness of the offense because factors indicating 8503
that the eligible offender's conduct in committing the offense 8504
was less serious than conduct normally constituting the offense 8505
outweigh factors indicating that the eligible offender's conduct 8506

was more serious than conduct normally constituting the offense. 8507

(2) A court that grants a judicial release to an eligible 8508
offender under division (J)(1) of this section shall specify on 8509
the record both findings required in that division and also 8510
shall list all the factors described in that division that were 8511
presented at the hearing. 8512

(K) If the court grants a motion for judicial release 8513
under this section, the court shall order the release of the 8514
eligible offender, shall place the eligible offender under an 8515
appropriate community control sanction, under appropriate 8516
conditions, and under the supervision of the department of 8517
probation serving the court and shall reserve the right to 8518
reimpose the sentence that it reduced if the offender violates 8519
the sanction. If the court reimposes the reduced sentence, it 8520
may do so either concurrently with, or consecutive to, any new 8521
sentence imposed upon the eligible offender as a result of the 8522
violation that is a new offense. Except as provided in division 8523
(R)(2) of this section, the period of community control shall be 8524
no longer than five years. The court, in its discretion, may 8525
reduce the period of community control by the amount of time the 8526
eligible offender spent in jail or prison for the offense and in 8527
prison. If the court made any findings pursuant to division (J) 8528
(1) of this section, the court shall serve a copy of the 8529
findings upon counsel for the parties within fifteen days after 8530
the date on which the court grants the motion for judicial 8531
release. 8532

If the court grants a motion for judicial release, the 8533
court shall notify the appropriate person at the department of 8534
rehabilitation and correction, and the department shall post 8535
notice of the release on the database it maintains pursuant to 8536

section 5120.66 of the Revised Code. The court also shall notify 8537
the prosecuting attorney of the county in which the eligible 8538
offender was indicted that the motion has been granted. Unless 8539
the victim or the victim's representative has requested pursuant 8540
to division (B) (2) of section 2930.03 of the Revised Code that 8541
the victim or victim's representative not be provided the 8542
notice, the prosecuting attorney shall notify the victim or the 8543
victim's representative of the judicial release in any manner, 8544
and in accordance with the same procedures, pursuant to which 8545
the prosecuting attorney is authorized to provide notice of the 8546
hearing pursuant to division (E) (2) of this section. If the 8547
notice is based on an offense committed prior to March 22, 2013, 8548
the notice to the victim or victim's representative also shall 8549
include the opt-out information described in division (D) (1) of 8550
section 2930.16 of the Revised Code. 8551

(L) In addition to and independent of the right of a 8552
victim to make a statement pursuant to section 2930.14, 2930.17, 8553
or 2946.051 of the Revised Code and any right of a person to 8554
present written information or make a statement pursuant to 8555
division (I) of this section, any person may submit to the 8556
court, at any time prior to the hearing on the offender's motion 8557
for judicial release, a written statement concerning the effects 8558
of the offender's crime or crimes, the circumstances surrounding 8559
the crime or crimes, the manner in which the crime or crimes 8560
were perpetrated, and the person's opinion as to whether the 8561
offender should be released. 8562

(M) The changes to this section that are made on September 8563
30, 2011, apply to any judicial release decision made on or 8564
after September 30, 2011, for any eligible offender. 8565

(N) Notwithstanding the eligibility requirements specified 8566

in division (A) of this section and the filing time frames 8567
specified in division (C) of this section and notwithstanding 8568
the findings required under division (J) of this section, the 8569
sentencing court, upon the court's own motion and after 8570
considering whether the release of the offender into society 8571
would create undue risk to public safety, may grant a judicial 8572
release to an offender who is not serving a life sentence at any 8573
time during the offender's imposed sentence when the director of 8574
rehabilitation and correction certifies to the sentencing court 8575
through the chief medical officer for the department of 8576
rehabilitation and correction that the offender is in imminent 8577
danger of death, is medically incapacitated, or is suffering 8578
from a terminal illness. 8579

(O) The director of rehabilitation and correction shall 8580
not certify any offender under division (N) of this section who 8581
is serving a death sentence. 8582

(P) A motion made by the court under division (N) of this 8583
section is subject to the notice, hearing, and other procedural 8584
requirements specified in divisions (D), (E), (G), (H), (I), 8585
(K), and (L) of this section, except for the following: 8586

(1) The court may waive the offender's appearance at any 8587
hearing scheduled by the court if the offender's condition makes 8588
it impossible for the offender to participate meaningfully in 8589
the proceeding. 8590

(2) The court may grant the motion without a hearing, 8591
provided that the prosecuting attorney and victim or victim's 8592
representative to whom notice of the hearing was provided under 8593
division (E) of this section indicate that they do not wish to 8594
participate in the hearing or present information relevant to 8595
the motion. 8596

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

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

(a) Order the release of the offender;

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

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

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

(S) If the health of an offender who is released under division (N) of this section improves so that the offender is no longer terminally ill, medically incapacitated, or in imminent danger of death, the court shall, upon the court's own motion, revoke the judicial release. The court shall not grant the motion without a hearing unless the offender waives a hearing. If a hearing is held, the court shall afford the offender and the offender's attorney an opportunity to present written and, if the offender or the offender's attorney is present, oral information relevant to the motion. The court shall afford a similar opportunity to the prosecuting attorney, the victim or

the victim's representative, and any other person the court 8626
determines is likely to present additional relevant information. 8627
A court that grants a motion under this division shall specify 8628
its findings on the record. 8629

Sec. 2929.61. (A) Persons charged with a capital offense 8630
committed prior to January 1, 1974, shall be prosecuted under 8631
the law as it existed at the time the offense was committed, 8632
and, if convicted, shall be imprisoned for life, except that 8633
whenever the statute under which any such person is prosecuted 8634
provides for a lesser penalty under the circumstances of the 8635
particular case, such lesser penalty shall be imposed. 8636

(B) Persons charged with an offense, other than a capital 8637
offense, committed prior to January 1, 1974, shall be prosecuted 8638
under the law as it existed at the time the offense was 8639
committed. Persons convicted or sentenced on or after January 1, 8640
1974, for an offense committed prior to January 1, 1974, shall 8641
be sentenced according to the penalty for commission of the 8642
substantially equivalent offense under Amended Substitute House 8643
Bill 511 of the 109th General Assembly. If the offense for which 8644
sentence is being imposed does not have a substantial equivalent 8645
under that act, or if that act provides a more severe penalty 8646
than that originally prescribed for the offense of which the 8647
person is convicted, then sentence shall be imposed under the 8648
law as it existed prior to January 1, 1974. 8649

(C) Persons charged with an offense that is a felony of 8650
the third or fourth degree and that was committed on or after 8651
January 1, 1974, and before July 1, 1983, shall be prosecuted 8652
under the law as it existed at the time the offense was 8653
committed. Persons convicted or sentenced on or after July 1, 8654
1983, for an offense that is a felony of the third or fourth 8655

degree and that was committed on or after January 1, 1974, and 8656
before July 1, 1983, shall be notified by the court sufficiently 8657
in advance of sentencing that they may choose to be sentenced 8658
pursuant to either the law in effect at the time of the 8659
commission of the offense or the law in effect at the time of 8660
sentencing. This notice shall be written and shall include the 8661
differences between and possible effects of the alternative 8662
sentence forms and the effect of the person's refusal to choose. 8663
The person to be sentenced shall then inform the court in 8664
writing of ~~his~~ the person's choice, and shall be sentenced 8665
accordingly. Any person choosing to be sentenced pursuant to the 8666
law in effect at the time of the commission of an offense that 8667
is a felony of the third or fourth degree shall then be eligible 8668
for parole, and this person cannot at a later date have ~~his~~ the 8669
person's sentence converted to a definite sentence. If the 8670
person refuses to choose between the two possible sentences, the 8671
person shall be sentenced pursuant to the law in effect at the 8672
time of the commission of the offense. 8673

(D) Persons charged with an offense that was a felony of 8674
the first or second degree at the time it was committed, that 8675
was committed on or after January 1, 1974, and that was 8676
committed prior to July 1, 1983, shall be prosecuted for that 8677
offense and, if convicted, shall be sentenced under the law as 8678
it existed at the time the offense was committed. 8679

(E) Persons charged with an offense that is a felony of 8680
the first or second degree that was committed prior to the 8681
effective date of this amendment or that is a felony of the 8682
third degree that is described in division (A)(3)(a) of section 8683
2929.14 of the Revised Code and was committed prior to that date 8684
shall be prosecuted for that offense and, if convicted, shall be 8685
sentenced under the law as it existed at the time the offense 8686

was committed.

8687

Sec. 2930.16. (A) If a defendant is incarcerated, a victim 8688
in a case who has requested to receive notice under this section 8689
shall be given notice of the incarceration of the defendant. If 8690
an alleged juvenile offender is committed to the temporary 8691
custody of a school, camp, institution, or other facility 8692
operated for the care of delinquent children or to the legal 8693
custody of the department of youth services, a victim in a case 8694
who has requested to receive notice under this section shall be 8695
given notice of the commitment. Promptly after sentence is 8696
imposed upon the defendant or the commitment of the alleged 8697
juvenile offender is ordered, the prosecutor in the case shall 8698
notify the victim of the date on which the defendant will be 8699
released, or initially will be eligible for release, from 8700
confinement or the prosecutor's reasonable estimate of that date 8701
or the date on which the alleged juvenile offender will have 8702
served the minimum period of commitment or the prosecutor's 8703
reasonable estimate of that date. The prosecutor also shall 8704
notify the victim of the name of the custodial agency of the 8705
defendant or alleged juvenile offender and tell the victim how 8706
to contact that custodial agency. If the custodial agency is the 8707
department of rehabilitation and correction, the prosecutor 8708
shall notify the victim of the services offered by the office of 8709
victims' services pursuant to section 5120.60 of the Revised 8710
Code. If the custodial agency is the department of youth 8711
services, the prosecutor shall notify the victim of the services 8712
provided by the office of victims' services within the release 8713
authority of the department pursuant to section 5139.55 of the 8714
Revised Code and the victim's right pursuant to section 5139.56 8715
of the Revised Code to submit a written request to the release 8716
authority to be notified of actions the release authority takes 8717

with respect to the alleged juvenile offender. The victim shall 8718
keep the custodial agency informed of the victim's current 8719
address and telephone number. 8720

(B) (1) Upon the victim's request or in accordance with 8721
division (D) of this section, the prosecutor promptly shall 8722
notify the victim of any hearing for judicial release of the 8723
defendant pursuant to section 2929.20 of the Revised Code, of 8724
any hearing for release of the defendant pursuant to section 8725
2967.19 of the Revised Code, or of any hearing for judicial 8726
release or early release of the alleged juvenile offender 8727
pursuant to section 2151.38 of the Revised Code and of the 8728
victim's right to make a statement under those sections. The 8729
court shall notify the victim of its ruling in each of those 8730
hearings and on each of those applications. 8731

(2) If an offender is sentenced to a prison term pursuant 8732
to division (A) (3) or (B) of section 2971.03 of the Revised 8733
Code, upon the request of the victim of the crime or in 8734
accordance with division (D) of this section, the prosecutor 8735
promptly shall notify the victim of any hearing to be conducted 8736
pursuant to section 2971.05 of the Revised Code to determine 8737
whether to modify the requirement that the offender serve the 8738
entire prison term in a state correctional facility in 8739
accordance with division (C) of that section, whether to 8740
continue, revise, or revoke any existing modification of that 8741
requirement, or whether to terminate the prison term in 8742
accordance with division (D) of that section. The court shall 8743
notify the victim of any order issued at the conclusion of the 8744
hearing. 8745

(C) Upon the victim's request made at any time before the 8746
particular notice would be due or in accordance with division 8747

(D) of this section, the custodial agency of a defendant or 8748
alleged juvenile offender shall give the victim any of the 8749
following notices that is applicable: 8750

(1) At least sixty days before the adult parole authority 8751
recommends a pardon or commutation of sentence for the defendant 8752
or at least sixty days prior to a hearing before the adult 8753
parole authority regarding a grant of parole to the defendant, 8754
notice of the victim's right to submit a statement regarding the 8755
impact of the defendant's release in accordance with section 8756
2967.12 of the Revised Code and, if applicable, of the victim's 8757
right to appear at a full board hearing of the parole board to 8758
give testimony as authorized by section 5149.101 of the Revised 8759
Code; and at least sixty days prior to a hearing before the 8760
department regarding a determination of whether the inmate must 8761
be released under division (C) or (D) (2) of section 2967.271 of 8762
the Revised Code if the inmate is serving a non-life felony 8763
indefinite prison term, notice of the fact that the inmate will 8764
be having a hearing regarding a possible grant of release, the 8765
date of any hearing regarding a possible grant of release, and 8766
the right of any person to submit a written statement regarding 8767
the pending action; 8768

(2) At least sixty days before the defendant is 8769
transferred to transitional control under section 2967.26 of the 8770
Revised Code, notice of the pendency of the transfer and of the 8771
victim's right under that section to submit a statement 8772
regarding the impact of the transfer; 8773

(3) At least sixty days before the release authority of 8774
the department of youth services holds a release review, release 8775
hearing, or discharge review for the alleged juvenile offender, 8776
notice of the pendency of the review or hearing, of the victim's 8777

right to make an oral or written statement regarding the impact 8778
of the crime upon the victim or regarding the possible release 8779
or discharge, and, if the notice pertains to a hearing, of the 8780
victim's right to attend and make statements or comments at the 8781
hearing as authorized by section 5139.56 of the Revised Code; 8782

(4) Prompt notice of the defendant's or alleged juvenile 8783
offender's escape from a facility of the custodial agency in 8784
which the defendant was incarcerated or in which the alleged 8785
juvenile offender was placed after commitment, of the 8786
defendant's or alleged juvenile offender's absence without leave 8787
from a mental health or developmental disabilities facility or 8788
from other custody, and of the capture of the defendant or 8789
alleged juvenile offender after an escape or absence; 8790

(5) Notice of the defendant's or alleged juvenile 8791
offender's death while in confinement or custody; 8792

(6) Notice of the filing of a petition by the director of 8793
rehabilitation and correction pursuant to section 2967.19 of the 8794
Revised Code requesting the early release under that section of 8795
the defendant; 8796

(7) Notice of the defendant's or alleged juvenile 8797
offender's release from confinement or custody and the terms and 8798
conditions of the release. 8799

(D) (1) If a defendant is incarcerated for the commission 8800
of aggravated murder, murder, or an offense of violence that is 8801
a felony of the first, second, or third degree or is under a 8802
sentence of life imprisonment or if an alleged juvenile offender 8803
has been charged with the commission of an act that would be 8804
aggravated murder, murder, or an offense of violence that is a 8805
felony of the first, second, or third degree or be subject to a 8806

sentence of life imprisonment if committed by an adult, except 8807
as otherwise provided in this division, the notices described in 8808
divisions (B) and (C) of this section shall be given regardless 8809
of whether the victim has requested the notification. The 8810
notices described in divisions (B) and (C) of this section shall 8811
not be given under this division to a victim if the victim has 8812
requested pursuant to division (B)(2) of section 2930.03 of the 8813
Revised Code that the victim not be provided the notice. 8814
Regardless of whether the victim has requested that the notices 8815
described in division (C) of this section be provided or not be 8816
provided, the custodial agency shall give notices similar to 8817
those notices to the prosecutor in the case, to the sentencing 8818
court, to the law enforcement agency that arrested the defendant 8819
or alleged juvenile offender if any officer of that agency was a 8820
victim of the offense, and to any member of the victim's 8821
immediate family who requests notification. If the notice given 8822
under this division to the victim is based on an offense 8823
committed prior to March 22, 2013, and if the prosecutor or 8824
custodial agency has not previously successfully provided any 8825
notice to the victim under this division or division (B) or (C) 8826
of this section with respect to that offense and the offender 8827
who committed it, the notice also shall inform the victim that 8828
the victim may request that the victim not be provided any 8829
further notices with respect to that offense and the offender 8830
who committed it and shall describe the procedure for making 8831
that request. If the notice given under this division to the 8832
victim pertains to a hearing regarding a grant of a parole to 8833
the defendant, the notice also shall inform the victim that the 8834
victim, a member of the victim's immediate family, or the 8835
victim's representative may request a victim conference, as 8836
described in division (E) of this section, and shall provide an 8837
explanation of a victim conference. 8838

The prosecutor or custodial agency may give the notices to 8839
which this division applies by any reasonable means, including 8840
regular mail, telephone, and electronic mail. If the prosecutor 8841
or custodial agency attempts to provide notice to a victim under 8842
this division but the attempt is unsuccessful because the 8843
prosecutor or custodial agency is unable to locate the victim, 8844
is unable to provide the notice by its chosen method because it 8845
cannot determine the mailing address, telephone number, or 8846
electronic mail address at which to provide the notice, or, if 8847
the notice is sent by mail, the notice is returned, the 8848
prosecutor or custodial agency shall make another attempt to 8849
provide the notice to the victim. If the second attempt is 8850
unsuccessful, the prosecutor or custodial agency shall make at 8851
least one more attempt to provide the notice. If the notice is 8852
based on an offense committed prior to March 22, 2013, in each 8853
attempt to provide the notice to the victim, the notice shall 8854
include the opt-out information described in the preceding 8855
paragraph. The prosecutor or custodial agency, in accordance 8856
with division (D) (2) of this section, shall keep a record of all 8857
attempts to provide the notice, and of all notices provided, 8858
under this division. 8859

Division (D) (1) of this section, and the notice-related 8860
provisions of divisions (E) (2) and (K) of section 2929.20, 8861
division (H) of section 2967.12, division (E) (1) (b) of section 8862
2967.19, division (A) (3) (b) of section 2967.26, division (D) (1) 8863
of section 2967.28, and division (A) (2) of section 5149.101 of 8864
the Revised Code enacted in the act in which division (D) (1) of 8865
this section was enacted, shall be known as "Roberta's Law." 8866

(2) Each prosecutor and custodial agency that attempts to 8867
give any notice to which division (D) (1) of this section applies 8868
shall keep a record of all attempts to give the notice. The 8869

record shall indicate the person who was to be the recipient of 8870
the notice, the date on which the attempt was made, the manner 8871
in which the attempt was made, and the person who made the 8872
attempt. If the attempt is successful and the notice is given, 8873
the record shall indicate that fact. The record shall be kept in 8874
a manner that allows public inspection of attempts and notices 8875
given to persons other than victims without revealing the names, 8876
addresses, or other identifying information relating to victims. 8877
The record of attempts and notices given to victims is not a 8878
public record, but the prosecutor or custodial agency shall 8879
provide upon request a copy of that record to a prosecuting 8880
attorney, judge, law enforcement agency, or member of the 8881
general assembly. The record of attempts and notices given to 8882
persons other than victims is a public record. A record kept 8883
under this division may be indexed by offender name, or in any 8884
other manner determined by the prosecutor or the custodial 8885
agency. Each prosecutor or custodial agency that is required to 8886
keep a record under this division shall determine the procedures 8887
for keeping the record and the manner in which it is to be kept, 8888
subject to the requirements of this division. 8889

(E) The adult parole authority shall adopt rules under 8890
Chapter 119. of the Revised Code providing for a victim 8891
conference, upon request of the victim, a member of the victim's 8892
immediate family, or the victim's representative, prior to a 8893
parole hearing in the case of a prisoner who is incarcerated for 8894
the commission of aggravated murder, murder, or an offense of 8895
violence that is a felony of the first, second, or third degree 8896
or is under a sentence of life imprisonment. The rules shall 8897
provide for, but not be limited to, all of the following: 8898

(1) Subject to division (E) (3) of this section, attendance 8899
by the victim, members of the victim's immediate family, the 8900

victim's representative, and, if practicable, other individuals; 8901

(2) Allotment of up to one hour for the conference; 8902

(3) A specification of the number of persons specified in 8903
division (E)(1) of this section who may be present at any single 8904
victim conference, if limited by the department pursuant to 8905
division (F) of this section. 8906

(F) The department may limit the number of persons 8907
specified in division (E)(1) of this section who may be present 8908
at any single victim conference, provided that the department 8909
shall not limit the number of persons who may be present at any 8910
single conference to fewer than three. If the department limits 8911
the number of persons who may be present at any single victim 8912
conference, the department shall permit and schedule, upon 8913
request of the victim, a member of the victim's immediate 8914
family, or the victim's representative, multiple victim 8915
conferences for the persons specified in division (E)(1) of this 8916
section. 8917

(G) As used in this section, "victim's immediate family" 8918
has the same meaning as in section 2967.12 of the Revised Code. 8919

Sec. 2943.032. (A) Prior to accepting a guilty plea or a 8920
plea of no contest to an indictment, information, or complaint 8921
that charges a felony, the court shall inform the defendant 8922
personally that, if the defendant pleads guilty or no contest to 8923
the felony so charged or any other felony, if the court imposes 8924
a prison term upon the defendant for the felony, and if the 8925
offender violates the conditions of a post-release control 8926
sanction imposed by the parole board upon the completion of the 8927
stated prison term, the parole board may impose upon the 8928
offender a residential sanction that includes a new prison term 8929

of up to nine months, subject to a maximum cumulative prison 8930
term for all violations that does not exceed one-half of the 8931
definite prison term that is the stated prison term originally 8932
imposed upon the offender or, with respect to a non-life felony 8933
indefinite prison term, one-half of the minimum prison term 8934
included as part of the stated non-life felony indefinite prison 8935
term originally imposed on the offender. 8936

(B) As used in this section, "non-life felony indefinite 8937
prison term" has the same meaning as in section 2929.01 of the 8938
Revised Code. 8939

Sec. 2953.08. (A) In addition to any other right to appeal 8940
and except as provided in division (D) of this section, a 8941
defendant who is convicted of or pleads guilty to a felony may 8942
appeal as a matter of right the sentence imposed upon the 8943
defendant on one of the following grounds: 8944

(1) The sentence consisted of or included the maximum 8945
definite prison term allowed for the offense by division (A) of 8946
section 2929.14 or section 2929.142 of the Revised Code or, with 8947
respect to a non-life felony indefinite prison term, the longest 8948
minimum prison term allowed for the offense by division (A) (1) 8949
(a), (2)(a), or (3)(a)(i) of section 2929.14 of the Revised 8950
Code, the maximum definite prison term or longest minimum prison 8951
term was not required for the offense pursuant to Chapter 2925. 8952
or any other provision of the Revised Code, and the court 8953
imposed the sentence under one of the following circumstances: 8954

(a) The sentence was imposed for only one offense. 8955

(b) The sentence was imposed for two or more offenses 8956
arising out of a single incident, and the court imposed the 8957
maximum definite prison term or longest minimum prison term for 8958

the offense of the highest degree. 8959

(2) The sentence consisted of or included a prison term 8960
and the offense for which it was imposed is a felony of the 8961
fourth or fifth degree or is a felony drug offense that is a 8962
violation of a provision of Chapter 2925. of the Revised Code 8963
and that is specified as being subject to division (B) of 8964
section 2929.13 of the Revised Code for purposes of sentencing. 8965
If the court specifies that it found one or more of the factors 8966
in division (B) (1) (b) of section 2929.13 of the Revised Code to 8967
apply relative to the defendant, the defendant is not entitled 8968
under this division to appeal as a matter of right the sentence 8969
imposed upon the offender. 8970

(3) The person was convicted of or pleaded guilty to a 8971
violent sex offense or a designated homicide, assault, or 8972
kidnapping offense, was adjudicated a sexually violent predator 8973
in relation to that offense, and was sentenced pursuant to 8974
division (A) (3) of section 2971.03 of the Revised Code, if the 8975
minimum term of the indefinite term imposed pursuant to division 8976
(A) (3) of section 2971.03 of the Revised Code is the longest 8977
term available for the offense from among the range of definite 8978
terms listed in section 2929.14 of the Revised Code or, with 8979
respect to a non-life felony indefinite prison term, the longest 8980
minimum prison term allowed for the offense by division (A) (1) 8981
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8982
Code. As used in this division, "designated homicide, assault, 8983
or kidnapping offense" and "violent sex offense" have the same 8984
meanings as in section 2971.01 of the Revised Code. As used in 8985
this division, "adjudicated a sexually violent predator" has the 8986
same meaning as in section 2929.01 of the Revised Code, and a 8987
person is "adjudicated a sexually violent predator" in the same 8988
manner and the same circumstances as are described in that 8989

section. 8990

(4) The sentence is contrary to law. 8991

(5) The sentence consisted of an additional prison term of 8992
ten years imposed pursuant to division (B) (2) (a) of section 8993
2929.14 of the Revised Code. 8994

(B) In addition to any other right to appeal and except as 8995
provided in division (D) of this section, a prosecuting 8996
attorney, a city director of law, village solicitor, or similar 8997
chief legal officer of a municipal corporation, or the attorney 8998
general, if one of those persons prosecuted the case, may appeal 8999
as a matter of right a sentence imposed upon a defendant who is 9000
convicted of or pleads guilty to a felony or, in the 9001
circumstances described in division (B) (3) of this section the 9002
modification of a sentence imposed upon such a defendant, on any 9003
of the following grounds: 9004

(1) The sentence did not include a prison term despite a 9005
presumption favoring a prison term for the offense for which it 9006
was imposed, as set forth in section 2929.13 or Chapter 2925. of 9007
the Revised Code. 9008

(2) The sentence is contrary to law. 9009

(3) The sentence is a modification under section 2929.20 9010
of the Revised Code of a sentence that was imposed for a felony 9011
of the first or second degree. 9012

(C) (1) In addition to the right to appeal a sentence 9013
granted under division (A) or (B) of this section, a defendant 9014
who is convicted of or pleads guilty to a felony may seek leave 9015
to appeal a sentence imposed upon the defendant on the basis 9016
that the sentencing judge has imposed consecutive sentences 9017
under division (C) (3) of section 2929.14 of the Revised Code and 9018

that the consecutive sentences exceed the maximum definite 9019
prison term allowed by division (A) of that section for the most 9020
serious offense of which the defendant was convicted or, with 9021
respect to a non-life felony indefinite prison term, exceed the 9022
longest minimum prison term allowed by division (A) (1) (a), (2) 9023
(a), or (3) (a) (i) of that section for the most serious such 9024
offense. Upon the filing of a motion under this division, the 9025
court of appeals may grant leave to appeal the sentence if the 9026
court determines that the allegation included as the basis of 9027
the motion is true. 9028

(2) A defendant may seek leave to appeal an additional 9029
sentence imposed upon the defendant pursuant to division (B) (2) 9030
(a) or (b) of section 2929.14 of the Revised Code if the 9031
additional sentence is for a definite prison term that is longer 9032
than five years. 9033

(D) (1) A sentence imposed upon a defendant is not subject 9034
to review under this section if the sentence is authorized by 9035
law, has been recommended jointly by the defendant and the 9036
prosecution in the case, and is imposed by a sentencing judge. 9037

(2) Except as provided in division (C) (2) of this section, 9038
a sentence imposed upon a defendant is not subject to review 9039
under this section if the sentence is imposed pursuant to 9040
division (B) (2) (b) of section 2929.14 of the Revised Code. 9041
Except as otherwise provided in this division, a defendant 9042
retains all rights to appeal as provided under this chapter or 9043
any other provision of the Revised Code. A defendant has the 9044
right to appeal under this chapter or any other provision of the 9045
Revised Code the court's application of division (B) (2) (c) of 9046
section 2929.14 of the Revised Code. 9047

(3) A sentence imposed for aggravated murder or murder 9048

pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9049
not subject to review under this section. 9050

(E) A defendant, prosecuting attorney, city director of 9051
law, village solicitor, or chief municipal legal officer shall 9052
file an appeal of a sentence under this section to a court of 9053
appeals within the time limits specified in Rule 4(B) of the 9054
Rules of Appellate Procedure, provided that if the appeal is 9055
pursuant to division (B) (3) of this section, the time limits 9056
specified in that rule shall not commence running until the 9057
court grants the motion that makes the sentence modification in 9058
question. A sentence appeal under this section shall be 9059
consolidated with any other appeal in the case. If no other 9060
appeal is filed, the court of appeals may review only the 9061
portions of the trial record that pertain to sentencing. 9062

(F) On the appeal of a sentence under this section, the 9063
record to be reviewed shall include all of the following, as 9064
applicable: 9065

(1) Any presentence, psychiatric, or other investigative 9066
report that was submitted to the court in writing before the 9067
sentence was imposed. An appellate court that reviews a 9068
presentence investigation report prepared pursuant to section 9069
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9070
connection with the appeal of a sentence under this section 9071
shall comply with division (D) (3) of section 2951.03 of the 9072
Revised Code when the appellate court is not using the 9073
presentence investigation report, and the appellate court's use 9074
of a presentence investigation report of that nature in 9075
connection with the appeal of a sentence under this section does 9076
not affect the otherwise confidential character of the contents 9077
of that report as described in division (D) (1) of section 9078

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;

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

(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.

(G)(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) of this section shall remand the case to the sentencing
court and instruct the sentencing court to state, on the record,
the required findings.

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

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

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

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

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

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

Sec. 2967.01. As used in this chapter:

(A) "State correctional institution" includes any institution or facility that is operated by the department of rehabilitation and correction and that is used for the custody, care, or treatment of criminal, delinquent, or psychologically or psychiatrically disturbed offenders.

(B) "Pardon" means the remission of penalty by the governor in accordance with the power vested in the governor by the constitution.

(C) "Commutation" or "commutation of sentence" means the substitution by the governor of a lesser for a greater

punishment. A stated prison term may be commuted without the 9136
consent of the convict, except when granted upon the acceptance 9137
and performance by the convict of conditions precedent. After 9138
commutation, the commuted prison term shall be the only one in 9139
existence. The commutation may be stated in terms of commuting 9140
from a named offense to a lesser included offense with a shorter 9141
prison term, in terms of commuting from a stated prison term in 9142
months and years to a shorter prison term in months and years, 9143
or in terms of commuting from any other stated prison term to a 9144
shorter prison term. 9145

(D) "Reprieve" means the temporary suspension by the 9146
governor of the execution of a sentence or prison term. The 9147
governor may grant a reprieve without the consent of and against 9148
the will of the convict. 9149

(E) "Parole" means, regarding a prisoner who is serving a 9150
prison term for aggravated murder or murder, who is serving a 9151
prison term of life imprisonment for rape or for felonious 9152
sexual penetration as it existed under section 2907.12 of the 9153
Revised Code prior to September 3, 1996, or who was sentenced 9154
prior to July 1, 1996, a release of the prisoner from 9155
confinement in any state correctional institution by the adult 9156
parole authority that is subject to the eligibility criteria 9157
specified in this chapter and that is under the terms and 9158
conditions, and for the period of time, prescribed by the 9159
authority in its published rules and official minutes or 9160
required by division (A) of section 2967.131 of the Revised Code 9161
or another provision of this chapter. 9162

(F) "Head of a state correctional institution" or "head of 9163
the institution" means the resident head of the institution and 9164
the person immediately in charge of the institution, whether 9165

designated warden, superintendent, or any other name by which 9166
the head is known. 9167

(G) "Convict" means a person who has been convicted of a 9168
felony under the laws of this state, whether or not actually 9169
confined in a state correctional institution, unless the person 9170
has been pardoned or has served the person's sentence or prison 9171
term. 9172

(H) "Prisoner" means a person who is in actual confinement 9173
in a state correctional institution. 9174

(I) "Parolee" means any inmate who has been released from 9175
confinement on parole by order of the adult parole authority or 9176
conditionally pardoned, who is under supervision of the adult 9177
parole authority and has not been granted a final release, and 9178
who has not been declared in violation of the inmate's parole by 9179
the authority or is performing the prescribed conditions of a 9180
conditional pardon. 9181

(J) "Releasee" means an inmate who has been released from 9182
confinement pursuant to section 2967.28 of the Revised Code 9183
under a period of post-release control that includes one or more 9184
post-release control sanctions. 9185

(K) "Final release" means a remission by the adult parole 9186
authority of the balance of the sentence or prison term of a 9187
parolee or prisoner or the termination by the authority of a 9188
term of post-release control of a releasee. 9189

(L) "Parole violator" or "release violator" means any 9190
parolee or releasee who has been declared to be in violation of 9191
the condition of parole or post-release control specified in 9192
division (A) or (B) of section 2967.131 of the Revised Code or 9193
in violation of any other term, condition, or rule of the 9194

parolee's or releasee's parole or of the parolee's or releasee's 9195
post-release control sanctions, the determination of which has 9196
been made by the adult parole authority and recorded in its 9197
official minutes. 9198

(M) "Administrative release" means a termination of 9199
jurisdiction over a particular sentence or prison term by the 9200
adult parole authority for administrative convenience. 9201

(N) "Post-release control" means a period of supervision 9202
by the adult parole authority after a prisoner's release from 9203
imprisonment, other than under a term of life imprisonment, that 9204
includes one or more post-release control sanctions imposed 9205
under section 2967.28 of the Revised Code. 9206

(O) "Post-release control sanction" means a sanction that 9207
is authorized under sections 2929.16 to 2929.18 of the Revised 9208
Code and that is imposed upon a prisoner upon the prisoner's 9209
release from a prison term other than a term of life 9210
imprisonment. 9211

(P) "Community control sanction," "prison term," 9212
"mandatory prison term," and "stated prison term" have the same 9213
meanings as in section 2929.01 of the Revised Code. 9214

(Q) "Transitional control" means control of a prisoner 9215
under the transitional control program established by the 9216
department of rehabilitation and correction under section 9217
2967.26 of the Revised Code, if the department establishes a 9218
program of that nature under that section. 9219

(R) "Random drug testing" has the same meaning as in 9220
section 5120.63 of the Revised Code. 9221

(S) "Non-life felony indefinite prison term" has the same 9222
meaning as in section 2929.01 of the Revised Code. 9223

Sec. 2967.021. (A) Chapter 2967. of the Revised Code, as 9224
it existed prior to July 1, 1996, applies to a person upon whom 9225
a court imposed a term of imprisonment prior to July 1, 1996, 9226
and a person upon whom a court, on or after July 1, 1996, and in 9227
accordance with law existing prior to July 1, 1996, imposed a 9228
term of imprisonment for an offense that was committed prior to 9229
July 1, 1996. 9230

(B) Chapter 2967. of the Revised Code, as it exists on and 9231
after July 1, 1996, applies to a person upon whom a court 9232
imposed a stated prison term for an offense committed on or 9233
after July 1, 1996, subject to division (C) of this section. 9234

(C) Section 2967.271 of the Revised Code, and other 9235
provisions of Chapter 2967. of the Revised Code, as they exist 9236
on and after the effective date of this amendment, apply to a 9237
person who is sentenced to a non-life felony indefinite prison 9238
term. 9239

Sec. 2967.03. The adult parole authority may exercise its 9240
functions and duties in relation to the pardon, commutation of 9241
sentence, or reprieve of a convict upon direction of the 9242
governor or upon its own initiative. It may exercise its 9243
functions and duties in relation to the parole of a prisoner who 9244
is eligible for parole upon the initiative of the head of the 9245
institution in which the prisoner is confined or upon its own 9246
initiative. When a prisoner becomes eligible for parole, the 9247
head of the institution in which the prisoner is confined shall 9248
notify the authority in the manner prescribed by the authority. 9249
The authority may investigate and examine, or cause the 9250
investigation and examination of, prisoners confined in state 9251
correctional institutions concerning their conduct in the 9252
institutions, their mental and moral qualities and 9253

characteristics, their knowledge of a trade or profession, their 9254
former means of livelihood, their family relationships, and any 9255
other matters affecting their fitness to be at liberty without 9256
being a threat to society. 9257

The authority may recommend to the governor the pardon, 9258
commutation of sentence, or reprieve of any convict or prisoner 9259
or grant a parole to any prisoner for whom parole is authorized, 9260
if in its judgment there is reasonable ground to believe that 9261
granting a pardon, commutation, or reprieve to the convict or 9262
paroling the prisoner would further the interests of justice and 9263
be consistent with the welfare and security of society. However, 9264
the authority shall not recommend a pardon or commutation of 9265
sentence, or grant a parole to, any convict or prisoner until 9266
the authority has complied with the applicable notice 9267
requirements of sections 2930.16 and 2967.12 of the Revised Code 9268
and until it has considered any statement made by a victim or a 9269
victim's representative that is relevant to the convict's or 9270
prisoner's case and that was sent to the authority pursuant to 9271
section 2930.17 of the Revised Code, any other statement made by 9272
a victim or a victim's representative that is relevant to the 9273
convict's or prisoner's case and that was received by the 9274
authority after it provided notice of the pendency of the action 9275
under sections 2930.16 and 2967.12 of the Revised Code, and any 9276
written statement of any person submitted to the court pursuant 9277
to division (I) of section 2967.12 of the Revised Code. If a 9278
victim, victim's representative, or the victim's spouse, parent, 9279
sibling, or child appears at a full board hearing of the parole 9280
board and gives testimony as authorized by section 5149.101 of 9281
the Revised Code, the authority shall consider the testimony in 9282
determining whether to grant a parole. The trial judge and 9283
prosecuting attorney of the trial court in which a person was 9284

convicted shall furnish to the authority, at the request of the 9285
authority, a summarized statement of the facts proved at the 9286
trial and of all other facts having reference to the propriety 9287
of recommending a pardon or commutation or granting a parole, 9288
together with a recommendation for or against a pardon, 9289
commutation, or parole, and the reasons for the recommendation. 9290
The trial judge, the prosecuting attorney, specified law 9291
enforcement agency members, and a representative of the prisoner 9292
may appear at a full board hearing of the parole board and give 9293
testimony in regard to the grant of a parole to the prisoner as 9294
authorized by section 5149.101 of the Revised Code. All state 9295
and local officials shall furnish information to the authority, 9296
when so requested by it in the performance of its duties. 9297

The adult parole authority shall exercise its functions 9298
and duties in relation to the release of prisoners who are 9299
serving a ~~stated~~ definite prison term as a stated prison term in 9300
accordance with section 2967.28 of the Revised Code, and the 9301
authority and the department of rehabilitation and correction 9302
shall exercise their functions and duties in relation to the 9303
release of prisoners who are serving a non-life felony 9304
indefinite prison term as a stated prison term in accordance 9305
with sections 2967.271 and 2967.28 of the Revised Code. 9306

Sec. 2967.13. (A) Except as provided in division (G) of 9307
this section, a prisoner serving a sentence of imprisonment for 9308
life for an offense committed on or after July 1, 1996, is not 9309
entitled to any earned credit under section 2967.193 of the 9310
Revised Code and becomes eligible for parole as follows: 9311

(1) If a sentence of imprisonment for life was imposed for 9312
the offense of murder, at the expiration of the prisoner's 9313
minimum term; 9314

(2) If a sentence of imprisonment for life with parole 9315
eligibility after serving twenty years of imprisonment was 9316
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9317
Code, after serving a term of twenty years; 9318

(3) If a sentence of imprisonment for life with parole 9319
eligibility after serving twenty-five full years of imprisonment 9320
was imposed pursuant to section 2929.022 or 2929.03 of the 9321
Revised Code, after serving a term of twenty-five full years; 9322

(4) If a sentence of imprisonment for life with parole 9323
eligibility after serving thirty full years of imprisonment was 9324
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9325
Code, after serving a term of thirty full years; 9326

(5) If a sentence of imprisonment for life was imposed for 9327
rape, after serving a term of ten full years' imprisonment; 9328

(6) If a sentence of imprisonment for life with parole 9329
eligibility after serving fifteen years of imprisonment was 9330
imposed for a violation of section 2927.24 of the Revised Code, 9331
after serving a term of fifteen years. 9332

(B) Except as provided in division (G) of this section, a 9333
prisoner serving a sentence of imprisonment for life with parole 9334
eligibility after serving twenty years of imprisonment or a 9335
sentence of imprisonment for life with parole eligibility after 9336
serving twenty-five full years or thirty full years of 9337
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9338
the Revised Code for an offense committed on or after July 1, 9339
1996, consecutively to any other term of imprisonment, becomes 9340
eligible for parole after serving twenty years, twenty full 9341
years, or thirty full years, as applicable, as to each such 9342
sentence of life imprisonment, which shall not be reduced for 9343

earned credits under section 2967.193 of the Revised Code, plus 9344
the term or terms of the other sentences consecutively imposed 9345
or, if one of the other sentences is another type of life 9346
sentence with parole eligibility, the number of years before 9347
parole eligibility for that sentence. 9348

(C) Except as provided in division (G) of this section, a 9349
prisoner serving consecutively two or more sentences in which an 9350
indefinite term of imprisonment is imposed becomes eligible for 9351
parole upon the expiration of the aggregate of the minimum terms 9352
of the sentences. 9353

(D) Except as provided in division (G) of this section, a 9354
prisoner serving a term of imprisonment who is described in 9355
division (A) of section 2967.021 of the Revised Code becomes 9356
eligible for parole as described in that division or, if the 9357
prisoner is serving a definite term of imprisonment, shall be 9358
released as described in that division. 9359

(E) A prisoner serving a sentence of life imprisonment 9360
without parole imposed pursuant to section 2907.02 or section 9361
2929.03 or 2929.06 of the Revised Code is not eligible for 9362
parole and shall be imprisoned until death. 9363

(F) A prisoner serving a stated prison term that is a non- 9364
life felony indefinite prison term shall be released in 9365
accordance with sections 2967.271 and 2967.28 of the Revised 9366
Code. A prisoner serving a stated prison term of any other 9367
nature shall be released in accordance with section 2967.28 of 9368
the Revised Code. 9369

(G) A prisoner serving a prison term or term of life 9370
imprisonment without parole imposed pursuant to section 2971.03 9371
of the Revised Code never becomes eligible for parole during 9372

that term of imprisonment. 9373

Sec. 2967.14. (A) The department of rehabilitation and 9374
correction or the adult parole authority may require or allow a 9375
parolee, a releasee, or a prisoner otherwise released from a 9376
state correctional institution to reside in a halfway house or 9377
other suitable community residential center that has been 9378
licensed by the division of parole and community services 9379
pursuant to division (C) of this section or, in the 9380
circumstances described in division (E) of section 5120.113 of 9381
the Revised Code, in the reentry program and facility 9382
established under that division, during a part or for the entire 9383
period of the offender's or parolee's conditional release or of 9384
the releasee's term of post-release control. The court of common 9385
pleas that placed an offender under a sanction consisting of a 9386
term in a halfway house or in an alternative residential 9387
sanction may require the offender to reside in a halfway house 9388
or other suitable community residential center that is 9389
designated by the court and that has been licensed by the 9390
division pursuant to division (C) of this section during a part 9391
or for the entire period of the offender's residential sanction. 9392

(B) The division of parole and community services may 9393
negotiate and enter into agreements with any public or private 9394
agency or a department or political subdivision of the state 9395
that operates a halfway house, reentry center, or community 9396
residential center that has been licensed by the division 9397
pursuant to division (C) of this section. An agreement under 9398
this division shall provide for the purchase of beds, shall set 9399
limits of supervision and levels of occupancy, and shall 9400
determine the scope of services for all eligible offenders, 9401
including those subject to a residential sanction, as defined in 9402
rules adopted by the director of rehabilitation and correction 9403

in accordance with Chapter 119. of the Revised Code, or those 9404
released from prison without supervision. The payments for beds 9405
and services shall not exceed the total operating costs of the 9406
halfway house, reentry center, or community residential center 9407
during the term of an agreement. The director of rehabilitation 9408
and correction shall adopt rules in accordance with Chapter 119. 9409
of the Revised Code for determining includable and excludable 9410
costs and income to be used in computing the agency's average 9411
daily per capita costs with its facility at full occupancy. 9412

The director of rehabilitation and correction shall adopt 9413
rules providing for the use of no more than fifteen per cent of 9414
the amount appropriated to the department each fiscal year for 9415
the halfway house, reentry center, and community residential 9416
center program to pay for contracts with licensed halfway houses 9417
for nonresidential services for offenders under the supervision 9418
of the adult parole authority, including but not limited to, 9419
offenders supervised pursuant to an agreement entered into by 9420
the adult parole authority and a court of common pleas under 9421
section 2301.32 of the Revised Code. The nonresidential services 9422
may include, but are not limited to, treatment for substance 9423
abuse, mental health counseling, counseling for sex offenders, 9424
electronic monitoring services, aftercare, and other 9425
nonresidential services that the director identifies by rule. 9426

(C) The division of parole and community services may 9427
license a halfway house, reentry center, or community 9428
residential center as a suitable facility for the care and 9429
treatment of adult offenders, including offenders sentenced 9430
under section 2929.16 or 2929.26 of the Revised Code, only if 9431
the halfway house, reentry center, or community residential 9432
center complies with the standards that the division adopts in 9433
accordance with Chapter 119. of the Revised Code for the 9434

licensure of halfway houses, reentry centers, and community 9435
residential centers. The division shall annually inspect each 9436
licensed halfway house, licensed reentry center, and licensed 9437
community residential center to determine if it is in compliance 9438
with the licensure standards. 9439

(D) The division of parole and community services may 9440
expend up to one-half per cent of the annual appropriation made 9441
for halfway house programs, for goods or services that benefit 9442
those programs. 9443

Sec. 2967.19. (A) As used in this section: 9444

(1) "Deadly weapon" and "dangerous ordnance" have the same 9445
meanings as in section 2923.11 of the Revised Code. 9446

(2) "Disqualifying prison term" means any of the 9447
following: 9448

(a) A prison term imposed for aggravated murder, murder, 9449
voluntary manslaughter, involuntary manslaughter, felonious 9450
assault, kidnapping, rape, aggravated arson, aggravated 9451
burglary, or aggravated robbery; 9452

(b) A prison term imposed for complicity in, an attempt to 9453
commit, or conspiracy to commit any offense listed in division 9454
(A) (2) (a) of this section; 9455

(c) A prison term of life imprisonment, including any term 9456
of life imprisonment that has parole eligibility; 9457

(d) A prison term imposed for any felony other than 9458
carrying a concealed weapon an essential element of which is any 9459
conduct or failure to act expressly involving any deadly weapon 9460
or dangerous ordnance; 9461

(e) A prison term imposed for any violation of section 9462

2925.03 of the Revised Code that is a felony of the first or
second degree; 9463
9464

(f) A prison term imposed for engaging in a pattern of
corrupt activity in violation of section 2923.32 of the Revised
Code; 9465
9466
9467

(g) A prison term imposed pursuant to section 2971.03 of
the Revised Code; 9468
9469

(h) A prison term imposed for any sexually oriented
offense. 9470
9471

(3) "Eligible prison term" means any prison term that is
not a disqualifying prison term and is not a restricting prison
term. 9472
9473
9474

(4) "Restricting prison term" means any of the following: 9475

(a) A mandatory prison term imposed under division (B) (1)
(a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of
section 2929.14 of the Revised Code for a specification of the
type described in that division; 9476
9477
9478
9479

(b) In the case of an offender who has been sentenced to a
mandatory prison term for a specification of the type described
in division (A) (4) (a) of this section, the prison term imposed
for the felony offense for which the specification was stated at
the end of the body of the indictment, count in the indictment,
or information charging the offense; 9480
9481
9482
9483
9484
9485

(c) A prison term imposed for trafficking in persons; 9486

(d) A prison term imposed for any offense that is
described in division (A) (4) (d) (i) of this section if division
(A) (4) (d) (ii) of this section applies to the offender: 9487
9488
9489

(i) The offense is a felony of the first or second degree 9490
that is an offense of violence and that is not described in 9491
division (A) (2) (a) or (b) of this section, an attempt to commit 9492
a felony of the first or second degree that is an offense of 9493
violence and that is not described in division (A) (2) (a) or (b) 9494
of this section if the attempt is a felony of the first or 9495
second degree, or an offense under an existing or former law of 9496
this state, another state, or the United States that is or was 9497
substantially equivalent to any other offense described in this 9498
division. 9499

(ii) The offender previously was convicted of or pleaded 9500
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) 9501
of this section. 9502

(5) "Sexually oriented offense" has the same meaning as in 9503
section 2950.01 of the Revised Code. 9504

(6) "Stated prison term of one year or more" means a 9505
definite prison term of one year or more imposed as a stated 9506
prison term, or a minimum prison term of one year or more 9507
imposed as part of a stated prison term that is a non-life 9508
felony indefinite prison term. 9509

(B) The director of the department of rehabilitation and 9510
correction may recommend in writing to the sentencing court that 9511
the court consider releasing from prison any offender who, on or 9512
after September 30, 2011, is confined in a state correctional 9513
institution, who is serving a stated prison term of one year or 9514
more, and who is eligible under division (C) of this section for 9515
a release under this section. If the director wishes to 9516
recommend that the sentencing court consider releasing an 9517
offender under this section, the director shall notify the 9518
sentencing court in writing of the offender's eligibility not 9519

earlier than ninety days prior to the date on which the offender 9520
becomes eligible as described in division (C) of this section. 9521
The director's submission of the written notice constitutes a 9522
recommendation by the director that the court strongly consider 9523
release of the offender consistent with the purposes and 9524
principles of sentencing set forth in sections 2929.11 and 9525
2929.13 of the Revised Code. Only an offender recommended by the 9526
director under division (B) of this section may be considered 9527
for early release under this section. 9528

(C) (1) An offender serving a stated prison term of one 9529
year or more and who has commenced service of that stated prison 9530
term becomes eligible for release from prison under this section 9531
only as described in this division. An offender serving a stated 9532
prison term that includes a disqualifying prison term is not 9533
eligible for release from prison under this section. An offender 9534
serving a stated prison term that consists solely of one or more 9535
restricting prison terms is not eligible for release under this 9536
section. An offender serving a stated prison term of one year or 9537
more that includes one or more restricting prison terms and one 9538
or more eligible prison terms becomes eligible for release under 9539
this section after having fully served all restricting prison 9540
terms and having served eighty per cent of ~~the~~ that stated 9541
prison term that remains to be served after all restricting 9542
prison terms have been fully served. An offender serving a 9543
stated prison term of one year or more that consists solely of 9544
one or more eligible prison terms becomes eligible for release 9545
under this section after having served eighty per cent of that 9546
stated prison term. For purposes of determining an offender's 9547
eligibility for release under this section, if the offender's 9548
stated prison term includes consecutive prison terms, any 9549
restricting prison terms shall be deemed served prior to any 9550

eligible prison terms that run consecutively to the restricting 9551
prison terms, and the eligible prison terms are deemed to 9552
commence after all of the restricting prison terms have been 9553
fully served. 9554

An offender serving a stated prison term of one year or 9555
more that includes a mandatory prison term that is not a 9556
disqualifying prison term and is not a restricting prison term 9557
is not automatically ineligible as a result of the offender's 9558
service of that mandatory term for release from prison under 9559
this section, and the offender's eligibility for release from 9560
prison under this section is determined in accordance with this 9561
division. 9562

(2) If an offender confined in a state correctional 9563
institution under a stated prison term is eligible for release 9564
under this section as described in division (C) (1) of this 9565
section, the director of the department of rehabilitation and 9566
correction may recommend in writing that the sentencing court 9567
consider releasing the offender from prison under this section 9568
by submitting to the sentencing court the written notice 9569
described in division (B) of this section. 9570

(D) The director shall include with any notice submitted 9571
to the sentencing court under division (B) of this section an 9572
institutional summary report that covers the offender's 9573
participation while confined in a state correctional institution 9574
in school, training, work, treatment, and other rehabilitative 9575
activities and any disciplinary action taken against the 9576
offender while so confined. The director shall include with the 9577
notice any other documentation requested by the court, if 9578
available. 9579

(E) (1) When the director submits a written notice to a 9580

sentencing court that an offender is eligible to be considered 9581
for early release under this section, the department promptly 9582
shall provide to the prosecuting attorney of the county in which 9583
the offender was indicted a copy of the written notice, a copy 9584
of the institutional summary report, and any other information 9585
provided to the court and shall provide a copy of the 9586
institutional summary report to any law enforcement agency that 9587
requests the report. The department also promptly shall do 9588
whichever of the following is applicable: 9589

(a) Subject to division (E) (1) (b) of this section, give 9590
written notice of the submission to any victim of the offender 9591
or victim's representative of any victim of the offender who is 9592
registered with the office of victim's services. 9593

(b) If the offense was aggravated murder, murder, an 9594
offense of violence that is a felony of the first, second, or 9595
third degree, or an offense punished by a sentence of life 9596
imprisonment, except as otherwise provided in this division, 9597
notify the victim or the victim's representative of the filing 9598
of the petition regardless of whether the victim or victim's 9599
representative has registered with the office of victim's 9600
services. The notice of the filing of the petition shall not be 9601
given under this division to a victim or victim's representative 9602
if the victim or victim's representative has requested pursuant 9603
to division (B) (2) of section 2930.03 of the Revised Code that 9604
the victim or the victim's representative not be provided the 9605
notice. If notice is to be provided to a victim or victim's 9606
representative under this division, the department may give the 9607
notice by any reasonable means, including regular mail, 9608
telephone, and electronic mail, in accordance with division (D) 9609
(1) of section 2930.16 of the Revised Code. If the notice is 9610
based on an offense committed prior to ~~the effective date of~~ 9611

~~this amendment~~ March 22, 2013, the notice also shall include the 9612
opt-out information described in division (D) (1) of section 9613
2930.16 of the Revised Code. The department, in accordance with 9614
division (D) (2) of section 2930.16 of the Revised Code, shall 9615
keep a record of all attempts to provide the notice, and of all 9616
notices provided, under this division. 9617

Division (E) (1) (b) of this section, and the notice-related 9618
provisions of divisions (E) (2) and (K) of section 2929.20, 9619
division (D) (1) of section 2930.16, division (H) of section 9620
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9621
of section 2967.28, and division (A) (2) of section 5149.101 of 9622
the Revised Code enacted in the act in which division (E) (2) of 9623
this section was enacted, shall be known as "Roberta's Law." 9624

(2) When the director submits a petition under this 9625
section, the department also promptly shall post a copy of the 9626
written notice on the database it maintains under section 9627
5120.66 of the Revised Code and include information on where a 9628
person may send comments regarding the recommendation of early 9629
release. 9630

The information provided to the court, the prosecutor, and 9631
the victim or victim's representative under divisions (D) and 9632
(E) of this section shall include the name and contact 9633
information of a specific department of rehabilitation and 9634
correction employee who is available to answer questions about 9635
the offender who is the subject of the written notice submitted 9636
by the director, including, but not limited to, the offender's 9637
institutional conduct and rehabilitative activities while 9638
incarcerated. 9639

(F) Upon receipt of a written notice submitted by the 9640
director under division (B) of this section, the court either 9641

shall, on its own motion, schedule a hearing to consider 9642
releasing the offender who is the subject of the notice or shall 9643
inform the department that it will not be conducting a hearing 9644
relative to the offender. The court shall not grant an early 9645
release to an offender without holding a hearing. If a court 9646
declines to hold a hearing relative to an offender with respect 9647
to a written notice submitted by the director, the court may 9648
later consider release of that offender under this section on 9649
its own motion by scheduling a hearing for that purpose. Within 9650
thirty days after the written notice is submitted, the court 9651
shall inform the department whether or not the court is 9652
scheduling a hearing on the offender who is the subject of the 9653
notice. 9654

(G) If the court schedules a hearing upon receiving a 9655
written notice submitted under division (B) of this section or 9656
upon its own motion under division (F) of this section, the 9657
court shall notify the head of the state correctional 9658
institution in which the offender is confined of the hearing 9659
prior to the hearing. If the court makes a journal entry 9660
ordering the offender to be conveyed to the hearing, except as 9661
otherwise provided in this division, the head of the 9662
correctional institution shall deliver the offender to the 9663
sheriff of the county in which the hearing is to be held, and 9664
the sheriff shall convey the offender to and from the hearing. 9665
Upon the court's own motion or the motion of the offender or the 9666
prosecuting attorney of the county in which the offender was 9667
indicted, the court may permit the offender to appear at the 9668
hearing by video conferencing equipment if equipment of that 9669
nature is available and compatible. 9670

Upon receipt of notice from a court of a hearing on the 9671
release of an offender under this division, the head of the 9672

state correctional institution in which the offender is confined 9673
immediately shall notify the appropriate person at the 9674
department of rehabilitation and correction of the hearing, and 9675
the department within twenty-four hours after receipt of the 9676
notice shall post on the database it maintains pursuant to 9677
section 5120.66 of the Revised Code the offender's name and all 9678
of the information specified in division (A) (1) (c) (i) of that 9679
section. If the court schedules a hearing under this section, 9680
the court promptly shall give notice of the hearing to the 9681
prosecuting attorney of the county in which the offender was 9682
indicted. Upon receipt of the notice from the court, the 9683
prosecuting attorney shall notify pursuant to section 2930.16 of 9684
the Revised Code any victim of the offender or the victim's 9685
representative of the hearing. 9686

(H) If the court schedules a hearing under this section, 9687
at the hearing, the court shall afford the offender and the 9688
offender's attorney an opportunity to present written 9689
information and, if present, oral information relevant to the 9690
offender's early release. The court shall afford a similar 9691
opportunity to the prosecuting attorney, victim or victim's 9692
representative, as defined in section 2930.01 of the Revised 9693
Code, and any other person the court determines is likely to 9694
present additional relevant information. If the court pursuant 9695
to division (G) of this section permits the offender to appear 9696
at the hearing by video conferencing equipment, the offender's 9697
opportunity to present oral information shall be as a part of 9698
the video conferencing. The court shall consider any statement 9699
of a victim made under section 2930.14 or 2930.17 of the Revised 9700
Code, any victim impact statement prepared under section 9701
2947.051 of the Revised Code, and any report and other 9702
documentation submitted by the director under division (D) of 9703

this section. After ruling on whether to grant the offender 9704
early release, the court shall notify the victim in accordance 9705
with sections 2930.03 and 2930.16 of the Revised Code. 9706

(I) If the court grants an offender early release under 9707
this section, it shall order the release of the offender, shall 9708
place the offender under one or more appropriate community 9709
control sanctions, under appropriate conditions, and under the 9710
supervision of the department of probation that serves the 9711
court, and shall reserve the right to reimpose the sentence that 9712
it reduced and from which the offender was released if the 9713
offender violates the sanction. The court shall not make a 9714
release under this section effective prior to the date on which 9715
the offender becomes eligible as described in division (C) of 9716
this section. If the sentence under which the offender is 9717
confined in a state correctional institution and from which the 9718
offender is being released was imposed for a felony of the first 9719
or second degree, the court shall consider ordering that the 9720
offender be monitored by means of a global positioning device. 9721
If the court reimposes the sentence that it reduced and from 9722
which the offender was released and if the violation of the 9723
sanction is a new offense, the court may order that the 9724
reimposed sentence be served either concurrently with, or 9725
consecutive to, any new sentence imposed upon the offender as a 9726
result of the violation that is a new offense. The period of all 9727
community control sanctions imposed under this division shall 9728
not exceed five years. The court, in its discretion, may reduce 9729
the period of community control sanctions by the amount of time 9730
the offender spent in jail or prison for the offense. 9731

If the court grants an offender early release under this 9732
section, it shall notify the appropriate person at the 9733
department of rehabilitation and correction of the release, and 9734

the department shall post notice of the release on the database 9735
it maintains pursuant to section 5120.66 of the Revised Code. 9736

(J) The department shall adopt under Chapter 119. of the 9737
Revised Code any rules necessary to implement this section. 9738

Sec. 2967.191. (A) The department of rehabilitation and 9739
correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 9740
~~if the prisoner is serving a term for which there is parole~~ 9741
~~eligibility, the minimum and maximum term or the parole~~ 9742
~~eligibility date of the prisoner, as described in division (B)~~ 9743
of this section, by the total number of days that the prisoner 9744
was confined for any reason arising out of the offense for which 9745
the prisoner was convicted and sentenced, including confinement 9746
in lieu of bail while awaiting trial, confinement for 9747
examination to determine the prisoner's competence to stand 9748
trial or sanity, confinement while awaiting transportation to 9749
the place where the prisoner is to serve the prisoner's prison 9750
term, as determined by the sentencing court under division (B) 9751
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 9752
confinement in a juvenile facility. The department of 9753
rehabilitation and correction also shall reduce the stated 9754
prison term of a prisoner or, if the prisoner is serving a term 9755
for which there is parole eligibility, the minimum and maximum 9756
term or the parole eligibility date of the prisoner by the total 9757
number of days, if any, that the prisoner previously served in 9758
the custody of the department of rehabilitation and correction 9759
arising out of the offense for which the prisoner was convicted 9760
and sentenced. 9761

(B) The reductions described in division (A) of this 9762
section shall be made to the following prison terms, as 9763
applicable: 9764

(1) The definite prison term of a prisoner serving a 9765
definite prison term as a stated prison term; 9766

(2) The minimum and maximum term of a prisoner serving a 9767
non-life felony indefinite prison term as a stated prison term; 9768

(3) The minimum and maximum term or the parole eligibility 9769
date of a prisoner serving a term for which there is parole 9770
eligibility. 9771

Sec. 2967.193. (A) (1) Except as provided in division (C) 9772
of this section and subject to the maximum aggregate total 9773
specified in division (A) (3) of this section, a person confined 9774
in a state correctional institution or placed in the substance 9775
use disorder treatment program may provisionally earn one day or 9776
five days of credit, based on the category set forth in division 9777
(D) (1), (2), (3), (4), or (5) of this section in which the 9778
person is included, toward satisfaction of the person's stated 9779
prison term, as described in division (F) of this section, for 9780
each completed month during which the person, if confined in a 9781
state correctional institution, productively participates in an 9782
education program, vocational training, employment in prison 9783
industries, treatment for substance abuse, or any other 9784
constructive program developed by the department with specific 9785
standards for performance by prisoners or during which the 9786
person, if placed in the substance use disorder treatment 9787
program, productively participates in the program. Except as 9788
provided in division (C) of this section and subject to the 9789
maximum aggregate total specified in division (A) (3) of this 9790
section, a person so confined in a state correctional 9791
institution who successfully completes two programs or 9792
activities of that type may, in addition, provisionally earn up 9793
to five days of credit toward satisfaction of the person's 9794

stated prison term, as described in division (F) of this 9795
section, for the successful completion of the second program or 9796
activity. The person shall not be awarded any provisional days 9797
of credit for the successful completion of the first program or 9798
activity or for the successful completion of any program or 9799
activity that is completed after the second program or activity. 9800
At the end of each calendar month in which a person productively 9801
participates in a program or activity listed in this division or 9802
successfully completes a program or activity listed in this 9803
division, the department of rehabilitation and correction shall 9804
determine and record the total number of days credit that the 9805
person provisionally earned in that calendar month. If the 9806
person in a state correctional institution violates prison rules 9807
or the person in the substance use disorder treatment program 9808
violates program or department rules, the department may deny 9809
the person a credit that otherwise could have been provisionally 9810
awarded to the person or may withdraw one or more credits 9811
previously provisionally earned by the person. Days of credit 9812
provisionally earned by a person shall be finalized and awarded 9813
by the department subject to administrative review by the 9814
department of the person's conduct. 9815

(2) Unless a person is serving a mandatory prison term or 9816
a prison term for an offense of violence or a sexually oriented 9817
offense, and notwithstanding the maximum aggregate total 9818
specified in division (A) (3) of this section, a person who 9819
successfully completes any of the following shall earn ninety 9820
days of credit toward satisfaction of the person's stated prison 9821
term or a ten per cent reduction of the person's stated prison 9822
term, whichever is less: 9823

(a) An Ohio high school diploma or Ohio certificate of 9824
high school equivalence certified by the Ohio central school 9825

system;	9826
(b) A therapeutic drug community program;	9827
(c) All three phases of the department of rehabilitation and correction's intensive outpatient drug treatment program;	9828 9829
(d) A career technical vocational school program;	9830
(e) A college certification program;	9831
(f) The criteria for a certificate of achievement and employability as specified in division (A)(1) of section 2961.22 of the Revised Code.	9832 9833 9834
(3) Except for persons described in division (A)(2) of this section, the aggregate days of credit provisionally earned by a person for program or activity participation and program and activity completion under this section and the aggregate days of credit finally credited to a person under this section shall not exceed eight per cent of the total number of days in the person's stated prison term.	9835 9836 9837 9838 9839 9840 9841
(B) The department of rehabilitation and correction shall adopt rules that specify the programs or activities for which credit may be earned under this section, the criteria for determining productive participation in, or completion of, the programs or activities and the criteria for awarding credit, including criteria for awarding additional credit for successful program or activity completion, and the criteria for denying or withdrawing previously provisionally earned credit as a result of a violation of prison rules, or program or department rules, whichever is applicable.	9842 9843 9844 9845 9846 9847 9848 9849 9850 9851
(C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom	9852 9853

any of the following applies shall be awarded any days of credit 9854
under division (A) of this section: 9855

(1) The person is serving a prison term that section 9856
2929.13 or section 2929.14 of the Revised Code specifies cannot 9857
be reduced pursuant to this section or this chapter or is 9858
serving a sentence for which section 2967.13 or division (B) of 9859
section 2929.143 of the Revised Code specifies that the person 9860
is not entitled to any earned credit under this section. 9861

(2) The person is sentenced to death or is serving a 9862
prison term or a term of life imprisonment for aggravated 9863
murder, murder, or a conspiracy or attempt to commit, or 9864
complicity in committing, aggravated murder or murder. 9865

(3) The person is serving a sentence of life imprisonment 9866
without parole imposed pursuant to section 2929.03 or 2929.06 of 9867
the Revised Code, a prison term or a term of life imprisonment 9868
without parole imposed pursuant to section 2971.03 of the 9869
Revised Code, or a sentence for a sexually oriented offense that 9870
was committed on or after September 30, 2011. 9871

(D) This division does not apply to a determination of 9872
whether a person confined in a state correctional institution or 9873
placed in a substance use disorder treatment program may earn 9874
any days of credit under division (A) of this section for 9875
successful completion of a second program or activity. The 9876
determination of whether a person confined in a state 9877
correctional institution may earn one day of credit or five days 9878
of credit under division (A) of this section for each completed 9879
month during which the person productively participates in a 9880
program or activity specified under that division shall be made 9881
in accordance with the following: 9882

(1) The offender may earn one day of credit under division 9883
(A) of this section, except as provided in division (C) of this 9884
section, if the most serious offense for which the offender is 9885
confined is any of the following that is a felony of the first 9886
or second degree: 9887

(a) A violation of division (A) of section 2903.04 or of 9888
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 9889
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 9890
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 9891
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 9892
2927.24 of the Revised Code; 9893

(b) A conspiracy or attempt to commit, or complicity in 9894
committing, any other offense for which the maximum penalty is 9895
imprisonment for life or any offense listed in division (D) (1) 9896
(a) of this section. 9897

(2) The offender may earn one day of credit under division 9898
(A) of this section, except as provided in division (C) of this 9899
section, if the offender is serving a stated prison term that 9900
includes a prison term imposed for a sexually oriented offense 9901
that the offender committed prior to September 30, 2011. 9902

(3) The offender may earn one day of credit under division 9903
(A) of this section, except as provided in division (C) of this 9904
section, if the offender is serving a stated prison term that 9905
includes a prison term imposed for a felony other than carrying 9906
a concealed weapon an essential element of which is any conduct 9907
or failure to act expressly involving any deadly weapon or 9908
dangerous ordnance. 9909

(4) Except as provided in division (C) of this section, if 9910
the most serious offense for which the offender is confined is a 9911

felony of the first or second degree and divisions (D) (1), (2), 9912
and (3) of this section do not apply to the offender, the 9913
offender may earn one day of credit under division (A) of this 9914
section if the offender committed that offense prior to 9915
September 30, 2011, and the offender may earn five days of 9916
credit under division (A) of this section if the offender 9917
committed that offense on or after September 30, 2011. 9918

(5) Except as provided in division (C) of this section, if 9919
the most serious offense for which the offender is confined is a 9920
felony of the third, fourth, or fifth degree or an unclassified 9921
felony and neither division (D) (2) nor (3) of this section 9922
applies to the offender, the offender may earn one day of credit 9923
under division (A) of this section if the offender committed 9924
that offense prior to September 30, 2011, and the offender may 9925
earn five days of credit under division (A) of this section if 9926
the offender committed that offense on or after September 30, 9927
2011. 9928

(E) The department annually shall seek and consider the 9929
written feedback of the Ohio prosecuting attorneys association, 9930
the Ohio judicial conference, the Ohio public defender, the Ohio 9931
association of criminal defense lawyers, and other organizations 9932
and associations that have an interest in the operation of the 9933
corrections system and the earned credits program under this 9934
section as part of its evaluation of the program and in 9935
determining whether to modify the program. 9936

(F) Days of credit awarded under this section shall be 9937
applied toward satisfaction of a person's stated prison term as 9938
follows: 9939

(1) Toward the definite prison term of a prisoner serving 9940
a definite prison term as a stated prison term; 9941

(2) Toward the minimum and maximum terms of a prisoner 9942
serving an indefinite prison term imposed under division (A) (1) 9943
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised Code 9944
for a felony of the first or second degree committed on or after 9945
the effective date of this amendment or a felony of the third 9946
degree that is described in division (A) (3) (a) of that section 9947
and committed on or after that effective date. 9948

(G) As used in this section: 9949

(1) "Sexually oriented offense" has the same meaning as in 9950
section 2950.01 of the Revised Code. 9951

(2) "Substance use disorder treatment program" means the 9952
substance use disorder treatment program established by the 9953
department of rehabilitation and correction under section 9954
5120.035 of the Revised Code. 9955

Sec. 2967.26. (A) (1) The department of rehabilitation and 9956
correction, by rule, may establish a transitional control 9957
program for the purpose of closely monitoring a prisoner's 9958
adjustment to community supervision during the final one hundred 9959
eighty days of the prisoner's confinement. If the department 9960
establishes a transitional control program under this division, 9961
the division of parole and community services of the department 9962
of rehabilitation and correction may transfer eligible prisoners 9963
to transitional control status under the program during the 9964
final one hundred eighty days of their confinement and under the 9965
terms and conditions established by the department, shall 9966
provide for the confinement as provided in this division of each 9967
eligible prisoner so transferred, and shall supervise each 9968
eligible prisoner so transferred in one or more community 9969
control sanctions. Each eligible prisoner who is transferred to 9970
transitional control status under the program shall be confined 9971

in a suitable facility that is licensed pursuant to division (C) 9972
of section 2967.14 of the Revised Code, or shall be confined in 9973
a residence the department has approved for this purpose and be 9974
monitored pursuant to an electronic monitoring device, as 9975
defined in section 2929.01 of the Revised Code. If the 9976
department establishes a transitional control program under this 9977
division, the rules establishing the program shall include 9978
criteria that define which prisoners are eligible for the 9979
program, criteria that must be satisfied to be approved as a 9980
residence that may be used for confinement under the program of 9981
a prisoner that is transferred to it and procedures for the 9982
department to approve residences that satisfy those criteria, 9983
and provisions of the type described in division (C) of this 9984
section. At a minimum, the criteria that define which prisoners 9985
are eligible for the program shall provide all of the following: 9986

(a) That a prisoner is eligible for the program if the 9987
prisoner is serving a prison term or term of imprisonment for an 9988
offense committed prior to March 17, 1998, and if, at the time 9989
at which eligibility is being determined, the prisoner would 9990
have been eligible for a furlough under this section as it 9991
existed immediately prior to March 17, 1998, or would have been 9992
eligible for conditional release under former section 2967.23 of 9993
the Revised Code as that section existed immediately prior to 9994
March 17, 1998; 9995

(b) That no prisoner who is serving a mandatory prison 9996
term is eligible for the program until after expiration of the 9997
mandatory term; 9998

(c) That no prisoner who is serving a prison term or term 9999
of life imprisonment without parole imposed pursuant to section 10000
2971.03 of the Revised Code is eligible for the program. 10001

(2) At least sixty days prior to transferring to 10002
transitional control under this section a prisoner who is 10003
serving a definite term of imprisonment or definite prison term 10004
of two years or less for an offense committed on or after July 10005
1, 1996, or who is serving a minimum term of two years or less 10006
under a non-life felony indefinite prison term, the division of 10007
parole and community services of the department of 10008
rehabilitation and correction shall give notice of the pendency 10009
of the transfer to transitional control to the court of common 10010
pleas of the county in which the indictment against the prisoner 10011
was found and of the fact that the court may disapprove the 10012
transfer of the prisoner to transitional control and shall 10013
include the institutional summary report prepared by the head of 10014
the state correctional institution in which the prisoner is 10015
confined. The head of the state correctional institution in 10016
which the prisoner is confined, upon the request of the division 10017
of parole and community services, shall provide to the division 10018
for inclusion in the notice sent to the court under this 10019
division an institutional summary report on the prisoner's 10020
conduct in the institution and in any institution from which the 10021
prisoner may have been transferred. The institutional summary 10022
report shall cover the prisoner's participation in school, 10023
vocational training, work, treatment, and other rehabilitative 10024
activities and any disciplinary action taken against the 10025
prisoner. If the court disapproves of the transfer of the 10026
prisoner to transitional control, the court shall notify the 10027
division of the disapproval within thirty days after receipt of 10028
the notice. If the court timely disapproves the transfer of the 10029
prisoner to transitional control, the division shall not proceed 10030
with the transfer. If the court does not timely disapprove the 10031
transfer of the prisoner to transitional control, the division 10032
may transfer the prisoner to transitional control. 10033

(3) (a) If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address or if division (A) (3) (b) of this section applies, the division of parole and community services, at least sixty days prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the division regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the division, the division shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(b) If a prisoner is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or under a sentence of life imprisonment, except as otherwise provided in this division, the notice described in division (A) (3) (a) of this section shall be given regardless of whether the victim has requested the notification. The notice described in division (A) (3) (a) of this section shall not be given under this division to a victim if the victim has requested pursuant to division (B) (2) of section 2930.03 of the Revised Code that the victim not be provided the notice. If notice is to be provided to a victim under this division, the authority 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 authority, in 10065
accordance with division (D) (2) of section 2930.16 of the 10066
Revised Code, shall keep a record of all attempts to provide the 10067
notice, and of all notices provided, under this division. 10068

Division (A) (3) (b) of this section, and the notice-related 10069
provisions of divisions (E) (2) and (K) of section 2929.20, 10070
division (D) (1) of section 2930.16, division (H) of section 10071
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 10072
of section 2967.28, and division (A) (2) of section 5149.101 of 10073
the Revised Code enacted in the act in which division (A) (3) (b) 10074
of this section was enacted, shall be known as "Roberta's Law." 10075

(4) The department of rehabilitation and correction, at 10076
least sixty days prior to transferring a prisoner to 10077
transitional control pursuant to this section, shall post on the 10078
database it maintains pursuant to section 5120.66 of the Revised 10079
Code the prisoner's name and all of the information specified in 10080
division (A) (1) (c) (iv) of that section. In addition to and 10081
independent of the right of a victim to submit a statement as 10082
described in division (A) (3) of this section or to otherwise 10083
make a statement and in addition to and independent of any other 10084
right or duty of a person to present information or make a 10085
statement, any person may send to the division of parole and 10086
community services at any time prior to the division's transfer 10087
of the prisoner to transitional control a written statement 10088
regarding the transfer of the prisoner to transitional control. 10089
In addition to the information, reports, and statements it 10090
considers under divisions (A) (2) and (3) of this section or that 10091
it otherwise considers, the division shall consider each 10092
statement submitted in accordance with this division in deciding 10093
whether to transfer the prisoner to transitional control. 10094

(B) Each prisoner transferred to transitional control 10095
under this section shall be confined in the manner described in 10096
division (A) of this section during any period of time that the 10097
prisoner is not actually working at the prisoner's approved 10098
employment, engaged in a vocational training or another 10099
educational program, engaged in another program designated by 10100
the director, or engaged in other activities approved by the 10101
department. 10102

(C) The department of rehabilitation and correction shall 10103
adopt rules for transferring eligible prisoners to transitional 10104
control, supervising and confining prisoners so transferred, 10105
administering the transitional control program in accordance 10106
with this section, and using the moneys deposited into the 10107
transitional control fund established under division (E) of this 10108
section. 10109

(D) The department of rehabilitation and correction may 10110
adopt rules for the issuance of passes for the limited purposes 10111
described in this division to prisoners who are transferred to 10112
transitional control under this section. If the department 10113
adopts rules of that nature, the rules shall govern the granting 10114
of the passes and shall provide for the supervision of prisoners 10115
who are temporarily released pursuant to one of those passes. 10116
Upon the adoption of rules under this division, the department 10117
may issue passes to prisoners who are transferred to 10118
transitional control status under this section in accordance 10119
with the rules and the provisions of this division. All passes 10120
issued under this division shall be for a maximum of forty-eight 10121
hours and may be issued only for the following purposes: 10122

(1) To visit a relative in imminent danger of death; 10123

(2) To have a private viewing of the body of a deceased 10124

relative; 10125

(3) To visit with family; 10126

(4) To otherwise aid in the rehabilitation of the 10127
prisoner. 10128

(E) The division of parole and community services may 10129
require a prisoner who is transferred to transitional control to 10130
pay to the division the reasonable expenses incurred by the 10131
division in supervising or confining the prisoner while under 10132
transitional control. Inability to pay those reasonable expenses 10133
shall not be grounds for refusing to transfer an otherwise 10134
eligible prisoner to transitional control. Amounts received by 10135
the division of parole and community services under this 10136
division shall be deposited into the transitional control fund, 10137
which is hereby created in the state treasury and which hereby 10138
replaces and succeeds the furlough services fund that formerly 10139
existed in the state treasury. All moneys that remain in the 10140
furlough services fund on March 17, 1998, shall be transferred 10141
on that date to the transitional control fund. The transitional 10142
control fund shall be used solely to pay costs related to the 10143
operation of the transitional control program established under 10144
this section. The director of rehabilitation and correction 10145
shall adopt rules in accordance with section 111.15 of the 10146
Revised Code for the use of the fund. 10147

(F) A prisoner who violates any rule established by the 10148
department of rehabilitation and correction under division (A), 10149
(C), or (D) of this section may be transferred to a state 10150
correctional institution pursuant to rules adopted under 10151
division (A), (C), or (D) of this section, but the prisoner 10152
shall receive credit towards completing the prisoner's sentence 10153
for the time spent under transitional control. 10154

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under post-release control, the duration of the post-release control, the type of post-release control sanctions that may be imposed, the enforcement of the sanctions, and the treatment of prisoners who violate any sanction applicable to the prisoner are governed by section 2967.28 of the Revised Code.

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

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

(2) "Offender's presumptive earned early release date" means the date that is determined under division (F) of this section by the reduction of an offender's minimum prison term.

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

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

(B) When an offender is sentenced to a non-life felony

indefinite prison term, there shall be a presumption that the 10184
person shall be released from service of the sentence on the 10185
expiration of the offender's minimum prison term or on the 10186
offender's presumptive earned early release date, whichever is 10187
earlier. 10188

(C) The presumption established under division (B) of this 10189
section is a rebuttable presumption that the department of 10190
rehabilitation and correction may rebut as provided in this 10191
division. Unless the department rebuts the presumption, the 10192
offender shall be released from service of the sentence on the 10193
expiration of the offender's minimum prison term or on the 10194
offender's presumptive earned early release date, whichever is 10195
earlier. The department may rebut the presumption only if the 10196
department determines, at a hearing, that one or more of the 10197
following applies: 10198

(1) Regardless of the security level in which the offender 10199
is classified at the time of the hearing, both of the following 10200
apply: 10201

(a) During the offender's incarceration, the offender 10202
committed institutional rule infractions that involved 10203
compromising the security of a state correctional institution, 10204
compromising the safety of the staff of a state correctional 10205
institution or its inmates, or physical harm or the threat of 10206
physical harm to the staff of a state correctional institution 10207
or its inmates, or committed a violation of law that was not 10208
prosecuted, and the infractions or violations demonstrate that 10209
the offender has not been rehabilitated. 10210

(b) The offender's behavior while incarcerated, including, 10211
but not limited to the infractions and violations specified in 10212
division (C) (1) (a) of this section, demonstrate that the 10213

offender continues to pose a threat to society. 10214

(2) Regardless of the security level in which the offender is classified at the time of the hearing, the offender has been placed by the department in extended restrictive housing at any time within the year preceding the date of the hearing. 10215
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(3) At the time of the hearing, the offender is classified by the department as a security level three, four, or five, or at a higher security level. 10219
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(D) (1) If the department of rehabilitation and correction, pursuant to division (C) of this section, rebuts the presumption established under division (B) of this section, the department may maintain the offender's incarceration in a state correctional institution under the sentence after the expiration of the offender's minimum prison term or, for offenders who have a presumptive earned early release date, after the offender's presumptive earned early release date. The department may maintain the offender's incarceration under this division for an additional period of incarceration determined by the department. The additional period of incarceration shall be a reasonable period determined by the department, shall be specified by the department, and shall not exceed the offender's maximum prison term. 10222
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(2) If the department maintains an offender's incarceration for an additional period under division (D) (1) of this section, there shall be a presumption that the offender shall be released on the expiration of the offender's minimum prison term plus the additional period of incarceration specified by the department as provided under that division or, for offenders who have a presumptive earned early release date, on the expiration of the additional period of incarceration to 10236
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be served after the offender's presumptive earned early release 10244
date that is specified by the department as provided under that 10245
division. The presumption is a rebuttable presumption that the 10246
department may rebut, but only if it conducts a hearing and 10247
makes the determinations specified in division (C) of this 10248
section, and if the department rebuts the presumption, it may 10249
maintain the offender's incarceration in a state correctional 10250
institution for an additional period determined as specified in 10251
division (D)(1) of this section. Unless the department rebuts 10252
the presumption at the hearing, the offender shall be released 10253
from service of the sentence on the expiration of the offender's 10254
minimum prison term plus the additional period of incarceration 10255
specified by the department or, for offenders who have a 10256
presumptive earned early release date, on the expiration of the 10257
additional period of incarceration to be served after the 10258
offender's presumptive earned early release date as specified by 10259
the department. 10260

The provisions of this division regarding the 10261
establishment of a rebuttable presumption, the department's 10262
rebuttal of the presumption, and the department's maintenance of 10263
an offender's incarceration for an additional period of 10264
incarceration apply, and may be utilized more than one time, 10265
during the remainder of the offender's incarceration. If the 10266
offender has not been released under division (C) of this 10267
section or this division prior to the expiration of the 10268
offender's maximum prison term imposed as part of the offender's 10269
non-life felony indefinite prison term, the offender shall be 10270
released upon the expiration of that maximum term. 10271

(E) The department shall provide notices of hearings to be 10272
conducted under division (C) or (D) of this section in the same 10273
manner, and to the same persons, as specified in section 2967.12 10274

and Chapter 2930. of the Revised Code with respect to hearings 10275
to be conducted regarding the possible release on parole of an 10276
inmate. 10277

(F)(1) Except as provided in division (F)(3) of this 10278
section, the department of rehabilitation and correction, 10279
pursuant to this division, may grant an offender serving a non- 10280
life felony indefinite prison term a reduction in the offender's 10281
minimum prison term imposed under that non-life felony 10282
indefinite prison term for the offender's exceptional conduct 10283
while incarcerated or the offender's adjustment to 10284
incarceration. A reduction under this division shall be for five 10285
to fifteen per cent of the offender's minimum term, as specified 10286
by the department by rule. The date determined by reduction of 10287
an offender's minimum prison term under this division is the 10288
offender's presumptive earned early release date. 10289

(2) The department of rehabilitation and correction by 10290
rule shall specify both of the following for offenders serving a 10291
non-life felony indefinite prison term: 10292

(a) The type of exceptional conduct while incarcerated and 10293
the type of adjustment to incarceration that will qualify an 10294
offender serving such a prison term for a reduction under 10295
division (F)(1) of this section of the minimum prison term 10296
imposed on the offender under the non-life felony indefinite 10297
prison term. 10298

(b) The per cent of reduction that it may grant to an 10299
offender serving such a prison term under division (F)(1) of 10300
this section, based on the offense level of the offense for 10301
which the prison term was imposed, with the department 10302
specifying the offense levels used for purposes of this division 10303
and assigning a specific percentage reduction within the range 10304

of five to fifteen per cent for each such offense level. 10305

(3) Division (F)(1) of this section does not apply with 10306
respect to an offender serving a non-life felony indefinite 10307
prison term for a sexually oriented offense, and no offender 10308
serving such a prison term for a sexually oriented offense shall 10309
be granted a reduction under that division in the offender's 10310
minimum prison term imposed under that non-life felony 10311
indefinite prison term. 10312

(G) If an offender is sentenced to a non-life felony 10313
indefinite prison term, any reference in a section of the 10314
Revised Code to a definite prison term shall be construed as 10315
referring to the offender's minimum term under that sentence 10316
plus any additional period of time of incarceration specified by 10317
the department under division (D)(1) or (2) of this section, 10318
except to the extent otherwise specified in the section or to 10319
the extent that that construction clearly would be 10320
inappropriate. 10321

Sec. 2967.28. (A) As used in this section: 10322

(1) "Monitored time" means the monitored time sanction 10323
specified in section 2929.17 of the Revised Code. 10324

(2) "Deadly weapon" and "dangerous ordnance" have the same 10325
meanings as in section 2923.11 of the Revised Code. 10326

(3) "Felony sex offense" means a violation of a section 10327
contained in Chapter 2907. of the Revised Code that is a felony. 10328

(4) "Risk reduction sentence" means a prison term imposed 10329
by a court, when the court recommends pursuant to section 10330
2929.143 of the Revised Code that the offender serve the 10331
sentence under section 5120.036 of the Revised Code, and the 10332
offender may potentially be released from imprisonment prior to 10333

the expiration of the prison term if the offender successfully 10334
completes all assessment and treatment or programming required 10335
by the department of rehabilitation and correction under section 10336
5120.036 of the Revised Code. 10337

(5) "Victim's immediate family" has the same meaning as in 10338
section 2967.12 of the Revised Code. 10339

(6) "Minor drug possession offense" has the same meaning 10340
as in section 2925.11 of the Revised Code. 10341

(B) Each sentence to a prison term, other than a term of 10342
life imprisonment, for a felony of the first degree, for a 10343
felony of the second degree, for a felony sex offense, or for a 10344
felony of the third degree that is an offense of violence and is 10345
not a felony sex offense shall include a requirement that the 10346
offender be subject to a period of post-release control imposed 10347
by the parole board after the offender's release from 10348
imprisonment. This division applies with respect to all prison 10349
terms of a type described in this division, including a term of 10350
any such type that is a risk reduction sentence. If a court 10351
imposes a sentence including a prison term of a type described 10352
in this division on or after July 11, 2006, the failure of a 10353
sentencing court to notify the offender pursuant to division (B) 10354
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10355
requirement or to include in the judgment of conviction entered 10356
on the journal a statement that the offender's sentence includes 10357
this requirement does not negate, limit, or otherwise affect the 10358
mandatory period of supervision that is required for the 10359
offender under this division. This division applies with respect 10360
to all prison terms of a type described in this division, 10361
including a non-life felony indefinite prison term. Section 10362
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10363

a court imposed a sentence including a prison term of a type 10364
described in this division and failed to notify the offender 10365
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10366
Revised Code regarding post-release control or to include in the 10367
judgment of conviction entered on the journal or in the sentence 10368
pursuant to division (D) (1) of section 2929.14 of the Revised 10369
Code a statement regarding post-release control. Unless reduced 10370
by the parole board pursuant to division (D) of this section 10371
when authorized under that division, a period of post-release 10372
control required by this division for an offender shall be of 10373
one of the following periods: 10374

(1) For a felony of the first degree or for a felony sex 10375
offense, five years; 10376

(2) For a felony of the second degree that is not a felony 10377
sex offense, three years; 10378

(3) For a felony of the third degree that is an offense of 10379
violence and is not a felony sex offense, three years. 10380

(C) Any sentence to a prison term for a felony of the 10381
third, fourth, or fifth degree that is not subject to division 10382
(B) (1) or (3) of this section shall include a requirement that 10383
the offender be subject to a period of post-release control of 10384
up to three years after the offender's release from 10385
imprisonment, if the parole board, in accordance with division 10386
(D) of this section, determines that a period of post-release 10387
control is necessary for that offender. This division applies 10388
with respect to all prison terms of a type described in this 10389
division, including a term of any such type that is a risk 10390
reduction sentence. Section 2929.191 of the Revised Code applies 10391
if, prior to July 11, 2006, a court imposed a sentence including 10392
a prison term of a type described in this division and failed to 10393

notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10394
2929.19 of the Revised Code regarding post-release control or to 10395
include in the judgment of conviction entered on the journal or 10396
in the sentence pursuant to division (D) (2) of section 2929.14 10397
of the Revised Code a statement regarding post-release control. 10398
Pursuant to an agreement entered into under section 2967.29 of 10399
the Revised Code, a court of common pleas or parole board may 10400
impose sanctions or conditions on an offender who is placed on 10401
post-release control under this division. 10402

(D) (1) Before the prisoner is released from imprisonment, 10403
the parole board or, pursuant to an agreement under section 10404
2967.29 of the Revised Code, the court shall impose upon a 10405
prisoner described in division (B) of this section, shall impose 10406
upon a prisoner described in division (C) of this section who is 10407
to be released before the expiration of the prisoner's stated 10408
prison term under a risk reduction sentence, may impose upon a 10409
prisoner described in division (C) of this section who is not to 10410
be released before the expiration of the prisoner's stated 10411
prison term under a risk reduction sentence, and shall impose 10412
upon a prisoner described in division (B) (2) (b) of section 10413
5120.031 or in division (B) (1) of section 5120.032 of the 10414
Revised Code, one or more post-release control sanctions to 10415
apply during the prisoner's period of post-release control. 10416
Whenever the board or court imposes one or more post-release 10417
control sanctions upon a prisoner, the board or court, in 10418
addition to imposing the sanctions, also shall include as a 10419
condition of the post-release control that the offender not 10420
leave the state without permission of the court or the 10421
offender's parole or probation officer and that the offender 10422
abide by the law. The board or court may impose any other 10423
conditions of release under a post-release control sanction that 10424

the board or court considers appropriate, and the conditions of 10425
release may include any community residential sanction, 10426
community nonresidential sanction, or financial sanction that 10427
the sentencing court was authorized to impose pursuant to 10428
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10429
Prior to the release of a prisoner for whom it will impose one 10430
or more post-release control sanctions under this division, the 10431
parole board or court shall review the prisoner's criminal 10432
history, results from the single validated risk assessment tool 10433
selected by the department of rehabilitation and correction 10434
under section 5120.114 of the Revised Code, all juvenile court 10435
adjudications finding the prisoner, while a juvenile, to be a 10436
delinquent child, and the record of the prisoner's conduct while 10437
imprisoned. The parole board or court shall consider any 10438
recommendation regarding post-release control sanctions for the 10439
prisoner made by the office of victims' services. After 10440
considering those materials, the board or court shall determine, 10441
for a prisoner described in division (B) of this section, 10442
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10443
section 5120.032 of the Revised Code and for a prisoner 10444
described in division (C) of this section who is to be released 10445
before the expiration of the prisoner's stated prison term under 10446
a risk reduction sentence, which post-release control sanction 10447
or combination of post-release control sanctions is reasonable 10448
under the circumstances or, for a prisoner described in division 10449
(C) of this section who is not to be released before the 10450
expiration of the prisoner's stated prison term under a risk 10451
reduction sentence, whether a post-release control sanction is 10452
necessary and, if so, which post-release control sanction or 10453
combination of post-release control sanctions is reasonable 10454
under the circumstances. In the case of a prisoner convicted of 10455
a felony of the fourth or fifth degree other than a felony sex 10456

offense, the board or court shall presume that monitored time is 10457
the appropriate post-release control sanction unless the board 10458
or court determines that a more restrictive sanction is 10459
warranted. A post-release control sanction imposed under this 10460
division takes effect upon the prisoner's release from 10461
imprisonment. 10462

Regardless of whether the prisoner was sentenced to the 10463
prison term prior to, on, or after July 11, 2006, prior to the 10464
release of a prisoner for whom it will impose one or more post- 10465
release control sanctions under this division, the parole board 10466
shall notify the prisoner that, if the prisoner violates any 10467
sanction so imposed or any condition of post-release control 10468
described in division (B) of section 2967.131 of the Revised 10469
Code that is imposed on the prisoner, the parole board may 10470
impose a prison term of up to one-half of the stated prison term 10471
originally imposed upon the prisoner. 10472

At least thirty days before the prisoner is released from 10473
imprisonment under post-release control, except as otherwise 10474
provided in this paragraph, the department of rehabilitation and 10475
correction shall notify the victim and the victim's immediate 10476
family of the date on which the prisoner will be released, the 10477
period for which the prisoner will be under post-release control 10478
supervision, and the terms and conditions of the prisoner's 10479
post-release control regardless of whether the victim or 10480
victim's immediate family has requested the notification. The 10481
notice described in this paragraph shall not be given to a 10482
victim or victim's immediate family if the victim or the 10483
victim's immediate family has requested pursuant to division (B) 10484
(2) of section 2930.03 of the Revised Code that the notice not 10485
be provided to the victim or the victim's immediate family. At 10486
least thirty days before the prisoner is released from 10487

imprisonment and regardless of whether the victim or victim's 10488
immediate family has requested that the notice described in this 10489
paragraph be provided or not be provided to the victim or the 10490
victim's immediate family, the department also shall provide 10491
notice of that nature to the prosecuting attorney in the case 10492
and the law enforcement agency that arrested the prisoner if any 10493
officer of that agency was a victim of the offense. 10494

If the notice given under the preceding paragraph to the 10495
victim or the victim's immediate family is based on an offense 10496
committed prior to March 22, 2013, and if the department of 10497
rehabilitation and correction has not previously successfully 10498
provided any notice to the victim or the victim's immediate 10499
family under division (B), (C), or (D) of section 2930.16 of the 10500
Revised Code with respect to that offense and the offender who 10501
committed it, the notice also shall inform the victim or the 10502
victim's immediate family that the victim or the victim's 10503
immediate family may request that the victim or the victim's 10504
immediate family not be provided any further notices with 10505
respect to that offense and the offender who committed it and 10506
shall describe the procedure for making that request. The 10507
department may give the notices to which the preceding paragraph 10508
applies by any reasonable means, including regular mail, 10509
telephone, and electronic mail. If the department attempts to 10510
provide notice to any specified person under the preceding 10511
paragraph but the attempt is unsuccessful because the department 10512
is unable to locate the specified person, is unable to provide 10513
the notice by its chosen method because it cannot determine the 10514
mailing address, electronic mail address, or telephone number at 10515
which to provide the notice, or, if the notice is sent by mail, 10516
the notice is returned, the department shall make another 10517
attempt to provide the notice to the specified person. If the 10518

second attempt is unsuccessful, the department shall make at 10519
least one more attempt to provide the notice. If the notice is 10520
based on an offense committed prior to March 22, 2013, in each 10521
attempt to provide the notice to the victim or victim's 10522
immediate family, the notice shall include the opt-out 10523
information described in this paragraph. The department, in the 10524
manner described in division (D) (2) of section 2930.16 of the 10525
Revised Code, shall keep a record of all attempts to provide the 10526
notice, and of all notices provided, under this paragraph and 10527
the preceding paragraph. The record shall be considered as if it 10528
was kept under division (D) (2) of section 2930.16 of the Revised 10529
Code. This paragraph, the preceding paragraph, and the notice- 10530
related provisions of divisions (E) (2) and (K) of section 10531
2929.20, division (D) (1) of section 2930.16, division (H) of 10532
section 2967.12, division (E) (1) (b) of section 2967.19, division 10533
(A) (3) (b) of section 2967.26, and division (A) (2) of section 10534
5149.101 of the Revised Code enacted in the act in which this 10535
paragraph and the preceding paragraph were enacted, shall be 10536
known as "Roberta's Law." 10537

(2) If a prisoner who is placed on post-release control 10538
under this section is released before the expiration of the 10539
definite term that is the prisoner's stated prison term or the 10540
expiration of the minimum term that is part of the prisoner's 10541
indefinite prison term imposed under a non-life felony 10542
indefinite prison term by reason of credit earned under section 10543
2967.193 or a reduction under division (F) of section 2967.271 10544
of the Revised Code and if the prisoner earned sixty or more 10545
days of credit, the adult parole authority shall supervise the 10546
offender with an active global positioning system device for the 10547
first fourteen days after the offender's release from 10548
imprisonment. This division does not prohibit or limit the 10549

imposition of any post-release control sanction otherwise 10550
authorized by this section. 10551

(3) At any time after a prisoner is released from 10552
imprisonment and during the period of post-release control 10553
applicable to the releasee, the adult parole authority or, 10554
pursuant to an agreement under section 2967.29 of the Revised 10555
Code, the court may review the releasee's behavior under the 10556
post-release control sanctions imposed upon the releasee under 10557
this section. The authority or court may determine, based upon 10558
the review and in accordance with the standards established 10559
under division (E) of this section, that a more restrictive or a 10560
less restrictive sanction is appropriate and may impose a 10561
different sanction. The authority also may recommend that the 10562
parole board or court increase or reduce the duration of the 10563
period of post-release control imposed by the court. If the 10564
authority recommends that the board or court increase the 10565
duration of post-release control, the board or court shall 10566
review the releasee's behavior and may increase the duration of 10567
the period of post-release control imposed by the court up to 10568
eight years. If the authority recommends that the board or court 10569
reduce the duration of control for an offense described in 10570
division (B) or (C) of this section, the board or court shall 10571
review the releasee's behavior and, subject to divisions (D) (3) 10572
(a) to (c) of this section, may reduce the duration of the 10573
period of control imposed by the court or, if the period of 10574
control was imposed for a non-life felony indefinite prison 10575
term, reduce the duration of or terminate the period of control 10576
imposed by the court. In no case shall the board or court ~~reduce~~ 10577
do any of the following: 10578

(a) Reduce the duration of the period of control imposed 10579
for an offense described in division (B) (1) of this section to a 10580

period less than the length of the ~~stated definite~~ prison term 10581
included in the stated prison term originally imposed, and in no 10582
case shall the board or court permit on the offender as part of 10583
the sentence or, with respect to a stated non-life felony 10584
indefinite prison term, to a period less than the length of the 10585
minimum prison term imposed as part of that stated prison term; 10586

(b) Consider any reduction or termination of the duration 10587
of the period of control imposed on a releasee prior to the 10588
expiration of one year after the commencement of the period of 10589
control, if the period of control was imposed for a non-life 10590
felony indefinite prison term and the releasee's minimum prison 10591
term or presumptive earned early release date under that term 10592
was extended for any length of time under division (C) or (D) of 10593
section 2967.271 of the Revised Code. 10594

(c) Permit the releasee to leave the state without 10595
permission of the court or the releasee's parole or probation 10596
officer. 10597

(4) The department of rehabilitation and correction shall 10598
develop factors that the parole board or court shall consider in 10599
determining under division (D) (3) of this section whether to 10600
terminate the period of control imposed on a releasee for a non- 10601
life felony indefinite prison term. 10602

(E) The department of rehabilitation and correction, in 10603
accordance with Chapter 119. of the Revised Code, shall adopt 10604
rules that do all of the following: 10605

(1) Establish standards for the imposition by the parole 10606
board of post-release control sanctions under this section that 10607
are consistent with the overriding purposes and sentencing 10608
principles set forth in section 2929.11 of the Revised Code and 10609

that are appropriate to the needs of releasees; 10610

(2) Establish standards that provide for a period of post- 10611
release control of up to three years for all prisoners described 10612
in division (C) of this section who are to be released before 10613
the expiration of their stated prison term under a risk 10614
reduction sentence and standards by which the parole board can 10615
determine which prisoners described in division (C) of this 10616
section who are not to be released before the expiration of 10617
their stated prison term under a risk reduction sentence should 10618
be placed under a period of post-release control; 10619

(3) Establish standards to be used by the parole board in 10620
reducing the duration of the period of post-release control 10621
imposed by the court when authorized under division (D) of this 10622
section, in imposing a more restrictive post-release control 10623
sanction than monitored time upon a prisoner convicted of a 10624
felony of the fourth or fifth degree other than a felony sex 10625
offense, or in imposing a less restrictive control sanction upon 10626
a releasee based on the releasee's activities including, but not 10627
limited to, remaining free from criminal activity and from the 10628
abuse of alcohol or other drugs, successfully participating in 10629
approved rehabilitation programs, maintaining employment, and 10630
paying restitution to the victim or meeting the terms of other 10631
financial sanctions; 10632

(4) Establish standards to be used by the adult parole 10633
authority in modifying a releasee's post-release control 10634
sanctions pursuant to division (D)(2) of this section; 10635

(5) Establish standards to be used by the adult parole 10636
authority or parole board in imposing further sanctions under 10637
division (F) of this section on releasees who violate post- 10638
release control sanctions, including standards that do the 10639

following: 10640

(a) Classify violations according to the degree of 10641
seriousness; 10642

(b) Define the circumstances under which formal action by 10643
the parole board is warranted; 10644

(c) Govern the use of evidence at violation hearings; 10645

(d) Ensure procedural due process to an alleged violator; 10646

(e) Prescribe nonresidential community control sanctions 10647
for most misdemeanor and technical violations; 10648

(f) Provide procedures for the return of a releasee to 10649
imprisonment for violations of post-release control. 10650

(F) (1) Whenever the parole board imposes one or more post- 10651
release control sanctions upon an offender under this section, 10652
the offender upon release from imprisonment shall be under the 10653
general jurisdiction of the adult parole authority and generally 10654
shall be supervised by the field services section through its 10655
staff of parole and field officers as described in section 10656
5149.04 of the Revised Code, as if the offender had been placed 10657
on parole. If the offender upon release from imprisonment 10658
violates the post-release control sanction or any conditions 10659
described in division (A) of section 2967.131 of the Revised 10660
Code that are imposed on the offender, the public or private 10661
person or entity that operates or administers the sanction or 10662
the program or activity that comprises the sanction shall report 10663
the violation directly to the adult parole authority or to the 10664
officer of the authority who supervises the offender. The 10665
authority's officers may treat the offender as if the offender 10666
were on parole and in violation of the parole, and otherwise 10667
shall comply with this section. 10668

(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that a more restrictive sanction is appropriate, the authority or court may impose a more restrictive sanction upon the releasee, in accordance with the standards established under division (E) of this section or in accordance with the agreement made under section 2967.29 of the Revised Code, or may report the violation to the parole board for a hearing pursuant to division (F) (3) of this section. The authority or court may not, pursuant to this division, increase the duration of the releasee's post-release control or impose as a post-release control sanction a residential sanction that includes a prison term, but the authority or court may impose on the releasee any other residential sanction, nonresidential sanction, or financial sanction that the sentencing court was authorized to impose pursuant to sections 2929.16, 2929.17, and 2929.18 of the Revised Code.

(3) The parole board or, pursuant to an agreement under section 2967.29 of the Revised Code, the court may hold a hearing on any alleged violation by a releasee of a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed upon the releasee. If after the hearing the board or court finds that the releasee violated the sanction or condition, the board or court may increase the duration of the releasee's post-release control up to the maximum duration authorized by division (B) or (C) of this section or impose a more restrictive post-release control sanction. If a releasee was acting pursuant to division (B) (2)

(b) of section 2925.11 of the Revised Code and in so doing 10700
violated the conditions of a post-release control sanction based 10701
on a minor drug possession offense as defined in that section, 10702
the board or the court may consider the releasee's conduct in 10703
seeking or obtaining medical assistance for another in good 10704
faith or for self or may consider the releasee being the subject 10705
of another person seeking or obtaining medical assistance in 10706
accordance with that division as a mitigating factor before 10707
imposing any of the penalties described in this division. When 10708
appropriate, the board or court may impose as a post-release 10709
control sanction a residential sanction that includes a prison 10710
term. The board or court shall consider a prison term as a post- 10711
release control sanction imposed for a violation of post-release 10712
control when the violation involves a deadly weapon or dangerous 10713
ordnance, physical harm or attempted serious physical harm to a 10714
person, or sexual misconduct, or when the releasee committed 10715
repeated violations of post-release control sanctions. Unless a 10716
releasee's stated prison term was reduced pursuant to section 10717
5120.032 of the Revised Code, the period of a prison term that 10718
is imposed as a post-release control sanction under this 10719
division shall not exceed nine months, and the maximum 10720
cumulative prison term for all violations under this division 10721
shall not exceed one-half of the ~~stated definite~~ prison term 10722
that was the stated prison term originally imposed upon the 10723
offender as part of this sentence or, with respect to a stated 10724
non-life felony indefinite prison term, one-half of the minimum 10725
prison term that was imposed as part of that stated prison term 10726
originally imposed upon the offender. If a releasee's stated 10727
prison term was reduced pursuant to section 5120.032 of the 10728
Revised Code, the period of a prison term that is imposed as a 10729
post-release control sanction under this division and the 10730
maximum cumulative prison term for all violations under this 10731

division shall not exceed the period of time not served in 10732
prison under the sentence imposed by the court. The period of a 10733
prison term that is imposed as a post-release control sanction 10734
under this division shall not count as, or be credited toward, 10735
the remaining period of post-release control. 10736

If an offender is imprisoned for a felony committed while 10737
under post-release control supervision and is again released on 10738
post-release control for a period of time determined by division 10739
(F) (4) (d) of this section, the maximum cumulative prison term 10740
for all violations under this division shall not exceed one-half 10741
of the total stated prison terms of the earlier felony, reduced 10742
by any prison term administratively imposed by the parole board 10743
or court, plus one-half of the total stated prison term of the 10744
new felony. 10745

(4) Any period of post-release control shall commence upon 10746
an offender's actual release from prison. If an offender is 10747
serving an indefinite prison term or a life sentence in addition 10748
to a stated prison term, the offender shall serve the period of 10749
post-release control in the following manner: 10750

(a) If a period of post-release control is imposed upon 10751
the offender and if the offender also is subject to a period of 10752
parole under a life sentence or an indefinite sentence, and if 10753
the period of post-release control ends prior to the period of 10754
parole, the offender shall be supervised on parole. The offender 10755
shall receive credit for post-release control supervision during 10756
the period of parole. The offender is not eligible for final 10757
release under section 2967.16 of the Revised Code until the 10758
post-release control period otherwise would have ended. 10759

(b) If a period of post-release control is imposed upon 10760
the offender and if the offender also is subject to a period of 10761

parole under an indefinite sentence, and if the period of parole 10762
ends prior to the period of post-release control, the offender 10763
shall be supervised on post-release control. The requirements of 10764
parole supervision shall be satisfied during the post-release 10765
control period. 10766

(c) If an offender is subject to more than one period of 10767
post-release control, the period of post-release control for all 10768
of the sentences shall be the period of post-release control 10769
that expires last, as determined by the parole board or court. 10770
Periods of post-release control shall be served concurrently and 10771
shall not be imposed consecutively to each other. 10772

(d) The period of post-release control for a releasee who 10773
commits a felony while under post-release control for an earlier 10774
felony shall be the longer of the period of post-release control 10775
specified for the new felony under division (B) or (C) of this 10776
section or the time remaining under the period of post-release 10777
control imposed for the earlier felony as determined by the 10778
parole board or court. 10779

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of 10780
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 10781
another section of the Revised Code, other than divisions (B) 10782
and (C) of section 2929.14 of the Revised Code, that authorizes 10783
or requires a specified prison term or a mandatory prison term 10784
for a person who is convicted of or pleads guilty to a felony or 10785
that specifies the manner and place of service of a prison term 10786
or term of imprisonment, the court shall impose a sentence upon 10787
a person who is convicted of or pleads guilty to a violent sex 10788
offense and who also is convicted of or pleads guilty to a 10789
sexually violent predator specification that was included in the 10790
indictment, count in the indictment, or information charging 10791

that offense, and upon a person who is convicted of or pleads 10792
guilty to a designated homicide, assault, or kidnapping offense 10793
and also is convicted of or pleads guilty to both a sexual 10794
motivation specification and a sexually violent predator 10795
specification that were included in the indictment, count in the 10796
indictment, or information charging that offense, as follows: 10797

(1) If the offense for which the sentence is being imposed 10798
is aggravated murder and if the court does not impose upon the 10799
offender a sentence of death, it shall impose upon the offender 10800
a term of life imprisonment without parole. If the court 10801
sentences the offender to death and the sentence of death is 10802
vacated, overturned, or otherwise set aside, the court shall 10803
impose upon the offender a term of life imprisonment without 10804
parole. 10805

(2) If the offense for which the sentence is being imposed 10806
is murder; or if the offense is rape committed in violation of 10807
division (A)(1)(b) of section 2907.02 of the Revised Code when 10808
the offender purposely compelled the victim to submit by force 10809
or threat of force, when the victim was less than ten years of 10810
age, when the offender previously has been convicted of or 10811
pleaded guilty to either rape committed in violation of that 10812
division or a violation of an existing or former law of this 10813
state, another state, or the United States that is substantially 10814
similar to division (A)(1)(b) of section 2907.02 of the Revised 10815
Code, or when the offender during or immediately after the 10816
commission of the rape caused serious physical harm to the 10817
victim; or if the offense is an offense other than aggravated 10818
murder or murder for which a term of life imprisonment may be 10819
imposed, it shall impose upon the offender a term of life 10820
imprisonment without parole. 10821

(3) (a) Except as otherwise provided in division (A) (3) (b), 10822
(c), (d), or (e) or (A) (4) of this section, if the offense for 10823
which the sentence is being imposed is an offense other than 10824
aggravated murder, murder, or rape and other than an offense for 10825
which a term of life imprisonment may be imposed, it shall 10826
impose an indefinite prison term consisting of a minimum term 10827
fixed by the court ~~from among the range of terms available as a~~ 10828
~~definite term for the offense as described in this division~~, but 10829
not less than two years, and a maximum term of life 10830
imprisonment. Except as otherwise specified in this division, 10831
the minimum term shall be fixed by the court from among the 10832
range of terms available as a definite term for the offense. If 10833
the offense is a felony of the first or second degree committed 10834
on or after the effective date of this amendment or a felony of 10835
the third degree that is described in division (A) (3) (a) of 10836
section 2929.14 of the Revised Code and committed on or after 10837
that effective date, the minimum term shall be fixed by the 10838
court from among the range of terms available as a minimum term 10839
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 10840
of that section. 10841

(b) Except as otherwise provided in division (A) (4) of 10842
this section, if the offense for which the sentence is being 10843
imposed is kidnapping that is a felony of the first degree, it 10844
shall impose an indefinite prison term as follows: 10845

(i) If the kidnapping is committed on or after January 1, 10846
2008, and the victim of the offense is less than thirteen years 10847
of age, except as otherwise provided in this division, it shall 10848
impose an indefinite prison term consisting of a minimum term of 10849
fifteen years and a maximum term of life imprisonment. If the 10850
kidnapping is committed on or after January 1, 2008, the victim 10851
of the offense is less than thirteen years of age, and the 10852

offender released the victim in a safe place unharmed, it shall 10853
impose an indefinite prison term consisting of a minimum term of 10854
ten years and a maximum term of life imprisonment. 10855

(ii) If the kidnapping is committed prior to January 1, 10856
2008, or division (A) (3) (b) (i) of this section does not apply, 10857
it shall impose an indefinite term consisting of a minimum term 10858
fixed by the court that is not less than ten years and a maximum 10859
term of life imprisonment. 10860

(c) Except as otherwise provided in division (A) (4) of 10861
this section, if the offense for which the sentence is being 10862
imposed is kidnapping that is a felony of the second degree, it 10863
shall impose an indefinite prison term consisting of a minimum 10864
term fixed by the court that is not less than eight years, and a 10865
maximum term of life imprisonment. 10866

(d) Except as otherwise provided in division (A) (4) of 10867
this section, if the offense for which the sentence is being 10868
imposed is rape for which a term of life imprisonment is not 10869
imposed under division (A) (2) of this section or division (B) of 10870
section 2907.02 of the Revised Code, it shall impose an 10871
indefinite prison term as follows: 10872

(i) If the rape is committed on or after January 2, 2007, 10873
in violation of division (A) (1) (b) of section 2907.02 of the 10874
Revised Code, it shall impose an indefinite prison term 10875
consisting of a minimum term of twenty-five years and a maximum 10876
term of life imprisonment. 10877

(ii) If the rape is committed prior to January 2, 2007, or 10878
the rape is committed on or after January 2, 2007, other than in 10879
violation of division (A) (1) (b) of section 2907.02 of the 10880
Revised Code, it shall impose an indefinite prison term 10881

consisting of a minimum term fixed by the court that is not less than ten years, and a maximum term of life imprisonment.

(e) Except as otherwise provided in division (A) (4) of this section, if the offense for which sentence is being imposed is attempted rape, it shall impose an indefinite prison term as follows:

(i) Except as otherwise provided in division (A) (3) (e) (ii), (iii), or (iv) of this section, it shall impose an indefinite prison term pursuant to division (A) (3) (a) of this section.

(ii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1418 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of five years and a maximum term of twenty-five years.

(iii) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1419 of the Revised Code, it shall impose an indefinite prison term consisting of a minimum term of ten years and a maximum of life imprisonment.

(iv) If the attempted rape for which sentence is being imposed was committed on or after January 2, 2007, and if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1420 of the Revised Code, it shall impose an indefinite prison term

consisting of a minimum term of fifteen years and a maximum of 10911
life imprisonment. 10912

(4) For any offense for which the sentence is being 10913
imposed, if the offender previously has been convicted of or 10914
pleaded guilty to a violent sex offense and also to a sexually 10915
violent predator specification that was included in the 10916
indictment, count in the indictment, or information charging 10917
that offense, or previously has been convicted of or pleaded 10918
guilty to a designated homicide, assault, or kidnapping offense 10919
and also to both a sexual motivation specification and a 10920
sexually violent predator specification that were included in 10921
the indictment, count in the indictment, or information charging 10922
that offense, it shall impose upon the offender a term of life 10923
imprisonment without parole. 10924

(B) (1) Notwithstanding section 2929.13, division (A) or 10925
(D) of section 2929.14, or another section of the Revised Code 10926
other than division (B) of section 2907.02 or divisions (B) and 10927
(C) of section 2929.14 of the Revised Code that authorizes or 10928
requires a specified prison term or a mandatory prison term for 10929
a person who is convicted of or pleads guilty to a felony or 10930
that specifies the manner and place of service of a prison term 10931
or term of imprisonment, if a person is convicted of or pleads 10932
guilty to a violation of division (A) (1) (b) of section 2907.02 10933
of the Revised Code committed on or after January 2, 2007, if 10934
division (A) of this section does not apply regarding the 10935
person, and if the court does not impose a sentence of life 10936
without parole when authorized pursuant to division (B) of 10937
section 2907.02 of the Revised Code, the court shall impose upon 10938
the person an indefinite prison term consisting of one of the 10939
following: 10940

(a) Except as otherwise required in division (B) (1) (b) or 10941
(c) of this section, a minimum term of ten years and a maximum 10942
term of life imprisonment. 10943

(b) If the victim was less than ten years of age, a 10944
minimum term of fifteen years and a maximum of life 10945
imprisonment. 10946

(c) If the offender purposely compels the victim to submit 10947
by force or threat of force, or if the offender previously has 10948
been convicted of or pleaded guilty to violating division (A) (1) 10949
(b) of section 2907.02 of the Revised Code or to violating an 10950
existing or former law of this state, another state, or the 10951
United States that is substantially similar to division (A) (1) 10952
(b) of that section, or if the offender during or immediately 10953
after the commission of the offense caused serious physical harm 10954
to the victim, a minimum term of twenty-five years and a maximum 10955
of life imprisonment. 10956

(2) Notwithstanding section 2929.13, division (A) or (D) 10957
of section 2929.14, or another section of the Revised Code other 10958
than divisions (B) and (C) of section 2929.14 of the Revised 10959
Code that authorizes or requires a specified prison term or a 10960
mandatory prison term for a person who is convicted of or pleads 10961
guilty to a felony or that specifies the manner and place of 10962
service of a prison term or term of imprisonment and except as 10963
otherwise provided in division (B) of section 2907.02 of the 10964
Revised Code, if a person is convicted of or pleads guilty to 10965
attempted rape committed on or after January 2, 2007, and if 10966
division (A) of this section does not apply regarding the 10967
person, the court shall impose upon the person an indefinite 10968
prison term consisting of one of the following: 10969

(a) If the person also is convicted of or pleads guilty to 10970

a specification of the type described in section 2941.1418 of 10971
the Revised Code, the court shall impose upon the person an 10972
indefinite prison term consisting of a minimum term of five 10973
years and a maximum term of twenty-five years. 10974

(b) If the person also is convicted of or pleads guilty to 10975
a specification of the type described in section 2941.1419 of 10976
the Revised Code, the court shall impose upon the person an 10977
indefinite prison term consisting of a minimum term of ten years 10978
and a maximum term of life imprisonment. 10979

(c) If the person also is convicted of or pleads guilty to 10980
a specification of the type described in section 2941.1420 of 10981
the Revised Code, the court shall impose upon the person an 10982
indefinite prison term consisting of a minimum term of fifteen 10983
years and a maximum term of life imprisonment. 10984

(3) Notwithstanding section 2929.13, division (A) or (D) 10985
of section 2929.14, or another section of the Revised Code other 10986
than divisions (B) and (C) of section 2929.14 of the Revised 10987
Code that authorizes or requires a specified prison term or a 10988
mandatory prison term for a person who is convicted of or pleads 10989
guilty to a felony or that specifies the manner and place of 10990
service of a prison term or term of imprisonment, if a person is 10991
convicted of or pleads guilty to an offense described in 10992
division (B) (3) (a), (b), (c), or (d) of this section committed 10993
on or after January 1, 2008, if the person also is convicted of 10994
or pleads guilty to a sexual motivation specification that was 10995
included in the indictment, count in the indictment, or 10996
information charging that offense, and if division (A) of this 10997
section does not apply regarding the person, the court shall 10998
impose upon the person an indefinite prison term consisting of 10999
one of the following: 11000

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when the victim of the offense is less than thirteen years of age and division (B) (3) (a) of this section does not apply;

(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of death or life imprisonment without parole is not imposed for the offense, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;

(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.

(C) (1) If the offender is sentenced to a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board

terminates its control in accordance with section 2971.04 of the Revised Code. 11031
11032

(2) Except as provided in division (C)(3) of this section, 11033
an offender sentenced to a prison term or term of life 11034
imprisonment without parole pursuant to division (A) of this 11035
section shall serve the entire prison term or term of life 11036
imprisonment in a state correctional institution. The offender 11037
is not eligible for judicial release under section 2929.20 of 11038
the Revised Code. 11039

(3) For a prison term imposed pursuant to division (A)(3), 11040
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 11041
(b), (c), or (d) of this section, the court, in accordance with 11042
section 2971.05 of the Revised Code, may terminate the prison 11043
term or modify the requirement that the offender serve the 11044
entire term in a state correctional institution if all of the 11045
following apply: 11046

(a) The offender has served at least the minimum term 11047
imposed as part of that prison term. 11048

(b) The parole board, pursuant to section 2971.04 of the 11049
Revised Code, has terminated its control over the offender's 11050
service of that prison term. 11051

(c) The court has held a hearing and found, by clear and 11052
convincing evidence, one of the following: 11053

(i) In the case of termination of the prison term, that 11054
the offender is unlikely to commit a sexually violent offense in 11055
the future; 11056

(ii) In the case of modification of the requirement, that 11057
the offender does not represent a substantial risk of physical 11058
harm to others. 11059

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender 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 offense, or 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 11090
were included in the indictment, count in the indictment, or 11091
information charging that offense, the conviction of or plea of 11092
guilty to the offense and the sexually violent predator 11093
specification automatically classifies the offender as a tier 11094
III sex offender/child-victim offender for purposes of Chapter 11095
2950. of the Revised Code. 11096

(2) If an offender is convicted of or pleads guilty to 11097
committing on or after January 2, 2007, a violation of division 11098
(A) (1) (b) of section 2907.02 of the Revised Code and either the 11099
offender is sentenced under section 2971.03 of the Revised Code 11100
or a sentence of life without parole is imposed under division 11101
(B) of section 2907.02 of the Revised Code, the conviction of or 11102
plea of guilty to the offense automatically classifies the 11103
offender as a tier III sex offender/child-victim offender for 11104
purposes of Chapter 2950. of the Revised Code. 11105

(3) If a person is convicted of or pleads guilty to 11106
committing on or after January 2, 2007, attempted rape and also 11107
is convicted of or pleads guilty to a specification of the type 11108
described in section 2941.1418, 2941.1419, or 2941.1420 of the 11109
Revised Code, the conviction of or plea of guilty to the offense 11110
and the specification automatically classify the offender as a 11111
tier III sex offender/child-victim offender for purposes of 11112
Chapter 2950. of the Revised Code. 11113

(4) If a person is convicted of or pleads guilty to one of 11114
the offenses described in division (B) (3) (a), (b), (c), or (d) 11115
of this section and a sexual motivation specification related to 11116
the offense and the victim of the offense is less than thirteen 11117
years of age, the conviction of or plea of guilty to the offense 11118
automatically classifies the offender as a tier III sex 11119

offender/child-victim offender for purposes of Chapter 2950. of 11120
the Revised Code. 11121

Sec. 3719.99. (A) Whoever violates section 3719.16 or 11122
3719.161 of the Revised Code is guilty of a felony of the fifth 11123
degree. If the offender previously has been convicted of a 11124
violation of section 3719.16 or 3719.161 of the Revised Code or 11125
a drug abuse offense, a violation of section 3719.16 or 3719.161 11126
of the Revised Code is a felony of the fourth degree. If the 11127
violation involves the sale, offer to sell, or possession of a 11128
schedule I or II controlled substance, with the exception of 11129
marihuana, and if the offender, as a result of the violation, is 11130
a major drug offender, division (D) of this section applies. 11131

(B) Whoever violates division (C) or (D) of section 11132
3719.172 of the Revised Code is guilty of a felony of the fifth 11133
degree. If the offender previously has been convicted of a 11134
violation of division (C) or (D) of section 3719.172 of the 11135
Revised Code or a drug abuse offense, a violation of division 11136
(C) or (D) of section 3719.172 of the Revised Code is a felony 11137
of the fourth degree. If the violation involves the sale, offer 11138
to sell, or possession of a schedule I or II controlled 11139
substance, with the exception of marihuana, and if the offender, 11140
as a result of the violation, is a major drug offender, division 11141
(D) of this section applies. 11142

(C) Whoever violates section 3719.07 or 3719.08 of the 11143
Revised Code is guilty of a misdemeanor of the first degree. If 11144
the offender previously has been convicted of a violation of 11145
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 11146
offense, a violation of section 3719.07 or 3719.08 of the 11147
Revised Code is a felony of the fifth degree. If the violation 11148
involves the sale, offer to sell, or possession of a schedule I 11149

or II controlled substance, with the exception of marihuana, and 11150
if the offender, as a result of the violation, is a major drug 11151
offender, division (D) of this section applies. 11152

(D) (1) If an offender is convicted of or pleads guilty to 11153
a felony violation of section 3719.07, 3719.08, 3719.16, or 11154
3719.161 or of division (C) or (D) of section 3719.172 of the 11155
Revised Code, if the violation involves the sale, offer to sell, 11156
or possession of a schedule I or II controlled substance, with 11157
the exception of marihuana, and if the court imposing sentence 11158
upon the offender finds that the offender as a result of the 11159
violation is a major drug offender and is guilty of a 11160
specification of the type described in section 2941.1410 of the 11161
Revised Code, the court, in lieu of the prison term authorized 11162
or required by division (A), (B), or (C) of this section and 11163
sections 2929.13 and 2929.14 of the Revised Code and in addition 11164
to any other sanction imposed for the offense under sections 11165
2929.11 to 2929.18 of the Revised Code, shall impose upon the 11166
offender, in accordance with division (B) (3) ~~(a)~~ of section 11167
2929.14 of the Revised Code, the mandatory prison term specified 11168
in that division ~~and may impose an additional prison term under~~ 11169
~~division (B) (3) (b) of that section.~~ 11170

(2) Notwithstanding any contrary provision of section 11171
3719.21 of the Revised Code, the clerk of the court shall pay 11172
any fine imposed for a felony violation of section 3719.07, 11173
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 11174
section 3719.172 of the Revised Code pursuant to division (A) of 11175
section 2929.18 of the Revised Code in accordance with and 11176
subject to the requirements of division (F) of section 2925.03 11177
of the Revised Code. The agency that receives the fine shall use 11178
the fine as specified in division (F) of section 2925.03 of the 11179
Revised Code. 11180

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

Sec. 5120.021. (A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior

to July 1, 1996, and all persons upon whom a court, on or after 11210
July 1, 1996, and in accordance with law existing prior to July 11211
1, 1996, imposed a term of imprisonment for an offense that was 11212
committed prior to July 1, 1996. 11213

(B) (1) The provisions of Chapter 5120. of the Revised 11214
Code, as they exist on or after July 1, 1996, and that address 11215
the duration or potential duration of incarceration or 11216
supervised release, apply to all persons upon whom a court 11217
imposed a stated prison term for an offense committed on or 11218
after July 1, 1996. 11219

(2) The provisions of Chapter 5120. of the Revised Code, 11220
as they exist on or after the effective date of this amendment, 11221
apply to an offender who is released from confinement in a state 11222
correctional institution on or after that date. 11223

(C) Nothing in this section limits or affects the 11224
applicability of any provision in Chapter 5120. of the Revised 11225
Code, as amended or enacted on or after July 1, 1996, that 11226
pertains to an issue other than the duration or potential 11227
duration of incarceration or supervised release, to persons in 11228
custody or under the supervision of the department of 11229
rehabilitation and correction. 11230

Sec. 5120.038. (A) As used in this section, "GPS-monitored 11231
offender" means an offender who, on or after the effective date 11232
of this section, is released from confinement in a state 11233
correctional institution under a conditional pardon, parole, 11234
other form of authorized release, or transitional control that 11235
includes global positioning system monitoring as a condition of 11236
the person's release, or who, on or after that date, is placed 11237
under post-release control that includes global positioning 11238
system monitoring as a condition under the post-release control. 11239

(B) (1) On and after the effective date of this section, 11240
each global positioning system monitor that is used to monitor a 11241
GPS-monitored offender shall specify and monitor restrictions 11242
for the offender. The restrictions shall include for the 11243
offender inclusionary zones and, to the extent necessary, 11244
exclusionary zones, and may include for the offender a curfew 11245
specifying times of required presence in the inclusionary zone 11246
and any other reasonable restrictions. 11247

(2) Each contract that the department of rehabilitation 11248
and correction enters into on or after the effective date of 11249
this section with a third-party contract administrator for 11250
global position system monitoring of GPS-monitored offenders 11251
shall require all of the following: 11252

(a) That the global positioning system used by the 11253
administrator include a crime scene correlation program that can 11254
interface by link with the database established under division 11255
(D) of this section and to which access can be obtained by a 11256
link included in that database; 11257

(b) That the crime scene correlation program included in 11258
the administrator's system will allow local law enforcement 11259
representatives to obtain, without need for a subpoena or 11260
warrant, real-time access or active global positioning system 11261
access to information contained in the program about a GPS- 11262
monitored offender's location at that time and, to the extent 11263
that it is available, at other previous points in time 11264
identified by the representative or designee, about the location 11265
of recent criminal activity in or near the offender's 11266
inclusionary or exclusionary zones, and about any possible 11267
connection between the offender's location and that recent 11268
criminal activity; 11269

(c) That the administrator allow access to the crime scene correlation program included in the administrator's system to law enforcement representatives as described in division (D) of this section. 11270
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(C) (1) On and after the effective date of this section, any third-party contract administrator used for global positioning system monitoring of a GPS-monitored offender shall comply in the monitoring of the offender with system requirements of the department of rehabilitation and correction that exist on that date for global positioning system monitoring of such offenders. 11274
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(2) If, on the effective date of this section, the department of rehabilitation and correction has not established system requirements of the type described in division (C) (1) of this section, within a reasonable period of time after that effective date, the department shall establish system requirements for global positioning system monitoring of GPS-monitored offenders. After establishment of the requirements, the department, and any third-party contract administrator used for global positioning system monitoring, shall comply with the established system requirements in the monitoring of a GPS-monitored offender. 11281
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(D) (1) Not later than twelve months after the effective date of this section, the department of rehabilitation and correction shall establish and operate on the internet a statewide database that contains the information specified in division (D) (3) of this section for GPS-monitored offenders. At any point in time, the database shall contain the specified information for each GPS-monitored offender who then is subject to global positioning system monitoring. The database shall 11292
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enable local law enforcement representatives to remotely search 11300
by electronic means the content of the database, and shall 11301
contain a link to the crime scene correlation program described 11302
in division (B) (2) of this section for third-party contract 11303
administrators required by that division to include such a 11304
program in their systems. The database is not a public record 11305
subject to inspection or copying under section 149.43 of the 11306
Revised Code and shall be available only to local law 11307
enforcement representatives as described in this division. 11308
Information obtained by local law enforcement representatives 11309
through use of this database is not open to inspection or 11310
copying under section 149.43 of the Revised Code. 11311

(2) (a) If the database established under division (D) (1) 11312
of this section includes a link to a crime scene correlation 11313
program described in division (B) (2) of this section that is 11314
included in the global positioning system used by a third-party 11315
contract administrator, a local law enforcement representative 11316
may use that link to obtain information contained in the program 11317
about a GPS-monitored offender and recent criminal activity, as 11318
described in division (B) (2) of this section. 11319

(b) Separate from the authority described in division (D) 11320
(2) (a) of this section, if a local law enforcement 11321
representative, through use of the database established under 11322
division (D) (1) of this section or in any other manner learns 11323
the identity of, and contact information for, an employee of the 11324
department who is monitoring a GPS-monitored offender or the 11325
identity of, and contact information for, a third-party contract 11326
administrator that is being used for global positioning system 11327
monitoring of a GPS-monitored offender, the representative or 11328
another law enforcement officer designated by the representative 11329
may contact the employee or the administrator and, without need 11330

for a subpoena or warrant, request real-time access or active 11331
global positioning system access to information about the 11332
offender's location at that time and at other previous points in 11333
time identified by the representative or designee. Upon receipt 11334
of a request as described in this division, the employee of the 11335
department or the third-party contract administrator, without 11336
need for a subpoena or warrant, shall provide the representative 11337
or designee with the requested information regarding the 11338
offender's location at that time and, to the extent that it is 11339
available, at the other identified previous points in time. A 11340
request under this division also may request information that 11341
the employee or administrator has obtained about the location of 11342
recent criminal activity in or near the GPS-monitored offender's 11343
inclusionary or exclusionary zones, and about any possible 11344
connection between the offender's location and that recent 11345
criminal activity, and, upon receipt of such a request, the 11346
employee or administrator, without need for a subpoena or 11347
warrant, shall provide the representative or designee with that 11348
information to the extent that it is available. 11349

(3) The information contained in the database required 11350
under division (D)(1) of this section shall include, for each 11351
GPS-monitored offender to be included within the database, all 11352
of the following: 11353

(a) The offender's name; 11354

(b) The offense or offenses for which the offender is 11355
subject to global positioning system monitoring and the 11356
offender's other criminal history; 11357

(c) The offender's residence address; 11358

(d) The monitoring parameters and restrictions for the 11359

offender, including all inclusionary zones, exclusionary zones, 11360
and inclusionary zone curfews for the offender and all other 11361
restrictions placed on the offender; 11362

(e) If an employee of the department is monitoring the 11363
offender, the identity of, and contact information for, the 11364
employee, and if a third-party contract administrator is being 11365
used for global positioning system monitoring of the offender, 11366
the identity of, and contact information for, the third-party 11367
contract administrator; 11368

(f) All previous violations of the monitoring parameters 11369
and restrictions applicable to the offender under the global 11370
positioning system monitoring that then is in effect for the 11371
offender. 11372

Sec. 5120.113. (A) For each inmate committed to the 11373
department of rehabilitation and correction, except as provided 11374
in division (B) of this section, the department shall prepare a 11375
written reentry plan for the inmate to help guide the inmate's 11376
rehabilitation program during imprisonment, to assist in the 11377
inmate's reentry into the community, and to assess the inmate's 11378
needs upon release. 11379

(B) Division (A) of this section does not apply to an 11380
inmate who has been sentenced to life imprisonment without 11381
parole or who has been sentenced to death. Division (A) of this 11382
section does not apply to any inmate who is expected to be 11383
imprisoned for thirty days or less, but the department may 11384
prepare a written reentry plan of the type described in that 11385
division if the department determines that the plan is needed. 11386

(C) The department may collect, if available, any social 11387
and other information that will aid in the preparation of 11388

reentry plans under this section. 11389

(D) In the event the department does not prepare a written 11390
reentry plan as specified in division (A) of this section, or 11391
makes a decision to not prepare a written reentry plan under 11392
division (B) of this section or to not collect information under 11393
division (C) of this section, that fact does not give rise to a 11394
claim for damages against the state, the department, the 11395
director of the department, or any employee of the department. 11396

(E) (1) As used in this division, "target offender" means a 11397
parolee, a releasee, or a prisoner otherwise released from a 11398
state correctional institution with respect to whom both of the 11399
following apply: 11400

(a) The department of rehabilitation and correction or the 11401
adult parole authority intends to require the parolee, releasee, 11402
or prisoner to reside in a halfway house, reentry center, or 11403
community residential center that has been licensed by the 11404
division of parole and community services pursuant to division 11405
(C) of section 2967.14 of the Revised Code during a part or for 11406
the entire period of the prisoner's or parolee's conditional 11407
release or of the releasee's term of post-release control. 11408

(b) No halfway house, reentry center, or community 11409
residential center that has been licensed as described in 11410
division (E) (1) of this section will accept the prisoner, 11411
parolee, or releasee to reside in the facility. 11412

(2) Not later than twenty-four months after the effective 11413
date of this amendment, the department, through the adult parole 11414
authority, shall establish and implement a reentry program for 11415
all target offenders. The program shall include a facility. The 11416
program and facility shall satisfy all the standards that the 11417

division of parole and community services adopts in accordance 11418
with Chapter 119. of the Revised Code for the licensure of 11419
halfway houses, reentry centers, and community residential 11420
centers. Upon the establishment and implementation of the 11421
program and facility, the department or authority shall require 11422
that all target offenders reside in the program's facility 11423
during a part or for the entire period of the target offender's 11424
conditional release or term of post-release control. 11425

Sec. 5120.53. (A) If a treaty between the United States 11426
and a foreign country provides for the transfer or exchange, 11427
from one of the signatory countries to the other signatory 11428
country, of convicted offenders who are citizens or nationals of 11429
the other signatory country, the governor, subject to and in 11430
accordance with the terms of the treaty, may authorize the 11431
director of rehabilitation and correction to allow the transfer 11432
or exchange of convicted offenders and to take any action 11433
necessary to initiate participation in the treaty. If the 11434
governor grants the director the authority described in this 11435
division, the director may take the necessary action to initiate 11436
participation in the treaty and, subject to and in accordance 11437
with division (B) of this section and the terms of the treaty, 11438
may allow the transfer or exchange to a foreign country that has 11439
signed the treaty of any convicted offender who is a citizen or 11440
national of that signatory country. 11441

(B) (1) No convicted offender who is serving a term of 11442
imprisonment in this state for aggravated murder, murder, or a 11443
felony of the first or second degree, who is serving a mandatory 11444
prison term imposed under section 2925.03 or 2925.11 of the 11445
Revised Code in circumstances in which the court was required to 11446
impose as the mandatory prison term the maximum definite prison 11447
term or longest minimum prison term authorized for the degree of 11448

offense committed, who is serving a term of imprisonment in this 11449
state imposed for an offense committed prior to ~~the effective~~ 11450
~~date of this amendment~~ July 1, 1996, that was an aggravated 11451
felony of the first or second degree or that was aggravated 11452
trafficking in violation of division (A) (9) or (10) of section 11453
2925.03 of the Revised Code, or who has been sentenced to death 11454
in this state shall be transferred or exchanged to another 11455
country pursuant to a treaty of the type described in division 11456
(A) of this section. 11457

(2) If a convicted offender is serving a term of 11458
imprisonment in this state and the offender is a citizen or 11459
national of a foreign country that has signed a treaty of the 11460
type described in division (A) of this section, if the governor 11461
has granted the director of rehabilitation and correction the 11462
authority described in that division, and if the transfer or 11463
exchange of the offender is not barred by division (B) (1) of 11464
this section, the director or the director's designee may 11465
approve the offender for transfer or exchange pursuant to the 11466
treaty if the director or the designee, after consideration of 11467
the factors set forth in the rules adopted by the department 11468
under division (D) of this section and all other relevant 11469
factors, determines that the transfer or exchange of the 11470
offender is appropriate. 11471

(C) Notwithstanding any provision of the Revised Code 11472
regarding the parole eligibility of, or the duration or 11473
calculation of a sentence of imprisonment imposed upon, an 11474
offender, if a convicted offender is serving a term of 11475
imprisonment in this state and the offender is a citizen or 11476
national of a foreign country that has signed a treaty of the 11477
type described in division (A) of this section, if the offender 11478
is serving an indefinite term of imprisonment, if the offender 11479

is barred from being transferred or exchanged pursuant to the 11480
treaty due to the indefinite nature of the offender's term of 11481
imprisonment, and if in accordance with division (B)(2) of this 11482
section the director of rehabilitation and correction or the 11483
director's designee approves the offender for transfer or 11484
exchange pursuant to the treaty, the parole board, pursuant to 11485
rules adopted by the director, shall set a date certain for the 11486
release of the offender. To the extent possible, the date 11487
certain that is set shall be reasonably proportionate to the 11488
indefinite term of imprisonment that the offender is serving. 11489
The date certain that is set for the release of the offender 11490
shall be considered only for purposes of facilitating the 11491
international transfer or exchange of the offender, shall not be 11492
viable or actionable for any other purpose, and shall not create 11493
any expectation or guarantee of release. If an offender for whom 11494
a date certain for release is set under this division is not 11495
transferred to or exchanged with the foreign country pursuant to 11496
the treaty, the date certain is null and void, and the 11497
offender's release shall be determined pursuant to the laws and 11498
rules of this state pertaining to parole eligibility and the 11499
duration and calculation of an indefinite sentence of 11500
imprisonment. 11501

(D) If the governor, pursuant to division (A) of this 11502
section, authorizes the director of rehabilitation and 11503
correction to allow any transfer or exchange of convicted 11504
offenders as described in that division, the director shall 11505
adopt rules under Chapter 119. of the Revised Code to implement 11506
the provisions of this section. The rules shall include a rule 11507
that requires the director or the director's designee, in 11508
determining whether to approve a convicted offender who is 11509
serving a term of imprisonment in this state for transfer or 11510

exchange pursuant to a treaty of the type described in division 11511
(A) of this section, to consider all of the following factors: 11512

(1) The nature of the offense for which the offender is 11513
serving the term of imprisonment in this state; 11514

(2) The likelihood that, if the offender is transferred or 11515
exchanged to a foreign country pursuant to the treaty, the 11516
offender will serve a shorter period of time in imprisonment in 11517
the foreign country than the offender would serve if the 11518
offender is not transferred or exchanged to the foreign country 11519
pursuant to the treaty; 11520

(3) The likelihood that, if the offender is transferred or 11521
exchanged to a foreign country pursuant to the treaty, the 11522
offender will return or attempt to return to this state after 11523
the offender has been released from imprisonment in the foreign 11524
country; 11525

(4) The degree of any shock to the conscience of justice 11526
and society that will be experienced in this state if the 11527
offender is transferred or exchanged to a foreign country 11528
pursuant to the treaty; 11529

(5) All other factors that the department determines are 11530
relevant to the determination. 11531

Sec. 5120.66. (A) Within ninety days after November 23, 11532
2005, but not before January 1, 2006, the department of 11533
rehabilitation and correction shall establish and operate on the 11534
internet a database that contains all of the following: 11535

(1) For each inmate in the custody of the department under 11536
a sentence imposed for a conviction of or plea of guilty to any 11537
offense, all of the following information: 11538

- (a) The inmate's name; 11539
- (b) For each offense for which the inmate was sentenced to 11540
a prison term or term of imprisonment and is in the department's 11541
custody, the name of the offense, the Revised Code section of 11542
which the offense is a violation, the gender of each victim of 11543
the offense if those facts are known, whether each victim of the 11544
offense was an adult or child if those facts are known, whether 11545
any victim of the offense was a law enforcement officer if that 11546
fact is known, the range of the possible prison terms or term of 11547
imprisonment that could have been imposed for the offense, the 11548
actual prison term or term of imprisonment imposed for the 11549
offense, the county in which the offense was committed, the date 11550
on which the inmate began serving the prison term or term of 11551
imprisonment imposed for the offense, and ~~either the~~ whichever 11552
of the following is applicable: 11553
- (i) The date on which the inmate will be eligible for 11554
parole relative to the offense if the prison term or term of 11555
imprisonment is an indefinite term or life term ~~or the~~ with 11556
parole eligibility; 11557
- (ii) The date on which the term ends if the prison term is 11558
a definite term; 11559
- (iii) The date on which the inmate will be eligible for 11560
presumptive release under section 2967.271 of the Revised Code, 11561
if the inmate is serving a non-life felony indefinite prison 11562
term. 11563
- (c) All of the following information that is applicable 11564
regarding the inmate: 11565
- (i) If known to the department prior to the conduct of any 11566
hearing for judicial release of the defendant pursuant to 11567

section 2929.20 of the Revised Code in relation to any prison 11568
term or term of imprisonment the inmate is serving for any 11569
offense or any hearing for release of the defendant pursuant to 11570
section 2967.19 of the Revised Code in relation to any such 11571
term, notice of the fact that the inmate will be having a 11572
hearing regarding a possible grant of judicial release or 11573
release, the date of the hearing, and the right of any person 11574
pursuant to division (J) of section 2929.20 or division (H) of 11575
section 2967.19 of the Revised Code, whichever is applicable, to 11576
submit to the court a written statement regarding the possible 11577
judicial release or release. The department also shall post 11578
notice of the submission to a sentencing court of any 11579
recommendation for early release of the inmate pursuant to 11580
section 2967.19 of the Revised Code, as required by division (E) 11581
of that section. 11582

(ii) If the inmate is serving a prison term pursuant to 11583
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11584
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11585
Code, prior to the conduct of any hearing pursuant to section 11586
2971.05 of the Revised Code to determine whether to modify the 11587
requirement that the inmate serve the entire prison term in a 11588
state correctional facility in accordance with division (C) of 11589
that section, whether to continue, revise, or revoke any 11590
existing modification of that requirement, or whether to 11591
terminate the prison term in accordance with division (D) of 11592
that section, notice of the fact that the inmate will be having 11593
a hearing regarding those determinations and the date of the 11594
hearing; 11595

(iii) At least sixty days before the adult parole 11596
authority recommends a pardon or commutation of sentence for the 11597
inmate ~~or~~, at least sixty days prior to a hearing before the 11598

adult parole authority regarding a grant of parole to the inmate 11599
in relation to any prison term or term of imprisonment the 11600
inmate is serving for any offense, or at least sixty days prior 11601
to a hearing before the department regarding a determination of 11602
whether the inmate must be released under division (C) or (D) (2) 11603
of section 2967.271 of the Revised Code if the inmate is serving 11604
a non-life felony indefinite prison term, notice of the fact 11605
that the inmate might be under consideration for a pardon or 11606
commutation of sentence or will be having a hearing regarding a 11607
possible grant of parole or release, the date of any hearing 11608
regarding a possible grant of parole or release, and the right 11609
of any person to submit a written statement regarding the 11610
pending action; 11611

(iv) At least sixty days before the inmate is transferred 11612
to transitional control under section 2967.26 of the Revised 11613
Code in relation to any prison term or term of imprisonment the 11614
inmate is serving for any offense, notice of the pendency of the 11615
transfer, the date of the possible transfer, and the right of 11616
any person to submit a statement regarding the possible 11617
transfer; 11618

(v) Prompt notice of the inmate's escape from any facility 11619
in which the inmate was incarcerated and of the capture of the 11620
inmate after an escape; 11621

(vi) Notice of the inmate's death while in confinement; 11622

(vii) Prior to the release of the inmate from confinement, 11623
notice of the fact that the inmate will be released, of the date 11624
of the release, and, if applicable, of the standard terms and 11625
conditions of the release; 11626

(viii) Notice of the inmate's judicial release pursuant to 11627

section 2929.20 of the Revised Code or release pursuant to 11628
section 2967.19 of the Revised Code. 11629

(2) Information as to where a person can send written 11630
statements of the types referred to in divisions (A) (1) (c) (i), 11631
(iii), and (iv) of this section. 11632

(B) (1) The department shall update the database required 11633
under division (A) of this section every twenty-four hours to 11634
ensure that the information it contains is accurate and current. 11635

(2) The database required under division (A) of this 11636
section is a public record open for inspection under section 11637
149.43 of the Revised Code. The department shall make the 11638
database searchable by inmate name and by the county and zip 11639
code where the offender intends to reside after release from a 11640
state correctional institution if this information is known to 11641
the department. 11642

(3) The database required under division (A) of this 11643
section may contain information regarding inmates who are listed 11644
in the database in addition to the information described in that 11645
division. 11646

(4) No information included on the database required under 11647
division (A) of this section shall identify or enable the 11648
identification of any victim of any offense committed by an 11649
inmate. 11650

(C) The failure of the department to comply with the 11651
requirements of division (A) or (B) of this section does not 11652
give any rights or any grounds for appeal or post-conviction 11653
relief to any inmate. 11654

(D) This section, and the related provisions of sections 11655
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 11656

enacted in the act in which this section was enacted, shall be 11657
known as "Laura's Law." 11658

(E) As used in this section, "non-life felony indefinite 11659
prison term" has the same meaning as in section 2929.01 of the 11660
Revised Code. 11661

Sec. 5149.04. (A) Persons paroled, conditionally pardoned, 11662
or released to community supervision shall be under jurisdiction 11663
of the adult parole authority and shall be supervised by the 11664
field services section through its staff of parole and field 11665
officers in such manner as to insure as nearly as possible the 11666
offender's rehabilitation while at the same time providing 11667
maximum protection to the general public. All state and local 11668
officials shall furnish such information to officers of the 11669
section as they may request in the performance of their duties. 11670

(B) The superintendent, or superintendents, of the field 11671
services section shall be a person, or persons, especially 11672
qualified by training and experience in the field of 11673
corrections. The superintendent, or superintendents, shall 11674
supervise the work of the section and shall formulate and 11675
execute an effective program of offender supervision. The 11676
superintendent, or superintendents, shall collect and preserve 11677
any records and statistics with respect to offenders that are 11678
required by the chief of the authority. The section also shall 11679
include other personnel who are necessary for the performance of 11680
the section's duties. 11681

No person shall be appointed as a superintendent who is 11682
not qualified by education or experience in correctional work 11683
including law enforcement, probation, or parole work, in law, in 11684
social work, or in a combination of the three categories. 11685

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

(D) The field services section in the exercise of its supervision over offenders and persons conditionally pardoned shall carry out all lawful orders, terms, and conditions prescribed by the authority, the chief of the division of parole and community services, or the governor.

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

(a) "Case-load" means the maximum number of persons paroled, conditionally pardoned, or released to community supervision who should be under the supervision of any parole or field officer, based on the aggregate of the work load of the officer for each of those persons.

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

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

(2) Not later than one year after the effective date of this amendment, the adult parole authority shall establish supervision standards for parole and field officers. The standards shall include a specification of a case-load and a work-load for parole and field officers. The case-load and work-load specified in the standards shall comport with industry

standards set forth by the American probation and parole 11715
association. 11716

(3) Not later than two years after establishing the 11717
standards required under division (E)(2) of this section, the 11718
department of rehabilitation and correction shall ensure that 11719
the field services section has enough parole and field officers 11720
to comply with the standards and that the officers have been 11721
trained to the extent required to comply with the standards. 11722

Section 2. That existing sections 109.42, 121.22, 149.43, 11723
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 11724
2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 11725
2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 11726
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 11727
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 11728
2967.03, 2967.13, 2967.14, 2967.19, 2967.191, 2967.193, 2967.26, 11729
2967.28, 2971.03, 3719.99, 5120.021, 5120.113, 5120.53, 5120.66, 11730
and 5149.04 of the Revised Code are hereby repealed. 11731

Section 3. The General Assembly, applying the principle 11732
stated in division (B) of section 1.52 of the Revised Code that 11733
amendments are to be harmonized if reasonably capable of 11734
simultaneous operation, finds that the following sections, 11735
presented in this act as composites of the sections as amended 11736
by the acts indicated, are the resulting versions of the 11737
sections in effect prior to the effective date of the sections 11738
as presented in this act: 11739

Section 121.22 of the Revised Code as amended by both Sub. 11740
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 11741

Section 2903.06 of the Revised Code as amended by both 11742
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 11743

Section 2925.03 of the Revised Code as amended by Am. Sub. H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly.	11744 11745 11746
Section 2925.11 of the Revised Code as amended by Sub. H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General Assembly.	11747 11748 11749
Section 2929.19 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	11750 11751 11752
Section 2953.08 of the Revised Code as amended by Sub. H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 129th General Assembly.	11753 11754 11755
Section 2967.03 of the Revised Code as amended by Am. Sub. H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 129th General Assembly.	11756 11757 11758
Section 2967.191 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General Assembly.	11759 11760 11761
Section 5120.66 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General Assembly.	11762 11763 11764