

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 201

Senators Bacon, O'Brien

Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland

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, 2967.19, 2967.191, 2967.193, 2967.26, 9
2967.28, 2971.03, 3719.99, 5120.53, and 5120.66 10
and to enact sections 2901.011, 2929.144, and 11
2967.271 of the Revised Code to provide for 12
indefinite prison terms for first or second 13
degree felonies and specified third degree 14
felonies, with presumptive release of offenders 15
sentenced to such a term at the end of the 16
minimum term; to generally allow the Department 17
of Rehabilitation and Correction to reduce the 18
minimum term for exceptional conduct or 19
adjustment to incarceration; to allow the 20
Department to rebut the release presumption and 21
keep the offender in prison up to the maximum 22

term if it makes specified findings; and to name 23
the act's provisions the Reagan Tokes Law. 24

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

Section 1. That sections 109.42, 121.22, 149.43, 2903.06, 25
2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 2907.03, 26
2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 27
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 28
2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 2929.20, 29
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 30
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 31
3719.99, 5120.53, and 5120.66 be amended and sections 2901.011, 32
2929.144, and 2967.271 of the Revised Code be enacted to read as 33
follows: 34

Sec. 109.42. (A) The attorney general shall prepare and 35
have printed a pamphlet that contains a compilation of all 36
statutes relative to victim's rights in which the attorney 37
general lists and explains the statutes in the form of a 38
victim's bill of rights. The attorney general shall distribute 39
the pamphlet to all sheriffs, marshals, municipal corporation 40
and township police departments, constables, and other law 41
enforcement agencies, to all prosecuting attorneys, city 42
directors of law, village solicitors, and other similar chief 43
legal officers of municipal corporations, and to organizations 44
that represent or provide services for victims of crime. The 45
victim's bill of rights set forth in the pamphlet shall contain 46
a description of all of the rights of victims that are provided 47
for in Chapter 2930. or in any other section of the Revised Code 48
and shall include, but not be limited to, all of the following: 49

(1) The right of a victim or a victim's representative to attend a proceeding before a grand jury, in a juvenile case, or in a criminal case pursuant to a subpoena without being discharged from the victim's or representative's employment, having the victim's or representative's employment terminated, having the victim's or representative's pay decreased or withheld, or otherwise being punished, penalized, or threatened as a result of time lost from regular employment because of the victim's or representative's attendance at the proceeding pursuant to the subpoena, as set forth in section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised Code;

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

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

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

(5) The right of the victim in certain criminal or

juvenile cases or a victim's representative to receive, pursuant 80
to section 2930.04, 2930.05, or 2930.06 of the Revised Code, 81
notice of the name of the person charged with the violation, the 82
case or docket number assigned to the charge, and a telephone 83
number or numbers that can be called to obtain information about 84
the disposition of the case; 85

(6) The right of the victim in certain criminal or 86
juvenile cases or of the victim's representative pursuant to 87
section 2930.13 or 2930.14 of the Revised Code, subject to any 88
reasonable terms set by the court as authorized under section 89
2930.14 of the Revised Code, to make a statement about the 90
victimization and, if applicable, a statement relative to the 91
sentencing or disposition of the offender; 92

(7) The opportunity to obtain a court order, pursuant to 93
section 2945.04 of the Revised Code, to prevent or stop the 94
commission of the offense of intimidation of a crime victim or 95
witness or an offense against the person or property of the 96
complainant, or of the complainant's ward or child; 97

(8) The right of the victim in certain criminal or 98
juvenile cases or a victim's representative pursuant to sections 99
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 100
Code to receive notice of a pending motion for judicial release, 101
release pursuant to section 2967.19 of the Revised Code, or 102
other early release of the person who committed the offense 103
against the victim, to make an oral or written statement at the 104
court hearing on the motion, and to be notified of the court's 105
decision on the motion; 106

(9) The right of the victim in certain criminal or 107
juvenile cases or a victim's representative pursuant to section 108
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 109

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| Code to receive notice of any pending commutation, pardon, | 110 |
| parole, transitional control, discharge, other form of | 111 |
| authorized release, post-release control, or supervised release | 112 |
| for the person who committed the offense against the victim or | 113 |
| any application for release of that person and to send a written | 114 |
| statement relative to the victimization and the pending action | 115 |
| to the adult parole authority or the release authority of the | 116 |
| department of youth services; | 117 |
| (10) The right of the victim to bring a civil action | 118 |
| pursuant to sections 2969.01 to 2969.06 of the Revised Code to | 119 |
| obtain money from the offender's profit fund; | 120 |
| (11) The right, pursuant to section 3109.09 of the Revised | 121 |
| Code, to maintain a civil action to recover compensatory damages | 122 |
| not exceeding ten thousand dollars and costs from the parent of | 123 |
| a minor who willfully damages property through the commission of | 124 |
| an act that would be a theft offense, as defined in section | 125 |
| 2913.01 of the Revised Code, if committed by an adult; | 126 |
| (12) The right, pursuant to section 3109.10 of the Revised | 127 |
| Code, to maintain a civil action to recover compensatory damages | 128 |
| not exceeding ten thousand dollars and costs from the parent of | 129 |
| a minor who willfully and maliciously assaults a person; | 130 |
| (13) The possibility of receiving restitution from an | 131 |
| offender or a delinquent child pursuant to section 2152.20, | 132 |
| 2929.18, or 2929.28 of the Revised Code; | 133 |
| (14) The right of the victim in certain criminal or | 134 |
| juvenile cases or a victim's representative, pursuant to section | 135 |
| 2930.16 of the Revised Code, to receive notice of the escape | 136 |
| from confinement or custody of the person who committed the | 137 |
| offense, to receive that notice from the custodial agency of the | 138 |

person at the victim's last address or telephone number provided 139
to the custodial agency, and to receive notice that, if either 140
the victim's address or telephone number changes, it is in the 141
victim's interest to provide the new address or telephone number 142
to the custodial agency; 143

(15) The right of a victim of domestic violence to seek 144
the issuance of a civil protection order pursuant to section 145
3113.31 of the Revised Code, the right of a victim of a 146
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 147
2911.211, or 2919.22 of the Revised Code, a violation of a 148
substantially similar municipal ordinance, or an offense of 149
violence who is a family or household member of the offender at 150
the time of the offense to seek the issuance of a temporary 151
protection order pursuant to section 2919.26 of the Revised 152
Code, and the right of both types of victims to be accompanied 153
by a victim advocate during court proceedings; 154

(16) The right of a victim of a sexually oriented offense 155
or of a child-victim oriented offense that is committed by a 156
person who is convicted of, pleads guilty to, or is adjudicated 157
a delinquent child for committing the offense and who is in a 158
category specified in division (B) of section 2950.10 of the 159
Revised Code to receive, pursuant to that section, notice that 160
the person has registered with a sheriff under section 2950.04, 161
2950.041, or 2950.05 of the Revised Code and notice of the 162
person's name, the person's residence that is registered, and 163
the offender's school, institution of higher education, or place 164
of employment address or addresses that are registered, the 165
person's photograph, and a summary of the manner in which the 166
victim must make a request to receive the notice. As used in 167
this division, "sexually oriented offense" and "child-victim 168
oriented offense" have the same meanings as in section 2950.01 169

of the Revised Code. 170

(17) The right of a victim of certain sexually violent 171
offenses committed by an offender who also is convicted of or 172
pleads guilty to a sexually violent predator specification and 173
who is sentenced to a prison term pursuant to division (A) (3) of 174
section 2971.03 of the Revised Code, of a victim of a violation 175
of division (A) (1) (b) of section 2907.02 of the Revised Code 176
committed on or after January 2, 2007, by an offender who is 177
sentenced for the violation pursuant to division (B) (1) (a), (b), 178
or (c) of section 2971.03 of the Revised Code, of a victim of an 179
attempted rape committed on or after January 2, 2007, by an 180
offender who also is convicted of or pleads guilty to a 181
specification of the type described in section 2941.1418, 182
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 183
the violation pursuant to division (B) (2) (a), (b), or (c) of 184
section 2971.03 of the Revised Code, and of a victim of an 185
offense that is described in division (B) (3) (a), (b), (c), or 186
(d) of section 2971.03 of the Revised Code and is committed by 187
an offender who is sentenced pursuant to one of those divisions 188
to receive, pursuant to section 2930.16 of the Revised Code, 189
notice of a hearing to determine whether to modify the 190
requirement that the offender serve the entire prison term in a 191
state correctional facility, whether to continue, revise, or 192
revoke any existing modification of that requirement, or whether 193
to terminate the prison term. As used in this division, 194
"sexually violent offense" and "sexually violent predator 195
specification" have the same meanings as in section 2971.01 of 196
the Revised Code. 197

(B) (1) (a) Subject to division (B) (1) (c) of this section, a 198
prosecuting attorney, assistant prosecuting attorney, city 199
director of law, assistant city director of law, village 200

solicitor, assistant village solicitor, or similar chief legal 201
officer of a municipal corporation or an assistant of any of 202
those officers who prosecutes an offense committed in this 203
state, upon first contact with the victim of the offense, the 204
victim's family, or the victim's dependents, shall give the 205
victim, the victim's family, or the victim's dependents a copy 206
of the pamphlet prepared pursuant to division (A) of this 207
section and explain, upon request, the information in the 208
pamphlet to the victim, the victim's family, or the victim's 209
dependents. 210

(b) Subject to division (B) (1) (c) of this section, a law 211
enforcement agency that investigates an offense or delinquent 212
act committed in this state shall give the victim of the offense 213
or delinquent act, the victim's family, or the victim's 214
dependents a copy of the pamphlet prepared pursuant to division 215
(A) of this section at one of the following times: 216

(i) Upon first contact with the victim, the victim's 217
family, or the victim's dependents; 218

(ii) If the offense or delinquent act is an offense of 219
violence, if the circumstances of the offense or delinquent act 220
and the condition of the victim, the victim's family, or the 221
victim's dependents indicate that the victim, the victim's 222
family, or the victim's dependents will not be able to 223
understand the significance of the pamphlet upon first contact 224
with the agency, and if the agency anticipates that it will have 225
an additional contact with the victim, the victim's family, or 226
the victim's dependents, upon the agency's second contact with 227
the victim, the victim's family, or the victim's dependents. 228

If the agency does not give the victim, the victim's 229
family, or the victim's dependents a copy of the pamphlet upon 230

first contact with them and does not have a second contact with 231
the victim, the victim's family, or the victim's dependents, the 232
agency shall mail a copy of the pamphlet to the victim, the 233
victim's family, or the victim's dependents at their last known 234
address. 235

(c) In complying on and after December 9, 1994, with the 236
duties imposed by division (B) (1) (a) or (b) of this section, an 237
official or a law enforcement agency shall use copies of the 238
pamphlet that are in the official's or agency's possession on 239
December 9, 1994, until the official or agency has distributed 240
all of those copies. After the official or agency has 241
distributed all of those copies, the official or agency shall 242
use only copies of the pamphlet that contain at least the 243
information described in divisions (A) (1) to (17) of this 244
section. 245

(2) The failure of a law enforcement agency or of a 246
prosecuting attorney, assistant prosecuting attorney, city 247
director of law, assistant city director of law, village 248
solicitor, assistant village solicitor, or similar chief legal 249
officer of a municipal corporation or an assistant to any of 250
those officers to give, as required by division (B) (1) of this 251
section, the victim of an offense or delinquent act, the 252
victim's family, or the victim's dependents a copy of the 253
pamphlet prepared pursuant to division (A) of this section does 254
not give the victim, the victim's family, the victim's 255
dependents, or a victim's representative any rights under 256
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 257
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 258
other provision of the Revised Code and does not affect any 259
right under those sections. 260

(3) A law enforcement agency, a prosecuting attorney or 261
assistant prosecuting attorney, or a city director of law, 262
assistant city director of law, village solicitor, assistant 263
village solicitor, or similar chief legal officer of a municipal 264
corporation that distributes a copy of the pamphlet prepared 265
pursuant to division (A) of this section shall not be required 266
to distribute a copy of an information card or other printed 267
material provided by the clerk of the court of claims pursuant 268
to section 2743.71 of the Revised Code. 269

(C) The cost of printing and distributing the pamphlet 270
prepared pursuant to division (A) of this section shall be paid 271
out of the reparations fund, created pursuant to section 272
2743.191 of the Revised Code, in accordance with division (D) of 273
that section. 274

(D) As used in this section: 275

(1) "Victim's representative" has the same meaning as in 276
section 2930.01 of the Revised Code; 277

(2) "Victim advocate" has the same meaning as in section 278
2919.26 of the Revised Code. 279

Sec. 121.22. (A) This section shall be liberally construed 280
to require public officials to take official action and to 281
conduct all deliberations upon official business only in open 282
meetings unless the subject matter is specifically excepted by 283
law. 284

(B) As used in this section: 285

(1) "Public body" means any of the following: 286

(a) Any board, commission, committee, council, or similar 287
decision-making body of a state agency, institution, or 288

authority, and any legislative authority or board, commission, 289
committee, council, agency, authority, or similar decision- 290
making body of any county, township, municipal corporation, 291
school district, or other political subdivision or local public 292
institution; 293

(b) Any committee or subcommittee of a body described in 294
division (B) (1) (a) of this section; 295

(c) A court of jurisdiction of a sanitary district 296
organized wholly for the purpose of providing a water supply for 297
domestic, municipal, and public use when meeting for the purpose 298
of the appointment, removal, or reappointment of a member of the 299
board of directors of such a district pursuant to section 300
6115.10 of the Revised Code, if applicable, or for any other 301
matter related to such a district other than litigation 302
involving the district. As used in division (B) (1) (c) of this 303
section, "court of jurisdiction" has the same meaning as "court" 304
in section 6115.01 of the Revised Code. 305

(2) "Meeting" means any prearranged discussion of the 306
public business of the public body by a majority of its members. 307

(3) "Regulated individual" means either of the following: 308

(a) A student in a state or local public educational 309
institution; 310

(b) A person who is, voluntarily or involuntarily, an 311
inmate, patient, or resident of a state or local institution 312
because of criminal behavior, mental illness, an intellectual 313
disability, disease, disability, age, or other condition 314
requiring custodial care. 315

(4) "Public office" has the same meaning as in section 316
149.011 of the Revised Code. 317

(C) All meetings of any public body are declared to be 318
public meetings open to the public at all times. A member of a 319
public body shall be present in person at a meeting open to the 320
public to be considered present or to vote at the meeting and 321
for purposes of determining whether a quorum is present at the 322
meeting. 323

The minutes of a regular or special meeting of any public 324
body shall be promptly prepared, filed, and maintained and shall 325
be open to public inspection. The minutes need only reflect the 326
general subject matter of discussions in executive sessions 327
authorized under division (G) or (J) of this section. 328

(D) This section does not apply to any of the following: 329

(1) A grand jury; 330

(2) An audit conference conducted by the auditor of state 331
or independent certified public accountants with officials of 332
the public office that is the subject of the audit; 333

(3) The adult parole authority when its hearings are 334
conducted at a correctional institution for the sole purpose of 335
interviewing inmates to determine parole or pardon and the 336
department of rehabilitation and correction when its hearings 337
are conducted at a correctional institution for the sole purpose 338
of making determinations under section 2967.271 of the Revised 339
Code regarding the release or maintained incarceration of an 340
offender to whom that section applies; 341

(4) The organized crime investigations commission 342
established under section 177.01 of the Revised Code; 343

(5) Meetings of a child fatality review board established 344
under section 307.621 of the Revised Code, meetings related to a 345
review conducted pursuant to guidelines established by the 346

director of health under section 3701.70 of the Revised Code, 347
and meetings conducted pursuant to sections 5153.171 to 5153.173 348
of the Revised Code; 349

(6) The state medical board when determining whether to 350
suspend a certificate without a prior hearing pursuant to 351
division (G) of either section 4730.25 or 4731.22 of the Revised 352
Code; 353

(7) The board of nursing when determining whether to 354
suspend a license or certificate without a prior hearing 355
pursuant to division (B) of section 4723.281 of the Revised 356
Code; 357

(8) The state board of pharmacy when determining whether 358
to suspend a license without a prior hearing pursuant to 359
division (D) of section 4729.16 of the Revised Code; 360

(9) The state chiropractic board when determining whether 361
to suspend a license without a hearing pursuant to section 362
4734.37 of the Revised Code; 363

(10) The executive committee of the emergency response 364
commission when determining whether to issue an enforcement 365
order or request that a civil action, civil penalty action, or 366
criminal action be brought to enforce Chapter 3750. of the 367
Revised Code; 368

(11) The board of directors of the nonprofit corporation 369
formed under section 187.01 of the Revised Code or any committee 370
thereof, and the board of directors of any subsidiary of that 371
corporation or a committee thereof; 372

(12) An audit conference conducted by the audit staff of 373
the department of job and family services with officials of the 374
public office that is the subject of that audit under section 375

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| 5101.37 of the Revised Code; | 376 |
| (13) The occupational therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license or limited permit without a hearing pursuant to division (D) of section 4755.11 of the Revised Code; | 377 378 379 380 381 |
| (14) The physical therapy section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (E) of section 4755.47 of the Revised Code; | 382 383 384 385 |
| (15) The athletic trainers section of the occupational therapy, physical therapy, and athletic trainers board when determining whether to suspend a license without a hearing pursuant to division (D) of section 4755.64 of the Revised Code. | 386 387 388 389 |
| (E) The controlling board, the tax credit authority, or the minority development financing advisory board, when meeting to consider granting assistance pursuant to Chapter 122. or 166. of the Revised Code, in order to protect the interest of the applicant or the possible investment of public funds, by unanimous vote of all board or authority members present, may close the meeting during consideration of the following information confidentially received by the authority or board from the applicant: | 390 391 392 393 394 395 396 397 398 |
| (1) Marketing plans; | 399 |
| (2) Specific business strategy; | 400 |
| (3) Production techniques and trade secrets; | 401 |
| (4) Financial projections; | 402 |
| (5) Personal financial statements of the applicant or | 403 |

members of the applicant's immediate family, including, but not 404
limited to, tax records or other similar information not open to 405
public inspection. 406

The vote by the authority or board to accept or reject the 407
application, as well as all proceedings of the authority or 408
board not subject to this division, shall be open to the public 409
and governed by this section. 410

(F) Every public body, by rule, shall establish a 411
reasonable method whereby any person may determine the time and 412
place of all regularly scheduled meetings and the time, place, 413
and purpose of all special meetings. A public body shall not 414
hold a special meeting unless it gives at least twenty-four 415
hours' advance notice to the news media that have requested 416
notification, except in the event of an emergency requiring 417
immediate official action. In the event of an emergency, the 418
member or members calling the meeting shall notify the news 419
media that have requested notification immediately of the time, 420
place, and purpose of the meeting. 421

The rule shall provide that any person, upon request and 422
payment of a reasonable fee, may obtain reasonable advance 423
notification of all meetings at which any specific type of 424
public business is to be discussed. Provisions for advance 425
notification may include, but are not limited to, mailing the 426
agenda of meetings to all subscribers on a mailing list or 427
mailing notices in self-addressed, stamped envelopes provided by 428
the person. 429

(G) Except as provided in divisions (G) (8) and (J) of this 430
section, the members of a public body may hold an executive 431
session only after a majority of a quorum of the public body 432
determines, by a roll call vote, to hold an executive session 433

and only at a regular or special meeting for the sole purpose of 434
the consideration of any of the following matters: 435

(1) To consider the appointment, employment, dismissal, 436
discipline, promotion, demotion, or compensation of a public 437
employee or official, or the investigation of charges or 438
complaints against a public employee, official, licensee, or 439
regulated individual, unless the public employee, official, 440
licensee, or regulated individual requests a public hearing. 441
Except as otherwise provided by law, no public body shall hold 442
an executive session for the discipline of an elected official 443
for conduct related to the performance of the elected official's 444
official duties or for the elected official's removal from 445
office. If a public body holds an executive session pursuant to 446
division (G) (1) of this section, the motion and vote to hold 447
that executive session shall state which one or more of the 448
approved purposes listed in division (G) (1) of this section are 449
the purposes for which the executive session is to be held, but 450
need not include the name of any person to be considered at the 451
meeting. 452

(2) To consider the purchase of property for public 453
purposes, the sale of property at competitive bidding, or the 454
sale or other disposition of unneeded, obsolete, or unfit-for- 455
use property in accordance with section 505.10 of the Revised 456
Code, if premature disclosure of information would give an 457
unfair competitive or bargaining advantage to a person whose 458
personal, private interest is adverse to the general public 459
interest. No member of a public body shall use division (G) (2) 460
of this section as a subterfuge for providing covert information 461
to prospective buyers or sellers. A purchase or sale of public 462
property is void if the seller or buyer of the public property 463
has received covert information from a member of a public body 464

that has not been disclosed to the general public in sufficient 465
time for other prospective buyers and sellers to prepare and 466
submit offers. 467

If the minutes of the public body show that all meetings 468
and deliberations of the public body have been conducted in 469
compliance with this section, any instrument executed by the 470
public body purporting to convey, lease, or otherwise dispose of 471
any right, title, or interest in any public property shall be 472
conclusively presumed to have been executed in compliance with 473
this section insofar as title or other interest of any bona fide 474
purchasers, lessees, or transferees of the property is 475
concerned. 476

(3) Conferences with an attorney for the public body 477
concerning disputes involving the public body that are the 478
subject of pending or imminent court action; 479

(4) Preparing for, conducting, or reviewing negotiations 480
or bargaining sessions with public employees concerning their 481
compensation or other terms and conditions of their employment; 482

(5) Matters required to be kept confidential by federal 483
law or regulations or state statutes; 484

(6) Details relative to the security arrangements and 485
emergency response protocols for a public body or a public 486
office, if disclosure of the matters discussed could reasonably 487
be expected to jeopardize the security of the public body or 488
public office; 489

(7) In the case of a county hospital operated pursuant to 490
Chapter 339. of the Revised Code, a joint township hospital 491
operated pursuant to Chapter 513. of the Revised Code, or a 492
municipal hospital operated pursuant to Chapter 749. of the 493

Revised Code, to consider trade secrets, as defined in section 494
1333.61 of the Revised Code; 495

(8) To consider confidential information related to the 496
marketing plans, specific business strategy, production 497
techniques, trade secrets, or personal financial statements of 498
an applicant for economic development assistance, or to 499
negotiations with other political subdivisions respecting 500
requests for economic development assistance, provided that both 501
of the following conditions apply: 502

(a) The information is directly related to a request for 503
economic development assistance that is to be provided or 504
administered under any provision of Chapter 715., 725., 1724., 505
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 506
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 507
5709.81 of the Revised Code, or that involves public 508
infrastructure improvements or the extension of utility services 509
that are directly related to an economic development project. 510

(b) A unanimous quorum of the public body determines, by a 511
roll call vote, that the executive session is necessary to 512
protect the interests of the applicant or the possible 513
investment or expenditure of public funds to be made in 514
connection with the economic development project. 515

If a public body holds an executive session to consider 516
any of the matters listed in divisions (G)(2) to (8) of this 517
section, the motion and vote to hold that executive session 518
shall state which one or more of the approved matters listed in 519
those divisions are to be considered at the executive session. 520

A public body specified in division (B)(1)(c) of this 521
section shall not hold an executive session when meeting for the 522

purposes specified in that division. 523

(H) A resolution, rule, or formal action of any kind is 524
invalid unless adopted in an open meeting of the public body. A 525
resolution, rule, or formal action adopted in an open meeting 526
that results from deliberations in a meeting not open to the 527
public is invalid unless the deliberations were for a purpose 528
specifically authorized in division (G) or (J) of this section 529
and conducted at an executive session held in compliance with 530
this section. A resolution, rule, or formal action adopted in an 531
open meeting is invalid if the public body that adopted the 532
resolution, rule, or formal action violated division (F) of this 533
section. 534

(I) (1) Any person may bring an action to enforce this 535
section. An action under division (I) (1) of this section shall 536
be brought within two years after the date of the alleged 537
violation or threatened violation. Upon proof of a violation or 538
threatened violation of this section in an action brought by any 539
person, the court of common pleas shall issue an injunction to 540
compel the members of the public body to comply with its 541
provisions. 542

(2) (a) If the court of common pleas issues an injunction 543
pursuant to division (I) (1) of this section, the court shall 544
order the public body that it enjoins to pay a civil forfeiture 545
of five hundred dollars to the party that sought the injunction 546
and shall award to that party all court costs and, subject to 547
reduction as described in division (I) (2) of this section, 548
reasonable attorney's fees. The court, in its discretion, may 549
reduce an award of attorney's fees to the party that sought the 550
injunction or not award attorney's fees to that party if the 551
court determines both of the following: 552

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

(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 582
unless an applicant requests a public hearing: 583

(a) Interviewing an applicant for financial assistance 584
under sections 5901.01 to 5901.15 of the Revised Code; 585

(b) Discussing applications, statements, and other 586
documents described in division (B) of section 5901.09 of the 587
Revised Code; 588

(c) Reviewing matters relating to an applicant's request 589
for financial assistance under sections 5901.01 to 5901.15 of 590
the Revised Code. 591

(2) A veterans service commission shall not exclude an 592
applicant for, recipient of, or former recipient of financial 593
assistance under sections 5901.01 to 5901.15 of the Revised 594
Code, and shall not exclude representatives selected by the 595
applicant, recipient, or former recipient, from a meeting that 596
the commission conducts as an executive session that pertains to 597
the applicant's, recipient's, or former recipient's application 598
for financial assistance. 599

(3) A veterans service commission shall vote on the grant 600
or denial of financial assistance under sections 5901.01 to 601
5901.15 of the Revised Code only in an open meeting of the 602
commission. The minutes of the meeting shall indicate the name, 603
address, and occupation of the applicant, whether the assistance 604
was granted or denied, the amount of the assistance if 605
assistance is granted, and the votes for and against the 606
granting of assistance. 607

Sec. 149.43. (A) As used in this section: 608

(1) "Public record" means records kept by any public 609
office, including, but not limited to, state, county, city, 610

village, township, and school district units, and records 611
pertaining to the delivery of educational services by an 612
alternative school in this state kept by the nonprofit or for- 613
profit entity operating the alternative school pursuant to 614
section 3313.533 of the Revised Code. "Public record" does not 615
mean any of the following: 616

(a) Medical records; 617

(b) Records pertaining to probation and parole proceedings 618
~~or~~, to proceedings related to the imposition of community 619
control sanctions and post-release control sanctions, or to 620
proceedings related to determinations under section 2967.271 of 621
the Revised Code regarding the release or maintained 622
incarceration of an offender to whom that section applies; 623

(c) Records pertaining to actions under section 2151.85 624
and division (C) of section 2919.121 of the Revised Code and to 625
appeals of actions arising under those sections; 626

(d) Records pertaining to adoption proceedings, including 627
the contents of an adoption file maintained by the department of 628
health under sections 3705.12 to 3705.124 of the Revised Code; 629

(e) Information in a record contained in the putative 630
father registry established by section 3107.062 of the Revised 631
Code, regardless of whether the information is held by the 632
department of job and family services or, pursuant to section 633
3111.69 of the Revised Code, the office of child support in the 634
department or a child support enforcement agency; 635

(f) Records specified in division (A) of section 3107.52 636
of the Revised Code; 637

(g) Trial preparation records; 638

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| (h) Confidential law enforcement investigatory records; | 639 |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code; | 640 641 |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code; | 642 643 |
| (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; | 644 645 646 647 |
| (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; | 648 649 650 651 |
| (m) Intellectual property records; | 652 |
| (n) Donor profile records; | 653 |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code; | 654 655 |
| (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; | 656 657 658 659 660 661 662 |
| (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 | 663 664 665 666 |

section 1333.61 of the Revised Code; 667

(r) Information pertaining to the recreational activities 668
of a person under the age of eighteen; 669

(s) In the case of a child fatality review board acting 670
under sections 307.621 to 307.629 of the Revised Code or a 671
review conducted pursuant to guidelines established by the 672
director of health under section 3701.70 of the Revised Code, 673
records provided to the board or director, statements made by 674
board members during meetings of the board or by persons 675
participating in the director's review, and all work products of 676
the board or director, and in the case of a child fatality 677
review board, child fatality review data submitted by the board 678
to the department of health or a national child death review 679
database, other than the report prepared pursuant to division 680
(A) of section 307.626 of the Revised Code; 681

(t) Records provided to and statements made by the 682
executive director of a public children services agency or a 683
prosecuting attorney acting pursuant to section 5153.171 of the 684
Revised Code other than the information released under that 685
section; 686

(u) Test materials, examinations, or evaluation tools used 687
in an examination for licensure as a nursing home administrator 688
that the board of executives of long-term services and supports 689
administers under section 4751.04 of the Revised Code or 690
contracts under that section with a private or government entity 691
to administer; 692

(v) Records the release of which is prohibited by state or 693
federal law; 694

(w) Proprietary information of or relating to any person 695

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| that is submitted to or compiled by the Ohio venture capital | 696 |
| authority created under section 150.01 of the Revised Code; | 697 |
| (x) Financial statements and data any person submits for | 698 |
| any purpose to the Ohio housing finance agency or the | 699 |
| controlling board in connection with applying for, receiving, or | 700 |
| accounting for financial assistance from the agency, and | 701 |
| information that identifies any individual who benefits directly | 702 |
| or indirectly from financial assistance from the agency; | 703 |
| (y) Records listed in section 5101.29 of the Revised Code; | 704 |
| (z) Discharges recorded with a county recorder under | 705 |
| section 317.24 of the Revised Code, as specified in division (B) | 706 |
| (2) of that section; | 707 |
| (aa) Usage information including names and addresses of | 708 |
| specific residential and commercial customers of a municipally | 709 |
| owned or operated public utility; | 710 |
| (bb) Records described in division (C) of section 187.04 | 711 |
| of the Revised Code that are not designated to be made available | 712 |
| to the public as provided in that division; | 713 |
| (cc) Information and records that are made confidential, | 714 |
| privileged, and not subject to disclosure under divisions (B) | 715 |
| and (C) of section 2949.221 of the Revised Code; | 716 |
| (dd) Personal information, as defined in section 149.45 of | 717 |
| the Revised Code; | 718 |
| (ee) The confidential name, address, and other personally | 719 |
| identifiable information of a program participant in the address | 720 |
| confidentiality program established under sections 111.41 to | 721 |
| 111.47 of the Revised Code, including the contents of any | 722 |
| application for absent voter's ballots, absent voter's ballot | 723 |

identification envelope statement of voter, or provisional 724
ballot affirmation completed by a program participant who has a 725
confidential voter registration record, and records or portions 726
of records pertaining to that program that identify the number 727
of program participants that reside within a precinct, ward, 728
township, municipal corporation, county, or any other geographic 729
area smaller than the state. As used in this division, 730
"confidential address" and "program participant" have the 731
meaning defined in section 111.41 of the Revised Code. 732

(ff) Orders for active military service of an individual 733
serving or with previous service in the armed forces of the 734
United States, including a reserve component, or the Ohio 735
organized militia, except that, such order becomes a public 736
record on the day that is fifteen years after the published date 737
or effective date of the call to order. 738

(2) "Confidential law enforcement investigatory record" 739
means any record that pertains to a law enforcement matter of a 740
criminal, quasi-criminal, civil, or administrative nature, but 741
only to the extent that the release of the record would create a 742
high probability of disclosure of any of the following: 743

(a) The identity of a suspect who has not been charged 744
with the offense to which the record pertains, or of an 745
information source or witness to whom confidentiality has been 746
reasonably promised; 747

(b) Information provided by an information source or 748
witness to whom confidentiality has been reasonably promised, 749
which information would reasonably tend to disclose the source's 750
or witness's identity; 751

(c) Specific confidential investigatory techniques or 752

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| procedures or specific investigatory work product; | 753 |
| (d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source. | 754 755 756 |
| (3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment. | 757 758 759 760 761 762 |
| (4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney. | 763 764 765 766 767 |
| (5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented. | 768 769 770 771 772 773 774 775 776 |
| (6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation. | 777 778 779 780 |
| (7) "Peace officer, parole officer, probation officer, | 781 |

bailiff, prosecuting attorney, assistant prosecuting attorney, 782
correctional employee, community-based correctional facility 783
employee, youth services employee, firefighter, EMT, 784
investigator of the bureau of criminal identification and 785
investigation, or federal law enforcement officer residential 786
and familial information" means any information that discloses 787
any of the following about a peace officer, parole officer, 788
probation officer, bailiff, prosecuting attorney, assistant 789
prosecuting attorney, correctional employee, community-based 790
correctional facility employee, youth services employee, 791
firefighter, EMT, investigator of the bureau of criminal 792
identification and investigation, or federal law enforcement 793
officer: 794

(a) The address of the actual personal residence of a 795
peace officer, parole officer, probation officer, bailiff, 796
assistant prosecuting attorney, correctional employee, 797
community-based correctional facility employee, youth services 798
employee, firefighter, EMT, an investigator of the bureau of 799
criminal identification and investigation, or federal law 800
enforcement officer, except for the state or political 801
subdivision in which the peace officer, parole officer, 802
probation officer, bailiff, assistant prosecuting attorney, 803
correctional employee, community-based correctional facility 804
employee, youth services employee, firefighter, EMT, 805
investigator of the bureau of criminal identification and 806
investigation, or federal law enforcement officer resides; 807

(b) Information compiled from referral to or participation 808
in an employee assistance program; 809

(c) The social security number, the residential telephone 810
number, any bank account, debit card, charge card, or credit 811

card number, or the emergency telephone number of, or any 812
medical information pertaining to, a peace officer, parole 813
officer, probation officer, bailiff, prosecuting attorney, 814
assistant prosecuting attorney, correctional employee, 815
community-based correctional facility employee, youth services 816
employee, firefighter, EMT, investigator of the bureau of 817
criminal identification and investigation, or federal law 818
enforcement officer; 819

(d) The name of any beneficiary of employment benefits, 820
including, but not limited to, life insurance benefits, provided 821
to a peace officer, parole officer, probation officer, bailiff, 822
prosecuting attorney, assistant prosecuting attorney, 823
correctional employee, community-based correctional facility 824
employee, youth services employee, firefighter, EMT, 825
investigator of the bureau of criminal identification and 826
investigation, or federal law enforcement officer by the peace 827
officer's, parole officer's, probation officer's, bailiff's, 828
prosecuting attorney's, assistant prosecuting attorney's, 829
correctional employee's, community-based correctional facility 830
employee's, youth services employee's, firefighter's, EMT's, 831
investigator of the bureau of criminal identification and 832
investigation's, or federal law enforcement officer's employer; 833

(e) The identity and amount of any charitable or 834
employment benefit deduction made by the peace officer's, parole 835
officer's, probation officer's, bailiff's, prosecuting 836
attorney's, assistant prosecuting attorney's, correctional 837
employee's, community-based correctional facility employee's, 838
youth services employee's, firefighter's, EMT's, investigator of 839
the bureau of criminal identification and investigation's, or 840
federal law enforcement officer's employer from the peace 841
officer's, parole officer's, probation officer's, bailiff's, 842

prosecuting attorney's, assistant prosecuting attorney's, 843
correctional employee's, community-based correctional facility 844
employee's, youth services employee's, firefighter's, EMT's, 845
investigator of the bureau of criminal identification and 846
investigation's, or federal law enforcement officer's 847
compensation unless the amount of the deduction is required by 848
state or federal law; 849

(f) The name, the residential address, the name of the 850
employer, the address of the employer, the social security 851
number, the residential telephone number, any bank account, 852
debit card, charge card, or credit card number, or the emergency 853
telephone number of the spouse, a former spouse, or any child of 854
a peace officer, parole officer, probation officer, bailiff, 855
prosecuting attorney, assistant prosecuting attorney, 856
correctional employee, community-based correctional facility 857
employee, youth services employee, firefighter, EMT, 858
investigator of the bureau of criminal identification and 859
investigation, or federal law enforcement officer; 860

(g) A photograph of a peace officer who holds a position 861
or has an assignment that may include undercover or plain 862
clothes positions or assignments as determined by the peace 863
officer's appointing authority. 864

As used in divisions (A) (7) and (B) (9) of this section, 865
"peace officer" has the same meaning as in section 109.71 of the 866
Revised Code and also includes the superintendent and troopers 867
of the state highway patrol; it does not include the sheriff of 868
a county or a supervisory employee who, in the absence of the 869
sheriff, is authorized to stand in for, exercise the authority 870
of, and perform the duties of the sheriff. 871

As used in divisions (A) (7) and (B) (9) of this section, 872

"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 custody of the department of youth services.

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

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

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

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

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that

pertains to the recreational activities of a person under the 902
age of eighteen years, and that discloses any of the following: 903

(a) The address or telephone number of a person under the 904
age of eighteen or the address or telephone number of that 905
person's parent, guardian, custodian, or emergency contact 906
person; 907

(b) The social security number, birth date, or 908
photographic image of a person under the age of eighteen; 909

(c) Any medical record, history, or information pertaining 910
to a person under the age of eighteen; 911

(d) Any additional information sought or required about a 912
person under the age of eighteen for the purpose of allowing 913
that person to participate in any recreational activity 914
conducted or sponsored by a public office or to use or obtain 915
admission privileges to any recreational facility owned or 916
operated by a public office. 917

(9) "Community control sanction" has the same meaning as 918
in section 2929.01 of the Revised Code. 919

(10) "Post-release control sanction" has the same meaning 920
as in section 2967.01 of the Revised Code. 921

(11) "Redaction" means obscuring or deleting any 922
information that is exempt from the duty to permit public 923
inspection or copying from an item that otherwise meets the 924
definition of a "record" in section 149.011 of the Revised Code. 925

(12) "Designee" and "elected official" have the same 926
meanings as in section 109.43 of the Revised Code. 927

(B) (1) Upon request and subject to division (B) (8) of this 928
section, all public records responsive to the request shall be 929

promptly prepared and made available for inspection to any 930
person at all reasonable times during regular business hours. 931
Subject to division (B) (8) of this section, upon request, a 932
public office or person responsible for public records shall 933
make copies of the requested public record available at cost and 934
within a reasonable period of time. If a public record contains 935
information that is exempt from the duty to permit public 936
inspection or to copy the public record, the public office or 937
the person responsible for the public record shall make 938
available all of the information within the public record that 939
is not exempt. When making that public record available for 940
public inspection or copying that public record, the public 941
office or the person responsible for the public record shall 942
notify the requester of any redaction or make the redaction 943
plainly visible. A redaction shall be deemed a denial of a 944
request to inspect or copy the redacted information, except if 945
federal or state law authorizes or requires a public office to 946
make the redaction. 947

(2) To facilitate broader access to public records, a 948
public office or the person responsible for public records shall 949
organize and maintain public records in a manner that they can 950
be made available for inspection or copying in accordance with 951
division (B) of this section. A public office also shall have 952
available a copy of its current records retention schedule at a 953
location readily available to the public. If a requester makes 954
an ambiguous or overly broad request or has difficulty in making 955
a request for copies or inspection of public records under this 956
section such that the public office or the person responsible 957
for the requested public record cannot reasonably identify what 958
public records are being requested, the public office or the 959
person responsible for the requested public record may deny the 960

request but shall provide the requester with an opportunity to 961
revise the request by informing the requester of the manner in 962
which records are maintained by the public office and accessed 963
in the ordinary course of the public office's or person's 964
duties. 965

(3) If a request is ultimately denied, in part or in 966
whole, the public office or the person responsible for the 967
requested public record shall provide the requester with an 968
explanation, including legal authority, setting forth why the 969
request was denied. If the initial request was provided in 970
writing, the explanation also shall be provided to the requester 971
in writing. The explanation shall not preclude the public office 972
or the person responsible for the requested public record from 973
relying upon additional reasons or legal authority in defending 974
an action commenced under division (C) of this section. 975

(4) Unless specifically required or authorized by state or 976
federal law or in accordance with division (B) of this section, 977
no public office or person responsible for public records may 978
limit or condition the availability of public records by 979
requiring disclosure of the requester's identity or the intended 980
use of the requested public record. Any requirement that the 981
requester disclose the requester's identity or the intended use 982
of the requested public record constitutes a denial of the 983
request. 984

(5) A public office or person responsible for public 985
records may ask a requester to make the request in writing, may 986
ask for the requester's identity, and may inquire about the 987
intended use of the information requested, but may do so only 988
after disclosing to the requester that a written request is not 989
mandatory and that the requester may decline to reveal the 990

requester's identity or the intended use and when a written 991
request or disclosure of the identity or intended use would 992
benefit the requester by enhancing the ability of the public 993
office or person responsible for public records to identify, 994
locate, or deliver the public records sought by the requester. 995

(6) If any person chooses to obtain a copy of a public 996
record in accordance with division (B) of this section, the 997
public office or person responsible for the public record may 998
require that person to pay in advance the cost involved in 999
providing the copy of the public record in accordance with the 1000
choice made by the person seeking the copy under this division. 1001
The public office or the person responsible for the public 1002
record shall permit that person to choose to have the public 1003
record duplicated upon paper, upon the same medium upon which 1004
the public office or person responsible for the public record 1005
keeps it, or upon any other medium upon which the public office 1006
or person responsible for the public record determines that it 1007
reasonably can be duplicated as an integral part of the normal 1008
operations of the public office or person responsible for the 1009
public record. When the person seeking the copy makes a choice 1010
under this division, the public office or person responsible for 1011
the public record shall provide a copy of it in accordance with 1012
the choice made by the person seeking the copy. Nothing in this 1013
section requires a public office or person responsible for the 1014
public record to allow the person seeking a copy of the public 1015
record to make the copies of the public record. 1016

(7) (a) Upon a request made in accordance with division (B) 1017
of this section and subject to division (B) (6) of this section, 1018
a public office or person responsible for public records shall 1019
transmit a copy of a public record to any person by United 1020
States mail or by any other means of delivery or transmission 1021

within a reasonable period of time after receiving the request 1022
for the copy. The public office or person responsible for the 1023
public record may require the person making the request to pay 1024
in advance the cost of postage if the copy is transmitted by 1025
United States mail or the cost of delivery if the copy is 1026
transmitted other than by United States mail, and to pay in 1027
advance the costs incurred for other supplies used in the 1028
mailing, delivery, or transmission. 1029

(b) Any public office may adopt a policy and procedures 1030
that it will follow in transmitting, within a reasonable period 1031
of time after receiving a request, copies of public records by 1032
United States mail or by any other means of delivery or 1033
transmission pursuant to division (B)(7) of this section. A 1034
public office that adopts a policy and procedures under division 1035
(B)(7) of this section shall comply with them in performing its 1036
duties under that division. 1037

(c) In any policy and procedures adopted under division 1038
(B)(7) of this section: 1039

(i) A public office may limit the number of records 1040
requested by a person that the office will physically deliver by 1041
United States mail or by another delivery service to ten per 1042
month, unless the person certifies to the office in writing that 1043
the person does not intend to use or forward the requested 1044
records, or the information contained in them, for commercial 1045
purposes; 1046

(ii) A public office that chooses to provide some or all 1047
of its public records on a web site that is fully accessible to 1048
and searchable by members of the public at all times, other than 1049
during acts of God outside the public office's control or 1050
maintenance, and that charges no fee to search, access, 1051

download, or otherwise receive records provided on the web site, 1052
may limit to ten per month the number of records requested by a 1053
person that the office will deliver in a digital format, unless 1054
the requested records are not provided on the web site and 1055
unless the person certifies to the office in writing that the 1056
person does not intend to use or forward the requested records, 1057
or the information contained in them, for commercial purposes. 1058

(iii) For purposes of division (B) (7) of this section, 1059
"commercial" shall be narrowly construed and does not include 1060
reporting or gathering news, reporting or gathering information 1061
to assist citizen oversight or understanding of the operation or 1062
activities of government, or nonprofit educational research. 1063

(8) A public office or person responsible for public 1064
records is not required to permit a person who is incarcerated 1065
pursuant to a criminal conviction or a juvenile adjudication to 1066
inspect or to obtain a copy of any public record concerning a 1067
criminal investigation or prosecution or concerning what would 1068
be a criminal investigation or prosecution if the subject of the 1069
investigation or prosecution were an adult, unless the request 1070
to inspect or to obtain a copy of the record is for the purpose 1071
of acquiring information that is subject to release as a public 1072
record under this section and the judge who imposed the sentence 1073
or made the adjudication with respect to the person, or the 1074
judge's successor in office, finds that the information sought 1075
in the public record is necessary to support what appears to be 1076
a justiciable claim of the person. 1077

(9) (a) Upon written request made and signed by a 1078
journalist on or after December 16, 1999, a public office, or 1079
person responsible for public records, having custody of the 1080
records of the agency employing a specified peace officer, 1081

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 shall disclose to the journalist the address of the actual personal residence of the 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 and, if the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child is employed by a public office, the name and address of the employer of the peace officer's, parole officer's, probation officer's, bailiff's, prosecuting attorney's, assistant prosecuting attorney's, correctional employee's, community-based correctional facility employee's, youth services employee's, firefighter's, EMT's, investigator of the bureau of criminal identification and investigation's, or federal law enforcement officer's spouse, former spouse, or child. The request shall include the journalist's name and title and the name and address of the journalist's employer and shall state that disclosure of the information sought would be in the public interest.

(b) Division (B) (9) (a) of this section also applies to

journalist requests for customer information maintained by a 1113
municipally owned or operated public utility, other than social 1114
security numbers and any private financial information such as 1115
credit reports, payment methods, credit card numbers, and bank 1116
account information. 1117

(c) As used in division (B) (9) of this section, 1118
"journalist" means a person engaged in, connected with, or 1119
employed by any news medium, including a newspaper, magazine, 1120
press association, news agency, or wire service, a radio or 1121
television station, or a similar medium, for the purpose of 1122
gathering, processing, transmitting, compiling, editing, or 1123
disseminating information for the general public. 1124

(C) (1) If a person allegedly is aggrieved by the failure 1125
of a public office or the person responsible for public records 1126
to promptly prepare a public record and to make it available to 1127
the person for inspection in accordance with division (B) of 1128
this section or by any other failure of a public office or the 1129
person responsible for public records to comply with an 1130
obligation in accordance with division (B) of this section, the 1131
person allegedly aggrieved may do only one of the following, and 1132
not both: 1133

(a) File a complaint with the clerk of the court of claims 1134
or the clerk of the court of common pleas under section 2743.75 1135
of the Revised Code; 1136

(b) Commence a mandamus action to obtain a judgment that 1137
orders the public office or the person responsible for the 1138
public record to comply with division (B) of this section, that 1139
awards court costs and reasonable attorney's fees to the person 1140
that instituted the mandamus action, and, if applicable, that 1141
includes an order fixing statutory damages under division (C) (2) 1142

of this section. The mandamus action may be commenced in the 1143
court of common pleas of the county in which division (B) of 1144
this section allegedly was not complied with, in the supreme 1145
court pursuant to its original jurisdiction under Section 2 of 1146
Article IV, Ohio Constitution, or in the court of appeals for 1147
the appellate district in which division (B) of this section 1148
allegedly was not complied with pursuant to its original 1149
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1150

(2) If a requester transmits a written request by hand 1151
delivery or certified mail to inspect or receive copies of any 1152
public record in a manner that fairly describes the public 1153
record or class of public records to the public office or person 1154
responsible for the requested public records, except as 1155
otherwise provided in this section, the requester shall be 1156
entitled to recover the amount of statutory damages set forth in 1157
this division if a court determines that the public office or 1158
the person responsible for public records failed to comply with 1159
an obligation in accordance with division (B) of this section. 1160

The amount of statutory damages shall be fixed at one 1161
hundred dollars for each business day during which the public 1162
office or person responsible for the requested public records 1163
failed to comply with an obligation in accordance with division 1164
(B) of this section, beginning with the day on which the 1165
requester files a mandamus action to recover statutory damages, 1166
up to a maximum of one thousand dollars. The award of statutory 1167
damages shall not be construed as a penalty, but as compensation 1168
for injury arising from lost use of the requested information. 1169
The existence of this injury shall be conclusively presumed. The 1170
award of statutory damages shall be in addition to all other 1171
remedies authorized by this section. 1172

The court may reduce an award of statutory damages or not 1173
award statutory damages if the court determines both of the 1174
following: 1175

(a) That, based on the ordinary application of statutory 1176
law and case law as it existed at the time of the conduct or 1177
threatened conduct of the public office or person responsible 1178
for the requested public records that allegedly constitutes a 1179
failure to comply with an obligation in accordance with division 1180
(B) of this section and that was the basis of the mandamus 1181
action, a well-informed public office or person responsible for 1182
the requested public records reasonably would believe that the 1183
conduct or threatened conduct of the public office or person 1184
responsible for the requested public records did not constitute 1185
a failure to comply with an obligation in accordance with 1186
division (B) of this section; 1187

(b) That a well-informed public office or person 1188
responsible for the requested public records reasonably would 1189
believe that the conduct or threatened conduct of the public 1190
office or person responsible for the requested public records 1191
would serve the public policy that underlies the authority that 1192
is asserted as permitting that conduct or threatened conduct. 1193

(3) In a mandamus action filed under division (C)(1) of 1194
this section, the following apply: 1195

(a) (i) If the court orders the public office or the person 1196
responsible for the public record to comply with division (B) of 1197
this section, the court shall determine and award to the relator 1198
all court costs, which shall be construed as remedial and not 1199
punitive. 1200

(ii) If the court makes a determination described in 1201

division (C) (3) (b) (iii) of this section, the court shall 1202
determine and award to the relator all court costs, which shall 1203
be construed as remedial and not punitive. 1204

(b) If the court renders a judgment that orders the public 1205
office or the person responsible for the public record to comply 1206
with division (B) of this section or if the court determines any 1207
of the following, the court may award reasonable attorney's fees 1208
to the relator, subject to the provisions of division (C) (4) of 1209
this section: 1210

(i) The public office or the person responsible for the 1211
public records failed to respond affirmatively or negatively to 1212
the public records request in accordance with the time allowed 1213
under division (B) of this section. 1214

(ii) The public office or the person responsible for the 1215
public records promised to permit the relator to inspect or 1216
receive copies of the public records requested within a 1217
specified period of time but failed to fulfill that promise 1218
within that specified period of time. 1219

(iii) The public office or the person responsible for the 1220
public records acted in bad faith when the office or person 1221
voluntarily made the public records available to the relator for 1222
the first time after the relator commenced the mandamus action, 1223
but before the court issued any order concluding whether or not 1224
the public office or person was required to comply with division 1225
(B) of this section. No discovery may be conducted on the issue 1226
of the alleged bad faith of the public office or person 1227
responsible for the public records. This division shall not be 1228
construed as creating a presumption that the public office or 1229
the person responsible for the public records acted in bad faith 1230
when the office or person voluntarily made the public records 1231

available to the relator for the first time after the relator 1232
commenced the mandamus action, but before the court issued any 1233
order described in this division. 1234

(c) The court shall not award attorney's fees to the 1235
relator if the court determines both of the following: 1236

(i) That, based on the ordinary application of statutory 1237
law and case law as it existed at the time of the conduct or 1238
threatened conduct of the public office or person responsible 1239
for the requested public records that allegedly constitutes a 1240
failure to comply with an obligation in accordance with division 1241
(B) of this section and that was the basis of the mandamus 1242
action, a well-informed public office or person responsible for 1243
the requested public records reasonably would believe that the 1244
conduct or threatened conduct of the public office or person 1245
responsible for the requested public records did not constitute 1246
a failure to comply with an obligation in accordance with 1247
division (B) of this section; 1248

(ii) That a well-informed public office or person 1249
responsible for the requested public records reasonably would 1250
believe that the conduct or threatened conduct of the public 1251
office or person responsible for the requested public records 1252
would serve the public policy that underlies the authority that 1253
is asserted as permitting that conduct or threatened conduct. 1254

(4) All of the following apply to any award of reasonable 1255
attorney's fees awarded under division (C) (3) (b) of this 1256
section: 1257

(a) The fees shall be construed as remedial and not 1258
punitive. 1259

(b) The fees awarded shall not exceed the total of the 1260

reasonable attorney's fees incurred before the public record was 1261
made available to the relator and the fees described in division 1262
(C) (4) (c) of this section. 1263

(c) Reasonable attorney's fees shall include reasonable 1264
fees incurred to produce proof of the reasonableness and amount 1265
of the fees and to otherwise litigate entitlement to the fees. 1266

(d) The court may reduce the amount of fees awarded if the 1267
court determines that, given the factual circumstances involved 1268
with the specific public records request, an alternative means 1269
should have been pursued to more effectively and efficiently 1270
resolve the dispute that was subject to the mandamus action 1271
filed under division (C) (1) of this section. 1272

(5) If the court does not issue a writ of mandamus under 1273
division (C) of this section and the court determines at that 1274
time that the bringing of the mandamus action was frivolous 1275
conduct as defined in division (A) of section 2323.51 of the 1276
Revised Code, the court may award to the public office all court 1277
costs, expenses, and reasonable attorney's fees, as determined 1278
by the court. 1279

(D) Chapter 1347. of the Revised Code does not limit the 1280
provisions of this section. 1281

(E) (1) To ensure that all employees of public offices are 1282
appropriately educated about a public office's obligations under 1283
division (B) of this section, all elected officials or their 1284
appropriate designees shall attend training approved by the 1285
attorney general as provided in section 109.43 of the Revised 1286
Code. In addition, all public offices shall adopt a public 1287
records policy in compliance with this section for responding to 1288
public records requests. In adopting a public records policy 1289

under this division, a public office may obtain guidance from 1290
the model public records policy developed and provided to the 1291
public office by the attorney general under section 109.43 of 1292
the Revised Code. Except as otherwise provided in this section, 1293
the policy may not limit the number of public records that the 1294
public office will make available to a single person, may not 1295
limit the number of public records that it will make available 1296
during a fixed period of time, and may not establish a fixed 1297
period of time before it will respond to a request for 1298
inspection or copying of public records, unless that period is 1299
less than eight hours. 1300

(2) The public office shall distribute the public records 1301
policy adopted by the public office under division (E)(1) of 1302
this section to the employee of the public office who is the 1303
records custodian or records manager or otherwise has custody of 1304
the records of that office. The public office shall require that 1305
employee to acknowledge receipt of the copy of the public 1306
records policy. The public office shall create a poster that 1307
describes its public records policy and shall post the poster in 1308
a conspicuous place in the public office and in all locations 1309
where the public office has branch offices. The public office 1310
may post its public records policy on the internet web site of 1311
the public office if the public office maintains an internet web 1312
site. A public office that has established a manual or handbook 1313
of its general policies and procedures for all employees of the 1314
public office shall include the public records policy of the 1315
public office in the manual or handbook. 1316

(F)(1) The bureau of motor vehicles may adopt rules 1317
pursuant to Chapter 119. of the Revised Code to reasonably limit 1318
the number of bulk commercial special extraction requests made 1319
by a person for the same records or for updated records during a 1320

calendar year. The rules may include provisions for charges to 1321
be made for bulk commercial special extraction requests for the 1322
actual cost of the bureau, plus special extraction costs, plus 1323
ten per cent. The bureau may charge for expenses for redacting 1324
information, the release of which is prohibited by law. 1325

(2) As used in division (F) (1) of this section: 1326

(a) "Actual cost" means the cost of depleted supplies, 1327
records storage media costs, actual mailing and alternative 1328
delivery costs, or other transmitting costs, and any direct 1329
equipment operating and maintenance costs, including actual 1330
costs paid to private contractors for copying services. 1331

(b) "Bulk commercial special extraction request" means a 1332
request for copies of a record for information in a format other 1333
than the format already available, or information that cannot be 1334
extracted without examination of all items in a records series, 1335
class of records, or database by a person who intends to use or 1336
forward the copies for surveys, marketing, solicitation, or 1337
resale for commercial purposes. "Bulk commercial special 1338
extraction request" does not include a request by a person who 1339
gives assurance to the bureau that the person making the request 1340
does not intend to use or forward the requested copies for 1341
surveys, marketing, solicitation, or resale for commercial 1342
purposes. 1343

(c) "Commercial" means profit-seeking production, buying, 1344
or selling of any good, service, or other product. 1345

(d) "Special extraction costs" means the cost of the time 1346
spent by the lowest paid employee competent to perform the task, 1347
the actual amount paid to outside private contractors employed 1348
by the bureau, or the actual cost incurred to create computer 1349

programs to make the special extraction. "Special extraction 1350
costs" include any charges paid to a public agency for computer 1351
or records services. 1352

(3) For purposes of divisions (F)(1) and (2) of this 1353
section, "surveys, marketing, solicitation, or resale for 1354
commercial purposes" shall be narrowly construed and does not 1355
include reporting or gathering news, reporting or gathering 1356
information to assist citizen oversight or understanding of the 1357
operation or activities of government, or nonprofit educational 1358
research. 1359

(G) A request by a defendant, counsel of a defendant, or 1360
any agent of a defendant in a criminal action that public 1361
records related to that action be made available under this 1362
section shall be considered a demand for discovery pursuant to 1363
the Criminal Rules, except to the extent that the Criminal Rules 1364
plainly indicate a contrary intent. The defendant, counsel of 1365
the defendant, or agent of the defendant making a request under 1366
this division shall serve a copy of the request on the 1367
prosecuting attorney, director of law, or other chief legal 1368
officer responsible for prosecuting the action. 1369

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1370
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1371
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1372
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1373
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1374
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1375
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 1376
2971.03, 3719.99, 5120.53, and 5120.66 and the enactment of 1377
sections 2901.011, 2929.144, and 2967.271 of the Revised Code by 1378
... B... of the 132nd general assembly constitute the Reagan 1379

| | |
|--|------|
| <u>Tokes Law.</u> | 1380 |
| Sec. 2903.06. (A) No person, while operating or | 1381 |
| participating in the operation of a motor vehicle, motorcycle, | 1382 |
| snowmobile, locomotive, watercraft, or aircraft, shall cause the | 1383 |
| death of another or the unlawful termination of another's | 1384 |
| pregnancy in any of the following ways: | 1385 |
| (1) (a) As the proximate result of committing a violation | 1386 |
| of division (A) of section 4511.19 of the Revised Code or of a | 1387 |
| substantially equivalent municipal ordinance; | 1388 |
| (b) As the proximate result of committing a violation of | 1389 |
| division (A) of section 1547.11 of the Revised Code or of a | 1390 |
| substantially equivalent municipal ordinance; | 1391 |
| (c) As the proximate result of committing a violation of | 1392 |
| division (A) (3) of section 4561.15 of the Revised Code or of a | 1393 |
| substantially equivalent municipal ordinance. | 1394 |
| (2) In one of the following ways: | 1395 |
| (a) Recklessly; | 1396 |
| (b) As the proximate result of committing, while operating | 1397 |
| or participating in the operation of a motor vehicle or | 1398 |
| motorcycle in a construction zone, a reckless operation offense, | 1399 |
| provided that this division applies only if the person whose | 1400 |
| death is caused or whose pregnancy is unlawfully terminated is | 1401 |
| in the construction zone at the time of the offender's | 1402 |
| commission of the reckless operation offense in the construction | 1403 |
| zone and does not apply as described in division (F) of this | 1404 |
| section. | 1405 |
| (3) In one of the following ways: | 1406 |
| (a) Negligently; | 1407 |

(b) As the proximate result of committing, while operating 1408
or participating in the operation of a motor vehicle or 1409
motorcycle in a construction zone, a speeding offense, provided 1410
that this division applies only if the person whose death is 1411
caused or whose pregnancy is unlawfully terminated is in the 1412
construction zone at the time of the offender's commission of 1413
the speeding offense in the construction zone and does not apply 1414
as described in division (F) of this section. 1415

(4) As the proximate result of committing a violation of 1416
any provision of any section contained in Title XLV of the 1417
Revised Code that is a minor misdemeanor or of a municipal 1418
ordinance that, regardless of the penalty set by ordinance for 1419
the violation, is substantially equivalent to any provision of 1420
any section contained in Title XLV of the Revised Code that is a 1421
minor misdemeanor. 1422

(B) (1) Whoever violates division (A) (1) or (2) of this 1423
section is guilty of aggravated vehicular homicide and shall be 1424
punished as provided in divisions (B) (2) and (3) of this 1425
section. 1426

(2) (a) Except as otherwise provided in division (B) (2) (b) 1427
or (c) of this section, aggravated vehicular homicide committed 1428
in violation of division (A) (1) of this section is a felony of 1429
the second degree and the court shall impose a mandatory prison 1430
term on the offender as described in division (E) of this 1431
section. 1432

(b) Except as otherwise provided in division (B) (2) (c) of 1433
this section, aggravated vehicular homicide committed in 1434
violation of division (A) (1) of this section is a felony of the 1435
first degree, and the court shall impose a mandatory prison term 1436
on the offender as described in division (E) of this section, if 1437

any of the following apply: 1438

(i) At the time of the offense, the offender was driving 1439
under a suspension or cancellation imposed under Chapter 4510. 1440
or any other provision of the Revised Code or was operating a 1441
motor vehicle or motorcycle, did not have a valid driver's 1442
license, commercial driver's license, temporary instruction 1443
permit, probationary license, or nonresident operating 1444
privilege, and was not eligible for renewal of the offender's 1445
driver's license or commercial driver's license without 1446
examination under section 4507.10 of the Revised Code. 1447

(ii) The offender previously has been convicted of or 1448
pleaded guilty to a violation of this section. 1449

(iii) The offender previously has been convicted of or 1450
pleaded guilty to any traffic-related homicide, manslaughter, or 1451
assault offense. 1452

(c) Aggravated vehicular homicide committed in violation 1453
of division (A) (1) of this section is a felony of the first 1454
degree, and the court shall sentence the offender to a mandatory 1455
prison term as provided in section 2929.142 of the Revised Code 1456
and described in division (E) of this section if any of the 1457
following apply: 1458

(i) The offender previously has been convicted of or 1459
pleaded guilty to three or more prior violations of section 1460
4511.19 of the Revised Code or of a substantially equivalent 1461
municipal ordinance within the previous ten years. 1462

(ii) The offender previously has been convicted of or 1463
pleaded guilty to three or more prior violations of division (A) 1464
of section 1547.11 of the Revised Code or of a substantially 1465
equivalent municipal ordinance within the previous ten years. 1466

(iii) The offender previously has been convicted of or 1467
pleaded guilty to three or more prior violations of division (A) 1468
(3) of section 4561.15 of the Revised Code or of a substantially 1469
equivalent municipal ordinance within the previous ten years. 1470

(iv) The offender previously has been convicted of or 1471
pleaded guilty to three or more prior violations of division (A) 1472
(1) of this section within the previous ten years. 1473

(v) The offender previously has been convicted of or 1474
pleaded guilty to three or more prior violations of division (A) 1475
(1) of section 2903.08 of the Revised Code within the previous 1476
ten years. 1477

(vi) The offender previously has been convicted of or 1478
pleaded guilty to three or more prior violations of section 1479
2903.04 of the Revised Code within the previous ten years in 1480
circumstances in which division (D) of that section applied 1481
regarding the violations. 1482

(vii) The offender previously has been convicted of or 1483
pleaded guilty to three or more violations of any combination of 1484
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1485
(v), or (vi) of this section within the previous ten years. 1486

(viii) The offender previously has been convicted of or 1487
pleaded guilty to a second or subsequent felony violation of 1488
division (A) of section 4511.19 of the Revised Code. 1489

(d) In addition to any other sanctions imposed pursuant to 1490
division (B) (2) (a), (b), or (c) of this section for aggravated 1491
vehicular homicide committed in violation of division (A) (1) of 1492
this section, the court shall impose upon the offender a class 1493
one suspension of the offender's driver's license, commercial 1494
driver's license, temporary instruction permit, probationary 1495

license, or nonresident operating privilege as specified in 1496
division (A) (1) of section 4510.02 of the Revised Code. 1497

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1498
Code apply to a suspension imposed under division (B) (2) (d) of 1499
this section. 1500

(3) Except as otherwise provided in this division, 1501
aggravated vehicular homicide committed in violation of division 1502
(A) (2) of this section is a felony of the third degree. 1503
Aggravated vehicular homicide committed in violation of division 1504
(A) (2) of this section is a felony of the second degree if, at 1505
the time of the offense, the offender was driving under a 1506
suspension or cancellation imposed under Chapter 4510. or any 1507
other provision of the Revised Code or was operating a motor 1508
vehicle or motorcycle, did not have a valid driver's license, 1509
commercial driver's license, temporary instruction permit, 1510
probationary license, or nonresident operating privilege, and 1511
was not eligible for renewal of the offender's driver's license 1512
or commercial driver's license without examination under section 1513
4507.10 of the Revised Code or if the offender previously has 1514
been convicted of or pleaded guilty to a violation of this 1515
section or any traffic-related homicide, manslaughter, or 1516
assault offense. The court shall impose a mandatory prison term 1517
on the offender when required by division (E) of this section. 1518

In addition to any other sanctions imposed pursuant to 1519
this division for a violation of division (A) (2) of this 1520
section, the court shall impose upon the offender a class two 1521
suspension of the offender's driver's license, commercial 1522
driver's license, temporary instruction permit, probationary 1523
license, or nonresident operating privilege from the range 1524
specified in division (A) (2) of section 4510.02 of the Revised 1525

Code or, if the offender previously has been convicted of or 1526
pleaded guilty to a traffic-related murder, felonious assault, 1527
or attempted murder offense, a class one suspension of the 1528
offender's driver's license, commercial driver's license, 1529
temporary instruction permit, probationary license, or 1530
nonresident operating privilege as specified in division (A)(1) 1531
of that section. 1532

(C) Whoever violates division (A)(3) of this section is 1533
guilty of vehicular homicide. Except as otherwise provided in 1534
this division, vehicular homicide is a misdemeanor of the first 1535
degree. Vehicular homicide committed in violation of division 1536
(A)(3) of this section is a felony of the fourth degree if, at 1537
the time of the offense, the offender was driving under a 1538
suspension or cancellation imposed under Chapter 4510. or any 1539
other provision of the Revised Code or was operating a motor 1540
vehicle or motorcycle, did not have a valid driver's license, 1541
commercial driver's license, temporary instruction permit, 1542
probationary license, or nonresident operating privilege, and 1543
was not eligible for renewal of the offender's driver's license 1544
or commercial driver's license without examination under section 1545
4507.10 of the Revised Code or if the offender previously has 1546
been convicted of or pleaded guilty to a violation of this 1547
section or any traffic-related homicide, manslaughter, or 1548
assault offense. The court shall impose a mandatory jail term or 1549
a mandatory prison term on the offender when required by 1550
division (E) of this section. 1551

In addition to any other sanctions imposed pursuant to 1552
this division, the court shall impose upon the offender a class 1553
four suspension of the offender's driver's license, commercial 1554
driver's license, temporary instruction permit, probationary 1555
license, or nonresident operating privilege from the range 1556

specified in division (A) (4) of section 4510.02 of the Revised Code, or, if the offender previously has been convicted of or pleaded guilty to a violation of this section or any traffic-related homicide, manslaughter, or assault offense, a class three suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (3) of that section, or, if the offender previously has been convicted of or pleaded guilty to a traffic-related murder, felonious assault, or attempted murder offense, a class two suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege as specified in division (A) (2) of that section.

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

In addition to any other sanctions imposed pursuant to

this division, the court shall impose upon the offender a class 1588
six suspension of the offender's driver's license, commercial 1589
driver's license, temporary instruction permit, probationary 1590
license, or nonresident operating privilege from the range 1591
specified in division (A) (6) of section 4510.02 of the Revised 1592
Code or, if the offender previously has been convicted of or 1593
pleaded guilty to a violation of this section, any traffic- 1594
related homicide, manslaughter, or assault offense, or a 1595
traffic-related murder, felonious assault, or attempted murder 1596
offense, a class four suspension of the offender's driver's 1597
license, commercial driver's license, temporary instruction 1598
permit, probationary license, or nonresident operating privilege 1599
from the range specified in division (A) (4) of that section. 1600

(E) (1) The court shall impose a mandatory prison term on 1601
an offender who is convicted of or pleads guilty to a violation 1602
of division (A) (1) of this section. Except as otherwise provided 1603
in this division, the mandatory prison term shall be a definite 1604
term from the range of prison terms provided in division (A) (1) 1605
(b) of section 2929.14 of the Revised Code for a felony of the 1606
first degree or from division (A) (2) (b) of that section for a 1607
felony of the second degree, whichever is applicable, except 1608
that if the violation is committed on or after the effective 1609
date of this amendment, the court shall impose as the minimum 1610
prison term for the offense a mandatory prison term that is one 1611
of the minimum terms prescribed for a felony of the first degree 1612
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1613
one of the terms prescribed for a felony of the second degree in 1614
division (A) (2) (a) of that section, whichever is applicable. If 1615
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1616
(viii) of this section applies to an offender who is convicted 1617
of or pleads guilty to the violation of division (A) (1) of this 1618

section, the court shall impose the mandatory prison term 1619
pursuant to division (B) of section 2929.142 of the Revised 1620
Code. The court shall impose a mandatory jail term of at least 1621
fifteen days on an offender who is convicted of or pleads guilty 1622
to a misdemeanor violation of division (A) (3) (b) of this section 1623
and may impose upon the offender a longer jail term as 1624
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1625

(2) The court shall impose a mandatory prison term on an 1626
offender who is convicted of or pleads guilty to a violation of 1627
division (A) (2) or (3) (a) of this section or a felony violation 1628
of division (A) (3) (b) of this section if either division (E) (2) 1629
(a) or (b) of this section applies. The mandatory prison term 1630
shall be a definite term from the range of prison terms provided 1631
in division (A) (3) (a) (ii) of section 2929.14 of the Revised Code 1632
for a felony of the third degree or from division (A) (4) of that 1633
section for a felony of the fourth degree, whichever is 1634
applicable, except that if the violation is a felony of the 1635
third degree committed on or after the effective date of this 1636
amendment, the court shall impose as the minimum prison term for 1637
the offense a mandatory prison term that is one of the minimum 1638
terms prescribed for a felony of the third degree in division 1639
(A) (3) (a) (i) of section 2929.14 of the Revised Code. The court 1640
shall impose a mandatory prison term on an offender in a 1641
category described in this division if either of the following 1642
applies: 1643

~~(1)~~ (a) The offender previously has been convicted of or 1644
pleaded guilty to a violation of this section or section 2903.08 1645
of the Revised Code. 1646

~~(2)~~ (b) At the time of the offense, the offender was 1647
driving under suspension or cancellation under Chapter 4510. or 1648

any other provision of the Revised Code or was operating a motor 1649
vehicle or motorcycle, did not have a valid driver's license, 1650
commercial driver's license, temporary instruction permit, 1651
probationary license, or nonresident operating privilege, and 1652
was not eligible for renewal of the offender's driver's license 1653
or commercial driver's license without examination under section 1654
4507.10 of the Revised Code. 1655

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1656
apply in a particular construction zone unless signs of the type 1657
described in section 2903.081 of the Revised Code are erected in 1658
that construction zone in accordance with the guidelines and 1659
design specifications established by the director of 1660
transportation under section 5501.27 of the Revised Code. The 1661
failure to erect signs of the type described in section 2903.081 1662
of the Revised Code in a particular construction zone in 1663
accordance with those guidelines and design specifications does 1664
not limit or affect the application of division (A) (1), (A) (2) 1665
(a), (A) (3) (a), or (A) (4) of this section in that construction 1666
zone or the prosecution of any person who violates any of those 1667
divisions in that construction zone. 1668

(G) (1) As used in this section: 1669

(a) "Mandatory prison term" and "mandatory jail term" have 1670
the same meanings as in section 2929.01 of the Revised Code. 1671

(b) "Traffic-related homicide, manslaughter, or assault 1672
offense" means a violation of section 2903.04 of the Revised 1673
Code in circumstances in which division (D) of that section 1674
applies, a violation of section 2903.06 or 2903.08 of the 1675
Revised Code, or a violation of section 2903.06, 2903.07, or 1676
2903.08 of the Revised Code as they existed prior to March 23, 1677
2000. 1678

(c) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 1679
1680

(d) "Reckless operation offense" means a violation of section 4511.20 of the Revised Code or a municipal ordinance substantially equivalent to section 4511.20 of the Revised Code. 1681
1682
1683

(e) "Speeding offense" means a violation of section 4511.21 of the Revised Code or a municipal ordinance pertaining to speed. 1684
1685
1686

(f) "Traffic-related murder, felonious assault, or attempted murder offense" means a violation of section 2903.01 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. 1687
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(g) "Motor vehicle" has the same meaning as in section 4501.01 of the Revised Code. 1698
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(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. 1700
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Sec. 2903.08. (A) No person, while operating or 1707

participating in the operation of a motor vehicle, motorcycle, 1708
snowmobile, locomotive, watercraft, or aircraft, shall cause 1709
serious physical harm to another person or another's unborn in 1710
any of the following ways: 1711

(1) (a) As the proximate result of committing a violation 1712
of division (A) of section 4511.19 of the Revised Code or of a 1713
substantially equivalent municipal ordinance; 1714

(b) As the proximate result of committing a violation of 1715
division (A) of section 1547.11 of the Revised Code or of a 1716
substantially equivalent municipal ordinance; 1717

(c) As the proximate result of committing a violation of 1718
division (A) (3) of section 4561.15 of the Revised Code or of a 1719
substantially equivalent municipal ordinance. 1720

(2) In one of the following ways: 1721

(a) As the proximate result of committing, while operating 1722
or participating in the operation of a motor vehicle or 1723
motorcycle in a construction zone, a reckless operation offense, 1724
provided that this division applies only if the person to whom 1725
the serious physical harm is caused or to whose unborn the 1726
serious physical harm is caused is in the construction zone at 1727
the time of the offender's commission of the reckless operation 1728
offense in the construction zone and does not apply as described 1729
in division (E) of this section; 1730

(b) Recklessly. 1731

(3) As the proximate result of committing, while operating 1732
or participating in the operation of a motor vehicle or 1733
motorcycle in a construction zone, a speeding offense, provided 1734
that this division applies only if the person to whom the 1735
serious physical harm is caused or to whose unborn the serious 1736

physical harm is caused is in the construction zone at the time 1737
of the offender's commission of the speeding offense in the 1738
construction zone and does not apply as described in division 1739
(E) of this section. 1740

(B) (1) Whoever violates division (A) (1) of this section is 1741
guilty of aggravated vehicular assault. Except as otherwise 1742
provided in this division, aggravated vehicular assault is a 1743
felony of the third degree. Aggravated vehicular assault is a 1744
felony of the second degree if any of the following apply: 1745

(a) At the time of the offense, the offender was driving 1746
under a suspension imposed under Chapter 4510. or any other 1747
provision of the Revised Code. 1748

(b) The offender previously has been convicted of or 1749
pleaded guilty to a violation of this section. 1750

(c) The offender previously has been convicted of or 1751
pleaded guilty to any traffic-related homicide, manslaughter, or 1752
assault offense. 1753

(d) The offender previously has been convicted of or 1754
pleaded guilty to three or more prior violations of section 1755
4511.19 of the Revised Code or a substantially equivalent 1756
municipal ordinance within the previous ten years. 1757

(e) The offender previously has been convicted of or 1758
pleaded guilty to three or more prior violations of division (A) 1759
of section 1547.11 of the Revised Code or of a substantially 1760
equivalent municipal ordinance within the previous ten years. 1761

(f) The offender previously has been convicted of or 1762
pleaded guilty to three or more prior violations of division (A) 1763
(3) of section 4561.15 of the Revised Code or of a substantially 1764
equivalent municipal ordinance within the previous ten years. 1765

(g) The offender previously has been convicted of or 1766
pleaded guilty to three or more prior violations of any 1767
combination of the offenses listed in division (B) (1) (d), (e), 1768
or (f) of this section. 1769

(h) The offender previously has been convicted of or 1770
pleaded guilty to a second or subsequent felony violation of 1771
division (A) of section 4511.19 of the Revised Code. 1772

(2) In addition to any other sanctions imposed pursuant to 1773
division (B) (1) of this section, except as otherwise provided in 1774
this division, the court shall impose upon the offender a class 1775
three suspension of the offender's driver's license, commercial 1776
driver's license, temporary instruction permit, probationary 1777
license, or nonresident operating privilege from the range 1778
specified in division (A) (3) of section 4510.02 of the Revised 1779
Code. If the offender previously has been convicted of or 1780
pleaded guilty to a violation of this section, any traffic- 1781
related homicide, manslaughter, or assault offense, or any 1782
traffic-related murder, felonious assault, or attempted murder 1783
offense, the court shall impose either a class two suspension of 1784
the offender's driver's license, commercial driver's license, 1785
temporary instruction permit, probationary license, or 1786
nonresident operating privilege from the range specified in 1787
division (A) (2) of that section or a class one suspension as 1788
specified in division (A) (1) of that section. 1789

(C) (1) Whoever violates division (A) (2) or (3) of this 1790
section is guilty of vehicular assault and shall be punished as 1791
provided in divisions (C) (2) and (3) of this section. 1792

(2) Except as otherwise provided in this division, 1793
vehicular assault committed in violation of division (A) (2) of 1794
this section is a felony of the fourth degree. Vehicular assault 1795

committed in violation of division (A) (2) of this section is a 1796
felony of the third degree if, at the time of the offense, the 1797
offender was driving under a suspension imposed under Chapter 1798
4510. or any other provision of the Revised Code, if the 1799
offender previously has been convicted of or pleaded guilty to a 1800
violation of this section or any traffic-related homicide, 1801
manslaughter, or assault offense, or if, in the same course of 1802
conduct that resulted in the violation of division (A) (2) of 1803
this section, the offender also violated section 4549.02, 1804
4549.021, or 4549.03 of the Revised Code. 1805

In addition to any other sanctions imposed, the court 1806
shall impose upon the offender a class four suspension of the 1807
offender's driver's license, commercial driver's license, 1808
temporary instruction permit, probationary license, or 1809
nonresident operating privilege from the range specified in 1810
division (A) (4) of section 4510.02 of the Revised Code or, if 1811
the offender previously has been convicted of or pleaded guilty 1812
to a violation of this section, any traffic-related homicide, 1813
manslaughter, or assault offense, or any traffic-related murder, 1814
felonious assault, or attempted murder offense, a class three 1815
suspension of the offender's driver's license, commercial 1816
driver's license, temporary instruction permit, probationary 1817
license, or nonresident operating privilege from the range 1818
specified in division (A) (3) of that section. 1819

(3) Except as otherwise provided in this division, 1820
vehicular assault committed in violation of division (A) (3) of 1821
this section is a misdemeanor of the first degree. Vehicular 1822
assault committed in violation of division (A) (3) of this 1823
section is a felony of the fourth degree if, at the time of the 1824
offense, the offender was driving under a suspension imposed 1825
under Chapter 4510. or any other provision of the Revised Code 1826

or if the offender previously has been convicted of or pleaded 1827
guilty to a violation of this section or any traffic-related 1828
homicide, manslaughter, or assault offense. 1829

In addition to any other sanctions imposed, the court 1830
shall impose upon the offender a class four suspension of the 1831
offender's driver's license, commercial driver's license, 1832
temporary instruction permit, probationary license, or 1833
nonresident operating privilege from the range specified in 1834
division (A) (4) of section 4510.02 of the Revised Code or, if 1835
the offender previously has been convicted of or pleaded guilty 1836
to a violation of this section, any traffic-related homicide, 1837
manslaughter, or assault offense, or any traffic-related murder, 1838
felonious assault, or attempted murder offense, a class three 1839
suspension of the offender's driver's license, commercial 1840
driver's license, temporary instruction permit, probationary 1841
license, or nonresident operating privilege from the range 1842
specified in division (A) (3) of section 4510.02 of the Revised 1843
Code. 1844

(D) (1) The court shall impose a mandatory prison term, as 1845
described in division (D) (4) of this section, on an offender who 1846
is convicted of or pleads guilty to a violation of division (A) 1847
(1) of this section. 1848

(2) The court shall impose a mandatory prison term, as 1849
described in division (D) (4) of this section, on an offender who 1850
is convicted of or pleads guilty to a violation of division (A) 1851
(2) of this section or a felony violation of division (A) (3) of 1852
this section if either of the following applies: 1853

(a) The offender previously has been convicted of or 1854
pleaded guilty to a violation of this section or section 2903.06 1855
of the Revised Code. 1856

(b) At the time of the offense, the offender was driving 1857
under suspension under Chapter 4510. or any other provision of 1858
the Revised Code. 1859

(3) The court shall impose a mandatory jail term of at 1860
least seven days on an offender who is convicted of or pleads 1861
guilty to a misdemeanor violation of division (A) (3) of this 1862
section and may impose upon the offender a longer jail term as 1863
authorized pursuant to section 2929.24 of the Revised Code. 1864

(4) A mandatory prison term required under division (D) (1) 1865
or (2) of this section shall be a definite term from the range 1866
of prison terms provided in division (A) (2) (b) of section 1867
2929.14 of the Revised Code for a felony of the second degree, 1868
from division (A) (3) (a) (ii) of that section for a felony of the 1869
third degree, or from division (A) (4) of that section for a 1870
felony of the fourth degree, whichever is applicable, except 1871
that if the violation is a felony of the second or third degree 1872
committed on or after the effective date of this amendment, the 1873
court shall impose as the minimum prison term for the offense a 1874
mandatory prison term that is one of the minimum terms 1875
prescribed for a felony of the second degree in division (A) (2) 1876
(a) of section 2929.14 of the Revised Code or that is one of the 1877
terms prescribed for a felony of the third degree in division 1878
(A) (3) (a) (i) of section 2929.14 of the Revised Code, whichever 1879
is applicable. 1880

(E) Divisions (A) (2) (a) and (3) of this section do not 1881
apply in a particular construction zone unless signs of the type 1882
described in section 2903.081 of the Revised Code are erected in 1883
that construction zone in accordance with the guidelines and 1884
design specifications established by the director of 1885
transportation under section 5501.27 of the Revised Code. The 1886

failure to erect signs of the type described in section 2903.081 1887
of the Revised Code in a particular construction zone in 1888
accordance with those guidelines and design specifications does 1889
not limit or affect the application of division (A) (1) or (2) (b) 1890
of this section in that construction zone or the prosecution of 1891
any person who violates either of those divisions in that 1892
construction zone. 1893

(F) As used in this section: 1894

(1) "Mandatory prison term" and "mandatory jail term" have 1895
the same meanings as in section 2929.01 of the Revised Code. 1896

(2) "Traffic-related homicide, manslaughter, or assault 1897
offense" and "traffic-related murder, felonious assault, or 1898
attempted murder offense" have the same meanings as in section 1899
2903.06 of the Revised Code. 1900

(3) "Construction zone" has the same meaning as in section 1901
5501.27 of the Revised Code. 1902

(4) "Reckless operation offense" and "speeding offense" 1903
have the same meanings as in section 2903.06 of the Revised 1904
Code. 1905

(G) For the purposes of this section, when a penalty or 1906
suspension is enhanced because of a prior or current violation 1907
of a specified law or a prior or current specified offense, the 1908
reference to the violation of the specified law or the specified 1909
offense includes any violation of any substantially equivalent 1910
municipal ordinance, former law of this state, or current or 1911
former law of another state or the United States. 1912

Sec. 2903.11. (A) No person shall knowingly do either of 1913
the following: 1914

| | |
|--|--|
| (1) Cause serious physical harm to another or to another's unborn; | 1915 1916 |
| (2) Cause or attempt to cause physical harm to another or to another's unborn by means of a deadly weapon or dangerous ordnance. | 1917 1918 1919 |
| (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: | 1920 1921 1922 1923 |
| (1) Engage in sexual conduct with another person without disclosing that knowledge to the other person prior to engaging in the sexual conduct; | 1924 1925 1926 |
| (2) Engage in sexual conduct with a person whom the offender knows or has reasonable cause to believe lacks the mental capacity to appreciate the significance of the knowledge that the offender has tested positive as a carrier of a virus that causes acquired immunodeficiency syndrome; | 1927 1928 1929 1930 1931 |
| (3) Engage in sexual conduct with a person under eighteen years of age who is not the spouse of the offender. | 1932 1933 |
| (C) The prosecution of a person under this section does not preclude prosecution of that person under section 2907.02 of the Revised Code. | 1934 1935 1936 |
| (D) (1) (a) Whoever violates this section is guilty of felonious assault. Except as otherwise provided in this division or division (D) (1) (b) of this section, felonious assault is a felony of the second degree. If the victim of a violation of division (A) of this section is a peace officer or an investigator of the bureau of criminal identification and investigation, felonious assault is a felony of the first | 1937 1938 1939 1940 1941 1942 1943 |

degree. 1944

(b) Regardless of whether the felonious assault is a 1945
felony of the first or second degree under division (D) (1) (a) of 1946
this section, if the offender also is convicted of or pleads 1947
guilty to a specification as described in section 2941.1423 of 1948
the Revised Code that was included in the indictment, count in 1949
the indictment, or information charging the offense, except as 1950
otherwise provided in this division or unless a longer prison 1951
term is required under any other provision of law, the court 1952
shall sentence the offender to a mandatory prison term as 1953
provided in division (B) (8) of section 2929.14 of the Revised 1954
Code. If the victim of the offense is a peace officer or an 1955
investigator of the bureau of criminal identification and 1956
investigation, and if the victim suffered serious physical harm 1957
as a result of the commission of the offense, felonious assault 1958
is a felony of the first degree, and the court, pursuant to 1959
division (F) of section 2929.13 of the Revised Code, shall 1960
impose as a mandatory prison term one of the definite prison 1961
terms prescribed for a felony of the first degree in division 1962
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 1963
the violation is committed on or after the effective date of 1964
this amendment, the court shall impose as the minimum prison 1965
term for the offense a mandatory prison term that is one of the 1966
minimum terms prescribed for a felony of the first degree in 1967
division (A) (1) (a) of section 2929.14 of the Revised Code. 1968

(2) In addition to any other sanctions imposed pursuant to 1969
division (D) (1) of this section for felonious assault committed 1970
in violation of division (A) (1) or (2) of this section, if the 1971
offender also is convicted of or pleads guilty to a 1972
specification of the type described in section 2941.1425 of the 1973
Revised Code that was included in the indictment, count in the 1974

indictment, or information charging the offense, the court shall 1975
sentence the offender to a mandatory prison term under division 1976
(B) (9) of section 2929.14 of the Revised Code. 1977

(3) In addition to any other sanctions imposed pursuant to 1978
division (D) (1) of this section for felonious assault committed 1979
in violation of division (A) (2) of this section, if the deadly 1980
weapon used in the commission of the violation is a motor 1981
vehicle, the court shall impose upon the offender a class two 1982
suspension of the offender's driver's license, commercial 1983
driver's license, temporary instruction permit, probationary 1984
license, or nonresident operating privilege as specified in 1985
division (A) (2) of section 4510.02 of the Revised Code. 1986

(E) As used in this section: 1987

(1) "Deadly weapon" and "dangerous ordnance" have the same 1988
meanings as in section 2923.11 of the Revised Code. 1989

(2) "Motor vehicle" has the same meaning as in section 1990
4501.01 of the Revised Code. 1991

(3) "Peace officer" has the same meaning as in section 1992
2935.01 of the Revised Code. 1993

(4) "Sexual conduct" has the same meaning as in section 1994
2907.01 of the Revised Code, except that, as used in this 1995
section, it does not include the insertion of an instrument, 1996
apparatus, or other object that is not a part of the body into 1997
the vaginal or anal opening of another, unless the offender knew 1998
at the time of the insertion that the instrument, apparatus, or 1999
other object carried the offender's bodily fluid. 2000

(5) "Investigator of the bureau of criminal identification 2001
and investigation" means an investigator of the bureau of 2002
criminal identification and investigation who is commissioned by 2003

the superintendent of the bureau as a special agent for the 2004
purpose of assisting law enforcement officers or providing 2005
emergency assistance to peace officers pursuant to authority 2006
granted under section 109.541 of the Revised Code. 2007

(6) "Investigator" has the same meaning as in section 2008
109.541 of the Revised Code. 2009

(F) The provisions of division (D) (2) of this section and 2010
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 2011
(6) of section 2929.14, and section 2941.1425 of the Revised 2012
Code shall be known as "Judy's Law." 2013

Sec. 2903.12. (A) No person, while under the influence of 2014
sudden passion or in a sudden fit of rage, either of which is 2015
brought on by serious provocation occasioned by the victim that 2016
is reasonably sufficient to incite the person into using deadly 2017
force, shall knowingly: 2018

(1) Cause serious physical harm to another or to another's 2019
unborn; 2020

(2) Cause or attempt to cause physical harm to another or 2021
to another's unborn by means of a deadly weapon or dangerous 2022
ordnance, as defined in section 2923.11 of the Revised Code. 2023

(B) Whoever violates this section is guilty of aggravated 2024
assault. Except as otherwise provided in this division, 2025
aggravated assault is a felony of the fourth degree. If the 2026
victim of the offense is a peace officer or an investigator of 2027
the bureau of criminal identification and investigation, 2028
aggravated assault is a felony of the third degree. Regardless 2029
of whether the offense is a felony of the third or fourth degree 2030
under this division, if the offender also is convicted of or 2031
pleads guilty to a specification as described in section 2032

2941.1423 of the Revised Code that was included in the 2033
indictment, count in the indictment, or information charging the 2034
offense, except as otherwise provided in this division, the 2035
court shall sentence the offender to a mandatory prison term as 2036
provided in division (B) (8) of section 2929.14 of the Revised 2037
Code. If the victim of the offense is a peace officer or an 2038
investigator of the bureau of criminal identification and 2039
investigation, and if the victim suffered serious physical harm 2040
as a result of the commission of the offense, aggravated assault 2041
is a felony of the third degree, and the court, pursuant to 2042
division (F) of section 2929.13 of the Revised Code, shall 2043
impose as a mandatory prison term one of the definite prison 2044
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2045
Revised Code for a felony of the third degree. 2046

(C) As used in this section: 2047

(1) "Investigator of the bureau of criminal identification 2048
and investigation" has the same meaning as in section 2903.11 of 2049
the Revised Code. 2050

(2) "Peace officer" has the same meaning as in section 2051
2935.01 of the Revised Code. 2052

Sec. 2905.01. (A) No person, by force, threat, or 2053
deception, or, in the case of a victim under the age of thirteen 2054
or mentally incompetent, by any means, shall remove another from 2055
the place where the other person is found or restrain the 2056
liberty of the other person, for any of the following purposes: 2057

(1) To hold for ransom, or as a shield or hostage; 2058

(2) To facilitate the commission of any felony or flight 2059
thereafter; 2060

(3) To terrorize, or to inflict serious physical harm on 2061

the victim or another; 2062

(4) To engage in sexual activity, as defined in section 2063
2907.01 of the Revised Code, with the victim against the 2064
victim's will; 2065

(5) To hinder, impede, or obstruct a function of 2066
government, or to force any action or concession on the part of 2067
governmental authority; 2068

(6) To hold in a condition of involuntary servitude. 2069

(B) No person, by force, threat, or deception, or, in the 2070
case of a victim under the age of thirteen or mentally 2071
incompetent, by any means, shall knowingly do any of the 2072
following, under circumstances that create a substantial risk of 2073
serious physical harm to the victim or, in the case of a minor 2074
victim, under circumstances that either create a substantial 2075
risk of serious physical harm to the victim or cause physical 2076
harm to the victim: 2077

(1) Remove another from the place where the other person 2078
is found; 2079

(2) Restrain another of the other person's liberty. 2080

(C) (1) Whoever violates this section is guilty of 2081
kidnapping. Except as otherwise provided in this division or 2082
division (C) (2) or (3) of this section, kidnapping is a felony 2083
of the first degree. Except as otherwise provided in this 2084
division or division (C) (2) or (3) of this section, if an 2085
offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2086
of this section releases the victim in a safe place unharmed, 2087
kidnapping is a felony of the second degree. 2088

(2) If the offender in any case also is convicted of or 2089

pleads guilty to a specification as described in section 2090
2941.1422 of the Revised Code that was included in the 2091
indictment, count in the indictment, or information charging the 2092
offense, the court shall order the offender to make restitution 2093
as provided in division (B)(8) of section 2929.18 of the Revised 2094
Code and, except as otherwise provided in division (C)(3) of 2095
this section, shall sentence the offender to a mandatory prison 2096
term as provided in division (B)(7) of section 2929.14 of the 2097
Revised Code. 2098

(3) If the victim of the offense is less than thirteen 2099
years of age and if the offender also is convicted of or pleads 2100
guilty to a sexual motivation specification that was included in 2101
the indictment, count in the indictment, or information charging 2102
the offense, kidnapping is a felony of the first degree, and, 2103
notwithstanding the definite or indefinite sentence provided for 2104
a felony of the first degree in section 2929.14 of the Revised 2105
Code, the offender shall be sentenced pursuant to section 2106
2971.03 of the Revised Code as follows: 2107

(a) Except as otherwise provided in division (C)(3)(b) of 2108
this section, the offender shall be sentenced pursuant to that 2109
section to an indefinite prison term consisting of a minimum 2110
term of fifteen years and a maximum term of life imprisonment. 2111

(b) If the offender releases the victim in a safe place 2112
unharmful, the offender shall be sentenced pursuant to that 2113
section to an indefinite term consisting of a minimum term of 2114
ten years and a maximum term of life imprisonment. 2115

(D) As used in this section: 2116

(1) "Involuntary servitude" has the same meaning as in 2117
section 2905.31 of the Revised Code. 2118

(2) "Sexual motivation specification" has the same meaning 2119
as in section 2971.01 of the Revised Code. 2120

Sec. 2905.32. (A) No person shall knowingly recruit, lure, 2121
entice, isolate, harbor, transport, provide, obtain, or 2122
maintain, or knowingly attempt to recruit, lure, entice, 2123
isolate, harbor, transport, provide, obtain, or maintain, 2124
another person if any of the following applies: 2125

(1) The offender knows that the other person will be 2126
subjected to involuntary servitude or be compelled to engage in 2127
sexual activity for hire, engage in a performance that is 2128
obscene, sexually oriented, or nudity oriented, or be a model or 2129
participant in the production of material that is obscene, 2130
sexually oriented, or nudity oriented. 2131

(2) The other person is less than sixteen years of age or 2132
is a person with a developmental disability whom the offender 2133
knows or has reasonable cause to believe is a person with a 2134
developmental disability, and either the offender knows that the 2135
other person will be subjected to involuntary servitude or the 2136
offender's knowing recruitment, luring, enticement, isolation, 2137
harboring, transportation, provision, obtaining, or maintenance 2138
of the other person or knowing attempt to recruit, lure, entice, 2139
isolate, harbor, transport, provide, obtain, or maintain the 2140
other person is for any of the following purposes: 2141

(a) To engage in sexual activity for hire; 2142

(b) To engage in a performance for hire that is obscene, 2143
sexually oriented, or nudity oriented; 2144

(c) To be a model or participant for hire in the 2145
production of material that is obscene, sexually oriented, or 2146
nudity oriented. 2147

(3) The other person is sixteen or seventeen years of age, 2148
either the offender knows that the other person will be 2149
subjected to involuntary servitude or the offender's knowing 2150
recruitment, luring, enticement, isolation, harboring, 2151
transportation, provision, obtaining, or maintenance of the 2152
other person or knowing attempt to recruit, lure, entice, 2153
isolate, harbor, transport, provide, obtain, or maintain the 2154
other person is for any purpose described in divisions (A) (2) (a) 2155
to (c) of this section, and the circumstances described in 2156
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2157
of section 2907.03 of the Revised Code apply with respect to the 2158
offender and the other person. 2159

(B) For a prosecution under division (A) (1) of this 2160
section, the element "compelled" does not require that the 2161
compulsion be openly displayed or physically exerted. The 2162
element "compelled" has been established if the state proves 2163
that the victim's will was overcome by force, fear, duress, 2164
intimidation, or fraud. 2165

(C) In a prosecution under this section, proof that the 2166
defendant engaged in sexual activity with any person, or 2167
solicited sexual activity with any person, whether or not for 2168
hire, without more, does not constitute a violation of this 2169
section. 2170

(D) A prosecution for a violation of this section does not 2171
preclude a prosecution of a violation of any other section of 2172
the Revised Code. One or more acts, a series of acts, or a 2173
course of behavior that can be prosecuted under this section or 2174
any other section of the Revised Code may be prosecuted under 2175
this section, the other section of the Revised Code, or both 2176
sections. However, if an offender is convicted of or pleads 2177

guilty to a violation of this section and also is convicted of 2178
or pleads guilty to a violation of section 2907.21 of the 2179
Revised Code based on the same conduct involving the same victim 2180
that was the basis of the violation of this section, or is 2181
convicted of or pleads guilty to any other violation of Chapter 2182
2907. of the Revised Code based on the same conduct involving 2183
the same victim that was the basis of the violation of this 2184
section, the two offenses are allied offenses of similar import 2185
under section 2941.25 of the Revised Code. 2186

(E) Whoever violates this section is guilty of trafficking 2187
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2188
violation committed prior to the effective date of this 2189
amendment, notwithstanding the range of definite terms set forth 2190
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2191
the court shall sentence the offender to a definite prison term 2192
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2193
For a violation committed on or after the effective date of this 2194
amendment, notwithstanding the range of minimum terms set forth 2195
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2196
the court shall sentence the offender to an indefinite prison 2197
term pursuant to that division, with a minimum term under that 2198
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2199
years. 2200

(F) As used in this section: 2201

(1) "Person with a developmental disability" means a 2202
person whose ability to resist or consent to an act is 2203
substantially impaired because of a mental or physical condition 2204
or because of advanced age. 2205

(2) "Sexual activity for hire," "performance for hire," 2206
and "model or participant for hire" mean an implicit or explicit 2207

agreement to provide sexual activity, engage in an obscene, 2208
sexually oriented, or nudity oriented performance, or be a model 2209
or participant in the production of obscene, sexually oriented, 2210
or nudity oriented material, whichever is applicable, in 2211
exchange for anything of value paid to any of the following: 2212

(a) The person engaging in such sexual activity, 2213
performance, or modeling or participation; 2214

(b) Any person who recruits, lures, entices, isolates, 2215
harbors, transports, provides, obtains, or maintains, or 2216
attempts to recruit, lure, entice, isolate, harbor, transport, 2217
provide, obtain, or maintain the person described in division 2218
(F) (2) (a) of this section; 2219

(c) Any person associated with a person described in 2220
division (F) (2) (a) or (b) of this section. 2221

(3) "Material that is obscene, sexually oriented, or 2222
nudity oriented" and "performance that is obscene, sexually 2223
oriented, or nudity oriented" have the same meanings as in 2224
section 2929.01 of the Revised Code. 2225

Sec. 2907.02. (A) (1) No person shall engage in sexual 2226
conduct with another who is not the spouse of the offender or 2227
who is the spouse of the offender but is living separate and 2228
apart from the offender, when any of the following applies: 2229

(a) For the purpose of preventing resistance, the offender 2230
substantially impairs the other person's judgment or control by 2231
administering any drug, intoxicant, or controlled substance to 2232
the other person surreptitiously or by force, threat of force, 2233
or deception. 2234

(b) The other person is less than thirteen years of age, 2235
whether or not the offender knows the age of the other person. 2236

(c) The other person's ability to resist or consent is 2237
substantially impaired because of a mental or physical condition 2238
or because of advanced age, and the offender knows or has 2239
reasonable cause to believe that the other person's ability to 2240
resist or consent is substantially impaired because of a mental 2241
or physical condition or because of advanced age. 2242

(2) No person shall engage in sexual conduct with another 2243
when the offender purposely compels the other person to submit 2244
by force or threat of force. 2245

(B) Whoever violates this section is guilty of rape, a 2246
felony of the first degree. If the offender under division (A) 2247
(1) (a) of this section substantially impairs the other person's 2248
judgment or control by administering any controlled substance 2249
described in section 3719.41 of the Revised Code to the other 2250
person surreptitiously or by force, threat of force, or 2251
deception, the prison term imposed upon the offender shall be 2252
one of the definite prison terms prescribed for a felony of the 2253
first degree in division (A) (1) (b) of section 2929.14 of the 2254
Revised Code that is not less than five years, except that if 2255
the violation is committed on or after the effective date of 2256
this amendment, the court shall impose as the minimum prison 2257
term for the offense a mandatory prison term that is one of the 2258
minimum terms prescribed for a felony of the first degree in 2259
division (A) (1) (a) of section 2929.14 of the Revised Code that 2260
is not less than five years. Except as otherwise provided in 2261
this division, notwithstanding sections 2929.11 to 2929.14 of 2262
the Revised Code, an offender under division (A) (1) (b) of this 2263
section shall be sentenced to a prison term or term of life 2264
imprisonment pursuant to section 2971.03 of the Revised Code. If 2265
an offender is convicted of or pleads guilty to a violation of 2266
division (A) (1) (b) of this section, if the offender was less 2267

than sixteen years of age at the time the offender committed the 2268
violation of that division, and if the offender during or 2269
immediately after the commission of the offense did not cause 2270
serious physical harm to the victim, the victim was ten years of 2271
age or older at the time of the commission of the violation, and 2272
the offender has not previously been convicted of or pleaded 2273
guilty to a violation of this section or a substantially similar 2274
existing or former law of this state, another state, or the 2275
United States, the court shall not sentence the offender to a 2276
prison term or term of life imprisonment pursuant to section 2277
2971.03 of the Revised Code, and instead the court shall 2278
sentence the offender as otherwise provided in this division. If 2279
an offender under division (A) (1) (b) of this section previously 2280
has been convicted of or pleaded guilty to violating division 2281
(A) (1) (b) of this section or to violating an existing or former 2282
law of this state, another state, or the United States that is 2283
substantially similar to division (A) (1) (b) of this section, if 2284
the offender during or immediately after the commission of the 2285
offense caused serious physical harm to the victim, or if the 2286
victim under division (A) (1) (b) of this section is less than ten 2287
years of age, in lieu of sentencing the offender to a prison 2288
term or term of life imprisonment pursuant to section 2971.03 of 2289
the Revised Code, the court may impose upon the offender a term 2290
of life without parole. If the court imposes a term of life 2291
without parole pursuant to this division, division (F) of 2292
section 2971.03 of the Revised Code applies, and the offender 2293
automatically is classified a tier III sex offender/child-victim 2294
offender, as described in that division. 2295

(C) A victim need not prove physical resistance to the 2296
offender in prosecutions under this section. 2297

(D) Evidence of specific instances of the victim's sexual 2298

activity, opinion evidence of the victim's sexual activity, and 2299
reputation evidence of the victim's sexual activity shall not be 2300
admitted under this section unless it involves evidence of the 2301
origin of semen, pregnancy, or disease, or the victim's past 2302
sexual activity with the offender, and only to the extent that 2303
the court finds that the evidence is material to a fact at issue 2304
in the case and that its inflammatory or prejudicial nature does 2305
not outweigh its probative value. 2306

Evidence of specific instances of the defendant's sexual 2307
activity, opinion evidence of the defendant's sexual activity, 2308
and reputation evidence of the defendant's sexual activity shall 2309
not be admitted under this section unless it involves evidence 2310
of the origin of semen, pregnancy, or disease, the defendant's 2311
past sexual activity with the victim, or is admissible against 2312
the defendant under section 2945.59 of the Revised Code, and 2313
only to the extent that the court finds that the evidence is 2314
material to a fact at issue in the case and that its 2315
inflammatory or prejudicial nature does not outweigh its 2316
probative value. 2317

(E) Prior to taking testimony or receiving evidence of any 2318
sexual activity of the victim or the defendant in a proceeding 2319
under this section, the court shall resolve the admissibility of 2320
the proposed evidence in a hearing in chambers, which shall be 2321
held at or before preliminary hearing and not less than three 2322
days before trial, or for good cause shown during the trial. 2323

(F) Upon approval by the court, the victim may be 2324
represented by counsel in any hearing in chambers or other 2325
proceeding to resolve the admissibility of evidence. If the 2326
victim is indigent or otherwise is unable to obtain the services 2327
of counsel, the court, upon request, may appoint counsel to 2328

represent the victim without cost to the victim. 2329

(G) It is not a defense to a charge under division (A) (2) 2330
of this section that the offender and the victim were married or 2331
were cohabiting at the time of the commission of the offense. 2332

Sec. 2907.03. (A) No person shall engage in sexual conduct 2333
with another, not the spouse of the offender, when any of the 2334
following apply: 2335

(1) The offender knowingly coerces the other person to 2336
submit by any means that would prevent resistance by a person of 2337
ordinary resolution. 2338

(2) The offender knows that the other person's ability to 2339
appraise the nature of or control the other person's own conduct 2340
is substantially impaired. 2341

(3) The offender knows that the other person submits 2342
because the other person is unaware that the act is being 2343
committed. 2344

(4) The offender knows that the other person submits 2345
because the other person mistakenly identifies the offender as 2346
the other person's spouse. 2347

(5) The offender is the other person's natural or adoptive 2348
parent, or a stepparent, or guardian, custodian, or person in 2349
loco parentis of the other person. 2350

(6) The other person is in custody of law or a patient in 2351
a hospital or other institution, and the offender has 2352
supervisory or disciplinary authority over the other person. 2353

(7) The offender is a teacher, administrator, coach, or 2354
other person in authority employed by or serving in a school for 2355
which the state board of education prescribes minimum standards 2356

pursuant to division (D) of section 3301.07 of the Revised Code, 2357
the other person is enrolled in or attends that school, and the 2358
offender is not enrolled in and does not attend that school. 2359

(8) The other person is a minor, the offender is a 2360
teacher, administrator, coach, or other person in authority 2361
employed by or serving in an institution of higher education, 2362
and the other person is enrolled in or attends that institution. 2363

(9) The other person is a minor, and the offender is the 2364
other person's athletic or other type of coach, is the other 2365
person's instructor, is the leader of a scouting troop of which 2366
the other person is a member, or is a person with temporary or 2367
occasional disciplinary control over the other person. 2368

(10) The offender is a mental health professional, the 2369
other person is a mental health client or patient of the 2370
offender, and the offender induces the other person to submit by 2371
falsely representing to the other person that the sexual conduct 2372
is necessary for mental health treatment purposes. 2373

(11) The other person is confined in a detention facility, 2374
and the offender is an employee of that detention facility. 2375

(12) The other person is a minor, the offender is a 2376
cleric, and the other person is a member of, or attends, the 2377
church or congregation served by the cleric. 2378

(13) The other person is a minor, the offender is a peace 2379
officer, and the offender is more than two years older than the 2380
other person. 2381

(B) Whoever violates this section is guilty of sexual 2382
battery. Except as otherwise provided in this division, sexual 2383
battery is a felony of the third degree. If the other person is 2384
less than thirteen years of age, sexual battery is a felony of 2385

the second degree, and the court shall impose upon the offender 2386
a mandatory prison term equal to one of the definite prison 2387
terms prescribed in division (A)(2)(b) of section 2929.14 of the 2388
Revised Code for a felony of the second degree, except that if 2389
the violation is committed on or after the effective date of 2390
this amendment, the court shall impose as the minimum prison 2391
term for the offense a mandatory prison term that is one of the 2392
minimum terms prescribed in division (A)(2)(a) of that section 2393
for a felony of the second degree. 2394

(C) As used in this section: 2395

(1) "Cleric" has the same meaning as in section 2317.02 of 2396
the Revised Code. 2397

(2) "Detention facility" has the same meaning as in 2398
section 2921.01 of the Revised Code. 2399

(3) "Institution of higher education" means a state 2400
institution of higher education defined in section 3345.011 of 2401
the Revised Code, a private nonprofit college or university 2402
located in this state that possesses a certificate of 2403
authorization issued by the Ohio board of regents pursuant to 2404
Chapter 1713. of the Revised Code, or a school certified under 2405
Chapter 3332. of the Revised Code. 2406

(4) "Peace officer" has the same meaning as in section 2407
2935.01 of the Revised Code. 2408

Sec. 2907.05. (A) No person shall have sexual contact with 2409
another, not the spouse of the offender; cause another, not the 2410
spouse of the offender, to have sexual contact with the 2411
offender; or cause two or more other persons to have sexual 2412
contact when any of the following applies: 2413

(1) The offender purposely compels the other person, or 2414

one of the other persons, to submit by force or threat of force. 2415

(2) For the purpose of preventing resistance, the offender 2416
substantially impairs the judgment or control of the other 2417
person or of one of the other persons by administering any drug, 2418
intoxicant, or controlled substance to the other person 2419
surreptitiously or by force, threat of force, or deception. 2420

(3) The offender knows that the judgment or control of the 2421
other person or of one of the other persons is substantially 2422
impaired as a result of the influence of any drug or intoxicant 2423
administered to the other person with the other person's consent 2424
for the purpose of any kind of medical or dental examination, 2425
treatment, or surgery. 2426

(4) The other person, or one of the other persons, is less 2427
than thirteen years of age, whether or not the offender knows 2428
the age of that person. 2429

(5) The ability of the other person to resist or consent 2430
or the ability of one of the other persons to resist or consent 2431
is substantially impaired because of a mental or physical 2432
condition or because of advanced age, and the offender knows or 2433
has reasonable cause to believe that the ability to resist or 2434
consent of the other person or of one of the other persons is 2435
substantially impaired because of a mental or physical condition 2436
or because of advanced age. 2437

(B) No person shall knowingly touch the genitalia of 2438
another, when the touching is not through clothing, the other 2439
person is less than twelve years of age, whether or not the 2440
offender knows the age of that person, and the touching is done 2441
with an intent to abuse, humiliate, harass, degrade, or arouse 2442
or gratify the sexual desire of any person. 2443

(C) Whoever violates this section is guilty of gross sexual imposition. 2444
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(1) Except as otherwise provided in this section, gross sexual imposition committed in violation of division (A) (1), (2), (3), or (5) of this section is a felony of the fourth degree. If the offender under division (A) (2) of this section substantially impairs the judgment or control of the other person or one of the other persons by administering any controlled substance described in section 3719.41 of the Revised Code to the person surreptitiously or by force, threat of force, or deception, gross sexual imposition committed in violation of division (A) (2) of this section is a felony of the third degree. 2446
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(2) Gross sexual imposition committed in violation of division (A) (4) or (B) of this section is a felony of the third degree. Except as otherwise provided in this division, for gross sexual imposition committed in violation of division (A) (4) or (B) of this section there is a presumption that a prison term shall be imposed for the offense. The court shall impose on an offender convicted of gross sexual imposition in violation of division (A) (4) or (B) of this section a mandatory prison term ~~equal to one of the prison terms prescribed in section 2929.14 of the Revised Code, as described in division (C) (3) of this section,~~ for a felony of the third degree if either of the following applies: 2456
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(a) Evidence other than the testimony of the victim was admitted in the case corroborating the violation; 2468
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(b) The offender previously was convicted of or pleaded guilty to a violation of this section, rape, the former offense of felonious sexual penetration, or sexual battery, and the victim of the previous offense was less than thirteen years of 2470
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age. 2474

(3) A mandatory prison term required under division (C) (2) 2475
of this section shall be a definite term from the range of 2476
prison terms provided in division (A) (3) (a) (ii) of section 2477
2929.14 of the Revised Code for a felony of the third degree, 2478
except that if the violation is a felony of the third degree 2479
committed on or after the effective date of this amendment, the 2480
court shall impose as the minimum prison term for the offense a 2481
mandatory prison term that is one of the minimum terms 2482
prescribed for a felony of the third degree in division (A) (3) 2483
(a) (i) of section 2929.14 of the Revised Code. 2484

(D) A victim need not prove physical resistance to the 2485
offender in prosecutions under this section. 2486

(E) Evidence of specific instances of the victim's sexual 2487
activity, opinion evidence of the victim's sexual activity, and 2488
reputation evidence of the victim's sexual activity shall not be 2489
admitted under this section unless it involves evidence of the 2490
origin of semen, pregnancy, or disease, or the victim's past 2491
sexual activity with the offender, and only to the extent that 2492
the court finds that the evidence is material to a fact at issue 2493
in the case and that its inflammatory or prejudicial nature does 2494
not outweigh its probative value. 2495

Evidence of specific instances of the defendant's sexual 2496
activity, opinion evidence of the defendant's sexual activity, 2497
and reputation evidence of the defendant's sexual activity shall 2498
not be admitted under this section unless it involves evidence 2499
of the origin of semen, pregnancy, or disease, the defendant's 2500
past sexual activity with the victim, or is admissible against 2501
the defendant under section 2945.59 of the Revised Code, and 2502
only to the extent that the court finds that the evidence is 2503

material to a fact at issue in the case and that its 2504
inflammatory or prejudicial nature does not outweigh its 2505
probative value. 2506

(F) Prior to taking testimony or receiving evidence of any 2507
sexual activity of the victim or the defendant in a proceeding 2508
under this section, the court shall resolve the admissibility of 2509
the proposed evidence in a hearing in chambers, which shall be 2510
held at or before preliminary hearing and not less than three 2511
days before trial, or for good cause shown during the trial. 2512

(G) Upon approval by the court, the victim may be 2513
represented by counsel in any hearing in chambers or other 2514
proceeding to resolve the admissibility of evidence. If the 2515
victim is indigent or otherwise is unable to obtain the services 2516
of counsel, the court, upon request, may appoint counsel to 2517
represent the victim without cost to the victim. 2518

Sec. 2907.07. (A) No person shall solicit a person who is 2519
less than thirteen years of age to engage in sexual activity 2520
with the offender, whether or not the offender knows the age of 2521
such person. 2522

(B)(1) No person shall solicit another, not the spouse of 2523
the offender, to engage in sexual conduct with the offender, 2524
when the offender is eighteen years of age or older and four or 2525
more years older than the other person, and the other person is 2526
thirteen years of age or older but less than sixteen years of 2527
age, whether or not the offender knows the age of the other 2528
person. 2529

(2) No person shall solicit another, not the spouse of the 2530
offender, to engage in sexual conduct with the offender, when 2531
the offender is eighteen years of age or older and four or more 2532

years older than the other person, the other person is sixteen 2533
or seventeen years of age and a victim of a violation of section 2534
2905.32 of the Revised Code, and the offender knows or has 2535
reckless disregard of the age of the other person. 2536

(C) No person shall solicit another by means of a 2537
telecommunications device, as defined in section 2913.01 of the 2538
Revised Code, to engage in sexual activity with the offender 2539
when the offender is eighteen years of age or older and either 2540
of the following applies: 2541

(1) The other person is less than thirteen years of age, 2542
and the offender knows that the other person is less than 2543
thirteen years of age or is reckless in that regard. 2544

(2) The other person is a law enforcement officer posing 2545
as a person who is less than thirteen years of age, and the 2546
offender believes that the other person is less than thirteen 2547
years of age or is reckless in that regard. 2548

(D) No person shall solicit another by means of a 2549
telecommunications device, as defined in section 2913.01 of the 2550
Revised Code, to engage in sexual activity with the offender 2551
when the offender is eighteen years of age or older and either 2552
of the following applies: 2553

(1) The other person is thirteen years of age or older but 2554
less than sixteen years of age, the offender knows that the 2555
other person is thirteen years of age or older but less than 2556
sixteen years of age or is reckless in that regard, and the 2557
offender is four or more years older than the other person. 2558

(2) The other person is a law enforcement officer posing 2559
as a person who is thirteen years of age or older but less than 2560
sixteen years of age, the offender believes that the other 2561

person is thirteen years of age or older but less than sixteen 2562
years of age or is reckless in that regard, and the offender is 2563
four or more years older than the age the law enforcement 2564
officer assumes in posing as the person who is thirteen years of 2565
age or older but less than sixteen years of age. 2566

(E) Divisions (C) and (D) of this section apply to any 2567
solicitation that is contained in a transmission via a 2568
telecommunications device that either originates in this state 2569
or is received in this state. 2570

(F) (1) Whoever violates this section is guilty of 2571
importuning. 2572

(2) Except as otherwise provided in this division, a 2573
violation of division (A) or (C) of this section is a felony of 2574
the third degree on a first offense, and, notwithstanding 2575
division (C) of section 2929.13 of the Revised Code, there is a 2576
presumption that a prison term shall be imposed as described in 2577
division (D) of section 2929.13 of the Revised Code. If the 2578
offender previously has been convicted of a sexually oriented 2579
offense or a child-victim oriented offense, a violation of 2580
division (A) or (C) of this section is a felony of the second 2581
degree, and the court shall impose upon the offender as a 2582
mandatory prison term one of the definite prison terms 2583
prescribed in division (A) (2) (b) of section 2929.14 of the 2584
Revised Code for a felony of the second degree, except that if 2585
the violation is committed on or after the effective date of 2586
this amendment, the court shall impose as the minimum prison 2587
term for the offense a mandatory prison term that is one of the 2588
minimum terms prescribed in division (A) (2) (a) of that section 2589
for a felony of the second degree. 2590

(3) A violation of division (B) or (D) of this section is 2591

a felony of the fifth degree on a first offense, and, 2592
notwithstanding division (B) of section 2929.13 of the Revised 2593
Code, there is a presumption that a prison term shall be imposed 2594
as described in division (D) of section 2929.13 of the Revised 2595
Code. If the offender previously has been convicted of a 2596
sexually oriented offense or a child-victim oriented offense, a 2597
violation of division (B) or (D) of this section is a felony of 2598
the fourth degree, and the court shall impose upon the offender 2599
as a mandatory prison term one of the prison terms prescribed in 2600
section 2929.14 of the Revised Code for a felony of the fourth 2601
degree that is not less than twelve months in duration. 2602

Sec. 2919.22. (A) No person, who is the parent, guardian, 2603
custodian, person having custody or control, or person in loco 2604
parentis of a child under eighteen years of age or a mentally or 2605
physically handicapped child under twenty-one years of age, 2606
shall create a substantial risk to the health or safety of the 2607
child, by violating a duty of care, protection, or support. It 2608
is not a violation of a duty of care, protection, or support 2609
under this division when the parent, guardian, custodian, or 2610
person having custody or control of a child treats the physical 2611
or mental illness or defect of the child by spiritual means 2612
through prayer alone, in accordance with the tenets of a 2613
recognized religious body. 2614

(B) No person shall do any of the following to a child 2615
under eighteen years of age or a mentally or physically 2616
handicapped child under twenty-one years of age: 2617

- (1) Abuse the child; 2618
- (2) Torture or cruelly abuse the child; 2619
- (3) Administer corporal punishment or other physical 2620

disciplinary measure, or physically restrain the child in a 2621
cruel manner or for a prolonged period, which punishment, 2622
discipline, or restraint is excessive under the circumstances 2623
and creates a substantial risk of serious physical harm to the 2624
child; 2625

(4) Repeatedly administer unwarranted disciplinary 2626
measures to the child, when there is a substantial risk that 2627
such conduct, if continued, will seriously impair or retard the 2628
child's mental health or development; 2629

(5) Entice, coerce, permit, encourage, compel, hire, 2630
employ, use, or allow the child to act, model, or in any other 2631
way participate in, or be photographed for, the production, 2632
presentation, dissemination, or advertisement of any material or 2633
performance that the offender knows or reasonably should know is 2634
obscene, is sexually oriented matter, or is nudity-oriented 2635
matter; 2636

(6) Allow the child to be on the same parcel of real 2637
property and within one hundred feet of, or, in the case of more 2638
than one housing unit on the same parcel of real property, in 2639
the same housing unit and within one hundred feet of, any act in 2640
violation of section 2925.04 or 2925.041 of the Revised Code 2641
when the person knows that the act is occurring, whether or not 2642
any person is prosecuted for or convicted of the violation of 2643
section 2925.04 or 2925.041 of the Revised Code that is the 2644
basis of the violation of this division. 2645

(C) (1) No person shall operate a vehicle, streetcar, or 2646
trackless trolley within this state in violation of division (A) 2647
of section 4511.19 of the Revised Code when one or more children 2648
under eighteen years of age are in the vehicle, streetcar, or 2649
trackless trolley. Notwithstanding any other provision of law, a 2650

person may be convicted at the same trial or proceeding of a 2651
violation of this division and a violation of division (A) of 2652
section 4511.19 of the Revised Code that constitutes the basis 2653
of the charge of the violation of this division. For purposes of 2654
sections 4511.191 to 4511.197 of the Revised Code and all 2655
related provisions of law, a person arrested for a violation of 2656
this division shall be considered to be under arrest for 2657
operating a vehicle while under the influence of alcohol, a drug 2658
of abuse, or a combination of them or for operating a vehicle 2659
with a prohibited concentration of alcohol, a controlled 2660
substance, or a metabolite of a controlled substance in the 2661
whole blood, blood serum or plasma, breath, or urine. 2662

(2) As used in division (C) (1) of this section: 2663

(a) "Controlled substance" has the same meaning as in 2664
section 3719.01 of the Revised Code. 2665

(b) "Vehicle," "streetcar," and "trackless trolley" have 2666
the same meanings as in section 4511.01 of the Revised Code. 2667

(D) (1) Division (B) (5) of this section does not apply to 2668
any material or performance that is produced, presented, or 2669
disseminated for a bona fide medical, scientific, educational, 2670
religious, governmental, judicial, or other proper purpose, by 2671
or to a physician, psychologist, sociologist, scientist, 2672
teacher, person pursuing bona fide studies or research, 2673
librarian, member of the clergy, prosecutor, judge, or other 2674
person having a proper interest in the material or performance. 2675

(2) Mistake of age is not a defense to a charge under 2676
division (B) (5) of this section. 2677

(3) In a prosecution under division (B) (5) of this 2678
section, the trier of fact may infer that an actor, model, or 2679

participant in the material or performance involved is a 2680
juvenile if the material or performance, through its title, 2681
text, visual representation, or otherwise, represents or depicts 2682
the actor, model, or participant as a juvenile. 2683

(4) As used in this division and division (B) (5) of this 2684
section: 2685

(a) "Material," "performance," "obscene," and "sexual 2686
activity" have the same meanings as in section 2907.01 of the 2687
Revised Code. 2688

(b) "Nudity-oriented matter" means any material or 2689
performance that shows a minor in a state of nudity and that, 2690
taken as a whole by the average person applying contemporary 2691
community standards, appeals to prurient interest. 2692

(c) "Sexually oriented matter" means any material or 2693
performance that shows a minor participating or engaging in 2694
sexual activity, masturbation, or bestiality. 2695

(E) (1) Whoever violates this section is guilty of 2696
endangering children. 2697

(2) If the offender violates division (A) or (B) (1) of 2698
this section, endangering children is one of the following, and, 2699
in the circumstances described in division (E) (2) (e) of this 2700
section, that division applies: 2701

(a) Except as otherwise provided in division (E) (2) (b), 2702
(c), or (d) of this section, a misdemeanor of the first degree; 2703

(b) If the offender previously has been convicted of an 2704
offense under this section or of any offense involving neglect, 2705
abandonment, contributing to the delinquency of, or physical 2706
abuse of a child, except as otherwise provided in division (E) 2707

(2) (c) or (d) of this section, a felony of the fourth degree; 2708

(c) If the violation is a violation of division (A) of 2709
this section and results in serious physical harm to the child 2710
involved, a felony of the third degree; 2711

(d) If the violation is a violation of division (B) (1) of 2712
this section and results in serious physical harm to the child 2713
involved, a felony of the second degree. 2714

(e) If the violation is a felony violation of division (B) 2715
(1) of this section and the offender also is convicted of or 2716
pleads guilty to a specification as described in section 2717
2941.1422 of the Revised Code that was included in the 2718
indictment, count in the indictment, or information charging the 2719
offense, the court shall sentence the offender to a mandatory 2720
prison term as provided in division (B) (7) of section 2929.14 of 2721
the Revised Code and shall order the offender to make 2722
restitution as provided in division (B) (8) of section 2929.18 of 2723
the Revised Code. 2724

(3) If the offender violates division (B) (2), (3), (4), or 2725
(6) of this section, except as otherwise provided in this 2726
division, endangering children is a felony of the third degree. 2727
If the violation results in serious physical harm to the child 2728
involved, or if the offender previously has been convicted of an 2729
offense under this section or of any offense involving neglect, 2730
abandonment, contributing to the delinquency of, or physical 2731
abuse of a child, endangering children is a felony of the second 2732
degree. If the offender violates division (B) (2), (3), or (4) of 2733
this section and the offender also is convicted of or pleads 2734
guilty to a specification as described in section 2941.1422 of 2735
the Revised Code that was included in the indictment, count in 2736
the indictment, or information charging the offense, the court 2737

shall sentence the offender to a mandatory prison term as 2738
provided in division (B) (7) of section 2929.14 of the Revised 2739
Code and shall order the offender to make restitution as 2740
provided in division (B) (8) of section 2929.18 of the Revised 2741
Code. If the offender violates division (B) (6) of this section 2742
and the drug involved is methamphetamine, the court shall impose 2743
a mandatory prison term on the offender as follows: 2744

(a) If the violation is a violation of division (B) (6) of 2745
this section that is a felony of the third degree under division 2746
(E) (3) of this section and the drug involved is methamphetamine, 2747
except as otherwise provided in this division, the court shall 2748
impose as a mandatory prison term one of the prison terms 2749
prescribed for a felony of the third degree that is not less 2750
than two years. If the violation is a violation of division (B) 2751
(6) of this section that is a felony of the third degree under 2752
division (E) (3) of this section, if the drug involved is 2753
methamphetamine, and if the offender previously has been 2754
convicted of or pleaded guilty to a violation of division (B) (6) 2755
of this section, a violation of division (A) of section 2925.04 2756
of the Revised Code, or a violation of division (A) of section 2757
2925.041 of the Revised Code, the court shall impose as a 2758
mandatory prison term one of the prison terms prescribed for a 2759
felony of the third degree that is not less than five years. 2760

(b) If the violation is a violation of division (B) (6) of 2761
this section that is a felony of the second degree under 2762
division (E) (3) of this section and the drug involved is 2763
methamphetamine, except as otherwise provided in this division, 2764
the court shall impose as a mandatory prison term one of the 2765
definite prison terms prescribed for a felony of the second 2766
degree in division (A) (2) (b) of section 2929.14 of the Revised 2767
Code that is not less than three years, except that if the 2768

violation is committed on or after the effective date of this 2769
amendment, the court shall impose as the minimum prison term for 2770
the offense a mandatory prison term that is one of the minimum 2771
terms prescribed for a felony of the second degree in division 2772
(A)(2)(a) of that section that is not less than three years. 2773
If the violation is a violation of division (B)(6) of this section 2774
that is a felony of the second degree under division (E)(3) of 2775
this section, if the drug involved is methamphetamine, and if 2776
the offender previously has been convicted of or pleaded guilty 2777
to a violation of division (B)(6) of this section, a violation 2778
of division (A) of section 2925.04 of the Revised Code, or a 2779
violation of division (A) of section 2925.041 of the Revised 2780
Code, the court shall impose as a mandatory prison term one of 2781
the definite prison terms prescribed for a felony of the second 2782
degree in division (A)(2)(b) of section 2929.14 of the Revised 2783
Code that is not less than five years, except that if the 2784
violation is committed on or after the effective date of this 2785
amendment, the court shall impose as the minimum prison term for 2786
the offense a mandatory prison term that is one of the terms 2787
prescribed for a felony of the second degree in division (A)(2) 2788
(a) of that section that is not less than five years. 2789

(4) If the offender violates division (B)(5) of this 2790
section, endangering children is a felony of the second degree. 2791
If the offender also is convicted of or pleads guilty to a 2792
specification as described in section 2941.1422 of the Revised 2793
Code that was included in the indictment, count in the 2794
indictment, or information charging the offense, the court shall 2795
sentence the offender to a mandatory prison term as provided in 2796
division (B)(7) of section 2929.14 of the Revised Code and shall 2797
order the offender to make restitution as provided in division 2798
(B)(8) of section 2929.18 of the Revised Code. 2799

(5) If the offender violates division (C) of this section, 2800
the offender shall be punished as follows: 2801

(a) Except as otherwise provided in division (E) (5) (b) or 2802
(c) of this section, endangering children in violation of 2803
division (C) of this section is a misdemeanor of the first 2804
degree. 2805

(b) If the violation results in serious physical harm to 2806
the child involved or the offender previously has been convicted 2807
of an offense under this section or any offense involving 2808
neglect, abandonment, contributing to the delinquency of, or 2809
physical abuse of a child, except as otherwise provided in 2810
division (E) (5) (c) of this section, endangering children in 2811
violation of division (C) of this section is a felony of the 2812
fifth degree. 2813

(c) If the violation results in serious physical harm to 2814
the child involved and if the offender previously has been 2815
convicted of a violation of division (C) of this section, 2816
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 2817
of the Revised Code as it existed prior to March 23, 2000, or 2818
section 2903.04 of the Revised Code in a case in which the 2819
offender was subject to the sanctions described in division (D) 2820
of that section, endangering children in violation of division 2821
(C) of this section is a felony of the fourth degree. 2822

(d) In addition to any term of imprisonment, fine, or 2823
other sentence, penalty, or sanction it imposes upon the 2824
offender pursuant to division (E) (5) (a), (b), or (c) of this 2825
section or pursuant to any other provision of law and in 2826
addition to any suspension of the offender's driver's or 2827
commercial driver's license or permit or nonresident operating 2828
privilege under Chapter 4506., 4509., 4510., or 4511. of the 2829

Revised Code or under any other provision of law, the court also 2830
may impose upon the offender a class seven suspension of the 2831
offender's driver's or commercial driver's license or permit or 2832
nonresident operating privilege from the range specified in 2833
division (A) (7) of section 4510.02 of the Revised Code. 2834

(e) In addition to any term of imprisonment, fine, or 2835
other sentence, penalty, or sanction imposed upon the offender 2836
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 2837
or pursuant to any other provision of law for the violation of 2838
division (C) of this section, if as part of the same trial or 2839
proceeding the offender also is convicted of or pleads guilty to 2840
a separate charge charging the violation of division (A) of 2841
section 4511.19 of the Revised Code that was the basis of the 2842
charge of the violation of division (C) of this section, the 2843
offender also shall be sentenced in accordance with section 2844
4511.19 of the Revised Code for that violation of division (A) 2845
of section 4511.19 of the Revised Code. 2846

(F) (1) (a) A court may require an offender to perform not 2847
more than two hundred hours of supervised community service work 2848
under the authority of an agency, subdivision, or charitable 2849
organization. The requirement shall be part of the community 2850
control sanction or sentence of the offender, and the court 2851
shall impose the community service in accordance with and 2852
subject to divisions (F) (1) (a) and (b) of this section. The 2853
court may require an offender whom it requires to perform 2854
supervised community service work as part of the offender's 2855
community control sanction or sentence to pay the court a 2856
reasonable fee to cover the costs of the offender's 2857
participation in the work, including, but not limited to, the 2858
costs of procuring a policy or policies of liability insurance 2859
to cover the period during which the offender will perform the 2860

work. If the court requires the offender to perform supervised 2861
community service work as part of the offender's community 2862
control sanction or sentence, the court shall do so in 2863
accordance with the following limitations and criteria: 2864

(i) The court shall require that the community service 2865
work be performed after completion of the term of imprisonment 2866
or jail term imposed upon the offender for the violation of 2867
division (C) of this section, if applicable. 2868

(ii) The supervised community service work shall be 2869
subject to the limitations set forth in divisions (B) (1), (2), 2870
and (3) of section 2951.02 of the Revised Code. 2871

(iii) The community service work shall be supervised in 2872
the manner described in division (B) (4) of section 2951.02 of 2873
the Revised Code by an official or person with the 2874
qualifications described in that division. The official or 2875
person periodically shall report in writing to the court 2876
concerning the conduct of the offender in performing the work. 2877

(iv) The court shall inform the offender in writing that 2878
if the offender does not adequately perform, as determined by 2879
the court, all of the required community service work, the court 2880
may order that the offender be committed to a jail or workhouse 2881
for a period of time that does not exceed the term of 2882
imprisonment that the court could have imposed upon the offender 2883
for the violation of division (C) of this section, reduced by 2884
the total amount of time that the offender actually was 2885
imprisoned under the sentence or term that was imposed upon the 2886
offender for that violation and by the total amount of time that 2887
the offender was confined for any reason arising out of the 2888
offense for which the offender was convicted and sentenced as 2889
described in sections 2949.08 and 2967.191 of the Revised Code, 2890

and that, if the court orders that the offender be so committed, 2891
the court is authorized, but not required, to grant the offender 2892
credit upon the period of the commitment for the community 2893
service work that the offender adequately performed. 2894

(b) If a court, pursuant to division (F) (1) (a) of this 2895
section, orders an offender to perform community service work as 2896
part of the offender's community control sanction or sentence 2897
and if the offender does not adequately perform all of the 2898
required community service work, as determined by the court, the 2899
court may order that the offender be committed to a jail or 2900
workhouse for a period of time that does not exceed the term of 2901
imprisonment that the court could have imposed upon the offender 2902
for the violation of division (C) of this section, reduced by 2903
the total amount of time that the offender actually was 2904
imprisoned under the sentence or term that was imposed upon the 2905
offender for that violation and by the total amount of time that 2906
the offender was confined for any reason arising out of the 2907
offense for which the offender was convicted and sentenced as 2908
described in sections 2949.08 and 2967.191 of the Revised Code. 2909
The court may order that a person committed pursuant to this 2910
division shall receive hour-for-hour credit upon the period of 2911
the commitment for the community service work that the offender 2912
adequately performed. No commitment pursuant to this division 2913
shall exceed the period of the term of imprisonment that the 2914
sentencing court could have imposed upon the offender for the 2915
violation of division (C) of this section, reduced by the total 2916
amount of time that the offender actually was imprisoned under 2917
that sentence or term and by the total amount of time that the 2918
offender was confined for any reason arising out of the offense 2919
for which the offender was convicted and sentenced as described 2920
in sections 2949.08 and 2967.191 of the Revised Code. 2921

(2) Division (F) (1) of this section does not limit or 2922
affect the authority of the court to suspend the sentence 2923
imposed upon a misdemeanor offender and place the offender under 2924
a community control sanction pursuant to section 2929.25 of the 2925
Revised Code, to require a misdemeanor or felony offender to 2926
perform supervised community service work in accordance with 2927
division (B) of section 2951.02 of the Revised Code, or to place 2928
a felony offender under a community control sanction. 2929

(G) (1) If a court suspends an offender's driver's or 2930
commercial driver's license or permit or nonresident operating 2931
privilege under division (E) (5) (d) of this section, the period 2932
of the suspension shall be consecutive to, and commence after, 2933
the period of suspension of the offender's driver's or 2934
commercial driver's license or permit or nonresident operating 2935
privilege that is imposed under Chapter 4506., 4509., 4510., or 2936
4511. of the Revised Code or under any other provision of law in 2937
relation to the violation of division (C) of this section that 2938
is the basis of the suspension under division (E) (5) (d) of this 2939
section or in relation to the violation of division (A) of 2940
section 4511.19 of the Revised Code that is the basis for that 2941
violation of division (C) of this section. 2942

(2) An offender is not entitled to request, and the court 2943
shall not grant to the offender, limited driving privileges if 2944
the offender's license, permit, or privilege has been suspended 2945
under division (E) (5) (d) of this section and the offender, 2946
within the preceding six years, has been convicted of or pleaded 2947
guilty to three or more violations of one or more of the 2948
following: 2949

(a) Division (C) of this section; 2950

(b) Any equivalent offense, as defined in section 4511.181 2951

of the Revised Code. 2952

(H) (1) If a person violates division (C) of this section 2953
and if, at the time of the violation, there were two or more 2954
children under eighteen years of age in the motor vehicle 2955
involved in the violation, the offender may be convicted of a 2956
violation of division (C) of this section for each of the 2957
children, but the court may sentence the offender for only one 2958
of the violations. 2959

(2) (a) If a person is convicted of or pleads guilty to a 2960
violation of division (C) of this section but the person is not 2961
also convicted of and does not also plead guilty to a separate 2962
charge charging the violation of division (A) of section 4511.19 2963
of the Revised Code that was the basis of the charge of the 2964
violation of division (C) of this section, both of the following 2965
apply: 2966

(i) For purposes of the provisions of section 4511.19 of 2967
the Revised Code that set forth the penalties and sanctions for 2968
a violation of division (A) of section 4511.19 of the Revised 2969
Code, the conviction of or plea of guilty to the violation of 2970
division (C) of this section shall not constitute a violation of 2971
division (A) of section 4511.19 of the Revised Code; 2972

(ii) For purposes of any provision of law that refers to a 2973
conviction of or plea of guilty to a violation of division (A) 2974
of section 4511.19 of the Revised Code and that is not described 2975
in division (H) (2) (a) (i) of this section, the conviction of or 2976
plea of guilty to the violation of division (C) of this section 2977
shall constitute a conviction of or plea of guilty to a 2978
violation of division (A) of section 4511.19 of the Revised 2979
Code. 2980

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

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

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

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

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

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

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

(D) (1) Whoever violates this section is guilty of domestic violence, and the court shall sentence the offender as provided

in divisions (D) (2) to (6) of this section. 3009

(2) Except as otherwise provided in divisions (D) (3) to 3010
(5) of this section, a violation of division (C) of this section 3011
is a misdemeanor of the fourth degree, and a violation of 3012
division (A) or (B) of this section is a misdemeanor of the 3013
first degree. 3014

(3) Except as otherwise provided in division (D) (4) of 3015
this section, if the offender previously has pleaded guilty to 3016
or been convicted of domestic violence, a violation of an 3017
existing or former municipal ordinance or law of this or any 3018
other state or the United States that is substantially similar 3019
to domestic violence, a violation of section 2903.14, 2909.06, 3020
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3021
the victim of the violation was a family or household member at 3022
the time of the violation, a violation of an existing or former 3023
municipal ordinance or law of this or any other state or the 3024
United States that is substantially similar to any of those 3025
sections if the victim of the violation was a family or 3026
household member at the time of the commission of the violation, 3027
or any offense of violence if the victim of the offense was a 3028
family or household member at the time of the commission of the 3029
offense, a violation of division (A) or (B) of this section is a 3030
felony of the fourth degree, and, if the offender knew that the 3031
victim of the violation was pregnant at the time of the 3032
violation, the court shall impose a mandatory prison term on the 3033
offender pursuant to division (D) (6) of this section, and a 3034
violation of division (C) of this section is a misdemeanor of 3035
the second degree. 3036

(4) If the offender previously has pleaded guilty to or 3037
been convicted of two or more offenses of domestic violence or 3038

two or more violations or offenses of the type described in 3039
division (D) (3) of this section involving a person who was a 3040
family or household member at the time of the violations or 3041
offenses, a violation of division (A) or (B) of this section is 3042
a felony of the third degree, and, if the offender knew that the 3043
victim of the violation was pregnant at the time of the 3044
violation, the court shall impose a mandatory prison term on the 3045
offender pursuant to division (D) (6) of this section, and a 3046
violation of division (C) of this section is a misdemeanor of 3047
the first degree. 3048

(5) Except as otherwise provided in division (D) (3) or (4) 3049
of this section, if the offender knew that the victim of the 3050
violation was pregnant at the time of the violation, a violation 3051
of division (A) or (B) of this section is a felony of the fifth 3052
degree, and the court shall impose a mandatory prison term on 3053
the offender pursuant to division (D) (6) of this section, and a 3054
violation of division (C) of this section is a misdemeanor of 3055
the third degree. 3056

(6) If division (D) (3), (4), or (5) of this section 3057
requires the court that sentences an offender for a violation of 3058
division (A) or (B) of this section to impose a mandatory prison 3059
term on the offender pursuant to this division, the court shall 3060
impose the mandatory prison term as follows: 3061

(a) If the violation of division (A) or (B) of this 3062
section is a felony of the fourth or fifth degree, except as 3063
otherwise provided in division (D) (6) (b) or (c) of this section, 3064
the court shall impose a mandatory prison term on the offender 3065
of at least six months. 3066

(b) If the violation of division (A) or (B) of this 3067
section is a felony of the fifth degree and the offender, in 3068

committing the violation, caused serious physical harm to the 3069
pregnant woman's unborn or caused the termination of the 3070
pregnant woman's pregnancy, the court shall impose a mandatory 3071
prison term on the offender of twelve months. 3072

(c) If the violation of division (A) or (B) of this 3073
section is a felony of the fourth degree and the offender, in 3074
committing the violation, caused serious physical harm to the 3075
pregnant woman's unborn or caused the termination of the 3076
pregnant woman's pregnancy, the court shall impose a mandatory 3077
prison term on the offender of at least twelve months. 3078

(d) If the violation of division (A) or (B) of this 3079
section is a felony of the third degree, except as otherwise 3080
provided in division (D)(6)(e) of this section and 3081
notwithstanding the range of definite prison terms prescribed in 3082
division (A)(3) of section 2929.14 of the Revised Code for a 3083
felony of the third degree, the court shall impose a mandatory 3084
prison term on the offender of either a definite term of six 3085
months or one of the prison terms prescribed in division (A)(3) 3086
(b) of section 2929.14 of the Revised Code for felonies of the 3087
third degree. 3088

(e) If the violation of division (A) or (B) of this 3089
section is a felony of the third degree and the offender, in 3090
committing the violation, caused serious physical harm to the 3091
pregnant woman's unborn or caused the termination of the 3092
pregnant woman's pregnancy, notwithstanding the range of 3093
definite prison terms prescribed in division (A)(3) of section 3094
2929.14 of the Revised Code for a felony of the third degree, 3095
the court shall impose a mandatory prison term on the offender 3096
of either a definite term of one year or one of the prison terms 3097
prescribed in division (A)(3)(b) of section 2929.14 of the 3098

| | |
|--|------|
| Revised Code for felonies of the third degree. | 3099 |
| (E) Notwithstanding any provision of law to the contrary, | 3100 |
| no court or unit of state or local government shall charge any | 3101 |
| fee, cost, deposit, or money in connection with the filing of | 3102 |
| charges against a person alleging that the person violated this | 3103 |
| section or a municipal ordinance substantially similar to this | 3104 |
| section or in connection with the prosecution of any charges so | 3105 |
| filed. | 3106 |
| (F) As used in this section and sections 2919.251 and | 3107 |
| 2919.26 of the Revised Code: | 3108 |
| (1) "Family or household member" means any of the | 3109 |
| following: | 3110 |
| (a) Any of the following who is residing or has resided | 3111 |
| with the offender: | 3112 |
| (i) A spouse, a person living as a spouse, or a former | 3113 |
| spouse of the offender; | 3114 |
| (ii) A parent, a foster parent, or a child of the | 3115 |
| offender, or another person related by consanguinity or affinity | 3116 |
| to the offender; | 3117 |
| (iii) A parent or a child of a spouse, person living as a | 3118 |
| spouse, or former spouse of the offender, or another person | 3119 |
| related by consanguinity or affinity to a spouse, person living | 3120 |
| as a spouse, or former spouse of the offender. | 3121 |
| (b) The natural parent of any child of whom the offender | 3122 |
| is the other natural parent or is the putative other natural | 3123 |
| parent. | 3124 |
| (2) "Person living as a spouse" means a person who is | 3125 |
| living or has lived with the offender in a common law marital | 3126 |

relationship, who otherwise is cohabiting with the offender, or 3127
who otherwise has cohabited with the offender within five years 3128
prior to the date of the alleged commission of the act in 3129
question. 3130

(3) "Pregnant woman's unborn" has the same meaning as 3131
"such other person's unborn," as set forth in section 2903.09 of 3132
the Revised Code, as it relates to the pregnant woman. Division 3133
(C) of that section applies regarding the use of the term in 3134
this section, except that the second and third sentences of 3135
division (C) (1) of that section shall be construed for purposes 3136
of this section as if they included a reference to this section 3137
in the listing of Revised Code sections they contain. 3138

(4) "Termination of the pregnant woman's pregnancy" has 3139
the same meaning as "unlawful termination of another's 3140
pregnancy," as set forth in section 2903.09 of the Revised Code, 3141
as it relates to the pregnant woman. Division (C) of that 3142
section applies regarding the use of the term in this section, 3143
except that the second and third sentences of division (C) (1) of 3144
that section shall be construed for purposes of this section as 3145
if they included a reference to this section in the listing of 3146
Revised Code sections they contain. 3147

Sec. 2921.321. (A) No person shall knowingly cause, or 3148
attempt to cause, physical harm to a police dog or horse in 3149
either of the following circumstances: 3150

(1) The police dog or horse is assisting a law enforcement 3151
officer in the performance of the officer's official duties at 3152
the time the physical harm is caused or attempted. 3153

(2) The police dog or horse is not assisting a law 3154
enforcement officer in the performance of the officer's official 3155

duties at the time the physical harm is caused or attempted, but 3156
the offender has actual knowledge that the dog or horse is a 3157
police dog or horse. 3158

(B) No person shall recklessly do any of the following: 3159

(1) Taunt, torment, or strike a police dog or horse; 3160

(2) Throw an object or substance at a police dog or horse; 3161

(3) Interfere with or obstruct a police dog or horse, or 3162
interfere with or obstruct a law enforcement officer who is 3163
being assisted by a police dog or horse, in a manner that does 3164
any of the following: 3165

(a) Inhibits or restricts the law enforcement officer's 3166
control of the police dog or horse; 3167

(b) Deprives the law enforcement officer of control of the 3168
police dog or horse; 3169

(c) Releases the police dog or horse from its area of 3170
control; 3171

(d) Enters the area of control of the police dog or horse 3172
without the consent of the law enforcement officer, including 3173
placing food or any other object or substance into that area; 3174

(e) Inhibits or restricts the ability of the police dog or 3175
horse to assist a law enforcement officer. 3176

(4) Engage in any conduct that is likely to cause serious 3177
physical injury or death to a police dog or horse; 3178

(5) If the person is the owner, keeper, or harbinger of a 3179
dog, fail to reasonably restrain the dog from taunting, 3180
tormenting, chasing, approaching in a menacing fashion or 3181
apparent attitude of attack, or attempting to bite or otherwise 3182

endanger a police dog or horse that at the time of the conduct 3183
is assisting a law enforcement officer in the performance of the 3184
officer's duties or that the person knows is a police dog or 3185
horse. 3186

(C) No person shall knowingly cause, or attempt to cause, 3187
physical harm to an assistance dog in either of the following 3188
circumstances: 3189

(1) The dog is assisting or serving a blind, deaf or 3190
hearing impaired, or mobility impaired person at the time the 3191
physical harm is caused or attempted. 3192

(2) The dog is not assisting or serving a blind, deaf or 3193
hearing impaired, or mobility impaired person at the time the 3194
physical harm is caused or attempted, but the offender has 3195
actual knowledge that the dog is an assistance dog. 3196

(D) No person shall recklessly do any of the following: 3197

(1) Taunt, torment, or strike an assistance dog; 3198

(2) Throw an object or substance at an assistance dog; 3199

(3) Interfere with or obstruct an assistance dog, or 3200
interfere with or obstruct a blind, deaf or hearing impaired, or 3201
mobility impaired person who is being assisted or served by an 3202
assistance dog, in a manner that does any of the following: 3203

(a) Inhibits or restricts the assisted or served person's 3204
control of the dog; 3205

(b) Deprives the assisted or served person of control of 3206
the dog; 3207

(c) Releases the dog from its area of control; 3208

(d) Enters the area of control of the dog without the 3209

consent of the assisted or served person, including placing food 3210
or any other object or substance into that area; 3211

(e) Inhibits or restricts the ability of the dog to assist 3212
the assisted or served person. 3213

(4) Engage in any conduct that is likely to cause serious 3214
physical injury or death to an assistance dog; 3215

(5) If the person is the owner, keeper, or harbinger of a 3216
dog, fail to reasonably restrain the dog from taunting, 3217
tormenting, chasing, approaching in a menacing fashion or 3218
apparent attitude of attack, or attempting to bite or otherwise 3219
endanger an assistance dog that at the time of the conduct is 3220
assisting or serving a blind, deaf or hearing impaired, or 3221
mobility impaired person or that the person knows is an 3222
assistance dog. 3223

(E) (1) Whoever violates division (A) of this section is 3224
guilty of assaulting a police dog or horse, and shall be 3225
punished as provided in divisions (E) (1) (a) and (b) of this 3226
section. 3227

(a) Except as otherwise provided in this division, 3228
assaulting a police dog or horse is a misdemeanor of the second 3229
degree. If the violation results in the death of the police dog 3230
or horse, assaulting a police dog or horse is a felony of the 3231
third degree and the court shall impose as a mandatory prison 3232
term one of the definite prison terms prescribed in division (A) 3233
(3) (b) of section 2929.14 of the Revised Code for a felony of 3234
the third degree. If the violation results in serious physical 3235
harm to the police dog or horse other than its death, assaulting 3236
a police dog or horse is a felony of the fourth degree. If the 3237
violation results in physical harm to the police dog or horse 3238

other than death or serious physical harm, assaulting a police 3239
dog or horse is a misdemeanor of the first degree. 3240

(b) In addition to any other sanction imposed for 3241
assaulting a police dog or horse, if the violation of division 3242
(A) of this section results in the death of the police dog or 3243
horse, the sentencing court shall impose as a financial sanction 3244
a mandatory fine under division (B)(10) of section 2929.18 of 3245
the Revised Code. The fine shall be paid to the law enforcement 3246
agency that was served by the police dog or horse that was 3247
killed, and shall be used by that agency only for one or more of 3248
the following purposes: 3249

(i) If the dog or horse was not owned by the agency, the 3250
payment to the owner of the dog or horse of the cost of the dog 3251
or horse and the cost of the training of the dog or horse to 3252
qualify it as a police dog or horse, if that cost has not 3253
previously been paid by the agency; 3254

(ii) After payment of the costs described in division (E) 3255
(1)(b)(i) of this section, if applicable, payment of the cost of 3256
replacing the dog or horse that was killed; 3257

(iii) After payment of the costs described in division (E) 3258
(1)(b)(i) of this section, if applicable, payment of the cost of 3259
training the replacement dog or horse to qualify it as a police 3260
dog or horse; 3261

(iv) After payment of the costs described in division (E) 3262
(1)(b)(i) of this section, if applicable, payment of the cost of 3263
further training of the replacement dog or horse that is needed 3264
to train it to the level of training that had been achieved by 3265
the dog or horse that was killed. 3266

(2) Whoever violates division (B) of this section is 3267

guilty of harassing a police dog or horse. Except as otherwise 3268
provided in this division, harassing a police dog or horse is a 3269
misdemeanor of the second degree. If the violation results in 3270
the death of the police dog or horse, harassing a police dog or 3271
horse is a felony of the third degree. If the violation results 3272
in serious physical harm to the police dog or horse, but does 3273
not result in its death, harassing a police dog or horse, is a 3274
felony of the fourth degree. If the violation results in 3275
physical harm to the police dog or horse, but does not result in 3276
its death or in serious physical harm to it, harassing a police 3277
dog or horse is a misdemeanor of the first degree. 3278

(3) Whoever violates division (C) of this section is 3279
guilty of assaulting an assistance dog. Except as otherwise 3280
provided in this division, assaulting an assistance dog is a 3281
misdemeanor of the second degree. If the violation results in 3282
the death of the assistance dog, assaulting an assistance dog is 3283
a felony of the third degree. If the violation results in 3284
serious physical harm to the assistance dog other than its 3285
death, assaulting an assistance dog is a felony of the fourth 3286
degree. If the violation results in physical harm to the 3287
assistance dog other than death or serious physical harm, 3288
assaulting an assistance dog is a misdemeanor of the first 3289
degree. 3290

(4) Whoever violates division (D) of this section is 3291
guilty of harassing an assistance dog. Except as otherwise 3292
provided in this division, harassing an assistance dog is a 3293
misdemeanor of the second degree. If the violation results in 3294
the death of the assistance dog, harassing an assistance dog is 3295
a felony of the third degree. If the violation results in 3296
serious physical harm to the assistance dog, but does not result 3297
in its death, harassing an assistance dog is a felony of the 3298

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

(5) In addition to any other sanction or penalty imposed 3303
for the offense under this section, Chapter 2929., or any other 3304
provision of the Revised Code, whoever violates division (A), 3305
(B), (C), or (D) of this section is responsible for the payment 3306
of all of the following: 3307

(a) Any veterinary bill or bill for medication incurred as 3308
a result of the violation by the police department regarding a 3309
violation of division (A) or (B) of this section or by the 3310
blind, deaf or hearing impaired, or mobility impaired person 3311
assisted or served by the assistance dog regarding a violation 3312
of division (C) or (D) of this section; 3313

(b) The cost of any damaged equipment that results from 3314
the violation; 3315

(c) If the violation did not result in the death of the 3316
police dog or horse or the assistance dog that was the subject 3317
of the violation and if, as a result of that dog or horse being 3318
the subject of the violation, the dog or horse needs further 3319
training or retraining to be able to continue in the capacity of 3320
a police dog or horse or an assistance dog, the cost of any 3321
further training or retraining of that dog or horse by a law 3322
enforcement officer or by the blind, deaf or hearing impaired, 3323
or mobility impaired person assisted or served by the assistance 3324
dog; 3325

(d) If the violation resulted in the death of the 3326
assistance dog that was the subject of the violation or resulted 3327

in serious physical harm to the police dog or horse or the 3328
assistance dog or horse that was the subject of the violation to 3329
the extent that the dog or horse needs to be replaced on either 3330
a temporary or a permanent basis, the cost of replacing that dog 3331
or horse and of any further training of a new police dog or 3332
horse or a new assistance dog by a law enforcement officer or by 3333
the blind, deaf or hearing impaired, or mobility impaired person 3334
assisted or served by the assistance dog, which replacement or 3335
training is required because of the death of or the serious 3336
physical harm to the dog or horse that was the subject of the 3337
violation. 3338

(F) This section does not apply to a licensed veterinarian 3339
whose conduct is in accordance with Chapter 4741. of the Revised 3340
Code. 3341

(G) This section only applies to an offender who knows or 3342
should know at the time of the violation that the police dog or 3343
horse or assistance dog that is the subject of a violation under 3344
this section is a police dog or horse or an assistance dog. 3345

(H) As used in this section: 3346

(1) "Physical harm" means any injury, illness, or other 3347
physiological impairment, regardless of its gravity or duration. 3348

(2) "Police dog or horse" means a dog or horse that has 3349
been trained, and may be used, to assist law enforcement 3350
officers in the performance of their official duties. 3351

(3) "Serious physical harm" means any of the following: 3352

(a) Any physical harm that carries a substantial risk of 3353
death; 3354

(b) Any physical harm that causes permanent maiming or 3355

that involves some temporary, substantial maiming; 3356

(c) Any physical harm that causes acute pain of a duration 3357
that results in substantial suffering. 3358

(4) "Assistance dog," "blind," and "mobility impaired 3359
person" have the same meanings as in section 955.011 of the 3360
Revised Code. 3361

Sec. 2921.36. (A) No person shall knowingly convey, or 3362
attempt to convey, onto the grounds of a detention facility or 3363
of an institution, office building, or other place that is under 3364
the control of the department of mental health and addiction 3365
services, the department of developmental disabilities, the 3366
department of youth services, or the department of 3367
rehabilitation and correction any of the following items: 3368

(1) Any deadly weapon or dangerous ordnance, as defined in 3369
section 2923.11 of the Revised Code, or any part of or 3370
ammunition for use in such a deadly weapon or dangerous 3371
ordnance; 3372

(2) Any drug of abuse, as defined in section 3719.011 of 3373
the Revised Code; 3374

(3) Any intoxicating liquor, as defined in section 4301.01 3375
of the Revised Code. 3376

(B) Division (A) of this section does not apply to any 3377
person who conveys or attempts to convey an item onto the 3378
grounds of a detention facility or of an institution, office 3379
building, or other place under the control of the department of 3380
mental health and addiction services, the department of 3381
developmental disabilities, the department of youth services, or 3382
the department of rehabilitation and correction pursuant to the 3383
written authorization of the person in charge of the detention 3384

facility or the institution, office building, or other place and 3385
in accordance with the written rules of the detention facility 3386
or the institution, office building, or other place. 3387

(C) No person shall knowingly deliver, or attempt to 3388
deliver, to any person who is confined in a detention facility, 3389
to a child confined in a youth services facility, to a prisoner 3390
who is temporarily released from confinement for a work 3391
assignment, or to any patient in an institution under the 3392
control of the department of mental health and addiction 3393
services or the department of developmental disabilities any 3394
item listed in division (A) (1), (2), or (3) of this section. 3395

(D) No person shall knowingly deliver, or attempt to 3396
deliver, cash to any person who is confined in a detention 3397
facility, to a child confined in a youth services facility, or 3398
to a prisoner who is temporarily released from confinement for a 3399
work assignment. 3400

(E) No person shall knowingly deliver, or attempt to 3401
deliver, to any person who is confined in a detention facility, 3402
to a child confined in a youth services facility, or to a 3403
prisoner who is temporarily released from confinement for a work 3404
assignment a cellular telephone, two-way radio, or other 3405
electronic communications device. 3406

(F) (1) It is an affirmative defense to a charge under 3407
division (A) (1) of this section that the weapon or dangerous 3408
ordnance in question was being transported in a motor vehicle 3409
for any lawful purpose, that it was not on the actor's person, 3410
and, if the weapon or dangerous ordnance in question was a 3411
firearm, that it was unloaded and was being carried in a closed 3412
package, box, or case or in a compartment that can be reached 3413
only by leaving the vehicle. 3414

(2) It is an affirmative defense to a charge under 3415
division (C) of this section that the actor was not otherwise 3416
prohibited by law from delivering the item to the confined 3417
person, the child, the prisoner, or the patient and that either 3418
of the following applies: 3419

(a) The actor was permitted by the written rules of the 3420
detention facility or the institution, office building, or other 3421
place to deliver the item to the confined person or the patient. 3422

(b) The actor was given written authorization by the 3423
person in charge of the detention facility or the institution, 3424
office building, or other place to deliver the item to the 3425
confined person or the patient. 3426

(G) (1) Whoever violates division (A) (1) of this section or 3427
commits a violation of division (C) of this section involving an 3428
item listed in division (A) (1) of this section is guilty of 3429
illegal conveyance of weapons onto the grounds of a specified 3430
governmental facility, a felony of the third degree. If the 3431
offender is an officer or employee of the department of 3432
rehabilitation and correction, the court shall impose a 3433
mandatory prison term from the range of definite prison terms 3434
prescribed in division (A) (3) (b) of section 2929.14 of the 3435
Revised Code for a felony of the third degree. 3436

(2) Whoever violates division (A) (2) of this section or 3437
commits a violation of division (C) of this section involving 3438
any drug of abuse is guilty of illegal conveyance of drugs of 3439
abuse onto the grounds of a specified governmental facility, a 3440
felony of the third degree. If the offender is an officer or 3441
employee of the department of rehabilitation and correction or 3442
of the department of youth services, the court shall impose a 3443
mandatory prison term from the range of definite prison terms 3444

prescribed in division (A) (3) (b) of section 2929.14 of the 3445
Revised Code for a felony of the third degree. 3446

(3) Whoever violates division (A) (3) of this section or 3447
commits a violation of division (C) of this section involving 3448
any intoxicating liquor is guilty of illegal conveyance of 3449
intoxicating liquor onto the grounds of a specified governmental 3450
facility, a misdemeanor of the second degree. 3451

(4) Whoever violates division (D) of this section is 3452
guilty of illegal conveyance of cash onto the grounds of a 3453
detention facility, a misdemeanor of the first degree. If the 3454
offender previously has been convicted of or pleaded guilty to a 3455
violation of division (D) of this section, illegal conveyance of 3456
cash onto the grounds of a detention facility is a felony of the 3457
fifth degree. 3458

(5) Whoever violates division (E) of this section is 3459
guilty of illegal conveyance of a communications device onto the 3460
grounds of a specified governmental facility, a misdemeanor of 3461
the first degree, or if the offender previously has been 3462
convicted of or pleaded guilty to a violation of division (E) of 3463
this section, a felony of the fifth degree. 3464

Sec. 2923.132. (A) As used in this section: 3465

(1) (a) "Violent career criminal" means a person who within 3466
the preceding eight years, subject to extension as provided in 3467
division (A) (1) (b) of this section, has been convicted of or 3468
pleaded guilty to two or more violent felony offenses that are 3469
separated by intervening sentences and are not so closely 3470
related to each other and connected in time and place that they 3471
constitute a course of criminal conduct. 3472

(b) Except as provided in division (A) (1) (c) of this 3473

section, the eight-year period described in division (A) (1) (a) 3474
of this section shall be extended by a period of time equal to 3475
any period of time during which the person, within that eight- 3476
year period, was confined as a result of having been accused of 3477
an offense, having been convicted of or pleaded guilty to an 3478
offense, or having been accused of violating or found to have 3479
violated any community control sanction, post-release control 3480
sanction, or term or condition of supervised release. 3481

(c) Division (A) (1) (b) of this section shall not apply to 3482
extend the eight-year period described in division (A) (1) (a) of 3483
this section by any period of time during which a person is 3484
confined if the person is acquitted of the charges or the 3485
charges are dismissed in final disposition of the case or during 3486
which a person is confined as a result of having been accused of 3487
violating any sanction, term, or condition described in division 3488
(A) (1) (b) of this section if the person subsequently is not 3489
found to have violated that sanction, term, or condition. 3490

(2) "Violent felony offense" means any of the following: 3491

(a) A violation of section 2903.01, 2903.02, 2903.03, 3492
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3493
2911.01, 2911.02, or 2911.11 of the Revised Code; 3494

(b) A violation of division (A) (1) or (2) of section 3495
2911.12 of the Revised Code; 3496

(c) A felony violation of section 2907.02, 2907.03, 3497
2907.04, or 2907.05 of the Revised Code; 3498

(d) A felony violation of section 2909.24 of the Revised 3499
Code or a violation of section 2919.25 of the Revised Code that 3500
is a felony of the third degree; 3501

(e) A felony violation of any existing or former ordinance 3502

or law of this state, another state, or the United States that 3503
is or was substantially equivalent to any offense listed or 3504
described in divisions (A) (2) (a) to (e) of this section; 3505

(f) A conspiracy or attempt to commit, or complicity in 3506
committing, any of the offenses listed or described in divisions 3507
(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or 3508
complicity is a felony of the first or second degree. 3509

(3) "Dangerous ordnance" and "firearm" have the same 3510
meanings as in section 2923.11 of the Revised Code. 3511

(4) "Community control sanction" has the same meaning as 3512
in section 2929.01 of the Revised Code. 3513

(5) "Post-release control sanction" has the same meaning 3514
as in section 2967.01 of the Revised Code. 3515

(6) "Supervised release" has the same meaning as in 3516
section 2950.01 of the Revised Code. 3517

(B) No violent career criminal shall knowingly use any 3518
firearm or dangerous ordnance. 3519

(C) Whoever violates this section is guilty of unlawful 3520
use of a weapon by a violent career criminal, a felony of the 3521
first degree, ~~and~~. For an offense committed prior to the 3522
effective date of this amendment, notwithstanding the range of 3523
definite prison terms set forth in division (A) (1) (b) of section 3524
2929.14 of the Revised Code, the court shall impose upon the 3525
offender a mandatory prison term that is a definite prison term 3526
of two, three, four, five, six, seven, eight, nine, ten, or 3527
eleven years. For an offense committed on or after the effective 3528
date of this amendment, notwithstanding the range of minimum 3529
prison terms set forth in division (A) (1) (a) of section 2929.14 3530
of the Revised Code, the court shall impose upon the offender an 3531

indefinite prison term pursuant to that division, with a minimum 3532
term under that sentence that is a mandatory prison term of two, 3533
three, four, five, six, seven, eight, nine, ten, or eleven 3534
years. 3535

Sec. 2925.01. As used in this chapter: 3536

(A) "Administer," "controlled substance," "controlled 3537
substance analog," "dispense," "distribute," "hypodermic," 3538
"manufacturer," "official written order," "person," 3539
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 3540
"schedule III," "schedule IV," "schedule V," and "wholesaler" 3541
have the same meanings as in section 3719.01 of the Revised 3542
Code. 3543

(B) "Drug dependent person" and "drug of abuse" have the 3544
same meanings as in section 3719.011 of the Revised Code. 3545

(C) "Drug," "dangerous drug," "licensed health 3546
professional authorized to prescribe drugs," and "prescription" 3547
have the same meanings as in section 4729.01 of the Revised 3548
Code. 3549

(D) "Bulk amount" of a controlled substance means any of 3550
the following: 3551

(1) For any compound, mixture, preparation, or substance 3552
included in schedule I, schedule II, or schedule III, with the 3553
exception of controlled substance analogs, marihuana, cocaine, 3554
L.S.D., heroin, and hashish and except as provided in division 3555
(D) (2) or (5) of this section, whichever of the following is 3556
applicable: 3557

(a) An amount equal to or exceeding ten grams or twenty- 3558
five unit doses of a compound, mixture, preparation, or 3559
substance that is or contains any amount of a schedule I opiate 3560

or opium derivative; 3561

(b) An amount equal to or exceeding ten grams of a 3562
compound, mixture, preparation, or substance that is or contains 3563
any amount of raw or gum opium; 3564

(c) An amount equal to or exceeding thirty grams or ten 3565
unit doses of a compound, mixture, preparation, or substance 3566
that is or contains any amount of a schedule I hallucinogen 3567
other than tetrahydrocannabinol or lysergic acid amide, or a 3568
schedule I stimulant or depressant; 3569

(d) An amount equal to or exceeding twentygrams or five 3570
times the maximum daily dose in the usual dose range specified 3571
in a standard pharmaceutical reference manual of a compound, 3572
mixture, preparation, or substance that is or contains any 3573
amount of a schedule II opiate or opium derivative; 3574

(e) An amount equal to or exceeding five grams or ten unit 3575
doses of a compound, mixture, preparation, or substance that is 3576
or contains any amount of phencyclidine; 3577

(f) An amount equal to or exceeding one hundred twenty 3578
grams or thirty times the maximum daily dose in the usual dose 3579
range specified in a standard pharmaceutical reference manual of 3580
a compound, mixture, preparation, or substance that is or 3581
contains any amount of a schedule II stimulant that is in a 3582
final dosage form manufactured by a person authorized by the 3583
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3584
U.S.C.A. 301, as amended, and the federal drug abuse control 3585
laws, as defined in section 3719.01 of the Revised Code, that is 3586
or contains any amount of a schedule II depressant substance or 3587
a schedule II hallucinogenic substance; 3588

(g) An amount equal to or exceeding three grams of a 3589

compound, mixture, preparation, or substance that is or contains 3590
any amount of a schedule II stimulant, or any of its salts or 3591
isomers, that is not in a final dosage form manufactured by a 3592
person authorized by the Federal Food, Drug, and Cosmetic Act 3593
and the federal drug abuse control laws. 3594

(2) An amount equal to or exceeding one hundred twenty 3595
grams or thirty times the maximum daily dose in the usual dose 3596
range specified in a standard pharmaceutical reference manual of 3597
a compound, mixture, preparation, or substance that is or 3598
contains any amount of a schedule III or IV substance other than 3599
an anabolic steroid or a schedule III opiate or opium 3600
derivative; 3601

(3) An amount equal to or exceeding twenty grams or five 3602
times the maximum daily dose in the usual dose range specified 3603
in a standard pharmaceutical reference manual of a compound, 3604
mixture, preparation, or substance that is or contains any 3605
amount of a schedule III opiate or opium derivative; 3606

(4) An amount equal to or exceeding two hundred fifty 3607
milliliters or two hundred fifty grams of a compound, mixture, 3608
preparation, or substance that is or contains any amount of a 3609
schedule V substance; 3610

(5) An amount equal to or exceeding two hundred solid 3611
dosage units, sixteen grams, or sixteen milliliters of a 3612
compound, mixture, preparation, or substance that is or contains 3613
any amount of a schedule III anabolic steroid. 3614

(E) "Unit dose" means an amount or unit of a compound, 3615
mixture, or preparation containing a controlled substance that 3616
is separately identifiable and in a form that indicates that it 3617
is the amount or unit by which the controlled substance is 3618

separately administered to or taken by an individual. 3619

(F) "Cultivate" includes planting, watering, fertilizing, 3620
or tilling. 3621

(G) "Drug abuse offense" means any of the following: 3622

(1) A violation of division (A) of section 2913.02 that 3623
constitutes theft of drugs, or a violation of section 2925.02, 3624
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3625
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3626
or 2925.37 of the Revised Code; 3627

(2) A violation of an existing or former law of this or 3628
any other state or of the United States that is substantially 3629
equivalent to any section listed in division (G)(1) of this 3630
section; 3631

(3) An offense under an existing or former law of this or 3632
any other state, or of the United States, of which planting, 3633
cultivating, harvesting, processing, making, manufacturing, 3634
producing, shipping, transporting, delivering, acquiring, 3635
possessing, storing, distributing, dispensing, selling, inducing 3636
another to use, administering to another, using, or otherwise 3637
dealing with a controlled substance is an element; 3638

(4) A conspiracy to commit, attempt to commit, or 3639
complicity in committing or attempting to commit any offense 3640
under division (G)(1), (2), or (3) of this section. 3641

(H) "Felony drug abuse offense" means any drug abuse 3642
offense that would constitute a felony under the laws of this 3643
state, any other state, or the United States. 3644

(I) "Harmful intoxicant" does not include beer or 3645
intoxicating liquor but means any of the following: 3646

(1) Any compound, mixture, preparation, or substance the 3647
gas, fumes, or vapor of which when inhaled can induce 3648
intoxication, excitement, giddiness, irrational behavior, 3649
depression, stupefaction, paralysis, unconsciousness, 3650
asphyxiation, or other harmful physiological effects, and 3651
includes, but is not limited to, any of the following: 3652

(a) Any volatile organic solvent, plastic cement, model 3653
cement, fingernail polish remover, lacquer thinner, cleaning 3654
fluid, gasoline, or other preparation containing a volatile 3655
organic solvent; 3656

(b) Any aerosol propellant; 3657

(c) Any fluorocarbon refrigerant; 3658

(d) Any anesthetic gas. 3659

(2) Gamma Butyrolactone; 3660

(3) 1,4 Butanediol. 3661

(J) "Manufacture" means to plant, cultivate, harvest, 3662
process, make, prepare, or otherwise engage in any part of the 3663
production of a drug, by propagation, extraction, chemical 3664
synthesis, or compounding, or any combination of the same, and 3665
includes packaging, repackaging, labeling, and other activities 3666
incident to production. 3667

(K) "Possess" or "possession" means having control over a 3668
thing or substance, but may not be inferred solely from mere 3669
access to the thing or substance through ownership or occupation 3670
of the premises upon which the thing or substance is found. 3671

(L) "Sample drug" means a drug or pharmaceutical 3672
preparation that would be hazardous to health or safety if used 3673
without the supervision of a licensed health professional 3674

authorized to prescribe drugs, or a drug of abuse, and that, at 3675
one time, had been placed in a container plainly marked as a 3676
sample by a manufacturer. 3677

(M) "Standard pharmaceutical reference manual" means the 3678
current edition, with cumulative changes if any, of references 3679
that are approved by the state board of pharmacy. 3680

(N) "Juvenile" means a person under eighteen years of age. 3681

(O) "Counterfeit controlled substance" means any of the 3682
following: 3683

(1) Any drug that bears, or whose container or label 3684
bears, a trademark, trade name, or other identifying mark used 3685
without authorization of the owner of rights to that trademark, 3686
trade name, or identifying mark; 3687

(2) Any unmarked or unlabeled substance that is 3688
represented to be a controlled substance manufactured, 3689
processed, packed, or distributed by a person other than the 3690
person that manufactured, processed, packed, or distributed it; 3691

(3) Any substance that is represented to be a controlled 3692
substance but is not a controlled substance or is a different 3693
controlled substance; 3694

(4) Any substance other than a controlled substance that a 3695
reasonable person would believe to be a controlled substance 3696
because of its similarity in shape, size, and color, or its 3697
markings, labeling, packaging, distribution, or the price for 3698
which it is sold or offered for sale. 3699

(P) An offense is "committed in the vicinity of a school" 3700
if the offender commits the offense on school premises, in a 3701
school building, or within one thousand feet of the boundaries 3702

of any school premises, regardless of whether the offender knows 3703
the offense is being committed on school premises, in a school 3704
building, or within one thousand feet of the boundaries of any 3705
school premises. 3706

(Q) "School" means any school operated by a board of 3707
education, any community school established under Chapter 3314. 3708
of the Revised Code, or any nonpublic school for which the state 3709
board of education prescribes minimum standards under section 3710
3301.07 of the Revised Code, whether or not any instruction, 3711
extracurricular activities, or training provided by the school 3712
is being conducted at the time a criminal offense is committed. 3713

(R) "School premises" means either of the following: 3714

(1) The parcel of real property on which any school is 3715
situated, whether or not any instruction, extracurricular 3716
activities, or training provided by the school is being 3717
conducted on the premises at the time a criminal offense is 3718
committed; 3719

(2) Any other parcel of real property that is owned or 3720
leased by a board of education of a school, the governing 3721
authority of a community school established under Chapter 3314. 3722
of the Revised Code, or the governing body of a nonpublic school 3723
for which the state board of education prescribes minimum 3724
standards under section 3301.07 of the Revised Code and on which 3725
some of the instruction, extracurricular activities, or training 3726
of the school is conducted, whether or not any instruction, 3727
extracurricular activities, or training provided by the school 3728
is being conducted on the parcel of real property at the time a 3729
criminal offense is committed. 3730

(S) "School building" means any building in which any of 3731

the instruction, extracurricular activities, or training 3732
provided by a school is conducted, whether or not any 3733
instruction, extracurricular activities, or training provided by 3734
the school is being conducted in the school building at the time 3735
a criminal offense is committed. 3736

(T) "Disciplinary counsel" means the disciplinary counsel 3737
appointed by the board of commissioners on grievances and 3738
discipline of the supreme court under the Rules for the 3739
Government of the Bar of Ohio. 3740

(U) "Certified grievance committee" means a duly 3741
constituted and organized committee of the Ohio state bar 3742
association or of one or more local bar associations of the 3743
state of Ohio that complies with the criteria set forth in Rule 3744
V, section 6 of the Rules for the Government of the Bar of Ohio. 3745

(V) "Professional license" means any license, permit, 3746
certificate, registration, qualification, admission, temporary 3747
license, temporary permit, temporary certificate, or temporary 3748
registration that is described in divisions (W) (1) to (36) of 3749
this section and that qualifies a person as a professionally 3750
licensed person. 3751

(W) "Professionally licensed person" means any of the 3752
following: 3753

(1) A person who has obtained a license as a manufacturer 3754
of controlled substances or a wholesaler of controlled 3755
substances under Chapter 3719. of the Revised Code; 3756

(2) A person who has received a certificate or temporary 3757
certificate as a certified public accountant or who has 3758
registered as a public accountant under Chapter 4701. of the 3759
Revised Code and who holds an Ohio permit issued under that 3760

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| chapter; | 3761 |
| (3) A person who holds a certificate of qualification to practice architecture issued or renewed and registered under Chapter 4703. of the Revised Code; | 3762 3763 3764 |
| (4) A person who is registered as a landscape architect under Chapter 4703. of the Revised Code or who holds a permit as a landscape architect issued under that chapter; | 3765 3766 3767 |
| (5) A person licensed under Chapter 4707. of the Revised Code; | 3768 3769 |
| (6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code; | 3770 3771 3772 |
| (7) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; | 3773 3774 3775 |
| (8) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; | 3776 3777 3778 3779 3780 3781 3782 3783 3784 3785 3786 |
| (9) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious intravenous sedation permit, a limited resident's license, a limited | 3787 3788 3789 |

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| teaching license, a dental hygienist's license, or a dental | 3790 |
| hygienist's teacher's certificate under Chapter 4715. of the | 3791 |
| Revised Code; | 3792 |
| (10) A person who has been issued an embalmer's license, a | 3793 |
| funeral director's license, a funeral home license, or a | 3794 |
| crematory license, or who has been registered for an embalmer's | 3795 |
| or funeral director's apprenticeship under Chapter 4717. of the | 3796 |
| Revised Code; | 3797 |
| (11) A person who has been licensed as a registered nurse | 3798 |
| or practical nurse, or who has been issued a certificate for the | 3799 |
| practice of nurse-midwifery under Chapter 4723. of the Revised | 3800 |
| Code; | 3801 |
| (12) A person who has been licensed to practice optometry | 3802 |
| or to engage in optical dispensing under Chapter 4725. of the | 3803 |
| Revised Code; | 3804 |
| (13) A person licensed to act as a pawnbroker under | 3805 |
| Chapter 4727. of the Revised Code; | 3806 |
| (14) A person licensed to act as a precious metals dealer | 3807 |
| under Chapter 4728. of the Revised Code; | 3808 |
| (15) A person licensed as a pharmacist, a pharmacy intern, | 3809 |
| a wholesale distributor of dangerous drugs, or a terminal | 3810 |
| distributor of dangerous drugs under Chapter 4729. of the | 3811 |
| Revised Code; | 3812 |
| (16) A person who is authorized to practice as a physician | 3813 |
| assistant under Chapter 4730. of the Revised Code; | 3814 |
| (17) A person who has been issued a license to practice | 3815 |
| medicine and surgery, osteopathic medicine and surgery, or | 3816 |
| podiatric medicine and surgery under Chapter 4731. of the | 3817 |

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| Revised Code or has been issued a certificate to practice a | 3818 |
| limited branch of medicine under that chapter; | 3819 |
| (18) A person licensed as a psychologist or school | 3820 |
| psychologist under Chapter 4732. of the Revised Code; | 3821 |
| (19) A person registered to practice the profession of | 3822 |
| engineering or surveying under Chapter 4733. of the Revised | 3823 |
| Code; | 3824 |
| (20) A person who has been issued a license to practice | 3825 |
| chiropractic under Chapter 4734. of the Revised Code; | 3826 |
| (21) A person licensed to act as a real estate broker or | 3827 |
| real estate salesperson under Chapter 4735. of the Revised Code; | 3828 |
| (22) A person registered as a registered sanitarian under | 3829 |
| Chapter 4736. of the Revised Code; | 3830 |
| (23) A person licensed to operate or maintain a junkyard | 3831 |
| under Chapter 4737. of the Revised Code; | 3832 |
| (24) A person who has been issued a motor vehicle salvage | 3833 |
| dealer's license under Chapter 4738. of the Revised Code; | 3834 |
| (25) A person who has been licensed to act as a steam | 3835 |
| engineer under Chapter 4739. of the Revised Code; | 3836 |
| (26) A person who has been issued a license or temporary | 3837 |
| permit to practice veterinary medicine or any of its branches, | 3838 |
| or who is registered as a graduate animal technician under | 3839 |
| Chapter 4741. of the Revised Code; | 3840 |
| (27) A person who has been issued a hearing aid dealer's | 3841 |
| or fitter's license or trainee permit under Chapter 4747. of the | 3842 |
| Revised Code; | 3843 |
| (28) A person who has been issued a class A, class B, or | 3844 |

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| class C license or who has been registered as an investigator or | 3845 |
| security guard employee under Chapter 4749. of the Revised Code; | 3846 |
| (29) A person licensed and registered to practice as a | 3847 |
| nursing home administrator under Chapter 4751. of the Revised | 3848 |
| Code; | 3849 |
| (30) A person licensed to practice as a speech-language | 3850 |
| pathologist or audiologist under Chapter 4753. of the Revised | 3851 |
| Code; | 3852 |
| (31) A person issued a license as an occupational | 3853 |
| therapist or physical therapist under Chapter 4755. of the | 3854 |
| Revised Code; | 3855 |
| (32) A person who is licensed as a licensed professional | 3856 |
| clinical counselor, licensed professional counselor, social | 3857 |
| worker, independent social worker, independent marriage and | 3858 |
| family therapist, or marriage and family therapist, or | 3859 |
| registered as a social work assistant under Chapter 4757. of the | 3860 |
| Revised Code; | 3861 |
| (33) A person issued a license to practice dietetics under | 3862 |
| Chapter 4759. of the Revised Code; | 3863 |
| (34) A person who has been issued a license or limited | 3864 |
| permit to practice respiratory therapy under Chapter 4761. of | 3865 |
| the Revised Code; | 3866 |
| (35) A person who has been issued a real estate appraiser | 3867 |
| certificate under Chapter 4763. of the Revised Code; | 3868 |
| (36) A person who has been admitted to the bar by order of | 3869 |
| the supreme court in compliance with its prescribed and | 3870 |
| published rules. | 3871 |
| (X) "Cocaine" means any of the following: | 3872 |

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| (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; | 3873 3874 |
| (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; | 3875 3876 3877 3878 |
| (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. | 3879 3880 3881 3882 3883 3884 |
| (Y) "L.S.D." means lysergic acid diethylamide. | 3885 |
| (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. | 3886 3887 3888 |
| (AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. | 3889 3890 3891 |
| (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. | 3892 3893 3894 3895 3896 3897 3898 |
| (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 | 3899 3900 3901 |

Code, that a prison term is a necessary sanction for a felony in 3902
order to comply with the purposes and principles of sentencing 3903
under section 2929.11 of the Revised Code. 3904

(DD) "Major drug offender" has the same meaning as in 3905
section 2929.01 of the Revised Code. 3906

(EE) "Minor drug possession offense" means either of the 3907
following: 3908

(1) A violation of section 2925.11 of the Revised Code as 3909
it existed prior to July 1, 1996; 3910

(2) A violation of section 2925.11 of the Revised Code as 3911
it exists on and after July 1, 1996, that is a misdemeanor or a 3912
felony of the fifth degree. 3913

(FF) "Mandatory prison term" has the same meaning as in 3914
section 2929.01 of the Revised Code. 3915

(GG) "Adulterate" means to cause a drug to be adulterated 3916
as described in section 3715.63 of the Revised Code. 3917

(HH) "Public premises" means any hotel, restaurant, 3918
tavern, store, arena, hall, or other place of public 3919
accommodation, business, amusement, or resort. 3920

(II) "Methamphetamine" means methamphetamine, any salt, 3921
isomer, or salt of an isomer of methamphetamine, or any 3922
compound, mixture, preparation, or substance containing 3923
methamphetamine or any salt, isomer, or salt of an isomer of 3924
methamphetamine. 3925

(JJ) "Lawful prescription" means a prescription that is 3926
issued for a legitimate medical purpose by a licensed health 3927
professional authorized to prescribe drugs, that is not altered 3928
or forged, and that was not obtained by means of deception or by 3929

the commission of any theft offense. 3930

(KK) "Deception" and "theft offense" have the same 3931
meanings as in section 2913.01 of the Revised Code. 3932

(LL) "First degree felony mandatory prison term" means one 3933
of the definite prison terms prescribed in division (A) (1) (b) of 3934
section 2929.14 of the Revised Code for a felony of the first 3935
degree, except that if the violation for which sentence is being 3936
imposed is committed on or after the effective date of this 3937
amendment, it means one of the minimum prison terms prescribed 3938
in division (A) (1) (a) of that section for a felony of the first 3939
degree. 3940

(MM) "Second degree felony mandatory prison term" means 3941
one of the definite prison terms prescribed in division (A) (2) 3942
(b) of section 2929.14 of the Revised Code for a felony of the 3943
second degree, except that if the violation for which sentence 3944
is being imposed is committed on or after the effective date of 3945
this amendment, it means one of the minimum prison terms 3946
prescribed in division (A) (2) (a) of that section for a felony of 3947
the second degree. 3948

(NN) "Maximum first degree felony mandatory prison term" 3949
means the maximum definite prison term prescribed in division 3950
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 3951
the first degree, except that if the violation for which 3952
sentence is being imposed is committed on or after the effective 3953
date of this amendment, it means the longest minimum prison term 3954
prescribed in division (A) (1) (a) of that section for a felony of 3955
the first degree. 3956

(OO) "Maximum second degree felony mandatory prison term" 3957
means the maximum definite prison term prescribed in division 3958

(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 3959
the second degree, except that if the violation for which 3960
sentence is being imposed is committed on or after the effective 3961
date of this amendment, it means the longest minimum prison term 3962
prescribed in division (A) (2) (a) of that section for a felony of 3963
the second degree. 3964

Sec. 2925.02. (A) No person shall knowingly do any of the 3965
following: 3966

(1) By force, threat, or deception, administer to another 3967
or induce or cause another to use a controlled substance; 3968

(2) By any means, administer or furnish to another or 3969
induce or cause another to use a controlled substance with 3970
purpose to cause serious physical harm to the other person, or 3971
with purpose to cause the other person to become drug dependent; 3972

(3) By any means, administer or furnish to another or 3973
induce or cause another to use a controlled substance, and 3974
thereby cause serious physical harm to the other person, or 3975
cause the other person to become drug dependent; 3976

(4) By any means, do any of the following: 3977

(a) Furnish or administer a controlled substance to a 3978
juvenile who is at least two years the offender's junior, when 3979
the offender knows the age of the juvenile or is reckless in 3980
that regard; 3981

(b) Induce or cause a juvenile who is at least two years 3982
the offender's junior to use a controlled substance, when the 3983
offender knows the age of the juvenile or is reckless in that 3984
regard; 3985

(c) Induce or cause a juvenile who is at least two years 3986

the offender's junior to commit a felony drug abuse offense, 3987
when the offender knows the age of the juvenile or is reckless 3988
in that regard; 3989

(d) Use a juvenile, whether or not the offender knows the 3990
age of the juvenile, to perform any surveillance activity that 3991
is intended to prevent the detection of the offender or any 3992
other person in the commission of a felony drug abuse offense or 3993
to prevent the arrest of the offender or any other person for 3994
the commission of a felony drug abuse offense. 3995

(5) By any means, furnish or administer a controlled 3996
substance to a pregnant woman or induce or cause a pregnant 3997
woman to use a controlled substance, when the offender knows 3998
that the woman is pregnant or is reckless in that regard. 3999

(B) Division (A) (1), (3), (4), or (5) of this section does 4000
not apply to manufacturers, wholesalers, licensed health 4001
professionals authorized to prescribe drugs, pharmacists, owners 4002
of pharmacies, and other persons whose conduct is in accordance 4003
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4004
4741. of the Revised Code. 4005

(C) Whoever violates this section is guilty of corrupting 4006
another with drugs. The penalty for the offense shall be 4007
determined as follows: 4008

(1) If the offense is a violation of division (A) (1), (2), 4009
(3), or (4) of this section and the drug involved is any 4010
compound, mixture, preparation, or substance included in 4011
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4012
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4013
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4014
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4015

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4016
offender shall be punished as follows: 4017

(a) Except as otherwise provided in division (C) (1) (b) of 4018
this section, corrupting another with drugs committed in those 4019
circumstances is a felony of the second degree and, subject to 4020
division (E) of this section, the court shall impose as a 4021
mandatory prison term ~~one of the prison terms prescribed for a~~ 4022
~~felony of the second degree~~ a second degree felony mandatory 4023
prison term. 4024

(b) If the offense was committed in the vicinity of a 4025
school, corrupting another with drugs committed in those 4026
circumstances is a felony of the first degree, and, subject to 4027
division (E) of this section, the court shall impose as a 4028
mandatory prison term ~~one of the prison terms prescribed for a~~ 4029
~~felony of the first degree~~ a first degree felony mandatory 4030
prison term. 4031

(2) If the offense is a violation of division (A) (1), (2), 4032
(3), or (4) of this section and the drug involved is any 4033
compound, mixture, preparation, or substance included in 4034
schedule III, IV, or V, the offender shall be punished as 4035
follows: 4036

(a) Except as otherwise provided in division (C) (2) (b) of 4037
this section, corrupting another with drugs committed in those 4038
circumstances is a felony of the second degree and there is a 4039
presumption for a prison term for the offense. 4040

(b) If the offense was committed in the vicinity of a 4041
school, corrupting another with drugs committed in those 4042
circumstances is a felony of the second degree and the court 4043
shall impose as a mandatory prison term ~~one of the prison terms~~ 4044

~~prescribed for a felony of the second degree~~ a second degree 4045
felony mandatory prison term. 4046

(3) If the offense is a violation of division (A) (1), (2), 4047
(3), or (4) of this section and the drug involved is marihuana, 4048
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4049
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4050
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4051
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4052
offender shall be punished as follows: 4053

(a) Except as otherwise provided in division (C) (3) (b) of 4054
this section, corrupting another with drugs committed in those 4055
circumstances is a felony of the fourth degree and division (C) 4056
of section 2929.13 of the Revised Code applies in determining 4057
whether to impose a prison term on the offender. 4058

(b) If the offense was committed in the vicinity of a 4059
school, corrupting another with drugs committed in those 4060
circumstances is a felony of the third degree and division (C) 4061
of section 2929.13 of the Revised Code applies in determining 4062
whether to impose a prison term on the offender. 4063

(4) If the offense is a violation of division (A) (5) of 4064
this section and the drug involved is any compound, mixture, 4065
preparation, or substance included in schedule I or II, with the 4066
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4067
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4068
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4069
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4070
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4071
felony of the first degree and, subject to division (E) of this 4072
section, the court shall impose as a mandatory prison term ~~one~~ 4073
~~of the prison terms prescribed for a felony of the first degree~~ 4074

a first degree felony mandatory prison term. 4075

(5) If the offense is a violation of division (A) (5) of 4076
this section and the drug involved is any compound, mixture, 4077
preparation, or substance included in schedule III, IV, or V, 4078
corrupting another with drugs is a felony of the second degree 4079
and the court shall impose as a mandatory prison term ~~one of the~~ 4080
~~prison terms prescribed for a felony of the second degree~~ a 4081
second degree felony mandatory prison term. 4082

(6) If the offense is a violation of division (A) (5) of 4083
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4084
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4085
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4086
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4087
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4088
corrupting another with drugs is a felony of the third degree 4089
and division (C) of section 2929.13 of the Revised Code applies 4090
in determining whether to impose a prison term on the offender. 4091

(D) In addition to any prison term authorized or required 4092
by division (C) or (E) of this section and sections 2929.13 and 4093
2929.14 of the Revised Code and in addition to any other 4094
sanction imposed for the offense under this section or sections 4095
2929.11 to 2929.18 of the Revised Code, the court that sentences 4096
an offender who is convicted of or pleads guilty to a violation 4097
of division (A) of this section may suspend for not more than 4098
five years the offender's driver's or commercial driver's 4099
license or permit. However, if the offender pleaded guilty to or 4100
was convicted of a violation of section 4511.19 of the Revised 4101
Code or a substantially similar municipal ordinance or the law 4102
of another state or the United States arising out of the same 4103
set of circumstances as the violation, the court shall suspend 4104

the offender's driver's or commercial driver's license or permit 4105
for not more than five years. The court also shall do all of the 4106
following that are applicable regarding the offender: 4107

(1) (a) If the violation is a felony of the first, second, 4108
or third degree, the court shall impose upon the offender the 4109
mandatory fine specified for the offense under division (B) (1) 4110
of section 2929.18 of the Revised Code unless, as specified in 4111
that division, the court determines that the offender is 4112
indigent. 4113

(b) Notwithstanding any contrary provision of section 4114
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4115
to division (D) (1) (a) of this section and any fine imposed for a 4116
violation of this section pursuant to division (A) of section 4117
2929.18 of the Revised Code shall be paid by the clerk of the 4118
court in accordance with and subject to the requirements of, and 4119
shall be used as specified in, division (F) of section 2925.03 4120
of the Revised Code. 4121

(c) If a person is charged with any violation of this 4122
section that is a felony of the first, second, or third degree, 4123
posts bail, and forfeits the bail, the forfeited bail shall be 4124
paid by the clerk of the court pursuant to division (D) (1) (b) of 4125
this section as if it were a fine imposed for a violation of 4126
this section. 4127

(2) If the offender is a professionally licensed person, 4128
in addition to any other sanction imposed for a violation of 4129
this section, the court immediately shall comply with section 4130
2925.38 of the Revised Code. 4131

(E) Notwithstanding the prison term otherwise authorized 4132
or required for the offense under division (C) of this section 4133

and sections 2929.13 and 2929.14 of the Revised Code, if the 4134
violation of division (A) of this section involves the sale, 4135
offer to sell, or possession of a schedule I or II controlled 4136
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4137
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4138
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4139
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4140
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4141
if the court imposing sentence upon the offender finds that the 4142
offender as a result of the violation is a major drug offender 4143
and is guilty of a specification of the type described in 4144
section 2941.1410 of the Revised Code, the court, in lieu of the 4145
prison term that otherwise is authorized or required, shall 4146
impose upon the offender the mandatory prison term specified in 4147
division (B) (3) (a) of section 2929.14 of the Revised Code. 4148

(F) (1) If the sentencing court suspends the offender's 4149
driver's or commercial driver's license or permit under division 4150
(D) of this section, the offender, at any time after the 4151
expiration of two years from the day on which the offender's 4152
sentence was imposed or from the day on which the offender 4153
finally was released from a prison term under the sentence, 4154
whichever is later, may file a motion with the sentencing court 4155
requesting termination of the suspension. Upon the filing of the 4156
motion and the court's finding of good cause for the 4157
determination, the court may terminate the suspension. 4158

(2) Any offender who received a mandatory suspension of 4159
the offender's driver's or commercial driver's license or permit 4160
under this section prior to ~~the effective date of this amendment~~ 4161
September 13, 2016, may file a motion with the sentencing court 4162
requesting the termination of the suspension. However, an 4163
offender who pleaded guilty to or was convicted of a violation 4164

of section 4511.19 of the Revised Code or a substantially 4165
similar municipal ordinance or law of another state or the 4166
United States that arose out of the same set of circumstances as 4167
the violation for which the offender's license or permit was 4168
suspended under this section shall not file such a motion. 4169

Upon the filing of a motion under division (F)(2) of this 4170
section, the sentencing court, in its discretion, may terminate 4171
the suspension. 4172

Sec. 2925.03. (A) No person shall knowingly do any of the 4173
following: 4174

(1) Sell or offer to sell a controlled substance or a 4175
controlled substance analog; 4176

(2) Prepare for shipment, ship, transport, deliver, 4177
prepare for distribution, or distribute a controlled substance 4178
or a controlled substance analog, when the offender knows or has 4179
reasonable cause to believe that the controlled substance or a 4180
controlled substance analog is intended for sale or resale by 4181
the offender or another person. 4182

(B) This section does not apply to any of the following: 4183

(1) Manufacturers, licensed health professionals 4184
authorized to prescribe drugs, pharmacists, owners of 4185
pharmacies, and other persons whose conduct is in accordance 4186
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4187
4741. of the Revised Code; 4188

(2) If the offense involves an anabolic steroid, any 4189
person who is conducting or participating in a research project 4190
involving the use of an anabolic steroid if the project has been 4191
approved by the United States food and drug administration; 4192

(3) Any person who sells, offers for sale, prescribes, 4193
dispenses, or administers for livestock or other nonhuman 4194
species an anabolic steroid that is expressly intended for 4195
administration through implants to livestock or other nonhuman 4196
species and approved for that purpose under the "Federal Food, 4197
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4198
as amended, and is sold, offered for sale, prescribed, 4199
dispensed, or administered for that purpose in accordance with 4200
that act. 4201

(C) Whoever violates division (A) of this section is 4202
guilty of one of the following: 4203

(1) If the drug involved in the violation is any compound, 4204
mixture, preparation, or substance included in schedule I or 4205
schedule II, with the exception of marihuana, cocaine, L.S.D., 4206
heroin, hashish, and controlled substance analogs, whoever 4207
violates division (A) of this section is guilty of aggravated 4208
trafficking in drugs. The penalty for the offense shall be 4209
determined as follows: 4210

(a) Except as otherwise provided in division (C) (1) (b), 4211
(c), (d), (e), or (f) of this section, aggravated trafficking in 4212
drugs is a felony of the fourth degree, and division (C) of 4213
section 2929.13 of the Revised Code applies in determining 4214
whether to impose a prison term on the offender. 4215

(b) Except as otherwise provided in division (C) (1) (c), 4216
(d), (e), or (f) of this section, if the offense was committed 4217
in the vicinity of a school or in the vicinity of a juvenile, 4218
aggravated trafficking in drugs is a felony of the third degree, 4219
and division (C) of section 2929.13 of the Revised Code applies 4220
in determining whether to impose a prison term on the offender. 4221

(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, aggravated trafficking in drugs 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 aggravated trafficking in drugs 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 third degree. 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, aggravated 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.

(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, aggravated 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 is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, aggravated 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

prison term. 4253

(e) If the amount of the drug involved equals or exceeds 4254
fifty times the bulk amount but is less than one hundred times 4255
the bulk amount and regardless of whether the offense was 4256
committed in the vicinity of a school or in the vicinity of a 4257
juvenile, aggravated trafficking in drugs is a felony of the 4258
first degree, and the court shall impose as a mandatory prison 4259
~~term one of the prison terms prescribed for a felony of the~~ 4260
~~first degree a first degree felony mandatory prison term.~~ 4261

(f) If the amount of the drug involved equals or exceeds 4262
one hundred times the bulk amount and regardless of whether the 4263
offense was committed in the vicinity of a school or in the 4264
vicinity of a juvenile, aggravated trafficking in drugs is a 4265
felony of the first degree, the offender is a major drug 4266
offender, and the court shall impose as a mandatory prison term 4267
~~the maximum prison term prescribed for a felony of the first~~ 4268
~~degree a maximum first degree felony mandatory prison term.~~ 4269

(2) If the drug involved in the violation is any compound, 4270
mixture, preparation, or substance included in schedule III, IV, 4271
or V, whoever violates division (A) of this section is guilty of 4272
trafficking in drugs. The penalty for the offense shall be 4273
determined as follows: 4274

(a) Except as otherwise provided in division (C) (2) (b), 4275
(c), (d), or (e) of this section, trafficking in drugs is a 4276
felony of the fifth degree, and division (B) of section 2929.13 4277
of the Revised Code applies in determining whether to impose a 4278
prison term on the offender. 4279

(b) Except as otherwise provided in division (C) (2) (c), 4280
(d), or (e) of this section, if the offense was committed in the 4281

vicinity of a school or in the vicinity of a juvenile, 4282
trafficking in drugs is a felony of the fourth degree, and 4283
division (C) of section 2929.13 of the Revised Code applies in 4284
determining whether to impose a prison term on the offender. 4285

(c) Except as otherwise provided in this division, if the 4286
amount of the drug involved equals or exceeds the bulk amount 4287
but is less than five times the bulk amount, trafficking in 4288
drugs is a felony of the fourth degree, and division (B) of 4289
section 2929.13 of the Revised Code applies in determining 4290
whether to impose a prison term for the offense. If the amount 4291
of the drug involved is within that range and if the offense was 4292
committed in the vicinity of a school or in the vicinity of a 4293
juvenile, trafficking in drugs is a felony of the third degree, 4294
and there is a presumption for a prison term for the offense. 4295

(d) Except as otherwise provided in this division, if the 4296
amount of the drug involved equals or exceeds five times the 4297
bulk amount but is less than fifty times the bulk amount, 4298
trafficking in drugs is a felony of the third degree, and there 4299
is a presumption for a prison term for the offense. If the 4300
amount of the drug involved is within that range and if the 4301
offense was committed in the vicinity of a school or in the 4302
vicinity of a juvenile, trafficking in drugs is a felony of the 4303
second degree, and there is a presumption for a prison term for 4304
the offense. 4305

(e) Except as otherwise provided in this division, if the 4306
amount of the drug involved equals or exceeds fifty times the 4307
bulk amount, trafficking in drugs is a felony of the second 4308
degree, and the court shall impose as a mandatory prison term 4309
~~one of the prison terms prescribed for a felony of the second-~~ 4310
~~degree~~ a second degree felony mandatory prison term. If the 4311

amount of the drug involved equals or exceeds fifty times the 4312
bulk amount and if the offense was committed in the vicinity of 4313
a school or in the vicinity of a juvenile, trafficking in drugs 4314
is a felony of the first degree, and the court shall impose as a 4315
mandatory prison term ~~one of the prison terms prescribed for a~~ 4316
~~felony of the first degree~~ a first degree felony mandatory 4317
prison term. 4318

(3) If the drug involved in the violation is marihuana or 4319
a compound, mixture, preparation, or substance containing 4320
marihuana other than hashish, whoever violates division (A) of 4321
this section is guilty of trafficking in marihuana. The penalty 4322
for the offense shall be determined as follows: 4323

(a) Except as otherwise provided in division (C) (3) (b), 4324
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4325
marihuana is a felony of the fifth degree, and division (B) of 4326
section 2929.13 of the Revised Code applies in determining 4327
whether to impose a prison term on the offender. 4328

(b) Except as otherwise provided in division (C) (3) (c), 4329
(d), (e), (f), (g), or (h) of this section, if the offense was 4330
committed in the vicinity of a school or in the vicinity of a 4331
juvenile, trafficking in marihuana is a felony of the fourth 4332
degree, and division (B) of section 2929.13 of the Revised Code 4333
applies in determining whether to impose a prison term on the 4334
offender. 4335

(c) Except as otherwise provided in this division, if the 4336
amount of the drug involved equals or exceeds two hundred grams 4337
but is less than one thousand grams, trafficking in marihuana is 4338
a felony of the fourth degree, and division (B) of section 4339
2929.13 of the Revised Code applies in determining whether to 4340
impose a prison term on the offender. If the amount of the drug 4341

involved is within that range and if the offense was committed 4342
in the vicinity of a school or in the vicinity of a juvenile, 4343
trafficking in marihuana is a felony of the third degree, and 4344
division (C) of section 2929.13 of the Revised Code applies in 4345
determining whether to impose a prison term on the offender. 4346

(d) Except as otherwise provided in this division, if the 4347
amount of the drug involved equals or exceeds one thousand grams 4348
but is less than five thousand grams, trafficking in marihuana 4349
is a felony of the third degree, and division (C) of section 4350
2929.13 of the Revised Code applies in determining whether to 4351
impose a prison term on the offender. If the amount of the drug 4352
involved is within that range and if the offense was committed 4353
in the vicinity of a school or in the vicinity of a juvenile, 4354
trafficking in marihuana is a felony of the second degree, and 4355
there is a presumption that a prison term shall be imposed for 4356
the offense. 4357

(e) Except as otherwise provided in this division, if the 4358
amount of the drug involved equals or exceeds five thousand 4359
grams but is less than twenty thousand grams, trafficking in 4360
marihuana is a felony of the third degree, and there is a 4361
presumption that a prison term shall be imposed for the offense. 4362
If the amount of the drug involved is within that range and if 4363
the offense was committed in the vicinity of a school or in the 4364
vicinity of a juvenile, trafficking in marihuana is a felony of 4365
the second degree, and there is a presumption that a prison term 4366
shall be imposed for the offense. 4367

(f) Except as otherwise provided in this division, if the 4368
amount of the drug involved equals or exceeds twenty thousand 4369
grams but is less than forty thousand grams, trafficking in 4370
marihuana is a felony of the second degree, and the court shall 4371

impose as a mandatory prison term a second degree felony 4372
mandatory prison term of five, six, seven, or eight years. If 4373
the amount of the drug involved is within that range and if the 4374
offense was committed in the vicinity of a school or in the 4375
vicinity of a juvenile, trafficking in marihuana is a felony of 4376
the first degree, and the court shall impose as a mandatory 4377
prison term ~~the maximum prison term prescribed for a felony of~~ 4378
~~the first degree~~ a maximum first degree felony mandatory prison 4379
term. 4380

(g) Except as otherwise provided in this division, if the 4381
amount of the drug involved equals or exceeds forty thousand 4382
grams, trafficking in marihuana is a felony of the second 4383
degree, and the court shall impose as a mandatory prison term 4384
~~the maximum prison term prescribed for a felony of the second~~ 4385
~~degree~~ a maximum second degree felony mandatory prison term. If 4386
the amount of the drug involved equals or exceeds forty thousand 4387
grams and if the offense was committed in the vicinity of a 4388
school or in the vicinity of a juvenile, trafficking in 4389
marihuana is a felony of the first degree, and the court shall 4390
impose as a mandatory prison term ~~the maximum prison term~~ 4391
~~prescribed for a felony of the first degree~~ a maximum first 4392
degree felony mandatory prison term. 4393

(h) Except as otherwise provided in this division, if the 4394
offense involves a gift of twenty grams or less of marihuana, 4395
trafficking in marihuana is a minor misdemeanor upon a first 4396
offense and a misdemeanor of the third degree upon a subsequent 4397
offense. If the offense involves a gift of twenty grams or less 4398
of marihuana and if the offense was committed in the vicinity of 4399
a school or in the vicinity of a juvenile, trafficking in 4400
marihuana is a misdemeanor of the third degree. 4401

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

(a) Except as otherwise provided in division (C) (4) (b), (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 4432
this division, there is a presumption for a prison term for the 4433
offense. If trafficking in cocaine is a felony of the third 4434
degree under this division and if the offender two or more times 4435
previously has been convicted of or pleaded guilty to a felony 4436
drug abuse offense, the court shall impose as a mandatory prison 4437
term one of the prison terms prescribed for a felony of the 4438
third degree. If the amount of the drug involved is within that 4439
range and if the offense was committed in the vicinity of a 4440
school or in the vicinity of a juvenile, trafficking in cocaine 4441
is a felony of the second degree, and the court shall impose as 4442
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4443
~~felony of the second degree~~ a second degree felony mandatory 4444
prison term. 4445

(e) Except as otherwise provided in this division, if the 4446
amount of the drug involved equals or exceeds twenty grams but 4447
is less than twenty-seven grams of cocaine, trafficking in 4448
cocaine is a felony of the second degree, and the court shall 4449
impose as a mandatory prison term ~~one of the prison terms~~ 4450
~~prescribed for a felony of the second degree~~ a second degree 4451
felony mandatory prison term. If the amount of the drug involved 4452
is within that range and if the offense was committed in the 4453
vicinity of a school or in the vicinity of a juvenile, 4454
trafficking in cocaine is a felony of the first degree, and the 4455
court shall impose as a mandatory prison term ~~one of the prison~~ 4456
~~terms prescribed for a felony of the first degree~~ a first degree 4457
felony mandatory prison term. 4458

(f) If the amount of the drug involved equals or exceeds 4459
twenty-seven grams but is less than one hundred grams of cocaine 4460
and regardless of whether the offense was committed in the 4461
vicinity of a school or in the vicinity of a juvenile, 4462

trafficking in cocaine is a felony of the first degree, and the 4463
court shall impose as a mandatory prison term ~~one of the prison~~ 4464
~~terms prescribed for a felony of the first degree~~ a first degree 4465
felony mandatory prison term. 4466

(g) If the amount of the drug involved equals or exceeds 4467
one hundred grams of cocaine and regardless of whether the 4468
offense was committed in the vicinity of a school or in the 4469
vicinity of a juvenile, trafficking in cocaine is a felony of 4470
the first degree, the offender is a major drug offender, and the 4471
court shall impose as a mandatory prison term ~~the maximum prison~~ 4472
~~term prescribed for a felony of the first degree~~ a maximum first 4473
degree felony mandatory prison term. 4474

(5) If the drug involved in the violation is L.S.D. or a 4475
compound, mixture, preparation, or substance containing L.S.D., 4476
whoever violates division (A) of this section is guilty of 4477
trafficking in L.S.D. The penalty for the offense shall be 4478
determined as follows: 4479

(a) Except as otherwise provided in division (C) (5) (b), 4480
(c), (d), (e), (f), or (g) of this section, trafficking in 4481
L.S.D. is a felony of the fifth degree, and division (B) of 4482
section 2929.13 of the Revised Code applies in determining 4483
whether to impose a prison term on the offender. 4484

(b) Except as otherwise provided in division (C) (5) (c), 4485
(d), (e), (f), or (g) of this section, if the offense was 4486
committed in the vicinity of a school or in the vicinity of a 4487
juvenile, trafficking in L.S.D. is a felony of the fourth 4488
degree, and division (C) of section 2929.13 of the Revised Code 4489
applies in determining whether to impose a prison term on the 4490
offender. 4491

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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 L.S.D. 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 fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. 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 L.S.D. 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 third degree. 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 L.S.D. 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 4523
prison term. 4524

(e) Except as otherwise provided in this division, if the 4525
amount of the drug involved equals or exceeds two hundred fifty 4526
unit doses but is less than one thousand unit doses of L.S.D. in 4527
a solid form or equals or exceeds twenty-five grams but is less 4528
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4529
extract, or liquid distillate form, trafficking in L.S.D. is a 4530
felony of the second degree, and the court shall impose as a 4531
mandatory prison term ~~one of the prison terms prescribed for a~~ 4532
~~felony of the second degree~~ a second degree felony mandatory 4533
prison term. If the amount of the drug involved is within that 4534
range and if the offense was committed in the vicinity of a 4535
school or in the vicinity of a juvenile, trafficking in L.S.D. 4536
is a felony of the first degree, and the court shall impose as a 4537
mandatory prison term ~~one of the prison terms prescribed for a~~ 4538
~~felony of the first degree~~ a first degree felony mandatory 4539
prison term. 4540

(f) If the amount of the drug involved equals or exceeds 4541
one thousand unit doses but is less than five thousand unit 4542
doses of L.S.D. in a solid form or equals or exceeds one hundred 4543
grams but is less than five hundred grams of L.S.D. in a liquid 4544
concentrate, liquid extract, or liquid distillate form and 4545
regardless of whether the offense was committed in the vicinity 4546
of a school or in the vicinity of a juvenile, trafficking in 4547
L.S.D. is a felony of the first degree, and the court shall 4548
impose as a mandatory prison term ~~one of the prison terms~~ 4549
~~prescribed for a felony of the first degree~~ a first degree 4550
felony mandatory prison term. 4551

(g) If the amount of the drug involved equals or exceeds 4552

five thousand unit doses of L.S.D. in a solid form or equals or 4553
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4554
liquid extract, or liquid distillate form and regardless of 4555
whether the offense was committed in the vicinity of a school or 4556
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4557
of the first degree, the offender is a major drug offender, and 4558
the court shall impose as a mandatory prison term ~~the maximum~~ 4559
~~prison term prescribed for a felony of the first degree~~ a 4560
maximum first degree felony mandatory prison term. 4561

(6) If the drug involved in the violation is heroin or a 4562
compound, mixture, preparation, or substance containing heroin, 4563
whoever violates division (A) of this section is guilty of 4564
trafficking in heroin. The penalty for the offense shall be 4565
determined as follows: 4566

(a) Except as otherwise provided in division (C) (6) (b), 4567
(c), (d), (e), (f), or (g) of this section, trafficking in 4568
heroin is a felony of the fifth degree, and division (B) of 4569
section 2929.13 of the Revised Code applies in determining 4570
whether to impose a prison term on the offender. 4571

(b) Except as otherwise provided in division (C) (6) (c), 4572
(d), (e), (f), or (g) of this section, if the offense was 4573
committed in the vicinity of a school or in the vicinity of a 4574
juvenile, trafficking in heroin is a felony of the fourth 4575
degree, and division (C) of section 2929.13 of the Revised Code 4576
applies in determining whether to impose a prison term on the 4577
offender. 4578

(c) Except as otherwise provided in this division, if the 4579
amount of the drug involved equals or exceeds ten unit doses but 4580
is less than fifty unit doses or equals or exceeds one gram but 4581
is less than five grams, trafficking in heroin is a felony of 4582

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 heroin 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 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 4614
five hundred unit doses but is less than one thousand unit doses 4615
or equals or exceeds fifty grams but is less than one hundred 4616
grams and regardless of whether the offense was committed in the 4617
vicinity of a school or in the vicinity of a juvenile, 4618
trafficking in heroin is a felony of the first degree, and the 4619
court shall impose as a mandatory prison term ~~one of the prison-~~ 4620
~~terms prescribed for a felony of the first degree~~ a first degree 4621
felony mandatory prison term. 4622

(g) If the amount of the drug involved equals or exceeds 4623
one thousand unit doses or equals or exceeds one hundred grams 4624
and regardless of whether the offense was committed in the 4625
vicinity of a school or in the vicinity of a juvenile, 4626
trafficking in heroin is a felony of the first degree, the 4627
offender is a major drug offender, and the court shall impose as 4628
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4629
~~felony of the first degree~~ a maximum first degree felony 4630
mandatory prison term. 4631

(7) If the drug involved in the violation is hashish or a 4632
compound, mixture, preparation, or substance containing hashish, 4633
whoever violates division (A) of this section is guilty of 4634
trafficking in hashish. The penalty for the offense shall be 4635
determined as follows: 4636

(a) Except as otherwise provided in division (C) (7) (b), 4637
(c), (d), (e), (f), or (g) of this section, trafficking in 4638
hashish is a felony of the fifth degree, and division (B) of 4639
section 2929.13 of the Revised Code applies in determining 4640
whether to impose a prison term on the offender. 4641

(b) Except as otherwise provided in division (C) (7) (c), 4642
(d), (e), (f), or (g) of this section, if the offense was 4643

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish 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 on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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 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 hashish 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.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish 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 hashish is a felony of the second degree, and there is a presumption

that a prison term shall be imposed for the offense. 4675

(e) Except as otherwise provided in this division, if the 4676
amount of the drug involved equals or exceeds two hundred fifty 4677
grams but is less than one thousand grams of hashish in a solid 4678
form or equals or exceeds fifty grams but is less than two 4679
hundred grams of hashish in a liquid concentrate, liquid 4680
extract, or liquid distillate form, trafficking in hashish is a 4681
felony of the third degree, and there is a presumption that a 4682
prison term shall be imposed for the offense. If the amount of 4683
the drug involved is within that range and if the offense was 4684
committed in the vicinity of a school or in the vicinity of a 4685
juvenile, trafficking in hashish is a felony of the second 4686
degree, and there is a presumption that a prison term shall be 4687
imposed for the offense. 4688

(f) Except as otherwise provided in this division, if the 4689
amount of the drug involved equals or exceeds one thousand grams 4690
but is less than two thousand grams of hashish in a solid form 4691
or equals or exceeds two hundred grams but is less than four 4692
hundred grams of hashish in a liquid concentrate, liquid 4693
extract, or liquid distillate form, trafficking in hashish is a 4694
felony of the second degree, and the court shall impose as a 4695
mandatory prison term a second degree felony mandatory prison 4696
term of five, six, seven, or eight years. If the amount of the 4697
drug involved is within that range and if the offense was 4698
committed in the vicinity of a school or in the vicinity of a 4699
juvenile, trafficking in hashish is a felony of the first 4700
degree, and the court shall impose as a mandatory prison term 4701
~~the maximum prison term prescribed for a felony of the first-~~ 4702
~~degree a maximum first degree felony mandatory prison term.~~ 4703

(g) Except as otherwise provided in this division, if the 4704

amount of the drug involved equals or exceeds two thousand grams 4705
of hashish in a solid form or equals or exceeds four hundred 4706
grams of hashish in a liquid concentrate, liquid extract, or 4707
liquid distillate form, trafficking in hashish is a felony of 4708
the second degree, and the court shall impose as a mandatory 4709
prison term ~~the maximum prison term prescribed for a felony of~~ 4710
~~the second degree~~ a maximum second degree felony mandatory 4711
prison term. If the amount of the drug involved equals or 4712
exceeds two thousand grams of hashish in a solid form or equals 4713
or exceeds four hundred grams of hashish in a liquid 4714
concentrate, liquid extract, or liquid distillate form and if 4715
the offense was committed in the vicinity of a school or in the 4716
vicinity of a juvenile, trafficking in hashish is a felony of 4717
the first degree, and the court shall impose as a mandatory 4718
prison term ~~the maximum prison term prescribed for a felony of~~ 4719
~~the first degree~~ a maximum first degree felony mandatory prison 4720
term. 4721

(8) If the drug involved in the violation is a controlled 4722
substance analog or compound, mixture, preparation, or substance 4723
that contains a controlled substance analog, whoever violates 4724
division (A) of this section is guilty of trafficking in a 4725
controlled substance analog. The penalty for the offense shall 4726
be determined as follows: 4727

(a) Except as otherwise provided in division (C) (8) (b), 4728
(c), (d), (e), (f), or (g) of this section, trafficking in a 4729
controlled substance analog is a felony of the fifth degree, and 4730
division (C) of section 2929.13 of the Revised Code applies in 4731
determining whether to impose a prison term on the offender. 4732

(b) Except as otherwise provided in division (C) (8) (c), 4733
(d), (e), (f), or (g) of this section, if the offense was 4734

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog 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 ten grams but is less than twenty grams, trafficking in a controlled substance analog 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 a controlled substance analog 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 twenty grams but is less than thirty grams, trafficking in a controlled substance analog 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 a controlled substance analog 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 thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall

impose as a mandatory prison term ~~one of the prison terms~~ 4765
~~prescribed for a felony of the second degree~~ a second degree 4766
felony mandatory prison term. If the amount of the drug involved 4767
is within that range and if the offense was committed in the 4768
vicinity of a school or in the vicinity of a juvenile, 4769
trafficking in a controlled substance analog is a felony of the 4770
first degree, and the court shall impose as a mandatory prison 4771
term ~~one of the prison terms prescribed for a felony of the~~ 4772
~~first degree~~ a first degree felony mandatory prison term. 4773

(f) If the amount of the drug involved equals or exceeds 4774
forty grams but is less than fifty grams and regardless of 4775
whether the offense was committed in the vicinity of a school or 4776
in the vicinity of a juvenile, trafficking in a controlled 4777
substance analog is a felony of the first degree, and the court 4778
shall impose as a mandatory prison term ~~one of the prison terms~~ 4779
~~prescribed for a felony of the first degree~~ a first degree 4780
felony mandatory prison term. 4781

(g) If the amount of the drug involved equals or exceeds 4782
fifty grams and regardless of whether the offense was committed 4783
in the vicinity of a school or in the vicinity of a juvenile, 4784
trafficking in a controlled substance analog is a felony of the 4785
first degree, the offender is a major drug offender, and the 4786
court shall impose as a mandatory prison term ~~the maximum prison~~ 4787
~~term prescribed for a felony of the first degree~~ a maximum first 4788
degree felony mandatory prison term. 4789

(D) In addition to any prison term authorized or required 4790
by division (C) of this section and sections 2929.13 and 2929.14 4791
of the Revised Code, and in addition to any other sanction 4792
imposed for the offense under this section or sections 2929.11 4793
to 2929.18 of the Revised Code, the court that sentences an 4794

offender who is convicted of or pleads guilty to a violation of 4795
division (A) of this section may suspend the driver's or 4796
commercial driver's license or permit of the offender in 4797
accordance with division (G) of this section. However, if the 4798
offender pleaded guilty to or was convicted of a violation of 4799
section 4511.19 of the Revised Code or a substantially similar 4800
municipal ordinance or the law of another state or the United 4801
States arising out of the same set of circumstances as the 4802
violation, the court shall suspend the offender's driver's or 4803
commercial driver's license or permit in accordance with 4804
division (G) of this section. If applicable, the court also 4805
shall do the following: 4806

(1) If the violation of division (A) of this section is a 4807
felony of the first, second, or third degree, the court shall 4808
impose upon the offender the mandatory fine specified for the 4809
offense under division (B)(1) of section 2929.18 of the Revised 4810
Code unless, as specified in that division, the court determines 4811
that the offender is indigent. Except as otherwise provided in 4812
division (H)(1) of this section, a mandatory fine or any other 4813
fine imposed for a violation of this section is subject to 4814
division (F) of this section. If a person is charged with a 4815
violation of this section that is a felony of the first, second, 4816
or third degree, posts bail, and forfeits the bail, the clerk of 4817
the court shall pay the forfeited bail pursuant to divisions (D) 4818
(1) and (F) of this section, as if the forfeited bail was a fine 4819
imposed for a violation of this section. If any amount of the 4820
forfeited bail remains after that payment and if a fine is 4821
imposed under division (H)(1) of this section, the clerk of the 4822
court shall pay the remaining amount of the forfeited bail 4823
pursuant to divisions (H)(2) and (3) of this section, as if that 4824
remaining amount was a fine imposed under division (H)(1) of 4825

this section. 4826

(2) If the offender is a professionally licensed person, 4827
the court immediately shall comply with section 2925.38 of the 4828
Revised Code. 4829

(E) When a person is charged with the sale of or offer to 4830
sell a bulk amount or a multiple of a bulk amount of a 4831
controlled substance, the jury, or the court trying the accused, 4832
shall determine the amount of the controlled substance involved 4833
at the time of the offense and, if a guilty verdict is returned, 4834
shall return the findings as part of the verdict. In any such 4835
case, it is unnecessary to find and return the exact amount of 4836
the controlled substance involved, and it is sufficient if the 4837
finding and return is to the effect that the amount of the 4838
controlled substance involved is the requisite amount, or that 4839
the amount of the controlled substance involved is less than the 4840
requisite amount. 4841

(F) (1) Notwithstanding any contrary provision of section 4842
3719.21 of the Revised Code and except as provided in division 4843
(H) of this section, the clerk of the court shall pay any 4844
mandatory fine imposed pursuant to division (D) (1) of this 4845
section and any fine other than a mandatory fine that is imposed 4846
for a violation of this section pursuant to division (A) or (B) 4847
(5) of section 2929.18 of the Revised Code to the county, 4848
township, municipal corporation, park district, as created 4849
pursuant to section 511.18 or 1545.04 of the Revised Code, or 4850
state law enforcement agencies in this state that primarily were 4851
responsible for or involved in making the arrest of, and in 4852
prosecuting, the offender. However, the clerk shall not pay a 4853
mandatory fine so imposed to a law enforcement agency unless the 4854
agency has adopted a written internal control policy under 4855

division (F) (2) of this section that addresses the use of the 4856
fine moneys that it receives. Each agency shall use the 4857
mandatory fines so paid to subsidize the agency's law 4858
enforcement efforts that pertain to drug offenses, in accordance 4859
with the written internal control policy adopted by the 4860
recipient agency under division (F) (2) of this section. 4861

(2) Prior to receiving any fine moneys under division (F) 4862
(1) of this section or division (B) of section 2925.42 of the 4863
Revised Code, a law enforcement agency shall adopt a written 4864
internal control policy that addresses the agency's use and 4865
disposition of all fine moneys so received and that provides for 4866
the keeping of detailed financial records of the receipts of 4867
those fine moneys, the general types of expenditures made out of 4868
those fine moneys, and the specific amount of each general type 4869
of expenditure. The policy shall not provide for or permit the 4870
identification of any specific expenditure that is made in an 4871
ongoing investigation. All financial records of the receipts of 4872
those fine moneys, the general types of expenditures made out of 4873
those fine moneys, and the specific amount of each general type 4874
of expenditure by an agency are public records open for 4875
inspection under section 149.43 of the Revised Code. 4876
Additionally, a written internal control policy adopted under 4877
this division is such a public record, and the agency that 4878
adopted it shall comply with it. 4879

(3) As used in division (F) of this section: 4880

(a) "Law enforcement agencies" includes, but is not 4881
limited to, the state board of pharmacy and the office of a 4882
prosecutor. 4883

(b) "Prosecutor" has the same meaning as in section 4884
2935.01 of the Revised Code. 4885

(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.

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

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

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13

and 2929.14 of the Revised Code, in addition to any other 4916
penalty or sanction imposed for the offense under this section 4917
or sections 2929.11 to 2929.18 of the Revised Code, and in 4918
addition to the forfeiture of property in connection with the 4919
offense as prescribed in Chapter 2981. of the Revised Code, the 4920
court that sentences an offender who is convicted of or pleads 4921
guilty to a violation of division (A) of this section may impose 4922
upon the offender an additional fine specified for the offense 4923
in division (B) (4) of section 2929.18 of the Revised Code. A 4924
fine imposed under division (H) (1) of this section is not 4925
subject to division (F) of this section and shall be used solely 4926
for the support of one or more eligible community addiction 4927
services providers in accordance with divisions (H) (2) and (3) 4928
of this section. 4929

(2) The court that imposes a fine under division (H) (1) of 4930
this section shall specify in the judgment that imposes the fine 4931
one or more eligible community addiction services providers for 4932
the support of which the fine money is to be used. No community 4933
addiction services provider shall receive or use money paid or 4934
collected in satisfaction of a fine imposed under division (H) 4935
(1) of this section unless the services provider is specified in 4936
the judgment that imposes the fine. No community addiction 4937
services provider shall be specified in the judgment unless the 4938
services provider is an eligible community addiction services 4939
provider and, except as otherwise provided in division (H) (2) of 4940
this section, unless the services provider is located in the 4941
county in which the court that imposes the fine is located or in 4942
a county that is immediately contiguous to the county in which 4943
that court is located. If no eligible community addiction 4944
services provider is located in any of those counties, the 4945
judgment may specify an eligible community addiction services 4946

provider that is located anywhere within this state. 4947

(3) Notwithstanding any contrary provision of section 4948
3719.21 of the Revised Code, the clerk of the court shall pay 4949
any fine imposed under division (H) (1) of this section to the 4950
eligible community addiction services provider specified 4951
pursuant to division (H) (2) of this section in the judgment. The 4952
eligible community addiction services provider that receives the 4953
fine moneys shall use the moneys only for the alcohol and drug 4954
addiction services identified in the application for 4955
certification of services under section 5119.36 of the Revised 4956
Code or in the application for a license under section 5119.391 4957
of the Revised Code filed with the department of mental health 4958
and addiction services by the community addiction services 4959
provider specified in the judgment. 4960

(4) Each community addiction services provider that 4961
receives in a calendar year any fine moneys under division (H) 4962
(3) of this section shall file an annual report covering that 4963
calendar year with the court of common pleas and the board of 4964
county commissioners of the county in which the services 4965
provider is located, with the court of common pleas and the 4966
board of county commissioners of each county from which the 4967
services provider received the moneys if that county is 4968
different from the county in which the services provider is 4969
located, and with the attorney general. The community addiction 4970
services provider shall file the report no later than the first 4971
day of March in the calendar year following the calendar year in 4972
which the services provider received the fine moneys. The report 4973
shall include statistics on the number of persons served by the 4974
community addiction services provider, identify the types of 4975
alcohol and drug addiction services provided to those persons, 4976
and include a specific accounting of the purposes for which the 4977

fine moneys received were used. No information contained in the 4978
report shall identify, or enable a person to determine the 4979
identity of, any person served by the community addiction 4980
services provider. Each report received by a court of common 4981
pleas, a board of county commissioners, or the attorney general 4982
is a public record open for inspection under section 149.43 of 4983
the Revised Code. 4984

(5) As used in divisions (H) (1) to (5) of this section: 4985

(a) "Community addiction services provider" and "alcohol 4986
and drug addiction services" have the same meanings as in 4987
section 5119.01 of the Revised Code. 4988

(b) "Eligible community addiction services provider" means 4989
a community addiction services provider, as defined in section 4990
5119.01 of the Revised Code, or a community addiction services 4991
provider that maintains a methadone treatment program licensed 4992
under section 5119.391 of the Revised Code. 4993

(I) As used in this section, "drug" includes any substance 4994
that is represented to be a drug. 4995

(J) It is an affirmative defense to a charge of 4996
trafficking in a controlled substance analog under division (C) 4997
(8) of this section that the person charged with violating that 4998
offense sold or offered to sell, or prepared for shipment, 4999
shipped, transported, delivered, prepared for distribution, or 5000
distributed an item described in division (HH) (2) (a), (b), or 5001
(c) of section 3719.01 of the Revised Code. 5002

Sec. 2925.04. (A) No person shall knowingly cultivate 5003
marihuana or knowingly manufacture or otherwise engage in any 5004
part of the production of a controlled substance. 5005

(B) This section does not apply to any person listed in 5006

division (B) (1), (2), or (3) of section 2925.03 of the Revised 5007
Code to the extent and under the circumstances described in 5008
those divisions. 5009

(C) (1) Whoever commits a violation of division (A) of this 5010
section that involves any drug other than marihuana is guilty of 5011
illegal manufacture of drugs, and whoever commits a violation of 5012
division (A) of this section that involves marihuana is guilty 5013
of illegal cultivation of marihuana. 5014

(2) Except as otherwise provided in this division, if the 5015
drug involved in the violation of division (A) of this section 5016
is any compound, mixture, preparation, or substance included in 5017
schedule I or II, with the exception of methamphetamine or 5018
marihuana, illegal manufacture of drugs is a felony of the 5019
second degree, and, subject to division (E) of this section, the 5020
court shall impose as a mandatory prison term ~~one of the prison-~~ 5021
~~terms prescribed for a felony of the second degree~~ a second 5022
degree felony mandatory prison term. 5023

If the drug involved in the violation is any compound, 5024
mixture, preparation, or substance included in schedule I or II, 5025
with the exception of methamphetamine or marihuana, and if the 5026
offense was committed in the vicinity of a juvenile or in the 5027
vicinity of a school, illegal manufacture of drugs is a felony 5028
of the first degree, and, subject to division (E) of this 5029
section, the court shall impose as a mandatory prison term ~~one-~~ 5030
~~of the prison terms prescribed for a felony of the first degree-~~ 5031
a first degree felony mandatory prison term. 5032

(3) If the drug involved in the violation of division (A) 5033
of this section is methamphetamine, the penalty for the 5034
violation shall be determined as follows: 5035

(a) Except as otherwise provided in division (C) (3) (b) of 5036
this section, if the drug involved in the violation is 5037
methamphetamine, illegal manufacture of drugs is a felony of the 5038
second degree, and, subject to division (E) of this section, the 5039
court shall impose a mandatory prison term on the offender 5040
determined in accordance with this division. Except as otherwise 5041
provided in this division, the court shall impose as a mandatory 5042
prison term ~~one of the prison terms prescribed for a felony of~~ 5043
~~the second degree~~ a second degree felony mandatory prison term 5044
that is not less than three years. If the offender previously 5045
has been convicted of or pleaded guilty to a violation of 5046
division (A) of this section, a violation of division (B) (6) of 5047
section 2919.22 of the Revised Code, or a violation of division 5048
(A) of section 2925.041 of the Revised Code, the court shall 5049
impose as a mandatory prison term ~~one of the prison terms~~ 5050
~~prescribed for a felony of the second degree~~ a second degree 5051
felony mandatory prison term that is not less than five years. 5052

(b) If the drug involved in the violation is 5053
methamphetamine and if the offense was committed in the vicinity 5054
of a juvenile, in the vicinity of a school, or on public 5055
premises, illegal manufacture of drugs is a felony of the first 5056
degree, and, subject to division (E) of this section, the court 5057
shall impose a mandatory prison term on the offender determined 5058
in accordance with this division. Except as otherwise provided 5059
in this division, the court shall impose as a mandatory prison 5060
term ~~one of the prison terms prescribed for a felony of the~~ 5061
~~first degree~~ a first degree felony mandatory prison term that is 5062
not less than four years. If the offender previously has been 5063
convicted of or pleaded guilty to a violation of division (A) of 5064
this section, a violation of division (B) (6) of section 2919.22 5065
of the Revised Code, or a violation of division (A) of section 5066

2925.041 of the Revised Code, the court shall impose as a 5067
mandatory prison term ~~one of the prison terms prescribed for a~~ 5068
~~felony of the first degree~~ a first degree felony mandatory 5069
prison term that is not less than five years. 5070

(4) If the drug involved in the violation of division (A) 5071
of this section is any compound, mixture, preparation, or 5072
substance included in schedule III, IV, or V, illegal 5073
manufacture of drugs is a felony of the third degree or, if the 5074
offense was committed in the vicinity of a school or in the 5075
vicinity of a juvenile, a felony of the second degree, and there 5076
is a presumption for a prison term for the offense. 5077

(5) If the drug involved in the violation is marihuana, 5078
the penalty for the offense shall be determined as follows: 5079

(a) Except as otherwise provided in division (C) (5) (b), 5080
(c), (d), (e), or (f) of this section, illegal cultivation of 5081
marihuana is a minor misdemeanor or, if the offense was 5082
committed in the vicinity of a school or in the vicinity of a 5083
juvenile, a misdemeanor of the fourth degree. 5084

(b) If the amount of marihuana involved equals or exceeds 5085
one hundred grams but is less than two hundred grams, illegal 5086
cultivation of marihuana is a misdemeanor of the fourth degree 5087
or, if the offense was committed in the vicinity of a school or 5088
in the vicinity of a juvenile, a misdemeanor of the third 5089
degree. 5090

(c) If the amount of marihuana involved equals or exceeds 5091
two hundred grams but is less than one thousand grams, illegal 5092
cultivation of marihuana is a felony of the fifth degree or, if 5093
the offense was committed in the vicinity of a school or in the 5094
vicinity of a juvenile, a felony of the fourth degree, and 5095

division (B) of section 2929.13 of the Revised Code applies in 5096
determining whether to impose a prison term on the offender. 5097

(d) If the amount of marihuana involved equals or exceeds 5098
one thousand grams but is less than five thousand grams, illegal 5099
cultivation of marihuana is a felony of the third degree or, if 5100
the offense was committed in the vicinity of a school or in the 5101
vicinity of a juvenile, a felony of the second degree, and 5102
division (C) of section 2929.13 of the Revised Code applies in 5103
determining whether to impose a prison term on the offender. 5104

(e) If the amount of marihuana involved equals or exceeds 5105
five thousand grams but is less than twenty thousand grams, 5106
illegal cultivation of marihuana is a felony of the third degree 5107
or, if the offense was committed in the vicinity of a school or 5108
in the vicinity of a juvenile, a felony of the second degree, 5109
and there is a presumption for a prison term for the offense. 5110

(f) Except as otherwise provided in this division, if the 5111
amount of marihuana involved equals or exceeds twenty thousand 5112
grams, illegal cultivation of marihuana is a felony of the 5113
second degree, and the court shall impose as a mandatory prison 5114
~~term the maximum prison term prescribed for a felony of the~~ 5115
~~second degree a maximum second degree felony mandatory prison~~ 5116
term. If the amount of the drug involved equals or exceeds 5117
twenty thousand grams and if the offense was committed in the 5118
vicinity of a school or in the vicinity of a juvenile, illegal 5119
cultivation of marihuana is a felony of the first degree, and 5120
the court shall impose as a mandatory prison term ~~the maximum~~ 5121
~~prison term prescribed for a felony of the first degree a~~ 5122
maximum first degree felony mandatory prison term. 5123

(D) In addition to any prison term authorized or required 5124
by division (C) or (E) of this section and sections 2929.13 and 5125

2929.14 of the Revised Code and in addition to any other 5126
sanction imposed for the offense under this section or sections 5127
2929.11 to 2929.18 of the Revised Code, the court that sentences 5128
an offender who is convicted of or pleads guilty to a violation 5129
of division (A) of this section may suspend the offender's 5130
driver's or commercial driver's license or permit in accordance 5131
with division (G) of section 2925.03 of the Revised Code. 5132
However, if the offender pleaded guilty to or was convicted of a 5133
violation of section 4511.19 of the Revised Code or a 5134
substantially similar municipal ordinance or the law of another 5135
state or the United States arising out of the same set of 5136
circumstances as the violation, the court shall suspend the 5137
offender's driver's or commercial driver's license or permit in 5138
accordance with division (G) of section 2925.03 of the Revised 5139
Code. If applicable, the court also shall do the following: 5140

(1) If the violation of division (A) of this section is a 5141
felony of the first, second, or third degree, the court shall 5142
impose upon the offender the mandatory fine specified for the 5143
offense under division (B)(1) of section 2929.18 of the Revised 5144
Code unless, as specified in that division, the court determines 5145
that the offender is indigent. The clerk of the court shall pay 5146
a mandatory fine or other fine imposed for a violation of this 5147
section pursuant to division (A) of section 2929.18 of the 5148
Revised Code in accordance with and subject to the requirements 5149
of division (F) of section 2925.03 of the Revised Code. The 5150
agency that receives the fine shall use the fine as specified in 5151
division (F) of section 2925.03 of the Revised Code. If a person 5152
is charged with a violation of this section that is a felony of 5153
the first, second, or third degree, posts bail, and forfeits the 5154
bail, the clerk shall pay the forfeited bail as if the forfeited 5155
bail were a fine imposed for a violation of this section. 5156

(2) If the offender is a professionally licensed person, 5157
the court immediately shall comply with section 2925.38 of the 5158
Revised Code. 5159

(E) Notwithstanding the prison term otherwise authorized 5160
or required for the offense under division (C) of this section 5161
and sections 2929.13 and 2929.14 of the Revised Code, if the 5162
violation of division (A) of this section involves the sale, 5163
offer to sell, or possession of a schedule I or II controlled 5164
substance, with the exception of marihuana, and if the court 5165
imposing sentence upon the offender finds that the offender as a 5166
result of the violation is a major drug offender and is guilty 5167
of a specification of the type described in section 2941.1410 of 5168
the Revised Code, the court, in lieu of the prison term 5169
otherwise authorized or required, shall impose upon the offender 5170
the mandatory prison term specified in division (B) (3) of 5171
section 2929.14 of the Revised Code. 5172

(F) It is an affirmative defense, as provided in section 5173
2901.05 of the Revised Code, to a charge under this section for 5174
a fifth degree felony violation of illegal cultivation of 5175
marihuana that the marihuana that gave rise to the charge is in 5176
an amount, is in a form, is prepared, compounded, or mixed with 5177
substances that are not controlled substances in a manner, or is 5178
possessed or cultivated under any other circumstances that 5179
indicate that the marihuana was solely for personal use. 5180

Notwithstanding any contrary provision of division (F) of 5181
this section, if, in accordance with section 2901.05 of the 5182
Revised Code, a person who is charged with a violation of 5183
illegal cultivation of marihuana that is a felony of the fifth 5184
degree sustains the burden of going forward with evidence of and 5185
establishes by a preponderance of the evidence the affirmative 5186

defense described in this division, the person may be prosecuted 5187
for and may be convicted of or plead guilty to a misdemeanor 5188
violation of illegal cultivation of marihuana. 5189

(G) Arrest or conviction for a minor misdemeanor violation 5190
of this section does not constitute a criminal record and need 5191
not be reported by the person so arrested or convicted in 5192
response to any inquiries about the person's criminal record, 5193
including any inquiries contained in an application for 5194
employment, a license, or any other right or privilege or made 5195
in connection with the person's appearance as a witness. 5196

(H) (1) If the sentencing court suspends the offender's 5197
driver's or commercial driver's license or permit under this 5198
section in accordance with division (G) of section 2925.03 of 5199
the Revised Code, the offender may request termination of, and 5200
the court may terminate, the suspension of the offender in 5201
accordance with that division. 5202

(2) Any offender who received a mandatory suspension of 5203
the offender's driver's or commercial driver's license or permit 5204
under this section prior to ~~the effective date of this amendment~~ 5205
September 13, 2016, may file a motion with the sentencing court 5206
requesting the termination of the suspension. However, an 5207
offender who pleaded guilty to or was convicted of a violation 5208
of section 4511.19 of the Revised Code or a substantially 5209
similar municipal ordinance or law of another state or the 5210
United States that arose out of the same set of circumstances as 5211
the violation for which the offender's license or permit was 5212
suspended under this section shall not file such a motion. 5213

Upon the filing of a motion under division (H) (2) of this 5214
section, the sentencing court, in its discretion, may terminate 5215
the suspension. 5216

Sec. 2925.041. (A) No person shall knowingly assemble or 5217
possess one or more chemicals that may be used to manufacture a 5218
controlled substance in schedule I or II with the intent to 5219
manufacture a controlled substance in schedule I or II in 5220
violation of section 2925.04 of the Revised Code. 5221

(B) In a prosecution under this section, it is not 5222
necessary to allege or prove that the offender assembled or 5223
possessed all chemicals necessary to manufacture a controlled 5224
substance in schedule I or II. The assembly or possession of a 5225
single chemical that may be used in the manufacture of a 5226
controlled substance in schedule I or II, with the intent to 5227
manufacture a controlled substance in either schedule, is 5228
sufficient to violate this section. 5229

(C) Whoever violates this section is guilty of illegal 5230
assembly or possession of chemicals for the manufacture of 5231
drugs. Except as otherwise provided in this division, illegal 5232
assembly or possession of chemicals for the manufacture of drugs 5233
is a felony of the third degree, and, except as otherwise 5234
provided in division (C)(1) or (2) of this section, division (C) 5235
of section 2929.13 of the Revised Code applies in determining 5236
whether to impose a prison term on the offender. If the offense 5237
was committed in the vicinity of a juvenile or in the vicinity 5238
of a school, illegal assembly or possession of chemicals for the 5239
manufacture of drugs is a felony of the second degree, and, 5240
except as otherwise provided in division (C)(1) or (2) of this 5241
section, division (C) of section 2929.13 of the Revised Code 5242
applies in determining whether to impose a prison term on the 5243
offender. If the violation of division (A) of this section is a 5244
felony of the third degree under this division and if the 5245
chemical or chemicals assembled or possessed in violation of 5246
division (A) of this section may be used to manufacture 5247

methamphetamine, there either is a presumption for a prison term 5248
for the offense or the court shall impose a mandatory prison 5249
term on the offender, determined as follows: 5250

(1) Except as otherwise provided in this division, there 5251
is a presumption for a prison term for the offense. If the 5252
offender two or more times previously has been convicted of or 5253
pleaded guilty to a felony drug abuse offense, except as 5254
otherwise provided in this division, the court shall impose as a 5255
mandatory prison term one of the prison terms prescribed for a 5256
felony of the third degree that is not less than two years. If 5257
the offender two or more times previously has been convicted of 5258
or pleaded guilty to a felony drug abuse offense and if at least 5259
one of those previous convictions or guilty pleas was to a 5260
violation of division (A) of this section, a violation of 5261
division (B) (6) of section 2919.22 of the Revised Code, or a 5262
violation of division (A) of section 2925.04 of the Revised 5263
Code, the court shall impose as a mandatory prison term one of 5264
the prison terms prescribed for a felony of the third degree 5265
that is not less than five years. 5266

(2) If the violation of division (A) of this section is a 5267
felony of the second degree under division (C) of this section 5268
and the chemical or chemicals assembled or possessed in 5269
committing the violation may be used to manufacture 5270
methamphetamine, the court shall impose as a mandatory prison 5271
term ~~one of the prison terms prescribed for a felony of the~~ 5272
~~second degree~~ a second degree felony mandatory prison term that 5273
is not less than three years. If the violation of division (A) 5274
of this section is a felony of the second degree under division 5275
(C) of this section, if the chemical or chemicals assembled or 5276
possessed in committing the violation may be used to manufacture 5277
methamphetamine, and if the offender previously has been 5278

convicted of or pleaded guilty to a violation of division (A) of 5279
this section, a violation of division (B) (6) of section 2919.22 5280
of the Revised Code, or a violation of division (A) of section 5281
2925.04 of the Revised Code, the court shall impose as a 5282
mandatory prison term ~~one of the prison terms prescribed for a~~ 5283
~~felony of the second degree~~ a second degree felony mandatory 5284
prison term that is not less than five years. 5285

(D) In addition to any prison term authorized by division 5286
(C) of this section and sections 2929.13 and 2929.14 of the 5287
Revised Code and in addition to any other sanction imposed for 5288
the offense under this section or sections 2929.11 to 2929.18 of 5289
the Revised Code, the court that sentences an offender who is 5290
convicted of or pleads guilty to a violation of this section may 5291
suspend the offender's driver's or commercial driver's license 5292
or permit in accordance with division (G) of section 2925.03 of 5293
the Revised Code. However, if the offender pleaded guilty to or 5294
was convicted of a violation of section 4511.19 of the Revised 5295
Code or a substantially similar municipal ordinance or the law 5296
of another state or the United States arising out of the same 5297
set of circumstances as the violation, the court shall suspend 5298
the offender's driver's or commercial driver's license or permit 5299
in accordance with division (G) of section 2925.03 of the 5300
Revised Code. If applicable, the court also shall do the 5301
following: 5302

(1) The court shall impose upon the offender the mandatory 5303
fine specified for the offense under division (B) (1) of section 5304
2929.18 of the Revised Code unless, as specified in that 5305
division, the court determines that the offender is indigent. 5306
The clerk of the court shall pay a mandatory fine or other fine 5307
imposed for a violation of this section under division (A) of 5308
section 2929.18 of the Revised Code in accordance with and 5309

subject to the requirements of division (F) of section 2925.03 5310
of the Revised Code. The agency that receives the fine shall use 5311
the fine as specified in division (F) of section 2925.03 of the 5312
Revised Code. If a person charged with a violation of this 5313
section posts bail and forfeits the bail, the clerk shall pay 5314
the forfeited bail as if the forfeited bail were a fine imposed 5315
for a violation of this section. 5316

(2) If the offender is a professionally licensed person or 5317
a person who has been admitted to the bar by order of the 5318
supreme court in compliance with its prescribed and published 5319
rules, the court shall comply with section 2925.38 of the 5320
Revised Code. 5321

(E) (1) If the sentencing court suspends the offender's 5322
driver's or commercial driver's license or permit under this 5323
section in accordance with division (G) of section 2925.03 of 5324
the Revised Code, the offender may request termination of, and 5325
the court may terminate, the suspension of the offender in 5326
accordance with that division. 5327

(2) Any offender who received a mandatory suspension of 5328
the offender's driver's or commercial driver's license or permit 5329
under this section prior to ~~the effective date of this amendment~~ 5330
September 13, 2016, may file a motion with the sentencing court 5331
requesting the termination of the suspension. However, an 5332
offender who pleaded guilty to or was convicted of a violation 5333
of section 4511.19 of the Revised Code or a substantially 5334
similar municipal ordinance or law of another state or the 5335
United States that arose out of the same set of circumstances as 5336
the violation for which the offender's license or permit was 5337
suspended under this section shall not file such a motion. 5338

Upon the filing of a motion under division (E) (2) of this 5339

section, the sentencing court, in its discretion, may terminate 5340
the suspension. 5341

Sec. 2925.05. (A) No person shall knowingly provide money 5342
or other items of value to another person with the purpose that 5343
the recipient of the money or items of value use them to obtain 5344
any controlled substance for the purpose of violating section 5345
2925.04 of the Revised Code or for the purpose of selling or 5346
offering to sell the controlled substance in the following 5347
amount: 5348

(1) If the drug to be sold or offered for sale is any 5349
compound, mixture, preparation, or substance included in 5350
schedule I or II, with the exception of marihuana, cocaine, 5351
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5352
amount of the drug that equals or exceeds the bulk amount of the 5353
drug; 5354

(2) If the drug to be sold or offered for sale is 5355
marihuana or a compound, mixture, preparation, or substance 5356
other than hashish containing marihuana, an amount of the 5357
marihuana that equals or exceeds two hundred grams; 5358

(3) If the drug to be sold or offered for sale is cocaine 5359
or a compound, mixture, preparation, or substance containing 5360
cocaine, an amount of the cocaine that equals or exceeds five 5361
grams; 5362

(4) If the drug to be sold or offered for sale is L.S.D. 5363
or a compound, mixture, preparation, or substance containing 5364
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5365
doses if the L.S.D. is in a solid form or equals or exceeds one 5366
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5367
or liquid distillate form; 5368

(5) If the drug to be sold or offered for sale is heroin 5369
or a compound, mixture, preparation, or substance containing 5370
heroin, an amount of the heroin that equals or exceeds ten unit 5371
doses or equals or exceeds one gram; 5372

(6) If the drug to be sold or offered for sale is hashish 5373
or a compound, mixture, preparation, or substance containing 5374
hashish, an amount of the hashish that equals or exceeds ten 5375
grams if the hashish is in a solid form or equals or exceeds two 5376
grams if the hashish is in a liquid concentrate, liquid extract, 5377
or liquid distillate form. 5378

(B) This section does not apply to any person listed in 5379
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5380
Code to the extent and under the circumstances described in 5381
those divisions. 5382

(C) (1) If the drug involved in the violation is any 5383
compound, mixture, preparation, or substance included in 5384
schedule I or II, with the exception of marihuana, whoever 5385
violates division (A) of this section is guilty of aggravated 5386
funding of drug trafficking, a felony of the first degree, and, 5387
subject to division (E) of this section, the court shall impose 5388
as a mandatory prison term ~~one of the prison terms prescribed~~ 5389
~~for a felony of the first degree~~ a first degree felony mandatory
prison term. 5390
5391

(2) If the drug involved in the violation is any compound, 5392
mixture, preparation, or substance included in schedule III, IV, 5393
or V, whoever violates division (A) of this section is guilty of 5394
funding of drug trafficking, a felony of the second degree, and 5395
the court shall impose as a mandatory prison term ~~one of the~~ 5396
~~prison terms prescribed for a felony of the second degree~~ a
second degree felony mandatory prison term. 5397
5398

(3) If the drug involved in the violation is marihuana, 5399
whoever violates division (A) of this section is guilty of 5400
funding of marihuana trafficking, a felony of the third degree, 5401
and, except as otherwise provided in this division, there is a 5402
presumption for a prison term for the offense. If funding of 5403
marihuana trafficking is a felony of the third degree under this 5404
division and if the offender two or more times previously has 5405
been convicted of or pleaded guilty to a felony drug abuse 5406
offense, the court shall impose as a mandatory prison term one 5407
of the prison terms prescribed for a felony of the third degree. 5408

(D) In addition to any prison term authorized or required 5409
by division (C) or (E) of this section and sections 2929.13 and 5410
2929.14 of the Revised Code and in addition to any other 5411
sanction imposed for the offense under this section or sections 5412
2929.11 to 2929.18 of the Revised Code, the court that sentences 5413
an offender who is convicted of or pleads guilty to a violation 5414
of division (A) of this section may suspend the offender's 5415
driver's or commercial driver's license or permit in accordance 5416
with division (G) of section 2925.03 of the Revised Code. 5417
However, if the offender pleaded guilty to or was convicted of a 5418
violation of section 4511.19 of the Revised Code or a 5419
substantially similar municipal ordinance or the law of another 5420
state or the United States arising out of the same set of 5421
circumstances as the violation, the court shall suspend the 5422
offender's driver's or commercial driver's license or permit in 5423
accordance with division (G) of section 2925.03 of the Revised 5424
Code. If applicable, the court also shall do the following: 5425

(1) The court shall impose the mandatory fine specified 5426
for the offense under division (B)(1) of section 2929.18 of the 5427
Revised Code unless, as specified in that division, the court 5428
determines that the offender is indigent. The clerk of the court 5429

shall pay a mandatory fine or other fine imposed for a violation 5430
of this section pursuant to division (A) of section 2929.18 of 5431
the Revised Code in accordance with and subject to the 5432
requirements of division (F) of section 2925.03 of the Revised 5433
Code. The agency that receives the fine shall use the fine in 5434
accordance with division (F) of section 2925.03 of the Revised 5435
Code. If a person is charged with a violation of this section, 5436
posts bail, and forfeits the bail, the forfeited bail shall be 5437
paid as if the forfeited bail were a fine imposed for a 5438
violation of this section. 5439

(2) If the offender is a professionally licensed person, 5440
the court immediately shall comply with section 2925.38 of the 5441
Revised Code. 5442

(E) Notwithstanding the prison term otherwise authorized 5443
or required for the offense under division (C) of this section 5444
and sections 2929.13 and 2929.14 of the Revised Code, if the 5445
violation of division (A) of this section involves the sale, 5446
offer to sell, or possession of a schedule I or II controlled 5447
substance, with the exception of marihuana, and if the court 5448
imposing sentence upon the offender finds that the offender as a 5449
result of the violation is a major drug offender and is guilty 5450
of a specification of the type described in section 2941.1410 of 5451
the Revised Code, the court, in lieu of the prison term 5452
otherwise authorized or required, shall impose upon the offender 5453
the mandatory prison term specified in division (B) (3) of 5454
section 2929.14 of the Revised Code. 5455

(F) (1) If the sentencing court suspends the offender's 5456
driver's or commercial driver's license or permit under this 5457
section in accordance with division (G) of section 2925.03 of 5458
the Revised Code, the offender may request termination of, and 5459

the court may terminate, the suspension in accordance with that 5460
division. 5461

(2) Any offender who received a mandatory suspension of 5462
the offender's driver's or commercial driver's license or permit 5463
under this section prior to ~~the effective date of this amendment~~ 5464
September 13, 2016, may file a motion with the sentencing court 5465
requesting the termination of the suspension. However, an 5466
offender who pleaded guilty to or was convicted of a violation 5467
of section 4511.19 of the Revised Code or a substantially 5468
similar municipal ordinance or law of another state or the 5469
United States that arose out of the same set of circumstances as 5470
the violation for which the offender's license or permit was 5471
suspended under this section shall not file such a motion. 5472

Upon the filing of a motion under division (F) (2) of this 5473
section, the sentencing court, in its discretion, may terminate 5474
the suspension. 5475

Sec. 2925.11. (A) No person shall knowingly obtain, 5476
possess, or use a controlled substance or a controlled substance 5477
analog. 5478

(B) (1) This section does not apply to any of the 5479
following: 5480

(a) Manufacturers, licensed health professionals 5481
authorized to prescribe drugs, pharmacists, owners of 5482
pharmacies, and other persons whose conduct was in accordance 5483
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5484
4741. of the Revised Code; 5485

(b) If the offense involves an anabolic steroid, any 5486
person who is conducting or participating in a research project 5487
involving the use of an anabolic steroid if the project has been 5488

approved by the United States food and drug administration; 5489

(c) Any person who sells, offers for sale, prescribes, 5490
dispenses, or administers for livestock or other nonhuman 5491
species an anabolic steroid that is expressly intended for 5492
administration through implants to livestock or other nonhuman 5493
species and approved for that purpose under the "Federal Food, 5494
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5495
as amended, and is sold, offered for sale, prescribed, 5496
dispensed, or administered for that purpose in accordance with 5497
that act; 5498

(d) Any person who obtained the controlled substance 5499
pursuant to a lawful prescription issued by a licensed health 5500
professional authorized to prescribe drugs. 5501

(2) (a) As used in division (B) (2) of this section: 5502

(i) "Community addiction services provider" has the same 5503
meaning as in section 5119.01 of the Revised Code. 5504

(ii) "Community control sanction" and "drug treatment 5505
program" have the same meanings as in section 2929.01 of the 5506
Revised Code. 5507

(iii) "Health care facility" has the same meaning as in 5508
section 2919.16 of the Revised Code. 5509

(iv) "Minor drug possession offense" means a violation of 5510
this section that is a misdemeanor or a felony of the fifth 5511
degree. 5512

(v) "Post-release control sanction" has the same meaning 5513
as in section 2967.28 of the Revised Code. 5514

(vi) "Peace officer" has the same meaning as in section 5515
2935.01 of the Revised Code. 5516

(vii) "Public agency" has the same meaning as in section 5517
2930.01 of the Revised Code. 5518

(viii) "Qualified individual" means a person who is not on 5519
community control or post-release control and is a person acting 5520
in good faith who seeks or obtains medical assistance for 5521
another person who is experiencing a drug overdose, a person who 5522
experiences a drug overdose and who seeks medical assistance for 5523
that overdose, or a person who is the subject of another person 5524
seeking or obtaining medical assistance for that overdose as 5525
described in division (B) (2) (b) of this section. 5526

(ix) "Seek or obtain medical assistance" includes, but is 5527
not limited to making a 9-1-1 call, contacting in person or by 5528
telephone call an on-duty peace officer, or transporting or 5529
presenting a person to a health care facility. 5530

(b) Subject to division (B) (2) (f) of this section, a 5531
qualified individual shall not be arrested, charged, prosecuted, 5532
convicted, or penalized pursuant to this chapter for a minor 5533
drug possession offense if all of the following apply: 5534

(i) The evidence of the obtaining, possession, or use of 5535
the controlled substance or controlled substance analog that 5536
would be the basis of the offense was obtained as a result of 5537
the qualified individual seeking the medical assistance or 5538
experiencing an overdose and needing medical assistance. 5539

(ii) Subject to division (B) (2) (g) of this section, within 5540
thirty days after seeking or obtaining the medical assistance, 5541
the qualified individual seeks and obtains a screening and 5542
receives a referral for treatment from a community addiction 5543
services provider or a properly credentialed addiction treatment 5544
professional. 5545

(iii) Subject to division (B) (2) (g) of this section, the 5546
qualified individual who obtains a screening and receives a 5547
referral for treatment under division (B) (2) (b) (ii) of this 5548
section, upon the request of any prosecuting attorney, submits 5549
documentation to the prosecuting attorney that verifies that the 5550
qualified individual satisfied the requirements of that 5551
division. The documentation shall be limited to the date and 5552
time of the screening obtained and referral received. 5553

(c) If a person is found to be in violation of any 5554
community control sanction and if the violation is a result of 5555
either of the following, the court shall first consider ordering 5556
the person's participation or continued participation in a drug 5557
treatment program or mitigating the penalty specified in section 5558
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5559
applicable, after which the court has the discretion either to 5560
order the person's participation or continued participation in a 5561
drug treatment program or to impose the penalty with the 5562
mitigating factor specified in any of those applicable sections: 5563

(i) Seeking or obtaining medical assistance in good faith 5564
for another person who is experiencing a drug overdose; 5565

(ii) Experiencing a drug overdose and seeking medical 5566
assistance for that overdose or being the subject of another 5567
person seeking or obtaining medical assistance for that overdose 5568
as described in division (B) (2) (b) of this section. 5569

(d) If a person is found to be in violation of any post- 5570
release control sanction and if the violation is a result of 5571
either of the following, the court or the parole board shall 5572
first consider ordering the person's participation or continued 5573
participation in a drug treatment program or mitigating the 5574
penalty specified in section 2929.141 or 2967.28 of the Revised 5575

Code, whichever is applicable, after which the court or the 5576
parole board has the discretion either to order the person's 5577
participation or continued participation in a drug treatment 5578
program or to impose the penalty with the mitigating factor 5579
specified in either of those applicable sections: 5580

(i) Seeking or obtaining medical assistance in good faith 5581
for another person who is experiencing a drug overdose; 5582

(ii) Experiencing a drug overdose and seeking medical 5583
assistance for that emergency or being the subject of another 5584
person seeking or obtaining medical assistance for that overdose 5585
as described in division (B) (2) (b) of this section. 5586

(e) Nothing in division (B) (2) (b) of this section shall be 5587
construed to do any of the following: 5588

(i) Limit the admissibility of any evidence in connection 5589
with the investigation or prosecution of a crime with regards to 5590
a defendant who does not qualify for the protections of division 5591
(B) (2) (b) of this section or with regards to any crime other 5592
than a minor drug possession offense committed by a person who 5593
qualifies for protection pursuant to division (B) (2) (b) of this 5594
section for a minor drug possession offense; 5595

(ii) Limit any seizure of evidence or contraband otherwise 5596
permitted by law; 5597

(iii) Limit or abridge the authority of a peace officer to 5598
detain or take into custody a person in the course of an 5599
investigation or to effectuate an arrest for any offense except 5600
as provided in that division; 5601

(iv) Limit, modify, or remove any immunity from liability 5602
available pursuant to law in effect prior to ~~the effective date~~ 5603
~~of this amendment~~ September 13, 2016, to any public agency or to 5604

an employee of any public agency. 5605

(f) Division (B) (2) (b) of this section does not apply to 5606
any person who twice previously has been granted an immunity 5607
under division (B) (2) (b) of this section. No person shall be 5608
granted an immunity under division (B) (2) (b) of this section 5609
more than two times. 5610

(g) Nothing in this section shall compel any qualified 5611
individual to disclose protected health information in a way 5612
that conflicts with the requirements of the "Health Insurance 5613
Portability and Accountability Act of 1996," 104 Pub. L. No. 5614
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5615
regulations promulgated by the United States department of 5616
health and human services to implement the act or the 5617
requirements of 42 C.F.R. Part 2. 5618

(C) Whoever violates division (A) of this section is 5619
guilty of one of the following: 5620

(1) If the drug involved in the violation is a compound, 5621
mixture, preparation, or substance included in schedule I or II, 5622
with the exception of marihuana, cocaine, L.S.D., heroin, 5623
hashish, and controlled substance analogs, whoever violates 5624
division (A) of this section is guilty of aggravated possession 5625
of drugs. The penalty for the offense shall be determined as 5626
follows: 5627

(a) Except as otherwise provided in division (C) (1) (b), 5628
(c), (d), or (e) of this section, aggravated possession of drugs 5629
is a felony of the fifth degree, and division (B) of section 5630
2929.13 of the Revised Code applies in determining whether to 5631
impose a prison term on the offender. 5632

(b) If the amount of the drug involved equals or exceeds 5633

the bulk amount but is less than five times the bulk amount, 5634
aggravated possession of drugs is a felony of the third degree, 5635
and there is a presumption for a prison term for the offense. 5636

(c) If the amount of the drug involved equals or exceeds 5637
five times the bulk amount but is less than fifty times the bulk 5638
amount, aggravated possession of drugs is a felony of the second 5639
degree, and the court shall impose as a mandatory prison term 5640
~~one of the prison terms prescribed for a felony of the second-~~ 5641
~~degree~~ a second degree felony mandatory prison term. 5642

(d) If the amount of the drug involved equals or exceeds 5643
fifty times the bulk amount but is less than one hundred times 5644
the bulk amount, aggravated possession of drugs is a felony of 5645
the first degree, and the court shall impose as a mandatory 5646
prison term ~~one of the prison terms prescribed for a felony of~~ 5647
~~the first degree~~ a first degree felony mandatory prison term. 5648

(e) If the amount of the drug involved equals or exceeds 5649
one hundred times the bulk amount, aggravated possession of 5650
drugs is a felony of the first degree, the offender is a major 5651
drug offender, and the court shall impose as a mandatory prison 5652
term ~~the maximum prison term prescribed for a felony of the~~ 5653
~~first degree~~ a maximum first degree felony mandatory prison 5654
term. 5655

(2) If the drug involved in the violation is a compound, 5656
mixture, preparation, or substance included in schedule III, IV, 5657
or V, whoever violates division (A) of this section is guilty of 5658
possession of drugs. The penalty for the offense shall be 5659
determined as follows: 5660

(a) Except as otherwise provided in division (C) (2) (b), 5661
(c), or (d) of this section, possession of drugs is a 5662

misdemeanor of the first degree or, if the offender previously 5663
has been convicted of a drug abuse offense, a felony of the 5664
fifth degree. 5665

(b) If the amount of the drug involved equals or exceeds 5666
the bulk amount but is less than five times the bulk amount, 5667
possession of drugs is a felony of the fourth degree, and 5668
division (C) of section 2929.13 of the Revised Code applies in 5669
determining whether to impose a prison term on the offender. 5670

(c) If the amount of the drug involved equals or exceeds 5671
five times the bulk amount but is less than fifty times the bulk 5672
amount, possession of drugs is a felony of the third degree, and 5673
there is a presumption for a prison term for the offense. 5674

(d) If the amount of the drug involved equals or exceeds 5675
fifty times the bulk amount, possession of drugs is a felony of 5676
the second degree, and the court shall impose upon the offender 5677
as a mandatory prison term ~~one of the prison terms prescribed~~ 5678
~~for a felony of the second degree~~ a second degree felony 5679
mandatory prison term. 5680

(3) If the drug involved in the violation is marihuana or 5681
a compound, mixture, preparation, or substance containing 5682
marihuana other than hashish, whoever violates division (A) of 5683
this section is guilty of possession of marihuana. The penalty 5684
for the offense shall be determined as follows: 5685

(a) Except as otherwise provided in division (C) (3) (b), 5686
(c), (d), (e), (f), or (g) of this section, possession of 5687
marihuana is a minor misdemeanor. 5688

(b) If the amount of the drug involved equals or exceeds 5689
one hundred grams but is less than two hundred grams, possession 5690
of marihuana is a misdemeanor of the fourth degree. 5691

(c) If the amount of the drug involved equals or exceeds 5692
two hundred grams but is less than one thousand grams, 5693
possession of marihuana is a felony of the fifth degree, and 5694
division (B) of section 2929.13 of the Revised Code applies in 5695
determining whether to impose a prison term on the offender. 5696

(d) If the amount of the drug involved equals or exceeds 5697
one thousand grams but is less than five thousand grams, 5698
possession of marihuana is a felony of the third degree, and 5699
division (C) of section 2929.13 of the Revised Code applies in 5700
determining whether to impose a prison term on the offender. 5701

(e) If the amount of the drug involved equals or exceeds 5702
five thousand grams but is less than twenty thousand grams, 5703
possession of marihuana is a felony of the third degree, and 5704
there is a presumption that a prison term shall be imposed for 5705
the offense. 5706

(f) If the amount of the drug involved equals or exceeds 5707
twenty thousand grams but is less than forty thousand grams, 5708
possession of marihuana is a felony of the second degree, and 5709
the court shall impose as a mandatory prison term a second 5710
degree felony mandatory prison term of five, six, seven, or 5711
eight years. 5712

(g) If the amount of the drug involved equals or exceeds 5713
forty thousand grams, possession of marihuana is a felony of the 5714
second degree, and the court shall impose as a mandatory prison 5715
~~term the maximum prison term prescribed for a felony of the~~ 5716
~~second degree~~ a maximum second degree felony mandatory prison 5717
term. 5718

(4) If the drug involved in the violation is cocaine or a 5719
compound, mixture, preparation, or substance containing cocaine, 5720

whoever violates division (A) of this section is guilty of 5721
possession of cocaine. The penalty for the offense shall be 5722
determined as follows: 5723

(a) Except as otherwise provided in division (C) (4) (b), 5724
(c), (d), (e), or (f) of this section, possession of cocaine is 5725
a felony of the fifth degree, and division (B) of section 5726
2929.13 of the Revised Code applies in determining whether to 5727
impose a prison term on the offender. 5728

(b) If the amount of the drug involved equals or exceeds 5729
five grams but is less than ten grams of cocaine, possession of 5730
cocaine is a felony of the fourth degree, and division (B) of 5731
section 2929.13 of the Revised Code applies in determining 5732
whether to impose a prison term on the offender. 5733

(c) If the amount of the drug involved equals or exceeds 5734
ten grams but is less than twenty grams of cocaine, possession 5735
of cocaine is a felony of the third degree, and, except as 5736
otherwise provided in this division, there is a presumption for 5737
a prison term for the offense. If possession of cocaine is a 5738
felony of the third degree under this division and if the 5739
offender two or more times previously has been convicted of or 5740
pleaded guilty to a felony drug abuse offense, the court shall 5741
impose as a mandatory prison term one of the prison terms 5742
prescribed for a felony of the third degree. 5743

(d) If the amount of the drug involved equals or exceeds 5744
twenty grams but is less than twenty-seven grams of cocaine, 5745
possession of cocaine is a felony of the second degree, and the 5746
court shall impose as a mandatory prison term ~~one of the prison~~ 5747
~~terms prescribed for a felony of the second degree~~ a second 5748
degree felony mandatory prison term. 5749

(e) If the amount of the drug involved equals or exceeds 5750
twenty-seven grams but is less than one hundred grams of 5751
cocaine, possession of cocaine is a felony of the first degree, 5752
and the court shall impose as a mandatory prison term ~~one of the~~ 5753
~~prison terms prescribed for a felony of the first degree~~ a first 5754
degree felony mandatory prison term. 5755

(f) If the amount of the drug involved equals or exceeds 5756
one hundred grams of cocaine, possession of cocaine is a felony 5757
of the first degree, the offender is a major drug offender, and 5758
the court shall impose as a mandatory prison term ~~the maximum~~ 5759
~~prison term prescribed for a felony of the first degree~~ a 5760
maximum first degree felony mandatory prison term. 5761

(5) If the drug involved in the violation is L.S.D., 5762
whoever violates division (A) of this section is guilty of 5763
possession of L.S.D. The penalty for the offense shall be 5764
determined as follows: 5765

(a) Except as otherwise provided in division (C) (5) (b), 5766
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 5767
felony of the fifth degree, and division (B) of section 2929.13 5768
of the Revised Code applies in determining whether to impose a 5769
prison term on the offender. 5770

(b) If the amount of L.S.D. involved equals or exceeds ten 5771
unit doses but is less than fifty unit doses of L.S.D. in a 5772
solid form or equals or exceeds one gram but is less than five 5773
grams of L.S.D. in a liquid concentrate, liquid extract, or 5774
liquid distillate form, possession of L.S.D. is a felony of the 5775
fourth degree, and division (C) of section 2929.13 of the 5776
Revised Code applies in determining whether to impose a prison 5777
term on the offender. 5778

(c) If the amount of L.S.D. involved equals or exceeds 5779
fifty unit doses, but is less than two hundred fifty unit doses 5780
of L.S.D. in a solid form or equals or exceeds five grams but is 5781
less than twenty-five grams of L.S.D. in a liquid concentrate, 5782
liquid extract, or liquid distillate form, possession of L.S.D. 5783
is a felony of the third degree, and there is a presumption for 5784
a prison term for the offense. 5785

(d) If the amount of L.S.D. involved equals or exceeds two 5786
hundred fifty unit doses but is less than one thousand unit 5787
doses of L.S.D. in a solid form or equals or exceeds twenty-five 5788
grams but is less than one hundred grams of L.S.D. in a liquid 5789
concentrate, liquid extract, or liquid distillate form, 5790
possession of L.S.D. is a felony of the second degree, and the 5791
court shall impose as a mandatory prison term ~~one of the prison~~ 5792
~~terms prescribed for a felony of the second degree~~ a second 5793
degree felony mandatory prison term. 5794

(e) If the amount of L.S.D. involved equals or exceeds one 5795
thousand unit doses but is less than five thousand unit doses of 5796
L.S.D. in a solid form or equals or exceeds one hundred grams 5797
but is less than five hundred grams of L.S.D. in a liquid 5798
concentrate, liquid extract, or liquid distillate form, 5799
possession of L.S.D. is a felony of the first degree, and the 5800
court shall impose as a mandatory prison term ~~one of the prison~~ 5801
~~terms prescribed for a felony of the first degree~~ a first degree 5802
felony mandatory prison term. 5803

(f) If the amount of L.S.D. involved equals or exceeds 5804
five thousand unit doses of L.S.D. in a solid form or equals or 5805
exceeds five hundred grams of L.S.D. in a liquid concentrate, 5806
liquid extract, or liquid distillate form, possession of L.S.D. 5807
is a felony of the first degree, the offender is a major drug 5808

offender, and the court shall impose as a mandatory prison term 5809
~~the maximum prison term prescribed for a felony of the first-~~ 5810
~~degree~~ a maximum first degree felony mandatory prison term. 5811

(6) If the drug involved in the violation is heroin or a 5812
compound, mixture, preparation, or substance containing heroin, 5813
whoever violates division (A) of this section is guilty of 5814
possession of heroin. The penalty for the offense shall be 5815
determined as follows: 5816

(a) Except as otherwise provided in division (C) (6) (b), 5817
(c), (d), (e), or (f) of this section, possession of heroin is a 5818
felony of the fifth degree, and division (B) of section 2929.13 5819
of the Revised Code applies in determining whether to impose a 5820
prison term on the offender. 5821

(b) If the amount of the drug involved equals or exceeds 5822
ten unit doses but is less than fifty unit doses or equals or 5823
exceeds one gram but is less than five grams, possession of 5824
heroin is a felony of the fourth degree, and division (C) of 5825
section 2929.13 of the Revised Code applies in determining 5826
whether to impose a prison term on the offender. 5827

(c) If the amount of the drug involved equals or exceeds 5828
fifty unit doses but is less than one hundred unit doses or 5829
equals or exceeds five grams but is less than ten grams, 5830
possession of heroin is a felony of the third degree, and there 5831
is a presumption for a prison term for the offense. 5832

(d) If the amount of the drug involved equals or exceeds 5833
one hundred unit doses but is less than five hundred unit doses 5834
or equals or exceeds ten grams but is less than fifty grams, 5835
possession of heroin is a felony of the second degree, and the 5836
court shall impose as a mandatory prison term ~~one of the prison-~~ 5837

~~terms prescribed for a felony of the second degree~~ a second 5838
degree felony mandatory prison term. 5839

(e) If the amount of the drug involved equals or exceeds 5840
five hundred unit doses but is less than one thousand unit doses 5841
or equals or exceeds fifty grams but is less than one hundred 5842
grams, possession of heroin is a felony of the first degree, and 5843
the court shall impose as a mandatory prison term ~~one of the~~ 5844
~~prison terms prescribed for a felony of the first degree~~ a first 5845
degree felony mandatory prison term. 5846

(f) If the amount of the drug involved equals or exceeds 5847
one thousand unit doses or equals or exceeds one hundred grams, 5848
possession of heroin is a felony of the first degree, the 5849
offender is a major drug offender, and the court shall impose as 5850
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5851
~~felony of the first degree~~ a maximum first degree felony 5852
mandatory prison term. 5853

(7) If the drug involved in the violation is hashish or a 5854
compound, mixture, preparation, or substance containing hashish, 5855
whoever violates division (A) of this section is guilty of 5856
possession of hashish. The penalty for the offense shall be 5857
determined as follows: 5858

(a) Except as otherwise provided in division (C) (7) (b), 5859
(c), (d), (e), (f), or (g) of this section, possession of 5860
hashish is a minor misdemeanor. 5861

(b) If the amount of the drug involved equals or exceeds 5862
five grams but is less than ten grams of hashish in a solid form 5863
or equals or exceeds one gram but is less than two grams of 5864
hashish in a liquid concentrate, liquid extract, or liquid 5865
distillate form, possession of hashish is a misdemeanor of the 5866

fourth degree. 5867

(c) If the amount of the drug involved equals or exceeds 5868
ten grams but is less than fifty grams of hashish in a solid 5869
form or equals or exceeds two grams but is less than ten grams 5870
of hashish in a liquid concentrate, liquid extract, or liquid 5871
distillate form, possession of hashish is a felony of the fifth 5872
degree, and division (B) of section 2929.13 of the Revised Code 5873
applies in determining whether to impose a prison term on the 5874
offender. 5875

(d) If the amount of the drug involved equals or exceeds 5876
fifty grams but is less than two hundred fifty grams of hashish 5877
in a solid form or equals or exceeds ten grams but is less than 5878
fifty grams of hashish in a liquid concentrate, liquid extract, 5879
or liquid distillate form, possession of hashish is a felony of 5880
the third degree, and division (C) of section 2929.13 of the 5881
Revised Code applies in determining whether to impose a prison 5882
term on the offender. 5883

(e) If the amount of the drug involved equals or exceeds 5884
two hundred fifty grams but is less than one thousand grams of 5885
hashish in a solid form or equals or exceeds fifty grams but is 5886
less than two hundred grams of hashish in a liquid concentrate, 5887
liquid extract, or liquid distillate form, possession of hashish 5888
is a felony of the third degree, and there is a presumption that 5889
a prison term shall be imposed for the offense. 5890

(f) If the amount of the drug involved equals or exceeds 5891
one thousand grams but is less than two thousand grams of 5892
hashish in a solid form or equals or exceeds two hundred grams 5893
but is less than four hundred grams of hashish in a liquid 5894
concentrate, liquid extract, or liquid distillate form, 5895
possession of hashish is a felony of the second degree, and the 5896

court shall impose as a mandatory prison term a second degree 5897
felony mandatory prison term of five, six, seven, or eight 5898
years. 5899

(g) If the amount of the drug involved equals or exceeds 5900
two thousand grams of hashish in a solid form or equals or 5901
exceeds four hundred grams of hashish in a liquid concentrate, 5902
liquid extract, or liquid distillate form, possession of hashish 5903
is a felony of the second degree, and the court shall impose as 5904
a mandatory prison term ~~the maximum prison term prescribed for a~~ 5905
~~felony of the second degree~~ a maximum second degree felony 5906
mandatory prison term. 5907

(8) If the drug involved is a controlled substance analog 5908
or compound, mixture, preparation, or substance that contains a 5909
controlled substance analog, whoever violates division (A) of 5910
this section is guilty of possession of a controlled substance 5911
analog. The penalty for the offense shall be determined as 5912
follows: 5913

(a) Except as otherwise provided in division (C) (8) (b), 5914
(c), (d), (e), or (f) of this section, possession of a 5915
controlled substance analog is a felony of the fifth degree, and 5916
division (B) of section 2929.13 of the Revised Code applies in 5917
determining whether to impose a prison term on the offender. 5918

(b) If the amount of the drug involved equals or exceeds 5919
ten grams but is less than twenty grams, possession of a 5920
controlled substance analog is a felony of the fourth degree, 5921
and there is a presumption for a prison term for the offense. 5922

(c) If the amount of the drug involved equals or exceeds 5923
twenty grams but is less than thirty grams, possession of a 5924
controlled substance analog is a felony of the third degree, and 5925

there is a presumption for a prison term for the offense. 5926

(d) If the amount of the drug involved equals or exceeds 5927
thirty grams but is less than forty grams, possession of a 5928
controlled substance analog is a felony of the second degree, 5929
and the court shall impose as a mandatory prison term ~~one of the~~ 5930
~~prison terms prescribed for a felony of the second degree~~ a 5931
second degree felony mandatory prison term. 5932

(e) If the amount of the drug involved equals or exceeds 5933
forty grams but is less than fifty grams, possession of a 5934
controlled substance analog is a felony of the first degree, and 5935
the court shall impose as a mandatory prison term ~~one of the~~ 5936
~~prison terms prescribed for a felony of the first degree~~ a first 5937
degree felony mandatory prison term. 5938

(f) If the amount of the drug involved equals or exceeds 5939
fifty grams, possession of a controlled substance analog is a 5940
felony of the first degree, the offender is a major drug 5941
offender, and the court shall impose as a mandatory prison term 5942
~~the maximum prison term prescribed for a felony of the first~~ 5943
~~degree~~ a maximum first degree felony mandatory prison term. 5944

(D) Arrest or conviction for a minor misdemeanor violation 5945
of this section does not constitute a criminal record and need 5946
not be reported by the person so arrested or convicted in 5947
response to any inquiries about the person's criminal record, 5948
including any inquiries contained in any application for 5949
employment, license, or other right or privilege, or made in 5950
connection with the person's appearance as a witness. 5951

(E) In addition to any prison term or jail term authorized 5952
or required by division (C) of this section and sections 5953
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 5954

Code and in addition to any other sanction that is imposed for 5955
the offense under this section, sections 2929.11 to 2929.18, or 5956
sections 2929.21 to 2929.28 of the Revised Code, the court that 5957
sentences an offender who is convicted of or pleads guilty to a 5958
violation of division (A) of this section may suspend the 5959
offender's driver's or commercial driver's license or permit for 5960
not more than five years. However, if the offender pleaded 5961
guilty to or was convicted of a violation of section 4511.19 of 5962
the Revised Code or a substantially similar municipal ordinance 5963
or the law of another state or the United States arising out of 5964
the same set of circumstances as the violation, the court shall 5965
suspend the offender's driver's or commercial driver's license 5966
or permit for not more than five years. If applicable, the court 5967
also shall do the following: 5968

(1) (a) If the violation is a felony of the first, second, 5969
or third degree, the court shall impose upon the offender the 5970
mandatory fine specified for the offense under division (B) (1) 5971
of section 2929.18 of the Revised Code unless, as specified in 5972
that division, the court determines that the offender is 5973
indigent. 5974

(b) Notwithstanding any contrary provision of section 5975
3719.21 of the Revised Code, the clerk of the court shall pay a 5976
mandatory fine or other fine imposed for a violation of this 5977
section pursuant to division (A) of section 2929.18 of the 5978
Revised Code in accordance with and subject to the requirements 5979
of division (F) of section 2925.03 of the Revised Code. The 5980
agency that receives the fine shall use the fine as specified in 5981
division (F) of section 2925.03 of the Revised Code. 5982

(c) If a person is charged with a violation of this 5983
section that is a felony of the first, second, or third degree, 5984

posts bail, and forfeits the bail, the clerk shall pay the 5985
forfeited bail pursuant to division (E) (1) (b) of this section as 5986
if it were a mandatory fine imposed under division (E) (1) (a) of 5987
this section. 5988

(2) If the offender is a professionally licensed person, 5989
in addition to any other sanction imposed for a violation of 5990
this section, the court immediately shall comply with section 5991
2925.38 of the Revised Code. 5992

(F) It is an affirmative defense, as provided in section 5993
2901.05 of the Revised Code, to a charge of a fourth degree 5994
felony violation under this section that the controlled 5995
substance that gave rise to the charge is in an amount, is in a 5996
form, is prepared, compounded, or mixed with substances that are 5997
not controlled substances in a manner, or is possessed under any 5998
other circumstances, that indicate that the substance was 5999
possessed solely for personal use. Notwithstanding any contrary 6000
provision of this section, if, in accordance with section 6001
2901.05 of the Revised Code, an accused who is charged with a 6002
fourth degree felony violation of division (C) (2), (4), (5), or 6003
(6) of this section sustains the burden of going forward with 6004
evidence of and establishes by a preponderance of the evidence 6005
the affirmative defense described in this division, the accused 6006
may be prosecuted for and may plead guilty to or be convicted of 6007
a misdemeanor violation of division (C) (2) of this section or a 6008
fifth degree felony violation of division (C) (4), (5), or (6) of 6009
this section respectively. 6010

(G) When a person is charged with possessing a bulk amount 6011
or multiple of a bulk amount, division (E) of section 2925.03 of 6012
the Revised Code applies regarding the determination of the 6013
amount of the controlled substance involved at the time of the 6014

offense. 6015

(H) It is an affirmative defense to a charge of possession 6016
of a controlled substance analog under division (C) (8) of this 6017
section that the person charged with violating that offense 6018
obtained, possessed, or used an item described in division (HH) 6019
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6020

(I) Any offender who received a mandatory suspension of 6021
the offender's driver's or commercial driver's license or permit 6022
under this section prior to ~~the effective date of this amendment~~ 6023
September 13, 2016, may file a motion with the sentencing court 6024
requesting the termination of the suspension. However, an 6025
offender who pleaded guilty to or was convicted of a violation 6026
of section 4511.19 of the Revised Code or a substantially 6027
similar municipal ordinance or law of another state or the 6028
United States that arose out of the same set of circumstances as 6029
the violation for which the offender's license or permit was 6030
suspended under this section shall not file such a motion. 6031

Upon the filing of a motion under division (I) of this 6032
section, the sentencing court, in its discretion, may terminate 6033
the suspension. 6034

Sec. 2929.01. As used in this chapter: 6035

(A) (1) "Alternative residential facility" means, subject 6036
to division (A) (2) of this section, any facility other than an 6037
offender's home or residence in which an offender is assigned to 6038
live and that satisfies all of the following criteria: 6039

(a) It provides programs through which the offender may 6040
seek or maintain employment or may receive education, training, 6041
treatment, or habilitation. 6042

(b) It has received the appropriate license or certificate 6043

for any specialized education, training, treatment, 6044
habilitation, or other service that it provides from the 6045
government agency that is responsible for licensing or 6046
certifying that type of education, training, treatment, 6047
habilitation, or service. 6048

(2) "Alternative residential facility" does not include a 6049
community-based correctional facility, jail, halfway house, or 6050
prison. 6051

(B) "Basic probation supervision" means a requirement that 6052
the offender maintain contact with a person appointed to 6053
supervise the offender in accordance with sanctions imposed by 6054
the court or imposed by the parole board pursuant to section 6055
2967.28 of the Revised Code. "Basic probation supervision" 6056
includes basic parole supervision and basic post-release control 6057
supervision. 6058

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6059
the same meanings as in section 2925.01 of the Revised Code. 6060

(D) "Community-based correctional facility" means a 6061
community-based correctional facility and program or district 6062
community-based correctional facility and program developed 6063
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6064

(E) "Community control sanction" means a sanction that is 6065
not a prison term and that is described in section 2929.15, 6066
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6067
that is not a jail term and that is described in section 6068
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6069
control sanction" includes probation if the sentence involved 6070
was imposed for a felony that was committed prior to July 1, 6071
1996, or if the sentence involved was imposed for a misdemeanor 6072

that was committed prior to January 1, 2004. 6073

(F) "Controlled substance," "marihuana," "schedule I," and 6074
"schedule II" have the same meanings as in section 3719.01 of 6075
the Revised Code. 6076

(G) "Curfew" means a requirement that an offender during a 6077
specified period of time be at a designated place. 6078

(H) "Day reporting" means a sanction pursuant to which an 6079
offender is required each day to report to and leave a center or 6080
other approved reporting location at specified times in order to 6081
participate in work, education or training, treatment, and other 6082
approved programs at the center or outside the center. 6083

(I) "Deadly weapon" has the same meaning as in section 6084
2923.11 of the Revised Code. 6085

(J) "Drug and alcohol use monitoring" means a program 6086
under which an offender agrees to submit to random chemical 6087
analysis of the offender's blood, breath, or urine to determine 6088
whether the offender has ingested any alcohol or other drugs. 6089

(K) "Drug treatment program" means any program under which 6090
a person undergoes assessment and treatment designed to reduce 6091
or completely eliminate the person's physical or emotional 6092
reliance upon alcohol, another drug, or alcohol and another drug 6093
and under which the person may be required to receive assessment 6094
and treatment on an outpatient basis or may be required to 6095
reside at a facility other than the person's home or residence 6096
while undergoing assessment and treatment. 6097

(L) "Economic loss" means any economic detriment suffered 6098
by a victim as a direct and proximate result of the commission 6099
of an offense and includes any loss of income due to lost time 6100
at work because of any injury caused to the victim, and any 6101

property loss, medical cost, or funeral expense incurred as a 6102
result of the commission of the offense. "Economic loss" does 6103
not include non-economic loss or any punitive or exemplary 6104
damages. 6105

(M) "Education or training" includes study at, or in 6106
conjunction with a program offered by, a university, college, or 6107
technical college or vocational study and also includes the 6108
completion of primary school, secondary school, and literacy 6109
curricula or their equivalent. 6110

(N) "Firearm" has the same meaning as in section 2923.11 6111
of the Revised Code. 6112

(O) "Halfway house" means a facility licensed by the 6113
division of parole and community services of the department of 6114
rehabilitation and correction pursuant to section 2967.14 of the 6115
Revised Code as a suitable facility for the care and treatment 6116
of adult offenders. 6117

(P) "House arrest" means a period of confinement of an 6118
offender that is in the offender's home or in other premises 6119
specified by the sentencing court or by the parole board 6120
pursuant to section 2967.28 of the Revised Code and during which 6121
all of the following apply: 6122

(1) The offender is required to remain in the offender's 6123
home or other specified premises for the specified period of 6124
confinement, except for periods of time during which the 6125
offender is at the offender's place of employment or at other 6126
premises as authorized by the sentencing court or by the parole 6127
board. 6128

(2) The offender is required to report periodically to a 6129
person designated by the court or parole board. 6130

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

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

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

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

(T) "Mandatory jail term" means the term in a jail that a sentencing court is required to impose pursuant to division (G) of section 1547.99 of the Revised Code, division (E) of section 2903.06 or division (D) of section 2903.08 of the Revised Code, division (E) or (G) of section 2929.24 of the Revised Code, division (B) of section 4510.14 of the Revised Code, or division (G) of section 4511.19 of the Revised Code or pursuant to any

other provision of the Revised Code that requires a term in a 6161
jail for a misdemeanor conviction. 6162

(U) "Delinquent child" has the same meaning as in section 6163
2152.02 of the Revised Code. 6164

(V) "License violation report" means a report that is made 6165
by a sentencing court, or by the parole board pursuant to 6166
section 2967.28 of the Revised Code, to the regulatory or 6167
licensing board or agency that issued an offender a professional 6168
license or a license or permit to do business in this state and 6169
that specifies that the offender has been convicted of or 6170
pleaded guilty to an offense that may violate the conditions 6171
under which the offender's professional license or license or 6172
permit to do business in this state was granted or an offense 6173
for which the offender's professional license or license or 6174
permit to do business in this state may be revoked or suspended. 6175

(W) "Major drug offender" means an offender who is 6176
convicted of or pleads guilty to the possession of, sale of, or 6177
offer to sell any drug, compound, mixture, preparation, or 6178
substance that consists of or contains at least one thousand 6179
grams of hashish; at least one hundred grams of cocaine; at 6180
least one thousand unit doses or one hundred grams of heroin; at 6181
least five thousand unit doses of L.S.D. or five hundred grams 6182
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6183
distillate form; at least fifty grams of a controlled substance 6184
analog; or at least one hundred times the amount of any other 6185
schedule I or II controlled substance other than marihuana that 6186
is necessary to commit a felony of the third degree pursuant to 6187
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6188
Code that is based on the possession of, sale of, or offer to 6189
sell the controlled substance. 6190

(X) "Mandatory prison term" means any of the following: 6191

(1) Subject to division (X) (2) of this section, the term 6192
in prison that must be imposed for the offenses or circumstances 6193
set forth in divisions (F) (1) to (8) or (F) (12) to (18) of 6194
section 2929.13 and division (B) of section 2929.14 of the 6195
Revised Code. Except as provided in sections 2925.02, 2925.03, 6196
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6197
maximum or another specific term is required under section 6198
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6199
described in this division may be any prison term authorized for 6200
the level of offense except that if the offense is a felony of 6201
the first or second degree committed on or after the effective 6202
date of this amendment or is a felony of the third degree that 6203
is described in division (A) (3) (a) of section 2929.14 of the 6204
Revised Code and committed on or after that effective date, a 6205
mandatory prison term described in this division may be one of 6206
the terms prescribed in division (A) (1) (a), (2) (a), or (3) (a) (i) 6207
of section 2929.14 of the Revised Code, whichever is applicable, 6208
that is authorized as the minimum term for the offense. 6209

(2) The term of sixty or one hundred twenty days in prison 6210
that a sentencing court is required to impose for a third or 6211
fourth degree felony OVI offense pursuant to division (G) (2) of 6212
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6213
of the Revised Code or the term of one, two, three, four, or 6214
five years in prison that a sentencing court is required to 6215
impose pursuant to division (G) (2) of section 2929.13 of the 6216
Revised Code. 6217

(3) The term in prison imposed pursuant to division (A) of 6218
section 2971.03 of the Revised Code for the offenses and in the 6219
circumstances described in division (F) (11) of section 2929.13 6220

of the Revised Code or pursuant to division (B) (1) (a), (b), or 6221
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6222
section 2971.03 of the Revised Code and that term as modified or 6223
terminated pursuant to section 2971.05 of the Revised Code. 6224

(Y) "Monitored time" means a period of time during which 6225
an offender continues to be under the control of the sentencing 6226
court or parole board, subject to no conditions other than 6227
leading a law-abiding life. 6228

(Z) "Offender" means a person who, in this state, is 6229
convicted of or pleads guilty to a felony or a misdemeanor. 6230

(AA) "Prison" means a residential facility used for the 6231
confinement of convicted felony offenders that is under the 6232
control of the department of rehabilitation and correction but 6233
does not include a violation sanction center operated under 6234
authority of section 2967.141 of the Revised Code. 6235

(BB) (1) "Prison term" includes either of the following 6236
sanctions for an offender: 6237

~~(1)~~ (a) A stated prison term; 6238

~~(2)~~ (b) A term in a prison shortened by, or with the 6239
approval of, the sentencing court pursuant to section 2929.143, 6240
2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised 6241
Code. 6242

(2) With respect to a non-life felony indefinite prison 6243
term, references in any provision of law to a reduction of, or 6244
deduction from, the prison term mean a reduction in, or 6245
deduction from, the minimum term imposed as part of the 6246
indefinite term. 6247

(CC) "Repeat violent offender" means a person about whom 6248

both of the following apply: 6249

(1) The person is being sentenced for committing or for 6250
complicity in committing any of the following: 6251

(a) Aggravated murder, murder, any felony of the first or 6252
second degree that is an offense of violence, or an attempt to 6253
commit any of these offenses if the attempt is a felony of the 6254
first or second degree; 6255

(b) An offense under an existing or former law of this 6256
state, another state, or the United States that is or was 6257
substantially equivalent to an offense described in division 6258
(CC) (1) (a) of this section. 6259

(2) The person previously was convicted of or pleaded 6260
guilty to an offense described in division (CC) (1) (a) or (b) of 6261
this section. 6262

(DD) "Sanction" means any penalty imposed upon an offender 6263
who is convicted of or pleads guilty to an offense, as 6264
punishment for the offense. "Sanction" includes any sanction 6265
imposed pursuant to any provision of sections 2929.14 to 2929.18 6266
or 2929.24 to 2929.28 of the Revised Code. 6267

(EE) "Sentence" means the sanction or combination of 6268
sanctions imposed by the sentencing court on an offender who is 6269
convicted of or pleads guilty to an offense. 6270

(FF) (1) "Stated prison term" means the prison term, 6271
mandatory prison term, or combination of all prison terms and 6272
mandatory prison terms imposed by the sentencing court pursuant 6273
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6274
under section 2919.25 of the Revised Code. "Stated prison term" 6275
includes any credit received by the offender for time spent in 6276
jail awaiting trial, sentencing, or transfer to prison for the 6277

offense and any time spent under house arrest or house arrest 6278
with electronic monitoring imposed after earning credits 6279
pursuant to section 2967.193 of the Revised Code. If an offender 6280
is serving a prison term as a risk reduction sentence under 6281
sections 2929.143 and 5120.036 of the Revised Code, "stated 6282
prison term" includes any period of time by which the prison 6283
term imposed upon the offender is shortened by the offender's 6284
successful completion of all assessment and treatment or 6285
programming pursuant to those sections. 6286

(2) As used in the definition of "stated prison term" set 6287
forth in division (FF)(1) of this section, a prison term is a 6288
definite prison term imposed under section 2929.14 of the 6289
Revised Code or any other provision of law, is the minimum and 6290
maximum prison terms under a non-life felony indefinite prison 6291
term, or is a term of life imprisonment except to the extent 6292
that the use of that definition in a section of the Revised Code 6293
clearly is not intended to include a term of life imprisonment. 6294
With respect to an offender sentenced to a non-life felony 6295
indefinite prison term, references in section 2967.191 or 6296
2967.193 of the Revised Code or any other provision of law to a 6297
reduction of, or deduction from, the offender's stated prison 6298
term or to release of the offender before the expiration of the 6299
offender's stated prison term mean a reduction in, or deduction 6300
from, the minimum term imposed as part of the indefinite term or 6301
a release of the offender before the expiration of that minimum 6302
term, references in section 2929.19 or 2967.28 of the Revised 6303
Code to a stated prison term with respect to a prison term 6304
imposed for a violation of a post-release control sanction mean 6305
the minimum term so imposed, and references in any provision of 6306
law to an offender's service of the offender's stated prison 6307
term or the expiration of the offender's stated prison term mean 6308

service or expiration of the minimum term so imposed plus any 6309
additional period of incarceration under the sentence that is 6310
required under section 2967.271 of the Revised Code. 6311

(GG) "Victim-offender mediation" means a reconciliation or 6312
mediation program that involves an offender and the victim of 6313
the offense committed by the offender and that includes a 6314
meeting in which the offender and the victim may discuss the 6315
offense, discuss restitution, and consider other sanctions for 6316
the offense. 6317

(HH) "Fourth degree felony OVI offense" means a violation 6318
of division (A) of section 4511.19 of the Revised Code that, 6319
under division (G) of that section, is a felony of the fourth 6320
degree. 6321

(II) "Mandatory term of local incarceration" means the 6322
term of sixty or one hundred twenty days in a jail, a community- 6323
based correctional facility, a halfway house, or an alternative 6324
residential facility that a sentencing court may impose upon a 6325
person who is convicted of or pleads guilty to a fourth degree 6326
felony OVI offense pursuant to division (G) (1) of section 6327
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6328
section 4511.19 of the Revised Code. 6329

(JJ) "Designated homicide, assault, or kidnapping 6330
offense," "violent sex offense," "sexual motivation 6331
specification," "sexually violent offense," "sexually violent 6332
predator," and "sexually violent predator specification" have 6333
the same meanings as in section 2971.01 of the Revised Code. 6334

(KK) "Sexually oriented offense," "child-victim oriented 6335
offense," and "tier III sex offender/child-victim offender" have 6336
the same meanings as in section 2950.01 of the Revised Code. 6337

(LL) An offense is "committed in the vicinity of a child" 6338
if the offender commits the offense within thirty feet of or 6339
within the same residential unit as a child who is under 6340
eighteen years of age, regardless of whether the offender knows 6341
the age of the child or whether the offender knows the offense 6342
is being committed within thirty feet of or within the same 6343
residential unit as the child and regardless of whether the 6344
child actually views the commission of the offense. 6345

(MM) "Family or household member" has the same meaning as 6346
in section 2919.25 of the Revised Code. 6347

(NN) "Motor vehicle" and "manufactured home" have the same 6348
meanings as in section 4501.01 of the Revised Code. 6349

(OO) "Detention" and "detention facility" have the same 6350
meanings as in section 2921.01 of the Revised Code. 6351

(PP) "Third degree felony OVI offense" means a violation 6352
of division (A) of section 4511.19 of the Revised Code that, 6353
under division (G) of that section, is a felony of the third 6354
degree. 6355

(QQ) "Random drug testing" has the same meaning as in 6356
section 5120.63 of the Revised Code. 6357

(RR) "Felony sex offense" has the same meaning as in 6358
section 2967.28 of the Revised Code. 6359

(SS) "Body armor" has the same meaning as in section 6360
2941.1411 of the Revised Code. 6361

(TT) "Electronic monitoring" means monitoring through the 6362
use of an electronic monitoring device. 6363

(UU) "Electronic monitoring device" means any of the 6364
following: 6365

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

(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 electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU)(1)(a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU)(1)(c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the device has been turned off or altered without prior court approval or otherwise tampered with. The device is designed specifically for use in electronic monitoring, is not a converted wireless phone or another tracking device that is clearly not designed for electronic monitoring, and provides a means of text-based or voice communication with the person.

(c) The device has a central monitoring computer that can 6396
receive continuously the signals transmitted by a wireless or 6397
landline telephone connection by a receiver of the type 6398
described in division (UU) (1) (b) of this section and can monitor 6399
continuously the person to whom an electronic monitoring device 6400
of the type described in division (UU) (1) (a) of this section is 6401
attached. 6402

(2) Any device that is not a device of the type described 6403
in division (UU) (1) of this section and that conforms with all 6404
of the following: 6405

(a) The device includes a transmitter and receiver that 6406
can monitor and determine the location of a subject person at 6407
any time, or at a designated point in time, through the use of a 6408
central monitoring computer or through other electronic means. 6409

(b) The device includes a transmitter and receiver that 6410
can determine at any time, or at a designated point in time, 6411
through the use of a central monitoring computer or other 6412
electronic means the fact that the transmitter is turned off or 6413
altered in any manner without prior approval of the court in 6414
relation to the electronic monitoring or without prior approval 6415
of the department of rehabilitation and correction in relation 6416
to the use of an electronic monitoring device for an inmate on 6417
transitional control or otherwise is tampered with. 6418

(3) Any type of technology that can adequately track or 6419
determine the location of a subject person at any time and that 6420
is approved by the director of rehabilitation and correction, 6421
including, but not limited to, any satellite technology, voice 6422
tracking system, or retinal scanning system that is so approved. 6423

(VV) "Non-economic loss" means nonpecuniary harm suffered 6424

by a victim of an offense as a result of or related to the 6425
commission of the offense, including, but not limited to, pain 6426
and suffering; loss of society, consortium, companionship, care, 6427
assistance, attention, protection, advice, guidance, counsel, 6428
instruction, training, or education; mental anguish; and any 6429
other intangible loss. 6430

(WW) "Prosecutor" has the same meaning as in section 6431
2935.01 of the Revised Code. 6432

(XX) "Continuous alcohol monitoring" means the ability to 6433
automatically test and periodically transmit alcohol consumption 6434
levels and tamper attempts at least every hour, regardless of 6435
the location of the person who is being monitored. 6436

(YY) A person is "adjudicated a sexually violent predator" 6437
if the person is convicted of or pleads guilty to a violent sex 6438
offense and also is convicted of or pleads guilty to a sexually 6439
violent predator specification that was included in the 6440
indictment, count in the indictment, or information charging 6441
that violent sex offense or if the person is convicted of or 6442
pleads guilty to a designated homicide, assault, or kidnapping 6443
offense and also is convicted of or pleads guilty to both a 6444
sexual motivation specification and a sexually violent predator 6445
specification that were included in the indictment, count in the 6446
indictment, or information charging that designated homicide, 6447
assault, or kidnapping offense. 6448

(ZZ) An offense is "committed in proximity to a school" if 6449
the offender commits the offense in a school safety zone or 6450
within five hundred feet of any school building or the 6451
boundaries of any school premises, regardless of whether the 6452
offender knows the offense is being committed in a school safety 6453
zone or within five hundred feet of any school building or the 6454

boundaries of any school premises. 6455

(AAA) "Human trafficking" means a scheme or plan to which 6456
all of the following apply: 6457

(1) Its object is one or more of the following: 6458

(a) To subject a victim or victims to involuntary 6459
servitude, as defined in section 2905.31 of the Revised Code or 6460
to compel a victim or victims to engage in sexual activity for 6461
hire, to engage in a performance that is obscene, sexually 6462
oriented, or nudity oriented, or to be a model or participant in 6463
the production of material that is obscene, sexually oriented, 6464
or nudity oriented; 6465

(b) To facilitate, encourage, or recruit a victim who is 6466
less than sixteen years of age or is a person with a 6467
developmental disability, or victims who are less than sixteen 6468
years of age or are persons with developmental disabilities, for 6469
any purpose listed in divisions (A) (2) (a) to (c) of section 6470
2905.32 of the Revised Code; 6471

(c) To facilitate, encourage, or recruit a victim who is 6472
sixteen or seventeen years of age, or victims who are sixteen or 6473
seventeen years of age, for any purpose listed in divisions (A) 6474
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6475
circumstances described in division (A) (5), (6), (7), (8), (9), 6476
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6477
apply with respect to the person engaging in the conduct and the 6478
victim or victims. 6479

(2) It involves at least two felony offenses, whether or 6480
not there has been a prior conviction for any of the felony 6481
offenses, to which all of the following apply: 6482

(a) Each of the felony offenses is a violation of section 6483

2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6484
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6485
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6486
is a violation of a law of any state other than this state that 6487
is substantially similar to any of the sections or divisions of 6488
the Revised Code identified in this division. 6489

(b) At least one of the felony offenses was committed in 6490
this state. 6491

(c) The felony offenses are related to the same scheme or 6492
plan and are not isolated instances. 6493

(BBB) "Material," "nudity," "obscene," "performance," and 6494
"sexual activity" have the same meanings as in section 2907.01 6495
of the Revised Code. 6496

(CCC) "Material that is obscene, sexually oriented, or 6497
nudity oriented" means any material that is obscene, that shows 6498
a person participating or engaging in sexual activity, 6499
masturbation, or bestiality, or that shows a person in a state 6500
of nudity. 6501

(DDD) "Performance that is obscene, sexually oriented, or 6502
nudity oriented" means any performance that is obscene, that 6503
shows a person participating or engaging in sexual activity, 6504
masturbation, or bestiality, or that shows a person in a state 6505
of nudity. 6506

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6507
as an ignitable liquid, used to initiate a fire or increase the 6508
rate of growth or spread of a fire. 6509

(FFF) "Non-life felony indefinite prison term" means a 6510
prison term imposed under division (A) (1) (a), (2) (a), or (3) (a) 6511
(i) of section 2929.14 and section 2929.144 of the Revised Code 6512

for a felony of the first or second degree committed on or after 6513
the effective date of this amendment or a felony of the third 6514
degree that is described in division (A) (3) (a) of section 6515
2929.14 of the Revised Code and committed on or after that 6516
effective date. 6517

Sec. 2929.14. (A) Except as provided in division (B) (1), 6518
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 6519
(E), (G), (H), (J), or (K) of this section or in division (D) (6) 6520
of section 2919.25 of the Revised Code and except in relation to 6521
an offense for which a sentence of death or life imprisonment is 6522
to be imposed, if the court imposing a sentence upon an offender 6523
for a felony elects or is required to impose a prison term on 6524
the offender pursuant to this chapter, the court shall impose a 6525
~~definite~~ prison term that shall be one of the following: 6526

(1) (a) For a felony of the first degree committed on or 6527
after the effective date of this amendment, the prison term 6528
shall be an indefinite prison term with a stated minimum term 6529
selected by the court of three, four, five, six, seven, eight, 6530
nine, ten, or eleven years and a maximum term that is determined 6531
pursuant to section 2929.144 of the Revised Code, except that if 6532
the section that criminalizes the conduct constituting the 6533
felony specifies a different minimum term or penalty for the 6534
offense, the specific language of that section shall control in 6535
determining the minimum term or otherwise sentencing the 6536
offender but the minimum term or sentence imposed under that 6537
specific language shall be considered for purposes of the 6538
Revised Code as if it had been imposed under this division. 6539

(b) For a felony of the first degree committed prior to 6540
the effective date of this amendment, the prison term shall be a 6541
definite prison term of three, four, five, six, seven, eight, 6542

nine, ten, or eleven years. 6543

(2) (a) For a felony of the second degree committed on or 6544
after the effective date of this amendment, the prison term 6545
shall be an indefinite prison term with a stated minimum term 6546
selected by the court of two, three, four, five, six, seven, or 6547
eight years and a maximum term that is determined pursuant to 6548
section 2929.144 of the Revised Code, except that if the section 6549
that criminalizes the conduct constituting the felony specifies 6550
a different minimum term or penalty for the offense, the 6551
specific language of that section shall control in determining 6552
the minimum term or otherwise sentencing the offender but the 6553
minimum term or sentence imposed under that specific language 6554
shall be considered for purposes of the Revised Code as if it 6555
had been imposed under this division. 6556

(b) For a felony of the second degree committed prior to 6557
the effective date of this amendment, the prison term shall be a 6558
definite term of two, three, four, five, six, seven, or eight 6559
years. 6560

(3) (a) For a felony of the third degree that is a 6561
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 6562
2907.05, or 3795.04 of the Revised Code or that is a violation 6563
of section 2911.02 or 2911.12 of the Revised Code if the 6564
offender previously has been convicted of or pleaded guilty in 6565
two or more separate proceedings to two or more violations of 6566
section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised 6567
Code, the prison term shall be one of the following: 6568

(i) If the felony of the third degree is 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 6571
selected by the court of twelve, eighteen, twenty-four, thirty, 6572

thirty-six, forty-two, forty-eight, fifty-four, or sixty months 6573
and a maximum term that is determined pursuant to section 6574
2929.144 of the Revised Code, except that if the section that 6575
criminalizes the conduct constituting the felony specifies a 6576
different minimum term or penalty for the offense, the specific 6577
language of that section shall control in determining the 6578
minimum term or otherwise sentencing the offender but the 6579
minimum term or sentence imposed under that specific language 6580
shall be considered for purposes of the Revised Code as if it 6581
had been imposed under this division. 6582

(ii) If the felony of the third degree is committed prior 6583
to the effective date of this amendment, the prison term shall 6584
be a definite term of twelve, eighteen, twenty-four, thirty, 6585
thirty-six, forty-two, forty-eight, fifty-four, or sixty months. 6586

(b) For a felony of the third degree that is not an 6587
offense for which division (A) (3) (a) of this section applies, 6588
the prison term shall be a definite term of nine, twelve, 6589
eighteen, twenty-four, thirty, or thirty-six months. 6590

(4) For a felony of the fourth degree, the prison term 6591
shall be a definite term of six, seven, eight, nine, ten, 6592
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 6593
or eighteen months. 6594

(5) For a felony of the fifth degree, the prison term 6595
shall be a definite term of six, seven, eight, nine, ten, 6596
eleven, or twelve months. 6597

(B) (1) (a) Except as provided in division (B) (1) (e) of this 6598
section, if an offender who is convicted of or pleads guilty to 6599
a felony also is convicted of or pleads guilty to a 6600
specification of the type described in section 2941.141, 6601

2941.144, or 2941.145 of the Revised Code, the court shall 6602
impose on the offender one of the following prison terms: 6603

(i) A prison term of six years if the specification is of 6604
the type described in division (A) of section 2941.144 of the 6605
Revised Code that charges the offender with having a firearm 6606
that is an automatic firearm or that was equipped with a firearm 6607
muffler or suppressor on or about the offender's person or under 6608
the offender's control while committing the offense; 6609

(ii) A prison term of three years if the specification is 6610
of the type described in division (A) of section 2941.145 of the 6611
Revised Code that charges the offender with having a firearm on 6612
or about the offender's person or under the offender's control 6613
while committing the offense and displaying the firearm, 6614
brandishing the firearm, indicating that the offender possessed 6615
the firearm, or using it to facilitate the offense; 6616

(iii) A prison term of one year if the specification is of 6617
the type described in division (A) of section 2941.141 of the 6618
Revised Code that charges the offender with having a firearm on 6619
or about the offender's person or under the offender's control 6620
while committing the offense; 6621

(iv) A prison term of nine years if the specification is 6622
of the type described in division (D) of section 2941.144 of the 6623
Revised Code that charges the offender with having a firearm 6624
that is an automatic firearm or that was equipped with a firearm 6625
muffler or suppressor on or about the offender's person or under 6626
the offender's control while committing the offense and 6627
specifies that the offender previously has been convicted of or 6628
pleaded guilty to a specification of the type described in 6629
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6630
the Revised Code; 6631

(v) A prison term of fifty-four months if the 6632
specification is of the type described in division (D) of 6633
section 2941.145 of the Revised Code that charges the offender 6634
with having a firearm on or about the offender's person or under 6635
the offender's control while committing the offense and 6636
displaying the firearm, brandishing the firearm, indicating that 6637
the offender possessed the firearm, or using the firearm to 6638
facilitate the offense and that the offender previously has been 6639
convicted of or pleaded guilty to a specification of the type 6640
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 6641
2941.1412 of the Revised Code; 6642

(vi) A prison term of eighteen months if the specification 6643
is of the type described in division (D) of section 2941.141 of 6644
the Revised Code that charges the offender with having a firearm 6645
on or about the offender's person or under the offender's 6646
control while committing the offense and that the offender 6647
previously has been convicted of or pleaded guilty to a 6648
specification of the type described in section 2941.141, 6649
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 6650

(b) If a court imposes a prison term on an offender under 6651
division (B) (1) (a) of this section, the prison term shall not be 6652
reduced pursuant to section 2967.19, section 2929.20, section 6653
2967.193, or any other provision of Chapter 2967. or Chapter 6654
5120. of the Revised Code. Except as provided in division (B) (1) 6655
(g) of this section, a court shall not impose more than one 6656
prison term on an offender under division (B) (1) (a) of this 6657
section for felonies committed as part of the same act or 6658
transaction. 6659

(c) (i) Except as provided in division (B) (1) (e) of this 6660
section, if an offender who is convicted of or pleads guilty to 6661

a violation of section 2923.161 of the Revised Code or to a 6662
felony that includes, as an essential element, purposely or 6663
knowingly causing or attempting to cause the death of or 6664
physical harm to another, also is convicted of or pleads guilty 6665
to a specification of the type described in division (A) of 6666
section 2941.146 of the Revised Code that charges the offender 6667
with committing the offense by discharging a firearm from a 6668
motor vehicle other than a manufactured home, the court, after 6669
imposing a prison term on the offender for the violation of 6670
section 2923.161 of the Revised Code or for the other felony 6671
offense under division (A), (B) (2), or (B) (3) of this section, 6672
shall impose an additional prison term of five years upon the 6673
offender that shall not be reduced pursuant to section 2929.20, 6674
section 2967.19, section 2967.193, or any other provision of 6675
Chapter 2967. or Chapter 5120. of the Revised Code. 6676

(ii) Except as provided in division (B) (1) (e) of this 6677
section, if an offender who is convicted of or pleads guilty to 6678
a violation of section 2923.161 of the Revised Code or to a 6679
felony that includes, as an essential element, purposely or 6680
knowingly causing or attempting to cause the death of or 6681
physical harm to another, also is convicted of or pleads guilty 6682
to a specification of the type described in division (C) of 6683
section 2941.146 of the Revised Code that charges the offender 6684
with committing the offense by discharging a firearm from a 6685
motor vehicle other than a manufactured home and that the 6686
offender previously has been convicted of or pleaded guilty to a 6687
specification of the type described in section 2941.141, 6688
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 6689
the court, after imposing a prison term on the offender for the 6690
violation of section 2923.161 of the Revised Code or for the 6691
other felony offense under division (A), (B) (2), or (3) of this 6692

section, shall impose an additional prison term of ninety months 6693
upon the offender that shall not be reduced pursuant to section 6694
2929.20, 2967.19, 2967.193, or any other provision of Chapter 6695
2967. or Chapter 5120. of the Revised Code. 6696

(iii) A court shall not impose more than one additional 6697
prison term on an offender under division (B) (1) (c) of this 6698
section for felonies committed as part of the same act or 6699
transaction. If a court imposes an additional prison term on an 6700
offender under division (B) (1) (c) of this section relative to an 6701
offense, the court also shall impose a prison term under 6702
division (B) (1) (a) of this section relative to the same offense, 6703
provided the criteria specified in that division for imposing an 6704
additional prison term are satisfied relative to the offender 6705
and the offense. 6706

(d) If an offender who is convicted of or pleads guilty to 6707
an offense of violence that is a felony also is convicted of or 6708
pleads guilty to a specification of the type described in 6709
section 2941.1411 of the Revised Code that charges the offender 6710
with wearing or carrying body armor while committing the felony 6711
offense of violence, the court shall impose on the offender ~~a~~an 6712
additional prison term of two years. The prison term so imposed, 6713
subject to divisions (C) to (I) of section 2967.19 of the 6714
Revised Code, shall not be reduced pursuant to section 2929.20, 6715
section 2967.19, section 2967.193, or any other provision of 6716
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6717
shall not impose more than one prison term on an offender under 6718
division (B) (1) (d) of this section for felonies committed as 6719
part of the same act or transaction. If a court imposes an 6720
additional prison term under division (B) (1) (a) or (c) of this 6721
section, the court is not precluded from imposing an additional 6722
prison term under division (B) (1) (d) of this section. 6723

(e) The court shall not impose any of the prison terms 6724
described in division (B) (1) (a) of this section or any of the 6725
additional prison terms described in division (B) (1) (c) of this 6726
section upon an offender for a violation of section 2923.12 or 6727
2923.123 of the Revised Code. The court shall not impose any of 6728
the prison terms described in division (B) (1) (a) or (b) of this 6729
section upon an offender for a violation of section 2923.122 6730
that involves a deadly weapon that is a firearm other than a 6731
dangerous ordnance, section 2923.16, or section 2923.121 of the 6732
Revised Code. The court shall not impose any of the prison terms 6733
described in division (B) (1) (a) of this section or any of the 6734
additional prison terms described in division (B) (1) (c) of this 6735
section upon an offender for a violation of section 2923.13 of 6736
the Revised Code unless all of the following apply: 6737

(i) The offender previously has been convicted of 6738
aggravated murder, murder, or any felony of the first or second 6739
degree. 6740

(ii) Less than five years have passed since the offender 6741
was released from prison or post-release control, whichever is 6742
later, for the prior offense. 6743

(f) (i) If an offender is convicted of or pleads guilty to 6744
a felony that includes, as an essential element, causing or 6745
attempting to cause the death of or physical harm to another and 6746
also is convicted of or pleads guilty to a specification of the 6747
type described in division (A) of section 2941.1412 of the 6748
Revised Code that charges the offender with committing the 6749
offense by discharging a firearm at a peace officer as defined 6750
in section 2935.01 of the Revised Code or a corrections officer, 6751
as defined in section 2941.1412 of the Revised Code, the court, 6752
after imposing a prison term on the offender for the felony 6753

offense under division (A), (B) (2), or (B) (3) of this section, 6754
shall impose an additional prison term of seven years upon the 6755
offender that shall not be reduced pursuant to section 2929.20, 6756
section 2967.19, section 2967.193, or any other provision of 6757
Chapter 2967. or Chapter 5120. of the Revised Code. 6758

(ii) If an offender is convicted of or pleads guilty to a 6759
felony that includes, as an essential element, causing or 6760
attempting to cause the death of or physical harm to another and 6761
also is convicted of or pleads guilty to a specification of the 6762
type described in division (B) of section 2941.1412 of the 6763
Revised Code that charges the offender with committing the 6764
offense by discharging a firearm at a peace officer, as defined 6765
in section 2935.01 of the Revised Code, or a corrections 6766
officer, as defined in section 2941.1412 of the Revised Code, 6767
and that the offender previously has been convicted of or 6768
pleaded guilty to a specification of the type described in 6769
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 6770
the Revised Code, the court, after imposing a prison term on the 6771
offender for the felony offense under division (A), (B) (2), or 6772
(3) of this section, shall impose an additional prison term of 6773
one hundred twenty-six months upon the offender that shall not 6774
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 6775
any other provision of Chapter 2967. or 5120. of the Revised 6776
Code. 6777

(iii) If an offender is convicted of or pleads guilty to 6778
two or more felonies that include, as an essential element, 6779
causing or attempting to cause the death or physical harm to 6780
another and also is convicted of or pleads guilty to a 6781
specification of the type described under division (B) (1) (f) of 6782
this section in connection with two or more of the felonies of 6783
which the offender is convicted or to which the offender pleads 6784

guilty, the sentencing court shall impose on the offender the 6785
prison term specified under division (B) (1) (f) of this section 6786
for each of two of the specifications of which the offender is 6787
convicted or to which the offender pleads guilty and, in its 6788
discretion, also may impose on the offender the prison term 6789
specified under that division for any or all of the remaining 6790
specifications. If a court imposes an additional prison term on 6791
an offender under division (B) (1) (f) of this section relative to 6792
an offense, the court shall not impose a prison term under 6793
division (B) (1) (a) or (c) of this section relative to the same 6794
offense. 6795

(g) If an offender is convicted of or pleads guilty to two 6796
or more felonies, if one or more of those felonies are 6797
aggravated murder, murder, attempted aggravated murder, 6798
attempted murder, aggravated robbery, felonious assault, or 6799
rape, and if the offender is convicted of or pleads guilty to a 6800
specification of the type described under division (B) (1) (a) of 6801
this section in connection with two or more of the felonies, the 6802
sentencing court shall impose on the offender the prison term 6803
specified under division (B) (1) (a) of this section for each of 6804
the two most serious specifications of which the offender is 6805
convicted or to which the offender pleads guilty and, in its 6806
discretion, also may impose on the offender the prison term 6807
specified under that division for any or all of the remaining 6808
specifications. 6809

(2) (a) If division (B) (2) (b) of this section does not 6810
apply, the court may impose on an offender, in addition to the 6811
longest prison term authorized or required for the offense or, 6812
for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) 6813
of this section applies, in addition to the longest minimum 6814
prison term authorized or required for the offense, an 6815

additional definite prison term of one, two, three, four, five, 6816
six, seven, eight, nine, or ten years if all of the following 6817
criteria are met: 6818

(i) The offender is convicted of or pleads guilty to a 6819
specification of the type described in section 2941.149 of the 6820
Revised Code that the offender is a repeat violent offender. 6821

(ii) The offense of which the offender currently is 6822
convicted or to which the offender currently pleads guilty is 6823
aggravated murder and the court does not impose a sentence of 6824
death or life imprisonment without parole, murder, terrorism and 6825
the court does not impose a sentence of life imprisonment 6826
without parole, any felony of the first degree that is an 6827
offense of violence and the court does not impose a sentence of 6828
life imprisonment without parole, or any felony of the second 6829
degree that is an offense of violence and the trier of fact 6830
finds that the offense involved an attempt to cause or a threat 6831
to cause serious physical harm to a person or resulted in 6832
serious physical harm to a person. 6833

(iii) The court imposes the longest prison term for the 6834
offense or the longest minimum prison term for the offense, 6835
whichever is applicable, that is not life imprisonment without 6836
parole. 6837

(iv) The court finds that the prison terms imposed 6838
pursuant to division (B) (2) (a) (iii) of this section and, if 6839
applicable, division (B) (1) or (3) of this section are 6840
inadequate to punish the offender and protect the public from 6841
future crime, because the applicable factors under section 6842
2929.12 of the Revised Code indicating a greater likelihood of 6843
recidivism outweigh the applicable factors under that section 6844
indicating a lesser likelihood of recidivism. 6845

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

(b) The court shall impose on an offender the longest prison term authorized or required for the offense or, for offenses for which division (A) (1) (a), (2) (a), or (3) (a) (i) of this section applies, the longest minimum prison term authorized or required for the offense, and shall impose on the offender an additional definite prison term of one, two, three, four, five, six, seven, eight, nine, or ten years if all of the following criteria are met:

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

(ii) The offender within the preceding twenty years has been convicted of or pleaded guilty to three or more offenses described in division (CC) (1) of section 2929.01 of the Revised Code, including all offenses described in that division of which the offender is convicted or to which the offender pleads guilty in the current prosecution and all offenses described in that division of which the offender previously has been convicted or to which the offender previously pleaded guilty, whether prosecuted together or separately.

(iii) The offense or offenses of which the offender 6876
currently is convicted or to which the offender currently pleads 6877
guilty is aggravated murder and the court does not impose a 6878
sentence of death or life imprisonment without parole, murder, 6879
terrorism and the court does not impose a sentence of life 6880
imprisonment without parole, any felony of the first degree that 6881
is an offense of violence and the court does not impose a 6882
sentence of life imprisonment without parole, or any felony of 6883
the second degree that is an offense of violence and the trier 6884
of fact finds that the offense involved an attempt to cause or a 6885
threat to cause serious physical harm to a person or resulted in 6886
serious physical harm to a person. 6887

(c) For purposes of division (B) (2) (b) of this section, 6888
two or more offenses committed at the same time or as part of 6889
the same act or event shall be considered one offense, and that 6890
one offense shall be the offense with the greatest penalty. 6891

(d) A sentence imposed under division (B) (2) (a) or (b) of 6892
this section shall not be reduced pursuant to section 2929.20, 6893
section 2967.19, or section 2967.193, or any other provision of 6894
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 6895
shall serve an additional prison term imposed under division (B) 6896
(2) (a) or (b) of this section consecutively to and prior to the 6897
prison term imposed for the underlying offense. 6898

(e) When imposing a sentence pursuant to division (B) (2) 6899
(a) or (b) of this section, the court shall state its findings 6900
explaining the imposed sentence. 6901

(3) Except when an offender commits a violation of section 6902
2903.01 or 2907.02 of the Revised Code and the penalty imposed 6903
for the violation is life imprisonment or commits a violation of 6904
section 2903.02 of the Revised Code, if the offender commits a 6905

violation of section 2925.03 or 2925.11 of the Revised Code and 6906
that section classifies the offender as a major drug offender, 6907
if the offender commits a felony violation of section 2925.02, 6908
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 6909
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 6910
division (E) of section 4729.51, or division (J) of section 6911
4729.54 of the Revised Code that includes the sale, offer to 6912
sell, or possession of a schedule I or II controlled substance, 6913
with the exception of marihuana, and the court imposing sentence 6914
upon the offender finds that the offender is guilty of a 6915
specification of the type described in section 2941.1410 of the 6916
Revised Code charging that the offender is a major drug 6917
offender, if the court imposing sentence upon an offender for a 6918
felony finds that the offender is guilty of corrupt activity 6919
with the most serious offense in the pattern of corrupt activity 6920
being a felony of the first degree, or if the offender is guilty 6921
of an attempted violation of section 2907.02 of the Revised Code 6922
and, had the offender completed the violation of section 2907.02 6923
of the Revised Code that was attempted, the offender would have 6924
been subject to a sentence of life imprisonment or life 6925
imprisonment without parole for the violation of section 2907.02 6926
of the Revised Code, the court shall impose upon the offender 6927
for the felony violation a mandatory prison term ~~of the maximum~~ 6928
~~prison term prescribed for a felony of the first degree~~ 6929
determined as described in this division that, subject to 6930
divisions (C) to (I) of section 2967.19 of the Revised Code, 6931
cannot be reduced pursuant to section 2929.20, section 2967.19, 6932
or any other provision of Chapter 2967. or 5120. of the Revised 6933
Code. The mandatory prison term shall be the maximum definite 6934
prison term prescribed in division (A) (1) (b) of this section for 6935
a felony of the first degree, except that for offenses for which 6936
division (A) (1) (a) of this section applies, the mandatory prison 6937

term shall be the longest minimum prison term prescribed in that 6938
division for the offense. 6939

(4) If the offender is being sentenced for a third or 6940
fourth degree felony OVI offense under division (G) (2) of 6941
section 2929.13 of the Revised Code, the sentencing court shall 6942
impose upon the offender a mandatory prison term in accordance 6943
with that division. In addition to the mandatory prison term, if 6944
the offender is being sentenced for a fourth degree felony OVI 6945
offense, the court, notwithstanding division (A) (4) of this 6946
section, may sentence the offender to a definite prison term of 6947
not less than six months and not more than thirty months, and if 6948
the offender is being sentenced for a third degree felony OVI 6949
offense, the sentencing court may sentence the offender to an 6950
additional prison term of any duration specified in division (A) 6951
(3) of this section. In either case, the additional prison term 6952
imposed shall be reduced by the sixty or one hundred twenty days 6953
imposed upon the offender as the mandatory prison term. The 6954
total of the additional prison term imposed under division (B) 6955
(4) of this section plus the sixty or one hundred twenty days 6956
imposed as the mandatory prison term shall equal a definite term 6957
in the range of six months to thirty months for a fourth degree 6958
felony OVI offense and shall equal one of the authorized prison 6959
terms specified in division (A) (3) of this section for a third 6960
degree felony OVI offense. If the court imposes an additional 6961
prison term under division (B) (4) of this section, the offender 6962
shall serve the additional prison term after the offender has 6963
served the mandatory prison term required for the offense. In 6964
addition to the mandatory prison term or mandatory and 6965
additional prison term imposed as described in division (B) (4) 6966
of this section, the court also may sentence the offender to a 6967
community control sanction under section 2929.16 or 2929.17 of 6968

the Revised Code, but the offender shall serve all of the prison 6969
terms so imposed prior to serving the community control 6970
sanction. 6971

If the offender is being sentenced for a fourth degree 6972
felony OVI offense under division (G) (1) of section 2929.13 of 6973
the Revised Code and the court imposes a mandatory term of local 6974
incarceration, the court may impose a prison term as described 6975
in division (A) (1) of that section. 6976

(5) If an offender is convicted of or pleads guilty to a 6977
violation of division (A) (1) or (2) of section 2903.06 of the 6978
Revised Code and also is convicted of or pleads guilty to a 6979
specification of the type described in section 2941.1414 of the 6980
Revised Code that charges that the victim of the offense is a 6981
peace officer, as defined in section 2935.01 of the Revised 6982
Code, or an investigator of the bureau of criminal 6983
identification and investigation, as defined in section 2903.11 6984
of the Revised Code, the court shall impose on the offender a 6985
prison term of five years. If a court imposes a prison term on 6986
an offender under division (B) (5) of this section, the prison 6987
term, subject to divisions (C) to (I) of section 2967.19 of the 6988
Revised Code, shall not be reduced pursuant to section 2929.20, 6989
section 2967.19, section 2967.193, or any other provision of 6990
Chapter 2967. or Chapter 5120. of the Revised Code. A court 6991
shall not impose more than one prison term on an offender under 6992
division (B) (5) of this section for felonies committed as part 6993
of the same act. 6994

(6) If an offender is convicted of or pleads guilty to a 6995
violation of division (A) (1) or (2) of section 2903.06 of the 6996
Revised Code and also is convicted of or pleads guilty to a 6997
specification of the type described in section 2941.1415 of the 6998

Revised Code that charges that the offender previously has been 6999
convicted of or pleaded guilty to three or more violations of 7000
division (A) or (B) of section 4511.19 of the Revised Code or an 7001
equivalent offense, as defined in section 2941.1415 of the 7002
Revised Code, or three or more violations of any combination of 7003
those divisions and offenses, the court shall impose on the 7004
offender a prison term of three years. If a court imposes a 7005
prison term on an offender under division (B) (6) of this 7006
section, the prison term, subject to divisions (C) to (I) of 7007
section 2967.19 of the Revised Code, shall not be reduced 7008
pursuant to section 2929.20, section 2967.19, section 2967.193, 7009
or any other provision of Chapter 2967. or Chapter 5120. of the 7010
Revised Code. A court shall not impose more than one prison term 7011
on an offender under division (B) (6) of this section for 7012
felonies committed as part of the same act. 7013

(7) (a) If an offender is convicted of or pleads guilty to 7014
a felony violation of section 2905.01, 2905.02, 2907.21, 7015
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323, 7016
or division (B) (1), (2), (3), (4), or (5) of section 2919.22 of 7017
the Revised Code and also is convicted of or pleads guilty to a 7018
specification of the type described in section 2941.1422 of the 7019
Revised Code that charges that the offender knowingly committed 7020
the offense in furtherance of human trafficking, the court shall 7021
impose on the offender a mandatory prison term that is one of 7022
the following: 7023

(i) If the offense is a felony of the first degree, a 7024
definite prison term of not less than five years and not greater 7025
than ~~ten~~ eleven years, except that if the offense is a felony of 7026
the first degree committed on or after the effective date of 7027
this amendment, the court shall impose as the minimum prison 7028
term a mandatory term of not less than five years and not 7029

greater than eleven years; 7030

(ii) If the offense is a felony of the second or third 7031
degree, a definite prison term of not less than three years and 7032
not greater than the maximum prison term allowed for the offense 7033
by division (A) (2) (b) or (3) of this section ~~2929.14 of the~~ 7034
Revised Code, except that if the offense is a felony of the 7035
second degree committed on or after the effective date of this 7036
amendment, the court shall impose as the minimum prison term a 7037
mandatory term of not less than three years and not greater than 7038
eight years; 7039

(iii) If the offense is a felony of the fourth or fifth 7040
degree, a definite prison term that is the maximum prison term 7041
allowed for the offense by division (A) of section 2929.14 of 7042
the Revised Code. 7043

(b) Subject to divisions (C) to (I) of section 2967.19 of 7044
the Revised Code, the prison term imposed under division (B) (7) 7045
(a) of this section shall not be reduced pursuant to section 7046
2929.20, section 2967.19, section 2967.193, or any other 7047
provision of Chapter 2967. of the Revised Code. A court shall 7048
not impose more than one prison term on an offender under 7049
division (B) (7) (a) of this section for felonies committed as 7050
part of the same act, scheme, or plan. 7051

(8) If an offender is convicted of or pleads guilty to a 7052
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7053
Revised Code and also is convicted of or pleads guilty to a 7054
specification of the type described in section 2941.1423 of the 7055
Revised Code that charges that the victim of the violation was a 7056
woman whom the offender knew was pregnant at the time of the 7057
violation, notwithstanding the range ~~of prison terms~~ prescribed 7058
in division (A) of this section as the definite prison term or 7059

minimum prison term for felonies of the same degree as the 7060
violation, the court shall impose on the offender a mandatory 7061
prison term that is either a definite prison term of six months 7062
or one of the prison terms prescribed in division (A) of this 7063
section 2929.14 of the Revised Code for felonies of the same 7064
degree as the violation, except that if the violation is a 7065
felony of the first or second degree committed on or after the 7066
effective date of this amendment, the court shall impose as the 7067
minimum prison term under division (A) (1) (a) or (2) (a) of this 7068
section a mandatory term that is one of the terms prescribed in 7069
that division, whichever is applicable, for the offense. 7070

(9) (a) If an offender is convicted of or pleads guilty to 7071
a violation of division (A) (1) or (2) of section 2903.11 of the 7072
Revised Code and also is convicted of or pleads guilty to a 7073
specification of the type described in section 2941.1425 of the 7074
Revised Code, the court shall impose on the offender a mandatory 7075
prison term of six years if either of the following applies: 7076

(i) The violation is a violation of division (A) (1) of 7077
section 2903.11 of the Revised Code and the specification 7078
charges that the offender used an accelerant in committing the 7079
violation and the serious physical harm to another or to 7080
another's unborn caused by the violation resulted in a 7081
permanent, serious disfigurement or permanent, substantial 7082
incapacity; 7083

(ii) The violation is a violation of division (A) (2) of 7084
section 2903.11 of the Revised Code and the specification 7085
charges that the offender used an accelerant in committing the 7086
violation, that the violation caused physical harm to another or 7087
to another's unborn, and that the physical harm resulted in a 7088
permanent, serious disfigurement or permanent, substantial 7089

incapacity. 7090

(b) If a court imposes a prison term on an offender under 7091
division (B) (9) (a) of this section, the prison term shall not be 7092
reduced pursuant to section 2929.20, section 2967.19, section 7093
2967.193, or any other provision of Chapter 2967. or Chapter 7094
5120. of the Revised Code. A court shall not impose more than 7095
one prison term on an offender under division (B) (9) of this 7096
section for felonies committed as part of the same act. 7097

(c) The provisions of divisions (B) (9) and (C) (6) of this 7098
section and of division (D) (2) of section 2903.11, division (F) 7099
(20) of section 2929.13, and section 2941.1425 of the Revised 7100
Code shall be known as "Judy's Law." 7101

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7102
if a mandatory prison term is imposed upon an offender pursuant 7103
to division (B) (1) (a) of this section for having a firearm on or 7104
about the offender's person or under the offender's control 7105
while committing a felony, if a mandatory prison term is imposed 7106
upon an offender pursuant to division (B) (1) (c) of this section 7107
for committing a felony specified in that division by 7108
discharging a firearm from a motor vehicle, or if both types of 7109
mandatory prison terms are imposed, the offender shall serve any 7110
mandatory prison term imposed under either division 7111
consecutively to any other mandatory prison term imposed under 7112
either division or under division (B) (1) (d) of this section, 7113
consecutively to and prior to any prison term imposed for the 7114
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7115
this section or any other section of the Revised Code, and 7116
consecutively to any other prison term or mandatory prison term 7117
previously or subsequently imposed upon the offender. 7118

(b) If a mandatory prison term is imposed upon an offender 7119

pursuant to division (B)(1)(d) of this section for wearing or 7120
carrying body armor while committing an offense of violence that 7121
is a felony, the offender shall serve the mandatory term so 7122
imposed consecutively to any other mandatory prison term imposed 7123
under that division or under division (B)(1)(a) or (c) of this 7124
section, consecutively to and prior to any prison term imposed 7125
for the underlying felony under division (A), (B)(2), or (B)(3) 7126
of this section or any other section of the Revised Code, and 7127
consecutively to any other prison term or mandatory prison term 7128
previously or subsequently imposed upon the offender. 7129

(c) If a mandatory prison term is imposed upon an offender 7130
pursuant to division (B)(1)(f) of this section, the offender 7131
shall serve the mandatory prison term so imposed consecutively 7132
to and prior to any prison term imposed for the underlying 7133
felony under division (A), (B)(2), or (B)(3) of this section or 7134
any other section of the Revised Code, and consecutively to any 7135
other prison term or mandatory prison term previously or 7136
subsequently imposed upon the offender. 7137

(d) If a mandatory prison term is imposed upon an offender 7138
pursuant to division (B)(7) or (8) of this section, the offender 7139
shall serve the mandatory prison term so imposed consecutively 7140
to any other mandatory prison term imposed under that division 7141
or under any other provision of law and consecutively to any 7142
other prison term or mandatory prison term previously or 7143
subsequently imposed upon the offender. 7144

(2) If an offender who is an inmate in a jail, prison, or 7145
other residential detention facility violates section 2917.02, 7146
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 7147
(2) of section 2921.34 of the Revised Code, if an offender who 7148
is under detention at a detention facility commits a felony 7149

violation of section 2923.131 of the Revised Code, or if an 7150
offender who is an inmate in a jail, prison, or other 7151
residential detention facility or is under detention at a 7152
detention facility commits another felony while the offender is 7153
an escapee in violation of division (A) (1) or (2) of section 7154
2921.34 of the Revised Code, any prison term imposed upon the 7155
offender for one of those violations shall be served by the 7156
offender consecutively to the prison term or term of 7157
imprisonment the offender was serving when the offender 7158
committed that offense and to any other prison term previously 7159
or subsequently imposed upon the offender. 7160

(3) If a prison term is imposed for a violation of 7161
division (B) of section 2911.01 of the Revised Code, a violation 7162
of division (A) of section 2913.02 of the Revised Code in which 7163
the stolen property is a firearm or dangerous ordnance, or a 7164
felony violation of division (B) of section 2921.331 of the 7165
Revised Code, the offender shall serve that prison term 7166
consecutively to any other prison term or mandatory prison term 7167
previously or subsequently imposed upon the offender. 7168

(4) If multiple prison terms are imposed on an offender 7169
for convictions of multiple offenses, the court may require the 7170
offender to serve the prison terms consecutively if the court 7171
finds that the consecutive service is necessary to protect the 7172
public from future crime or to punish the offender and that 7173
consecutive sentences are not disproportionate to the 7174
seriousness of the offender's conduct and to the danger the 7175
offender poses to the public, and if the court also finds any of 7176
the following: 7177

(a) The offender committed one or more of the multiple 7178
offenses while the offender was awaiting trial or sentencing, 7179

was under a sanction imposed pursuant to section 2929.16, 7180
2929.17, or 2929.18 of the Revised Code, or was under post- 7181
release control for a prior offense. 7182

(b) At least two of the multiple offenses were committed 7183
as part of one or more courses of conduct, and the harm caused 7184
by two or more of the multiple offenses so committed was so 7185
great or unusual that no single prison term for any of the 7186
offenses committed as part of any of the courses of conduct 7187
adequately reflects the seriousness of the offender's conduct. 7188

(c) The offender's history of criminal conduct 7189
demonstrates that consecutive sentences are necessary to protect 7190
the public from future crime by the offender. 7191

(5) If a mandatory prison term is imposed upon an offender 7192
pursuant to division (B) (5) or (6) of this section, the offender 7193
shall serve the mandatory prison term consecutively to and prior 7194
to any prison term imposed for the underlying violation of 7195
division (A) (1) or (2) of section 2903.06 of the Revised Code 7196
pursuant to division (A) of this section or section 2929.142 of 7197
the Revised Code. If a mandatory prison term is imposed upon an 7198
offender pursuant to division (B) (5) of this section, and if a 7199
mandatory prison term also is imposed upon the offender pursuant 7200
to division (B) (6) of this section in relation to the same 7201
violation, the offender shall serve the mandatory prison term 7202
imposed pursuant to division (B) (5) of this section 7203
consecutively to and prior to the mandatory prison term imposed 7204
pursuant to division (B) (6) of this section and consecutively to 7205
and prior to any prison term imposed for the underlying 7206
violation of division (A) (1) or (2) of section 2903.06 of the 7207
Revised Code pursuant to division (A) of this section or section 7208
2929.142 of the Revised Code. 7209

(6) If a mandatory prison term is imposed on an offender 7210
pursuant to division (B) (9) of this section, the offender shall 7211
serve the mandatory prison term consecutively to and prior to 7212
any prison term imposed for the underlying violation of division 7213
(A) (1) or (2) of section 2903.11 of the Revised Code and 7214
consecutively to and prior to any other prison term or mandatory 7215
prison term previously or subsequently imposed on the offender. 7216

(7) When consecutive prison terms are imposed pursuant to 7217
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 7218
or (2) of this section, subject to division (C) (8) of this 7219
section, the term to be served is the aggregate of all of the 7220
terms so imposed. 7221

(8) When a court sentences an offender to a non-life 7222
felony indefinite prison term, any definite prison term or 7223
mandatory definite prison term previously or subsequently 7224
imposed on the offender in addition to that indefinite sentence 7225
that is required to be served consecutively to that indefinite 7226
sentence shall be served prior to the indefinite sentence. 7227

(9) If a court is sentencing an offender for a felony of 7228
the first, second, or third degree, if division (A) (1) (a), (2) 7229
(a), or (3) (a) (i) of this section applies with respect to the 7230
sentencing for the offense, and if the court is required under 7231
the Revised Code section that sets forth the offense or any 7232
other Revised Code provision to impose a mandatory prison term 7233
for the offense, the court shall impose the required mandatory 7234
prison term as the minimum term imposed under division (A) (1) 7235
(a), (2) (a), or (3) (a) (i) of this section, whichever is 7236
applicable. 7237

(D) (1) If a court imposes a prison term, other than a term 7238
of life imprisonment, for a felony of the first degree, for a 7239

felony of the second degree, for a felony sex offense, or for a 7240
felony of the third degree that is an offense of violence and 7241
that is not a felony sex offense ~~and in the commission of which~~ 7242
~~the offender caused or threatened to cause physical harm to a~~ 7243
~~person,~~ it shall include in the sentence a requirement that the 7244
offender be subject to a period of post-release control after 7245
the offender's release from imprisonment, in accordance with 7246
~~that division~~ section 2967.28 of the Revised Code. If a court 7247
imposes a sentence including a prison term of a type described 7248
in this division on or after July 11, 2006, the failure of a 7249
court to include a post-release control requirement in the 7250
sentence pursuant to this division does not negate, limit, or 7251
otherwise affect the mandatory period of post-release control 7252
that is required for the offender under division (B) of section 7253
2967.28 of the Revised Code. Section 2929.191 of the Revised 7254
Code applies if, prior to July 11, 2006, a court imposed a 7255
sentence including a prison term of a type described in this 7256
division and failed to include in the sentence pursuant to this 7257
division a statement regarding post-release control. 7258

(2) If a court imposes a prison term for a felony of the 7259
third, fourth, or fifth degree that is not subject to division 7260
(D) (1) of this section, it shall include in the sentence a 7261
requirement that the offender be subject to a period of post- 7262
release control after the offender's release from imprisonment, 7263
in accordance with that division, if the parole board determines 7264
that a period of post-release control is necessary. Section 7265
2929.191 of the Revised Code applies if, prior to July 11, 2006, 7266
a court imposed a sentence including a prison term of a type 7267
described in this division and failed to include in the sentence 7268
pursuant to this division a statement regarding post-release 7269
control. 7270

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

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

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

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

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

(5) A person is convicted of or pleads guilty to aggravated murder committed on or after January 1, 2008, and

division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 7300
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 7301
(d) of section 2929.03, or division (A) or (B) of section 7302
2929.06 of the Revised Code requires the court to sentence the 7303
offender pursuant to division (B) (3) of section 2971.03 of the 7304
Revised Code. 7305

(6) A person is convicted of or pleads guilty to murder 7306
committed on or after January 1, 2008, and division (B) (2) of 7307
section 2929.02 of the Revised Code requires the court to 7308
sentence the offender pursuant to section 2971.03 of the Revised 7309
Code. 7310

(F) If a person who has been convicted of or pleaded 7311
guilty to a felony is sentenced to a prison term or term of 7312
imprisonment under this section, sections 2929.02 to 2929.06 of 7313
the Revised Code, section 2929.142 of the Revised Code, section 7314
2971.03 of the Revised Code, or any other provision of law, 7315
section 5120.163 of the Revised Code applies regarding the 7316
person while the person is confined in a state correctional 7317
institution. 7318

(G) If an offender who is convicted of or pleads guilty to 7319
a felony that is an offense of violence also is convicted of or 7320
pleads guilty to a specification of the type described in 7321
section 2941.142 of the Revised Code that charges the offender 7322
with having committed the felony while participating in a 7323
criminal gang, the court shall impose upon the offender an 7324
additional prison term of one, two, or three years. 7325

(H) (1) If an offender who is convicted of or pleads guilty 7326
to aggravated murder, murder, or a felony of the first, second, 7327
or third degree that is an offense of violence also is convicted 7328
of or pleads guilty to a specification of the type described in 7329

section 2941.143 of the Revised Code that charges the offender 7330
with having committed the offense in a school safety zone or 7331
towards a person in a school safety zone, the court shall impose 7332
upon the offender an additional prison term of two years. The 7333
offender shall serve the additional two years consecutively to 7334
and prior to the prison term imposed for the underlying offense. 7335

(2) (a) If an offender is convicted of or pleads guilty to 7336
a felony violation of section 2907.22, 2907.24, 2907.241, or 7337
2907.25 of the Revised Code and to a specification of the type 7338
described in section 2941.1421 of the Revised Code and if the 7339
court imposes a prison term on the offender for the felony 7340
violation, the court may impose upon the offender an additional 7341
prison term as follows: 7342

(i) Subject to division (H) (2) (a) (ii) of this section, an 7343
additional prison term of one, two, three, four, five, or six 7344
months; 7345

(ii) If the offender previously has been convicted of or 7346
pleaded guilty to one or more felony or misdemeanor violations 7347
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 7348
the Revised Code and also was convicted of or pleaded guilty to 7349
a specification of the type described in section 2941.1421 of 7350
the Revised Code regarding one or more of those violations, an 7351
additional prison term of one, two, three, four, five, six, 7352
seven, eight, nine, ten, eleven, or twelve months. 7353

(b) In lieu of imposing an additional prison term under 7354
division (H) (2) (a) of this section, the court may directly 7355
impose on the offender a sanction that requires the offender to 7356
wear a real-time processing, continual tracking electronic 7357
monitoring device during the period of time specified by the 7358
court. The period of time specified by the court shall equal the 7359

duration of an additional prison term that the court could have 7360
imposed upon the offender under division (H) (2) (a) of this 7361
section. A sanction imposed under this division shall commence 7362
on the date specified by the court, provided that the sanction 7363
shall not commence until after the offender has served the 7364
prison term imposed for the felony violation of section 2907.22, 7365
2907.24, 2907.241, or 2907.25 of the Revised Code and any 7366
residential sanction imposed for the violation under section 7367
2929.16 of the Revised Code. A sanction imposed under this 7368
division shall be considered to be a community control sanction 7369
for purposes of section 2929.15 of the Revised Code, and all 7370
provisions of the Revised Code that pertain to community control 7371
sanctions shall apply to a sanction imposed under this division, 7372
except to the extent that they would by their nature be clearly 7373
inapplicable. The offender shall pay all costs associated with a 7374
sanction imposed under this division, including the cost of the 7375
use of the monitoring device. 7376

(I) At the time of sentencing, the court may recommend the 7377
offender for placement in a program of shock incarceration under 7378
section 5120.031 of the Revised Code or for placement in an 7379
intensive program prison under section 5120.032 of the Revised 7380
Code, disapprove placement of the offender in a program of shock 7381
incarceration or an intensive program prison of that nature, or 7382
make no recommendation on placement of the offender. In no case 7383
shall the department of rehabilitation and correction place the 7384
offender in a program or prison of that nature unless the 7385
department determines as specified in section 5120.031 or 7386
5120.032 of the Revised Code, whichever is applicable, that the 7387
offender is eligible for the placement. 7388

If the court disapproves placement of the offender in a 7389
program or prison of that nature, the department of 7390

rehabilitation and correction shall not place the offender in 7391
any program of shock incarceration or intensive program prison. 7392

If the court recommends placement of the offender in a 7393
program of shock incarceration or in an intensive program 7394
prison, and if the offender is subsequently placed in the 7395
recommended program or prison, the department shall notify the 7396
court of the placement and shall include with the notice a brief 7397
description of the placement. 7398

If the court recommends placement of the offender in a 7399
program of shock incarceration or in an intensive program prison 7400
and the department does not subsequently place the offender in 7401
the recommended program or prison, the department shall send a 7402
notice to the court indicating why the offender was not placed 7403
in the recommended program or prison. 7404

If the court does not make a recommendation under this 7405
division with respect to an offender and if the department 7406
determines as specified in section 5120.031 or 5120.032 of the 7407
Revised Code, whichever is applicable, that the offender is 7408
eligible for placement in a program or prison of that nature, 7409
the department shall screen the offender and determine if there 7410
is an available program of shock incarceration or an intensive 7411
program prison for which the offender is suited. If there is an 7412
available program of shock incarceration or an intensive program 7413
prison for which the offender is suited, the department shall 7414
notify the court of the proposed placement of the offender as 7415
specified in section 5120.031 or 5120.032 of the Revised Code 7416
and shall include with the notice a brief description of the 7417
placement. The court shall have ten days from receipt of the 7418
notice to disapprove the placement. 7419

(J) If a person is convicted of or pleads guilty to 7420

aggravated vehicular homicide in violation of division (A) (1) of 7421
section 2903.06 of the Revised Code and division (B) (2) (c) of 7422
that section applies, the person shall be sentenced pursuant to 7423
section 2929.142 of the Revised Code. 7424

(K) (1) The court shall impose an additional mandatory 7425
prison term of two, three, four, five, six, seven, eight, nine, 7426
ten, or eleven years on an offender who is convicted of or 7427
pleads guilty to a violent felony offense if the offender also 7428
is convicted of or pleads guilty to a specification of the type 7429
described in section 2941.1424 of the Revised Code that charges 7430
that the offender is a violent career criminal and had a firearm 7431
on or about the offender's person or under the offender's 7432
control while committing the presently charged violent felony 7433
offense and displayed or brandished the firearm, indicated that 7434
the offender possessed a firearm, or used the firearm to 7435
facilitate the offense. The offender shall serve the prison term 7436
imposed under this division consecutively to and prior to the 7437
prison term imposed for the underlying offense. The prison term 7438
shall not be reduced pursuant to section 2929.20 or 2967.19 or 7439
any other provision of Chapter 2967. or 5120. of the Revised 7440
Code. A court may not impose more than one sentence under 7441
division (B) (2) (a) of this section and this division for acts 7442
committed as part of the same act or transaction. 7443

(2) As used in division (K) (1) of this section, "violent 7444
career criminal" and "violent felony offense" have the same 7445
meanings as in section 2923.132 of the Revised Code. 7446

Sec. 2929.142. (A) Notwithstanding the definite prison 7447
~~term terms and minimum prison terms specified in division~~ 7448
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 7449
Code for a felony of the first degree, if an offender is 7450

convicted of or pleads guilty to aggravated vehicular homicide 7451
in violation of division (A) (1) of section 2903.06 of the 7452
Revised Code, the court shall impose upon the offender a 7453
mandatory prison term of ten, eleven, twelve, thirteen, 7454
fourteen, or fifteen years, determined as specified in division 7455
(B) of this section, if any of the following apply: 7456

~~(A)~~ (1) The offender previously has been convicted of or 7457
pleaded guilty to three or more prior violations of section 7458
4511.19 of the Revised Code or of a substantially equivalent 7459
municipal ordinance within the previous ten years. 7460

~~(B)~~ (2) The offender previously has been convicted of or 7461
pleaded guilty to three or more prior violations of division (A) 7462
of section 1547.11 of the Revised Code or of a substantially 7463
equivalent municipal ordinance within the previous ten years. 7464

~~(C)~~ (3) The offender previously has been convicted of or 7465
pleaded guilty to three or more prior violations of division (A) 7466
(3) of section 4561.15 of the Revised Code or of a substantially 7467
equivalent municipal ordinance within the previous ten years. 7468

~~(D)~~ (4) The offender previously has been convicted of or 7469
pleaded guilty to three or more prior violations of division (A) 7470
(1) of section 2903.06 of the Revised Code. 7471

~~(E)~~ (5) The offender previously has been convicted of or 7472
pleaded guilty to three or more prior violations of division (A) 7473
(1) of section 2903.08 of the Revised Code. 7474

~~(F)~~ (6) The offender previously has been convicted of or 7475
pleaded guilty to three or more prior violations of section 7476
2903.04 of the Revised Code in circumstances in which division 7477
(D) of that section applied regarding the violations. 7478

~~(G)~~ (7) The offender previously has been convicted of or 7479

pleaded guilty to three or more violations of any combination of 7480
the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 7481
(1), (2), (3), (4), (5), or (6) of this section. 7482

~~(H)~~ (8) The offender previously has been convicted of or 7483
pleaded guilty to a second or subsequent felony violation of 7484
division (A) of section 4511.19 of the Revised Code. 7485

(B) The mandatory prison term required under division (A) 7486
of this section shall be a definite term of ten, eleven, twelve, 7487
thirteen, fourteen, or fifteen years, except that if the 7488
aggravated vehicular homicide is committed on or after the 7489
effective date of this amendment, the court shall impose as the 7490
minimum prison term for the offense under division (A) (1) (a) of 7491
section 2929.14 of the Revised Code a mandatory prison term that 7492
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 7493

Sec. 2929.144. (A) As used in this section, "qualifying 7494
felony of the first, second, or third degree" means a felony of 7495
the first or second degree committed on or after the effective 7496
date of this section or a felony of the third degree that is 7497
described in division (A) (3) (a) of section 2929.14 of the 7498
Revised Code and committed on or after that date. 7499

(B) The court imposing a prison term on an offender under 7500
division (A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of 7501
the Revised Code for a qualifying felony of the first, second, 7502
or third degree shall determine the maximum prison term that is 7503
part of the sentence in accordance with the following: 7504

(1) If the offender is being sentenced for one felony and 7505
the felony is a qualifying felony of the first, second, or third 7506
degree, the maximum prison term shall be one hundred fifty per 7507
cent of the minimum term imposed on the offender under division 7508

(A) (1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the 7509
Revised Code. 7510

(2) If the offender is being sentenced for more than one 7511
felony, if one or more of the felonies is a qualifying felony of 7512
the first, second, or third degree, and if the court orders that 7513
some or all of the prison terms imposed are to be served 7514
consecutively, the court shall add all of the minimum terms 7515
imposed on the offender under division (A) (1) (a), (2) (a), or (3) 7516
(a) (i) of section 2929.14 of the Revised Code for a qualifying 7517
felony of the first, second, or third degree that are to be 7518
served consecutively and all of the definite terms of the 7519
felonies that are not qualifying felonies of the first, second, 7520
or third degree that are to be served consecutively, and the 7521
maximum term shall be one hundred fifty per cent of the total of 7522
those terms so added by the court. 7523

(3) If the offender is being sentenced for more than one 7524
felony, if one or more of the felonies is a qualifying felony of 7525
the first, second, or third degree, and if the court orders that 7526
all of the prison terms imposed are to run concurrently, the 7527
maximum term shall be one hundred fifty per cent of the longest 7528
of the minimum terms imposed on the offender under division (A) 7529
(1) (a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 7530
Code for a qualifying felony of the first, second, or third 7531
degree for which the sentence is being imposed. 7532

(4) Any mandatory prison term, or portion of a mandatory 7533
prison term, that is imposed or to be imposed on the offender 7534
under division (B), (G), or (H) of section 2929.14 of the 7535
Revised Code or under any other provision of the Revised Code, 7536
with respect to a conviction of or plea of guilty to a 7537
specification, and that is in addition to the sentence imposed 7538

for the underlying offense is separate from the sentence being 7539
imposed for the qualifying first, second, or third degree felony 7540
committed on or after the effective date of this section and 7541
shall not be considered or included in determining a maximum 7542
prison term for the offender under divisions (B)(1) to (3) of 7543
this section. 7544

(C) The court imposing a prison term on an offender 7545
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7546
2929.14 of the Revised Code for a qualifying felony of the 7547
first, second, or third degree shall sentence the offender, as 7548
part of the sentence, to the maximum prison term determined 7549
under division (B) of this section. The court shall impose this 7550
maximum term at sentencing as part of the sentence it imposes 7551
under section 2929.14 of the Revised Code, and shall state the 7552
minimum term it imposes under division (A)(1)(a), (2)(a), or (3) 7553
(a)(i) of that section, and this maximum term, in the sentencing 7554
entry. 7555

(D) If a court imposes a prison term on an offender 7556
pursuant to division (A)(1)(a), (2)(a), or (3)(a)(i) of section 7557
2929.14 of the Revised Code for a qualifying felony of the 7558
first, second, or third degree, section 2967.271 of the Revised 7559
Code applies with respect to the offender's service of the 7560
prison term. 7561

Sec. 2929.15. (A)(1) If in sentencing an offender for a 7562
felony the court is not required to impose a prison term, a 7563
mandatory prison term, or a term of life imprisonment upon the 7564
offender, the court may directly impose a sentence that consists 7565
of one or more community control sanctions authorized pursuant 7566
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 7567
the court is sentencing an offender for a fourth degree felony 7568

OVI offense under division (G) (1) of section 2929.13 of the Revised Code, in addition to the mandatory term of local incarceration imposed under that division and the mandatory fine required by division (B) (3) of section 2929.18 of the Revised Code, the court may impose upon the offender a community control sanction or combination of community control sanctions in accordance with sections 2929.16 and 2929.17 of the Revised Code. If the court is sentencing an offender for a third or fourth degree felony OVI offense under division (G) (2) of section 2929.13 of the Revised Code, in addition to the mandatory prison term or mandatory prison term and additional prison term imposed under that division, the court also may impose upon the offender a community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

The duration of all community control sanctions imposed upon an offender under this division shall not exceed five years. If the offender absconds or otherwise leaves the jurisdiction of the court in which the offender resides without obtaining permission from the court or the offender's probation officer to leave the jurisdiction of the court, or if the offender is confined in any institution for the commission of any offense while under a community control sanction, the period of the community control sanction ceases to run until the offender is brought before the court for its further action. If the court sentences the offender to one or more nonresidential sanctions under section 2929.17 of the Revised Code, the court shall impose as a condition of the nonresidential sanctions that, during the period of the sanctions, the offender must

abide by the law and must not leave the state without the 7600
permission of the court or the offender's probation officer. The 7601
court may impose any other conditions of release under a 7602
community control sanction that the court considers appropriate, 7603
including, but not limited to, requiring that the offender not 7604
ingest or be injected with a drug of abuse and submit to random 7605
drug testing as provided in division (D) of this section to 7606
determine whether the offender ingested or was injected with a 7607
drug of abuse and requiring that the results of the drug test 7608
indicate that the offender did not ingest or was not injected 7609
with a drug of abuse. 7610

(2) (a) If a court sentences an offender to any community 7611
control sanction or combination of community control sanctions 7612
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 7613
the Revised Code, the court shall place the offender under the 7614
general control and supervision of a department of probation in 7615
the county that serves the court for purposes of reporting to 7616
the court a violation of any condition of the sanctions, any 7617
condition of release under a community control sanction imposed 7618
by the court, a violation of law, or the departure of the 7619
offender from this state without the permission of the court or 7620
the offender's probation officer. Alternatively, if the offender 7621
resides in another county and a county department of probation 7622
has been established in that county or that county is served by 7623
a multicounty probation department established under section 7624
2301.27 of the Revised Code, the court may request the court of 7625
common pleas of that county to receive the offender into the 7626
general control and supervision of that county or multicounty 7627
department of probation for purposes of reporting to the court a 7628
violation of any condition of the sanctions, any condition of 7629
release under a community control sanction imposed by the court, 7630

a violation of law, or the departure of the offender from this 7631
state without the permission of the court or the offender's 7632
probation officer, subject to the jurisdiction of the trial 7633
judge over and with respect to the person of the offender, and 7634
to the rules governing that department of probation. 7635

If there is no department of probation in the county that 7636
serves the court, the court shall place the offender, regardless 7637
of the offender's county of residence, under the general control 7638
and supervision of the adult parole authority for purposes of 7639
reporting to the court a violation of any of the sanctions, any 7640
condition of release under a community control sanction imposed 7641
by the court, a violation of law, or the departure of the 7642
offender from this state without the permission of the court or 7643
the offender's probation officer. 7644

(b) If the court imposing sentence upon an offender 7645
sentences the offender to any community control sanction or 7646
combination of community control sanctions authorized pursuant 7647
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 7648
if the offender violates any condition of the sanctions, any 7649
condition of release under a community control sanction imposed 7650
by the court, violates any law, or departs the state without the 7651
permission of the court or the offender's probation officer, the 7652
public or private person or entity that operates or administers 7653
the sanction or the program or activity that comprises the 7654
sanction shall report the violation or departure directly to the 7655
sentencing court, or shall report the violation or departure to 7656
the county or multicounty department of probation with general 7657
control and supervision over the offender under division (A) (2) 7658
(a) of this section or the officer of that department who 7659
supervises the offender, or, if there is no such department with 7660
general control and supervision over the offender under that 7661

division, to the adult parole authority. If the public or 7662
private person or entity that operates or administers the 7663
sanction or the program or activity that comprises the sanction 7664
reports the violation or departure to the county or multicounty 7665
department of probation or the adult parole authority, the 7666
department's or authority's officers may treat the offender as 7667
if the offender were on probation and in violation of the 7668
probation, and shall report the violation of the condition of 7669
the sanction, any condition of release under a community control 7670
sanction imposed by the court, the violation of law, or the 7671
departure from the state without the required permission to the 7672
sentencing court. 7673

(3) If an offender who is eligible for community control 7674
sanctions under this section admits to being drug addicted or 7675
the court has reason to believe that the offender is drug 7676
addicted, and if the offense for which the offender is being 7677
sentenced was related to the addiction, the court may require 7678
that the offender be assessed by a properly credentialed 7679
professional within a specified period of time and shall require 7680
the professional to file a written assessment of the offender 7681
with the court. If a court imposes treatment and recovery 7682
support services as a community control sanction, the court 7683
shall direct the level and type of treatment and recovery 7684
support services after consideration of the written assessment, 7685
if available at the time of sentencing, and recommendations of 7686
the professional and other treatment and recovery support 7687
services providers. 7688

(4) If an assessment completed pursuant to division (A) (3) 7689
of this section indicates that the offender is addicted to drugs 7690
or alcohol, the court may include in any community control 7691
sanction imposed for a violation of section 2925.02, 2925.03, 7692

2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7693
2925.36, or 2925.37 of the Revised Code a requirement that the 7694
offender participate in alcohol and drug addiction services and 7695
recovery supports certified under section 5119.36 of the Revised 7696
Code or offered by a properly credentialed community addiction 7697
services provider. 7698

(B) (1) If the conditions of a community control sanction 7699
are violated or if the offender violates a law or leaves the 7700
state without the permission of the court or the offender's 7701
probation officer, the sentencing court may impose upon the 7702
violator one or more of the following penalties: 7703

(a) A longer time under the same sanction if the total 7704
time under the sanctions does not exceed the five-year limit 7705
specified in division (A) of this section; 7706

(b) A more restrictive sanction under section 2929.16, 7707
2929.17, or 2929.18 of the Revised Code; 7708

(c) A prison term on the offender pursuant to section 7709
2929.14 of the Revised Code and division (B) (3) of this section, 7710
provided that a prison term imposed under this division is 7711
subject to the following limitations, as applicable: 7712

(i) If the prison term is imposed for any technical 7713
violation of the conditions of a community control sanction 7714
imposed for a felony of the fifth degree or for any violation of 7715
law committed while under a community control sanction imposed 7716
for such a felony that consists of a new criminal offense and 7717
that is not a felony, the prison term shall not exceed ninety 7718
days. 7719

(ii) If the prison term is imposed for any technical 7720
violation of the conditions of a community control sanction 7721

imposed for a felony of the fourth degree that is not an offense 7722
of violence and is not a sexually oriented offense or for any 7723
violation of law committed while under a community control 7724
sanction imposed for such a felony that consists of a new 7725
criminal offense and that is not a felony, the prison term shall 7726
not exceed one hundred eighty days. 7727

(2) If an offender was acting pursuant to division (B) (2) 7728
(b) of section 2925.11 of the Revised Code and in so doing 7729
violated the conditions of a community control sanction based on 7730
a minor drug possession offense, as defined in section 2925.11 7731
of the Revised Code, the sentencing court may consider the 7732
offender's conduct in seeking or obtaining medical assistance 7733
for another in good faith or for self or may consider the 7734
offender being the subject of another person seeking or 7735
obtaining medical assistance in accordance with that division as 7736
a mitigating factor before imposing any of the penalties 7737
described in division (B) (1) of this section. 7738

(3) The prison term, if any, imposed upon a violator 7739
pursuant to this division and division (B) (1) of this section 7740
shall be within the range of prison terms ~~available for the~~ 7741
~~offense for which the sanction that was violated was imposed~~ 7742
described in this division and shall not exceed the prison term 7743
specified in the notice provided to the offender at the 7744
sentencing hearing pursuant to division (B) (2) of section 7745
2929.19 of the Revised Code. The court may reduce the longer 7746
period of time that the offender is required to spend under the 7747
longer sanction, the more restrictive sanction, or a prison term 7748
imposed pursuant to division (B) (1) of this section by the time 7749
the offender successfully spent under the sanction that was 7750
initially imposed. Except as otherwise specified in this 7751
division, the prison term imposed under this division and 7752

division (B) (1) of this section shall be within the range of 7753
prison terms available as a definite term for the offense for 7754
which the sanction that was violated was imposed. If the offense 7755
for which the sanction that was violated was imposed is a felony 7756
of the first or second degree committed on or after the 7757
effective date of this amendment or a felony of the third degree 7758
that is described in division (A) (3) (a) of section 2929.14 of 7759
the Revised Code and committed on or after that effective date, 7760
the prison term so imposed under this division shall be within 7761
the range of prison terms available as a minimum term for the 7762
offense under division (A) (1) (a), (2) (a), or (3) (a) (i) of 7763
section 2929.14 of the Revised Code. 7764

(C) If an offender, for a significant period of time, 7765
fulfills the conditions of a sanction imposed pursuant to 7766
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 7767
exemplary manner, the court may reduce the period of time under 7768
the sanction or impose a less restrictive sanction, but the 7769
court shall not permit the offender to violate any law or permit 7770
the offender to leave the state without the permission of the 7771
court or the offender's probation officer. 7772

(D) (1) If a court under division (A) (1) of this section 7773
imposes a condition of release under a community control 7774
sanction that requires the offender to submit to random drug 7775
testing, the department of probation or the adult parole 7776
authority that has general control and supervision of the 7777
offender under division (A) (2) (a) of this section may cause the 7778
offender to submit to random drug testing performed by a 7779
laboratory or entity that has entered into a contract with any 7780
of the governmental entities or officers authorized to enter 7781
into a contract with that laboratory or entity under section 7782
341.26, 753.33, or 5120.63 of the Revised Code. 7783

(2) If no laboratory or entity described in division (D) 7784
(1) of this section has entered into a contract as specified in 7785
that division, the department of probation or the adult parole 7786
authority that has general control and supervision of the 7787
offender under division (A)(2)(a) of this section shall cause 7788
the offender to submit to random drug testing performed by a 7789
reputable public laboratory to determine whether the individual 7790
who is the subject of the drug test ingested or was injected 7791
with a drug of abuse. 7792

(3) A laboratory or entity that has entered into a 7793
contract pursuant to section 341.26, 753.33, or 5120.63 of the 7794
Revised Code shall perform the random drug tests under division 7795
(D)(1) of this section in accordance with the applicable 7796
standards that are included in the terms of that contract. A 7797
public laboratory shall perform the random drug tests under 7798
division (D)(2) of this section in accordance with the standards 7799
set forth in the policies and procedures established by the 7800
department of rehabilitation and correction pursuant to section 7801
5120.63 of the Revised Code. An offender who is required under 7802
division (A)(1) of this section to submit to random drug testing 7803
as a condition of release under a community control sanction and 7804
whose test results indicate that the offender ingested or was 7805
injected with a drug of abuse shall pay the fee for the drug 7806
test if the department of probation or the adult parole 7807
authority that has general control and supervision of the 7808
offender requires payment of a fee. A laboratory or entity that 7809
performs the random drug testing on an offender under division 7810
(D)(1) or (2) of this section shall transmit the results of the 7811
drug test to the appropriate department of probation or the 7812
adult parole authority that has general control and supervision 7813
of the offender under division (A)(2)(a) of this section. 7814

Sec. 2929.19. (A) The court shall hold a sentencing 7815
hearing before imposing a sentence under this chapter upon an 7816
offender who was convicted of or pleaded guilty to a felony and 7817
before resentencing an offender who was convicted of or pleaded 7818
guilty to a felony and whose case was remanded pursuant to 7819
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 7820
the offender, the prosecuting attorney, the victim or the 7821
victim's representative in accordance with section 2930.14 of 7822
the Revised Code, and, with the approval of the court, any other 7823
person may present information relevant to the imposition of 7824
sentence in the case. The court shall inform the offender of the 7825
verdict of the jury or finding of the court and ask the offender 7826
whether the offender has anything to say as to why sentence 7827
should not be imposed upon the offender. 7828

(B) (1) At the sentencing hearing, the court, before 7829
imposing sentence, shall consider the record, any information 7830
presented at the hearing by any person pursuant to division (A) 7831
of this section, and, if one was prepared, the presentence 7832
investigation report made pursuant to section 2951.03 of the 7833
Revised Code or Criminal Rule 32.2, and any victim impact 7834
statement made pursuant to section 2947.051 of the Revised Code. 7835

(2) Subject to division (B) (3) of this section, if the 7836
sentencing court determines at the sentencing hearing that a 7837
prison term is necessary or required, the court shall do all of 7838
the following: 7839

(a) Impose a stated prison term and, if the court imposes 7840
a mandatory prison term, notify the offender that the prison 7841
term is a mandatory prison term; 7842

(b) In addition to any other information, include in the 7843
sentencing entry the name and section reference to the offense 7844

or offenses, the sentence or sentences imposed and whether the 7845
sentence or sentences contain mandatory prison terms, if 7846
sentences are imposed for multiple counts whether the sentences 7847
are to be served concurrently or consecutively, and the name and 7848
section reference of any specification or specifications for 7849
which sentence is imposed and the sentence or sentences imposed 7850
for the specification or specifications; 7851

(c) If the prison term is a non-life felony indefinite 7852
prison term, notify the offender of all of the following: 7853

(i) That it is rebuttably presumed that the offender will 7854
be released from service of the sentence on the expiration of 7855
the minimum prison term imposed as part of the sentence or on 7856
the offender's presumptive earned early release date, as defined 7857
in section 2967.271 of the Revised Code, whichever is earlier; 7858

(ii) That the department of rehabilitation and correction 7859
may rebut the presumption described in division (B) (2) (c) (i) of 7860
this section if, at a hearing held under section 2967.271 of the 7861
Revised Code, the department makes specified determinations 7862
regarding the offender's conduct while confined, the offender's 7863
rehabilitation, the offender's threat to society, the offender's 7864
restrictive housing, if any, while confined, and the offender's 7865
security classification; 7866

(iii) That if, as described in division (B) (2) (c) (ii) of 7867
this section, the department at the hearing makes the specified 7868
determinations and rebuts the presumption, the department may 7869
maintain the offender's incarceration after the expiration of 7870
that minimum term or after that presumptive earned early release 7871
date for the length of time the department determines to be 7872
reasonable, subject to the limitation specified in section 7873
2967.271 of the Revised Code; 7874

(iv) That the department may make the specified 7875
determinations and maintain the offender's incarceration under 7876
the provisions described in divisions (B) (2) (c) (i) and (ii) of 7877
this section more than one time, subject to the limitation 7878
specified in section 2967.271 of the Revised Code; 7879

(v) That if the offender has not been released prior to 7880
the expiration of the offender's maximum prison term imposed as 7881
part of the sentence, the offender must be released upon the 7882
expiration of that term. 7883

(d) Notify the offender that the offender will be 7884
supervised under section 2967.28 of the Revised Code after the 7885
offender leaves prison if the offender is being sentenced, other 7886
than to a sentence of life imprisonment, for a felony of the 7887
first degree or second degree, for a felony sex offense, or for 7888
a felony of the third degree that is an offense of violence and 7889
is not a felony sex offense and in the commission of which the 7890
offender caused or threatened to cause physical harm to a 7891
person. This division applies with respect to all prison terms 7892
imposed for an offense of a type described in this division, 7893
including a non-life felony indefinite prison term and including 7894
a term imposed for any ~~such~~ offense of a type described in this 7895
division that is a risk reduction sentence, as defined in 7896
section 2967.28 of the Revised Code. If a court imposes a 7897
sentence including a prison term of a type described in division 7898
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 7899
failure of a court to notify the offender pursuant to division 7900
(B) (2) ~~(e)~~ (d) of this section that the offender will be 7901
supervised under section 2967.28 of the Revised Code after the 7902
offender leaves prison or to include in the judgment of 7903
conviction entered on the journal a statement to that effect 7904
does not negate, limit, or otherwise affect the mandatory period 7905

of supervision that is required for the offender under division 7906
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 7907
the Revised Code applies if, prior to July 11, 2006, a court 7908
imposed a sentence including a prison term of a type described 7909
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 7910
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 7911
regarding post-release control or to include in the judgment of 7912
conviction entered on the journal or in the sentence a statement 7913
regarding post-release control. 7914

~~(d)~~ (e) Notify the offender that the offender may be 7915
supervised under section 2967.28 of the Revised Code after the 7916
offender leaves prison if the offender is being sentenced for a 7917
felony of the third, fourth, or fifth degree that is not subject 7918
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 7919
with respect to all prison terms imposed for an offense of a 7920
type described in this division, including a term imposed for 7921
any such offense that is a risk reduction sentence, as defined 7922
in section 2967.28 of the Revised Code. Section 2929.191 of the 7923
Revised Code applies if, prior to July 11, 2006, a court imposed 7924
a sentence including a prison term of a type described in 7925
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 7926
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 7927
regarding post-release control or to include in the judgment of 7928
conviction entered on the journal or in the sentence a statement 7929
regarding post-release control. 7930

~~(e)~~ (f) Notify the offender that, if a period of 7931
supervision is imposed following the offender's release from 7932
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 7933
section, and if the offender violates that supervision or a 7934
condition of post-release control imposed under division (B) of 7935
section 2967.131 of the Revised Code, the parole board may 7936

impose a prison term, as part of the sentence, of up to one-half 7937
of the ~~stated~~-definite prison term originally imposed upon the 7938
offender as the offender's stated prison term or up to one-half 7939
of the minimum prison term originally imposed upon the offender 7940
as part of the offender's stated non-life felony indefinite 7941
prison term. If a court imposes a sentence including a prison 7942
term on or after July 11, 2006, the failure of a court to notify 7943
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7944
that the parole board may impose a prison term as described in 7945
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 7946
supervision or a condition of post-release control imposed under 7947
division (B) of section 2967.131 of the Revised Code or to 7948
include in the judgment of conviction entered on the journal a 7949
statement to that effect does not negate, limit, or otherwise 7950
affect the authority of the parole board to so impose a prison 7951
term for a violation of that nature if, pursuant to division (D) 7952
(1) of section 2967.28 of the Revised Code, the parole board 7953
notifies the offender prior to the offender's release of the 7954
board's authority to so impose a prison term. Section 2929.191 7955
of the Revised Code applies if, prior to July 11, 2006, a court 7956
imposed a sentence including a prison term and failed to notify 7957
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 7958
regarding the possibility of the parole board imposing a prison 7959
term for a violation of supervision or a condition of post- 7960
release control. 7961

~~(f)~~ (g) Require that the offender not ingest or be injected 7962
with a drug of abuse and submit to random drug testing as 7963
provided in section 341.26, 753.33, or 5120.63 of the Revised 7964
Code, whichever is applicable to the offender who is serving a 7965
prison term, and require that the results of the drug test 7966
administered under any of those sections indicate that the 7967

offender did not ingest or was not injected with a drug of 7968
abuse. 7969

~~(g)~~(h)(i) Determine, notify the offender of, and include 7970
in the sentencing entry the number of days that the offender has 7971
been confined for any reason arising out of the offense for 7972
which the offender is being sentenced and by which the 7973
department of rehabilitation and correction must reduce the 7974
stated definite prison term imposed on the offender as the 7975
offender's stated prison term or, if the offense is an offense 7976
for which a non-life felony indefinite prison term is imposed 7977
under division (A) (1) (a), (2) (a), or (3) (a) (i) of section 7978
2929.14 of the Revised Code, the minimum and maximum prison 7979
terms imposed on the offender as part of that non-life felony 7980
indefinite prison term, under section 2967.191 of the Revised 7981
Code. The court's calculation shall not include the number of 7982
days, if any, that the offender previously served in the custody 7983
of the department of rehabilitation and correction arising out 7984
of the offense for which the prisoner was convicted and 7985
sentenced. 7986

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 7987
(i) of this section, the court shall consider the arguments of 7988
the parties and conduct a hearing if one is requested. 7989

(iii) The sentencing court retains continuing jurisdiction 7990
to correct any error not previously raised at sentencing in 7991
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7992
section. The offender may, at any time after sentencing, file a 7993
motion in the sentencing court to correct any error made in 7994
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 7995
section, and the court may in its discretion grant or deny that 7996
motion. If the court changes the number of days in its 7997

determination or redetermination, the court shall cause the 7998
entry granting that change to be delivered to the department of 7999
rehabilitation and correction without delay. Sections 2931.15 8000
and 2953.21 of the Revised Code do not apply to a motion made 8001
under this section. 8002

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 8003
(h) (i) of this section is not grounds for setting aside the 8004
offender's conviction or sentence and does not otherwise render 8005
the sentence void or voidable. 8006

(3) (a) The court shall include in the offender's sentence 8007
a statement that the offender is a tier III sex offender/child- 8008
victim offender, and the court shall comply with the 8009
requirements of section 2950.03 of the Revised Code if any of 8010
the following apply: 8011

(i) The offender is being sentenced for a violent sex 8012
offense or designated homicide, assault, or kidnapping offense 8013
that the offender committed on or after January 1, 1997, and the 8014
offender is adjudicated a sexually violent predator in relation 8015
to that offense. 8016

(ii) The offender is being sentenced for a sexually 8017
oriented offense that the offender committed on or after January 8018
1, 1997, and the offender is a tier III sex offender/child- 8019
victim offender relative to that offense. 8020

(iii) The offender is being sentenced on or after July 31, 8021
2003, for a child-victim oriented offense, and the offender is a 8022
tier III sex offender/child-victim offender relative to that 8023
offense. 8024

(iv) The offender is being sentenced under section 2971.03 8025
of the Revised Code for a violation of division (A) (1) (b) of 8026

section 2907.02 of the Revised Code committed on or after 8027
January 2, 2007. 8028

(v) The offender is sentenced to a term of life without 8029
parole under division (B) of section 2907.02 of the Revised 8030
Code. 8031

(vi) The offender is being sentenced for attempted rape 8032
committed on or after January 2, 2007, and a specification of 8033
the type described in section 2941.1418, 2941.1419, or 2941.1420 8034
of the Revised Code. 8035

(vii) The offender is being sentenced under division (B) 8036
(3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code 8037
for an offense described in those divisions committed on or 8038
after January 1, 2008. 8039

(b) Additionally, if any criterion set forth in divisions 8040
(B) (3) (a) (i) to (vii) of this section is satisfied, in the 8041
circumstances described in division (E) of section 2929.14 of 8042
the Revised Code, the court shall impose sentence on the 8043
offender as described in that division. 8044

(4) If the sentencing court determines at the sentencing 8045
hearing that a community control sanction should be imposed and 8046
the court is not prohibited from imposing a community control 8047
sanction, the court shall impose a community control sanction. 8048
The court shall notify the offender that, if the conditions of 8049
the sanction are violated, if the offender commits a violation 8050
of any law, or if the offender leaves this state without the 8051
permission of the court or the offender's probation officer, the 8052
court may impose a longer time under the same sanction, may 8053
impose a more restrictive sanction, or may impose a prison term 8054
on the offender and shall indicate the specific prison term that 8055

may be imposed as a sanction for the violation, as selected by 8056
the court from the range of prison terms for the offense 8057
pursuant to section 2929.14 of the Revised Code and as described 8058
in section 2929.15 of the Revised Code. 8059

(5) Before imposing a financial sanction under section 8060
2929.18 of the Revised Code or a fine under section 2929.32 of 8061
the Revised Code, the court shall consider the offender's 8062
present and future ability to pay the amount of the sanction or 8063
fine. 8064

(6) If the sentencing court sentences the offender to a 8065
sanction of confinement pursuant to section 2929.14 or 2929.16 8066
of the Revised Code that is to be served in a local detention 8067
facility, as defined in section 2929.36 of the Revised Code, and 8068
if the local detention facility is covered by a policy adopted 8069
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 8070
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 8071
and section 2929.37 of the Revised Code, both of the following 8072
apply: 8073

(a) The court shall specify both of the following as part 8074
of the sentence: 8075

(i) If the offender is presented with an itemized bill 8076
pursuant to section 2929.37 of the Revised Code for payment of 8077
the costs of confinement, the offender is required to pay the 8078
bill in accordance with that section. 8079

(ii) If the offender does not dispute the bill described 8080
in division (B) (6) (a) (i) of this section and does not pay the 8081
bill by the times specified in section 2929.37 of the Revised 8082
Code, the clerk of the court may issue a certificate of judgment 8083
against the offender as described in that section. 8084

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

(7) The failure of the court to notify the offender that a prison term is a mandatory prison term pursuant to division (B) (2) (a) of this section or to include in the sentencing entry any information required by division (B) (2) (b) of this section does not affect the validity of the imposed sentence or sentences. If the sentencing court notifies the offender at the sentencing hearing that a prison term is mandatory but the sentencing entry does not specify that the prison term is mandatory, the court may complete a corrected journal entry and send copies of the corrected entry to the offender and the department of rehabilitation and correction, or, at the request of the state, the court shall complete a corrected journal entry and send copies of the corrected entry to the offender and department of rehabilitation and correction.

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

(2) If the offender is being sentenced for a third or

fourth degree felony OVI offense under division (G) (2) of 8115
section 2929.13 of the Revised Code, the court shall impose the 8116
mandatory prison term in accordance with that division, shall 8117
impose a mandatory fine in accordance with division (B) (3) of 8118
section 2929.18 of the Revised Code, and, in addition, may 8119
impose an additional prison term as specified in section 2929.14 8120
of the Revised Code. In addition to the mandatory prison term or 8121
mandatory prison term and additional prison term the court 8122
imposes, the court also may impose a community control sanction 8123
on the offender, but the offender shall serve all of the prison 8124
terms so imposed prior to serving the community control 8125
sanction. 8126

(D) The sentencing court, pursuant to division (I) (1) of 8127
section 2929.14 of the Revised Code, may recommend placement of 8128
the offender in a program of shock incarceration under section 8129
5120.031 of the Revised Code or an intensive program prison 8130
under section 5120.032 of the Revised Code, disapprove placement 8131
of the offender in a program or prison of that nature, or make 8132
no recommendation. If the court recommends or disapproves 8133
placement, it shall make a finding that gives its reasons for 8134
its recommendation or disapproval. 8135

Sec. 2929.191. (A) (1) If, prior to July 11, 2006, a court 8136
imposed a sentence including a prison term of a type described 8137
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 8138
and failed to notify the offender pursuant to that division that 8139
the offender will be supervised under section 2967.28 of the 8140
Revised Code after the offender leaves prison or to include a 8141
statement to that effect in the judgment of conviction entered 8142
on the journal or in the sentence pursuant to division (D) (1) of 8143
section 2929.14 of the Revised Code, at any time before the 8144
offender is released from imprisonment under that term and at a 8145

hearing conducted in accordance with division (C) of this 8146
section, the court may prepare and issue a correction to the 8147
judgment of conviction that includes in the judgment of 8148
conviction the statement that the offender will be supervised 8149
under section 2967.28 of the Revised Code after the offender 8150
leaves prison. 8151

If, prior to July 11, 2006, a court imposed a sentence 8152
including a prison term of a type described in division (B) (2) 8153
~~(d)~~(e) of section 2929.19 of the Revised Code and failed to 8154
notify the offender pursuant to that division that the offender 8155
may be supervised under section 2967.28 of the Revised Code 8156
after the offender leaves prison or to include a statement to 8157
that effect in the judgment of conviction entered on the journal 8158
or in the sentence pursuant to division (D) (2) of section 8159
2929.14 of the Revised Code, at any time before the offender is 8160
released from imprisonment under that term and at a hearing 8161
conducted in accordance with division (C) of this section, the 8162
court may prepare and issue a correction to the judgment of 8163
conviction that includes in the judgment of conviction the 8164
statement that the offender may be supervised under section 8165
2967.28 of the Revised Code after the offender leaves prison. 8166

(2) If a court prepares and issues a correction to a 8167
judgment of conviction as described in division (A) (1) of this 8168
section before the offender is released from imprisonment under 8169
the prison term the court imposed prior to July 11, 2006, the 8170
court shall place upon the journal of the court an entry nunc 8171
pro tunc to record the correction to the judgment of conviction 8172
and shall provide a copy of the entry to the offender or, if the 8173
offender is not physically present at the hearing, shall send a 8174
copy of the entry to the department of rehabilitation and 8175
correction for delivery to the offender. If the court sends a 8176

copy of the entry to the department, the department promptly 8177
shall deliver a copy of the entry to the offender. The court's 8178
placement upon the journal of the entry nunc pro tunc before the 8179
offender is released from imprisonment under the term shall be 8180
considered, and shall have the same effect, as if the court at 8181
the time of original sentencing had included the statement in 8182
the sentence and the judgment of conviction entered on the 8183
journal and had notified the offender that the offender will be 8184
so supervised regarding a sentence including a prison term of a 8185
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 8186
the Revised Code or that the offender may be so supervised 8187
regarding a sentence including a prison term of a type described 8188
in division (B) (2) ~~(d)~~ (e) of that section. 8189

(B) (1) If, prior to July 11, 2006, a court imposed a 8190
sentence including a prison term and failed to notify the 8191
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 8192
the Revised Code regarding the possibility of the parole board 8193
imposing a prison term for a violation of supervision or a 8194
condition of post-release control or to include in the judgment 8195
of conviction entered on the journal a statement to that effect, 8196
at any time before the offender is released from imprisonment 8197
under that term and at a hearing conducted in accordance with 8198
division (C) of this section, the court may prepare and issue a 8199
correction to the judgment of conviction that includes in the 8200
judgment of conviction the statement that if a period of 8201
supervision is imposed following the offender's release from 8202
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 8203
section 2929.19 of the Revised Code, and if the offender 8204
violates that supervision or a condition of post-release control 8205
imposed under division (B) of section 2967.131 of the Revised 8206
Code the parole board may impose as part of the sentence a 8207

prison term of up to one-half of the stated prison term 8208
originally imposed upon the offender. 8209

(2) If the court prepares and issues a correction to a 8210
judgment of conviction as described in division (B)(1) of this 8211
section before the offender is released from imprisonment under 8212
the term, the court shall place upon the journal of the court an 8213
entry nunc pro tunc to record the correction to the judgment of 8214
conviction and shall provide a copy of the entry to the offender 8215
or, if the offender is not physically present at the hearing, 8216
shall send a copy of the entry to the department of 8217
rehabilitation and correction for delivery to the offender. If 8218
the court sends a copy of the entry to the department, the 8219
department promptly shall deliver a copy of the entry to the 8220
offender. The court's placement upon the journal of the entry 8221
nunc pro tunc before the offender is released from imprisonment 8222
under the term shall be considered, and shall have the same 8223
effect, as if the court at the time of original sentencing had 8224
included the statement in the judgment of conviction entered on 8225
the journal and had notified the offender pursuant to division 8226
(B)(2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 8227
the possibility of the parole board imposing a prison term for a 8228
violation of supervision or a condition of post-release control. 8229

(C) On and after July 11, 2006, a court that wishes to 8230
prepare and issue a correction to a judgment of conviction of a 8231
type described in division (A)(1) or (B)(1) of this section 8232
shall not issue the correction until after the court has 8233
conducted a hearing in accordance with this division. Before a 8234
court holds a hearing pursuant to this division, the court shall 8235
provide notice of the date, time, place, and purpose of the 8236
hearing to the offender who is the subject of the hearing, the 8237
prosecuting attorney of the county, and the department of 8238

rehabilitation and correction. The offender has the right to be 8239
physically present at the hearing, except that, upon the court's 8240
own motion or the motion of the offender or the prosecuting 8241
attorney, the court may permit the offender to appear at the 8242
hearing by video conferencing equipment if available and 8243
compatible. An appearance by video conferencing equipment 8244
pursuant to this division has the same force and effect as if 8245
the offender were physically present at the hearing. At the 8246
hearing, the offender and the prosecuting attorney may make a 8247
statement as to whether the court should issue a correction to 8248
the judgment of conviction. 8249

Sec. 2929.20. (A) As used in this section: 8250

(1) (a) Except as provided in division (A) (1) (b) of this 8251
section, "eligible offender" means any person who, on or after 8252
April 7, 2009, is serving a stated prison term that includes one 8253
or more nonmandatory prison terms. 8254

(b) "Eligible offender" does not include any person who, 8255
on or after April 7, 2009, is serving a stated prison term for 8256
any of the following criminal offenses that was a felony and was 8257
committed while the person held a public office in this state: 8258

(i) A violation of section 2921.02, 2921.03, 2921.05, 8259
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 8260
Code; 8261

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 8262
2921.12 of the Revised Code, when the conduct constituting the 8263
violation was related to the duties of the offender's public 8264
office or to the offender's actions as a public official holding 8265
that public office; 8266

(iii) A violation of an existing or former municipal 8267

ordinance or law of this or any other state or the United States 8268
that is substantially equivalent to any violation listed in 8269
division (A) (1) (b) (i) of this section; 8270

(iv) A violation of an existing or former municipal 8271
ordinance or law of this or any other state or the United States 8272
that is substantially equivalent to any violation listed in 8273
division (A) (1) (b) (ii) of this section, when the conduct 8274
constituting the violation was related to the duties of the 8275
offender's public office or to the offender's actions as a 8276
public official holding that public office; 8277

(v) A conspiracy to commit, attempt to commit, or 8278
complicity in committing any offense listed in division (A) (1) 8279
(b) (i) or described in division (A) (1) (b) (iii) of this section; 8280

(vi) A conspiracy to commit, attempt to commit, or 8281
complicity in committing any offense listed in division (A) (1) 8282
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 8283
if the conduct constituting the offense that was the subject of 8284
the conspiracy, that would have constituted the offense 8285
attempted, or constituting the offense in which the offender was 8286
complicit was or would have been related to the duties of the 8287
offender's public office or to the offender's actions as a 8288
public official holding that public office. 8289

(2) "Nonmandatory prison term" means a prison term that is 8290
not a mandatory prison term. 8291

(3) "Public office" means any elected federal, state, or 8292
local government office in this state. 8293

(4) "Victim's representative" has the same meaning as in 8294
section 2930.01 of the Revised Code. 8295

(5) "Imminent danger of death," "medically incapacitated," 8296

and "terminal illness" have the same meanings as in section 8297
2967.05 of the Revised Code. 8298

(6) "Aggregated nonmandatory prison term or terms" means 8299
the aggregate of the following: 8300

(a) All nonmandatory definite prison terms; 8301

(b) With respect to any non-life felony indefinite prison 8302
term, all nonmandatory minimum prison terms imposed as part of 8303
the non-life felony indefinite prison term or terms. 8304

(B) On the motion of an eligible offender or upon its own 8305
motion, the sentencing court may reduce the eligible offender's 8306
aggregated nonmandatory prison term or terms through a judicial 8307
release under this section. 8308

(C) An eligible offender may file a motion for judicial 8309
release with the sentencing court within the following 8310
applicable periods: 8311

(1) If the aggregated nonmandatory prison term or terms is 8312
less than two years, the eligible offender may file the motion 8313
at any time after the offender is delivered to a state 8314
correctional institution or, if the prison term includes a 8315
mandatory prison term or terms, at any time after the expiration 8316
of all mandatory prison terms. 8317

(2) If the aggregated nonmandatory prison term or terms is 8318
at least two years but less than five years, the eligible 8319
offender may file the motion not earlier than one hundred eighty 8320
days after the offender is delivered to a state correctional 8321
institution or, if the prison term includes a mandatory prison 8322
term or terms, not earlier than one hundred eighty days after 8323
the expiration of all mandatory prison terms. 8324

(3) If the aggregated nonmandatory prison term or terms is 8325
five years, the eligible offender may file the motion not 8326
earlier than the date on which the eligible offender has served 8327
four years of the offender's stated prison term or, if the 8328
prison term includes a mandatory prison term or terms, not 8329
earlier than four years after the expiration of all mandatory 8330
prison terms. 8331

(4) If the aggregated nonmandatory prison term or terms is 8332
more than five years but not more than ten years, the eligible 8333
offender may file the motion not earlier than the date on which 8334
the eligible offender has served five years of the offender's 8335
stated prison term or, if the prison term includes a mandatory 8336
prison term or terms, not earlier than five years after the 8337
expiration of all mandatory prison terms. 8338

(5) If the aggregated nonmandatory prison term or terms is 8339
more than ten years, the eligible offender may file the motion 8340
not earlier than the later of the date on which the offender has 8341
served one-half of the offender's stated prison term or the date 8342
specified in division (C) (4) of this section. 8343

(D) Upon receipt of a timely motion for judicial release 8344
filed by an eligible offender under division (C) of this section 8345
or upon the sentencing court's own motion made within the 8346
appropriate time specified in that division, the court may deny 8347
the motion without a hearing or schedule a hearing on the 8348
motion. The court shall not grant the motion without a hearing. 8349
If a court denies a motion without a hearing, the court later 8350
may consider judicial release for that eligible offender on a 8351
subsequent motion filed by that eligible offender unless the 8352
court denies the motion with prejudice. If a court denies a 8353
motion with prejudice, the court may later consider judicial 8354

release on its own motion. If a court denies a motion after a hearing, the court shall not consider a subsequent motion for that eligible offender. The court shall hold only one hearing for any eligible offender.

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

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

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

division (B) of section 2930.16 of the Revised Code; 8385

(2) If the offense was an offense of violence that is a 8386
felony of the first, second, or third degree, except as 8387
otherwise provided in this division, notify the victim or the 8388
victim's representative of the hearing regardless of whether the 8389
victim or victim's representative has requested the 8390
notification. The notice of the hearing shall not be given under 8391
this division to a victim or victim's representative if the 8392
victim or victim's representative has requested pursuant to 8393
division (B) (2) of section 2930.03 of the Revised Code that the 8394
victim or the victim's representative not be provided the 8395
notice. If notice is to be provided to a victim or victim's 8396
representative under this division, the prosecuting attorney may 8397
give the notice by any reasonable means, including regular mail, 8398
telephone, and electronic mail, in accordance with division (D) 8399
(1) of section 2930.16 of the Revised Code. If the notice is 8400
based on an offense committed prior to March 22, 2013, the 8401
notice also shall include the opt-out information described in 8402
division (D) (1) of section 2930.16 of the Revised Code. The 8403
prosecuting attorney, in accordance with division (D) (2) of 8404
section 2930.16 of the Revised Code, shall keep a record of all 8405
attempts to provide the notice, and of all notices provided, 8406
under this division. Division (E) (2) of this section, and the 8407
notice-related provisions of division (K) of this section, 8408
division (D) (1) of section 2930.16, division (H) of section 8409
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 8410
(b) of section 2967.26, division (D) (1) of section 2967.28, and 8411
division (A) (2) of section 5149.101 of the Revised Code enacted 8412
in the act in which division (E) (2) of this section was enacted, 8413
shall be known as "Roberta's Law." 8414

(F) Upon an offender's successful completion of 8415

rehabilitative activities, the head of the state correctional 8416
institution may notify the sentencing court of the successful 8417
completion of the activities. 8418

(G) Prior to the date of the hearing on a motion for 8419
judicial release under this section, the head of the state 8420
correctional institution in which the eligible offender is 8421
confined shall send to the court an institutional summary report 8422
on the eligible offender's conduct in the institution and in any 8423
institution from which the eligible offender may have been 8424
transferred. Upon the request of the prosecuting attorney of the 8425
county in which the eligible offender was indicted or of any law 8426
enforcement agency, the head of the state correctional 8427
institution, at the same time the person sends the institutional 8428
summary report to the court, also shall send a copy of the 8429
report to the requesting prosecuting attorney and law 8430
enforcement agencies. The institutional summary report shall 8431
cover the eligible offender's participation in school, 8432
vocational training, work, treatment, and other rehabilitative 8433
activities and any disciplinary action taken against the 8434
eligible offender. The report shall be made part of the record 8435
of the hearing. A presentence investigation report is not 8436
required for judicial release. 8437

(H) If the court grants a hearing on a motion for judicial 8438
release under this section, the eligible offender shall attend 8439
the hearing if ordered to do so by the court. Upon receipt of a 8440
copy of the journal entry containing the order, the head of the 8441
state correctional institution in which the eligible offender is 8442
incarcerated shall deliver the eligible offender to the sheriff 8443
of the county in which the hearing is to be held. The sheriff 8444
shall convey the eligible offender to and from the hearing. 8445

(I) At the hearing on a motion for judicial release under 8446
this section, the court shall afford the eligible offender and 8447
the eligible offender's attorney an opportunity to present 8448
written and, if present, oral information relevant to the 8449
motion. The court shall afford a similar opportunity to the 8450
prosecuting attorney, the victim or the victim's representative, 8451
and any other person the court determines is likely to present 8452
additional relevant information. The court shall consider any 8453
statement of a victim made pursuant to section 2930.14 or 8454
2930.17 of the Revised Code, any victim impact statement 8455
prepared pursuant to section 2947.051 of the Revised Code, and 8456
any report made under division (G) of this section. The court 8457
may consider any written statement of any person submitted to 8458
the court pursuant to division (L) of this section. After ruling 8459
on the motion, the court shall notify the victim of the ruling 8460
in accordance with sections 2930.03 and 2930.16 of the Revised 8461
Code. 8462

(J) (1) A court shall not grant a judicial release under 8463
this section to an eligible offender who is imprisoned for a 8464
felony of the first or second degree, or to an eligible offender 8465
who committed an offense under Chapter 2925. or 3719. of the 8466
Revised Code and for whom there was a presumption under section 8467
2929.13 of the Revised Code in favor of a prison term, unless 8468
the court, with reference to factors under section 2929.12 of 8469
the Revised Code, finds both of the following: 8470

(a) That a sanction other than a prison term would 8471
adequately punish the offender and protect the public from 8472
future criminal violations by the eligible offender because the 8473
applicable factors indicating a lesser likelihood of recidivism 8474
outweigh the applicable factors indicating a greater likelihood 8475
of recidivism; 8476

(b) That a sanction other than a prison term would not 8477
demean the seriousness of the offense because factors indicating 8478
that the eligible offender's conduct in committing the offense 8479
was less serious than conduct normally constituting the offense 8480
outweigh factors indicating that the eligible offender's conduct 8481
was more serious than conduct normally constituting the offense. 8482

(2) A court that grants a judicial release to an eligible 8483
offender under division (J)(1) of this section shall specify on 8484
the record both findings required in that division and also 8485
shall list all the factors described in that division that were 8486
presented at the hearing. 8487

(K) If the court grants a motion for judicial release 8488
under this section, the court shall order the release of the 8489
eligible offender, shall place the eligible offender under an 8490
appropriate community control sanction, under appropriate 8491
conditions, and under the supervision of the department of 8492
probation serving the court and shall reserve the right to 8493
reimpose the sentence that it reduced if the offender violates 8494
the sanction. If the court reimposes the reduced sentence, it 8495
may do so either concurrently with, or consecutive to, any new 8496
sentence imposed upon the eligible offender as a result of the 8497
violation that is a new offense. Except as provided in division 8498
(R)(2) of this section, the period of community control shall be 8499
no longer than five years. The court, in its discretion, may 8500
reduce the period of community control by the amount of time the 8501
eligible offender spent in jail or prison for the offense and in 8502
prison. If the court made any findings pursuant to division (J) 8503
(1) of this section, the court shall serve a copy of the 8504
findings upon counsel for the parties within fifteen days after 8505
the date on which the court grants the motion for judicial 8506
release. 8507

If the court grants a motion for judicial release, the 8508
court shall notify the appropriate person at the department of 8509
rehabilitation and correction, and the department shall post 8510
notice of the release on the database it maintains pursuant to 8511
section 5120.66 of the Revised Code. The court also shall notify 8512
the prosecuting attorney of the county in which the eligible 8513
offender was indicted that the motion has been granted. Unless 8514
the victim or the victim's representative has requested pursuant 8515
to division (B) (2) of section 2930.03 of the Revised Code that 8516
the victim or victim's representative not be provided the 8517
notice, the prosecuting attorney shall notify the victim or the 8518
victim's representative of the judicial release in any manner, 8519
and in accordance with the same procedures, pursuant to which 8520
the prosecuting attorney is authorized to provide notice of the 8521
hearing pursuant to division (E) (2) of this section. If the 8522
notice is based on an offense committed prior to March 22, 2013, 8523
the notice to the victim or victim's representative also shall 8524
include the opt-out information described in division (D) (1) of 8525
section 2930.16 of the Revised Code. 8526

(L) In addition to and independent of the right of a 8527
victim to make a statement pursuant to section 2930.14, 2930.17, 8528
or 2946.051 of the Revised Code and any right of a person to 8529
present written information or make a statement pursuant to 8530
division (I) of this section, any person may submit to the 8531
court, at any time prior to the hearing on the offender's motion 8532
for judicial release, a written statement concerning the effects 8533
of the offender's crime or crimes, the circumstances surrounding 8534
the crime or crimes, the manner in which the crime or crimes 8535
were perpetrated, and the person's opinion as to whether the 8536
offender should be released. 8537

(M) The changes to this section that are made on September 8538

30, 2011, apply to any judicial release decision made on or 8539
after September 30, 2011, for any eligible offender. 8540

(N) Notwithstanding the eligibility requirements specified 8541
in division (A) of this section and the filing time frames 8542
specified in division (C) of this section and notwithstanding 8543
the findings required under division (J) of this section, the 8544
sentencing court, upon the court's own motion and after 8545
considering whether the release of the offender into society 8546
would create undue risk to public safety, may grant a judicial 8547
release to an offender who is not serving a life sentence at any 8548
time during the offender's imposed sentence when the director of 8549
rehabilitation and correction certifies to the sentencing court 8550
through the chief medical officer for the department of 8551
rehabilitation and correction that the offender is in imminent 8552
danger of death, is medically incapacitated, or is suffering 8553
from a terminal illness. 8554

(O) The director of rehabilitation and correction shall 8555
not certify any offender under division (N) of this section who 8556
is serving a death sentence. 8557

(P) A motion made by the court under division (N) of this 8558
section is subject to the notice, hearing, and other procedural 8559
requirements specified in divisions (D), (E), (G), (H), (I), 8560
(K), and (L) of this section, except for the following: 8561

(1) The court may waive the offender's appearance at any 8562
hearing scheduled by the court if the offender's condition makes 8563
it impossible for the offender to participate meaningfully in 8564
the proceeding. 8565

(2) The court may grant the motion without a hearing, 8566
provided that the prosecuting attorney and victim or victim's 8567

representative to whom notice of the hearing was provided under 8568
division (E) of this section indicate that they do not wish to 8569
participate in the hearing or present information relevant to 8570
the motion. 8571

(Q) The court may request health care records from the 8572
department of rehabilitation and correction to verify the 8573
certification made under division (N) of this section. 8574

(R) (1) If the court grants judicial release under division 8575
(N) of this section, the court shall do all of the following: 8576

(a) Order the release of the offender; 8577

(b) Place the offender under an appropriate community 8578
control sanction, under appropriate conditions; 8579

(c) Place the offender under the supervision of the 8580
department of probation serving the court or under the 8581
supervision of the adult parole authority. 8582

(2) The court, in its discretion, may revoke the judicial 8583
release if the offender violates the community control sanction 8584
described in division (R) (1) of this section. The period of that 8585
community control is not subject to the five-year limitation 8586
described in division (K) of this section and shall not expire 8587
earlier than the date on which all of the offender's mandatory 8588
prison terms expire. 8589

(S) If the health of an offender who is released under 8590
division (N) of this section improves so that the offender is no 8591
longer terminally ill, medically incapacitated, or in imminent 8592
danger of death, the court shall, upon the court's own motion, 8593
revoke the judicial release. The court shall not grant the 8594
motion without a hearing unless the offender waives a hearing. 8595
If a hearing is held, the court shall afford the offender and 8596

the offender's attorney an opportunity to present written and, 8597
if the offender or the offender's attorney is present, oral 8598
information relevant to the motion. The court shall afford a 8599
similar opportunity to the prosecuting attorney, the victim or 8600
the victim's representative, and any other person the court 8601
determines is likely to present additional relevant information. 8602
A court that grants a motion under this division shall specify 8603
its findings on the record. 8604

Sec. 2929.61. (A) Persons charged with a capital offense 8605
committed prior to January 1, 1974, shall be prosecuted under 8606
the law as it existed at the time the offense was committed, 8607
and, if convicted, shall be imprisoned for life, except that 8608
whenever the statute under which any such person is prosecuted 8609
provides for a lesser penalty under the circumstances of the 8610
particular case, such lesser penalty shall be imposed. 8611

(B) Persons charged with an offense, other than a capital 8612
offense, committed prior to January 1, 1974, shall be prosecuted 8613
under the law as it existed at the time the offense was 8614
committed. Persons convicted or sentenced on or after January 1, 8615
1974, for an offense committed prior to January 1, 1974, shall 8616
be sentenced according to the penalty for commission of the 8617
substantially equivalent offense under Amended Substitute House 8618
Bill 511 of the 109th General Assembly. If the offense for which 8619
sentence is being imposed does not have a substantial equivalent 8620
under that act, or if that act provides a more severe penalty 8621
than that originally prescribed for the offense of which the 8622
person is convicted, then sentence shall be imposed under the 8623
law as it existed prior to January 1, 1974. 8624

(C) Persons charged with an offense that is a felony of 8625
the third or fourth degree and that was committed on or after 8626

January 1, 1974, and before July 1, 1983, shall be prosecuted 8627
under the law as it existed at the time the offense was 8628
committed. Persons convicted or sentenced on or after July 1, 8629
1983, for an offense that is a felony of the third or fourth 8630
degree and that was committed on or after January 1, 1974, and 8631
before July 1, 1983, shall be notified by the court sufficiently 8632
in advance of sentencing that they may choose to be sentenced 8633
pursuant to either the law in effect at the time of the 8634
commission of the offense or the law in effect at the time of 8635
sentencing. This notice shall be written and shall include the 8636
differences between and possible effects of the alternative 8637
sentence forms and the effect of the person's refusal to choose. 8638
The person to be sentenced shall then inform the court in 8639
writing of ~~his~~ the person's choice, and shall be sentenced 8640
accordingly. Any person choosing to be sentenced pursuant to the 8641
law in effect at the time of the commission of an offense that 8642
is a felony of the third or fourth degree shall then be eligible 8643
for parole, and this person cannot at a later date have ~~his~~ the 8644
person's sentence converted to a definite sentence. If the 8645
person refuses to choose between the two possible sentences, the 8646
person shall be sentenced pursuant to the law in effect at the 8647
time of the commission of the offense. 8648

(D) Persons charged with an offense that was a felony of 8649
the first or second degree at the time it was committed, that 8650
was committed on or after January 1, 1974, and that was 8651
committed prior to July 1, 1983, shall be prosecuted for that 8652
offense and, if convicted, shall be sentenced under the law as 8653
it existed at the time the offense was committed. 8654

(E) Persons charged with an offense that is a felony of 8655
the first or second degree that was committed prior to the 8656
effective date of this amendment or that is a felony of the 8657

third degree that is described in division (A)(3)(a) of section 2929.14 of the Revised Code and was committed prior to that date shall be prosecuted for that offense and, if convicted, shall be sentenced under the law as it existed at the time the offense was committed.

Sec. 2930.16. (A) If a defendant is incarcerated, a victim in a case who has requested to receive notice under this section shall be given notice of the incarceration of the defendant. If an alleged juvenile offender is committed to the temporary custody of a school, camp, institution, or other facility operated for the care of delinquent children or to the legal custody of the department of youth services, a victim in a case who has requested to receive notice under this section shall be given notice of the commitment. Promptly after sentence is imposed upon the defendant or the commitment of the alleged juvenile offender is ordered, the prosecutor in the case shall notify the victim of the date on which the defendant will be released, or initially will be eligible for release, from confinement or the prosecutor's reasonable estimate of that date or the date on which the alleged juvenile offender will have served the minimum period of commitment or the prosecutor's reasonable estimate of that date. The prosecutor also shall notify the victim of the name of the custodial agency of the defendant or alleged juvenile offender and tell the victim how to contact that custodial agency. If the custodial agency is the department of rehabilitation and correction, the prosecutor shall notify the victim of the services offered by the office of victims' services pursuant to section 5120.60 of the Revised Code. If the custodial agency is the department of youth services, the prosecutor shall notify the victim of the services provided by the office of victims' services within the release

authority of the department pursuant to section 5139.55 of the Revised Code and the victim's right pursuant to section 5139.56 of the Revised Code to submit a written request to the release authority to be notified of actions the release authority takes with respect to the alleged juvenile offender. The victim shall keep the custodial agency informed of the victim's current address and telephone number.

(B) (1) Upon the victim's request or in accordance with division (D) of this section, the prosecutor promptly shall notify the victim of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code, of any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code, or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's right to make a statement under those sections. The court shall notify the victim of its ruling in each of those hearings and on each of those applications.

(2) If an offender is sentenced to a prison term pursuant to division (A) (3) or (B) of section 2971.03 of the Revised Code, upon the request of the victim of the crime or in accordance with division (D) of this section, the prosecutor promptly shall notify the victim of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. The court shall notify the victim of any order issued at the conclusion of the

hearing. 8720

(C) Upon the victim's request made at any time before the 8721
particular notice would be due or in accordance with division 8722
(D) of this section, the custodial agency of a defendant or 8723
alleged juvenile offender shall give the victim any of the 8724
following notices that is applicable: 8725

(1) At least sixty days before the adult parole authority 8726
recommends a pardon or commutation of sentence for the defendant 8727
or at least sixty days prior to a hearing before the adult 8728
parole authority regarding a grant of parole to the defendant, 8729
notice of the victim's right to submit a statement regarding the 8730
impact of the defendant's release in accordance with section 8731
2967.12 of the Revised Code and, if applicable, of the victim's 8732
right to appear at a full board hearing of the parole board to 8733
give testimony as authorized by section 5149.101 of the Revised 8734
Code; and at least sixty days prior to a hearing before the 8735
department regarding a determination of whether the inmate must 8736
be released under division (C) or (D) (2) of section 2967.271 of 8737
the Revised Code if the inmate is serving a non-life felony 8738
indefinite prison term, notice of the fact that the inmate will 8739
be having a hearing regarding a possible grant of release, the 8740
date of any hearing regarding a possible grant of release, and 8741
the right of any person to submit a written statement regarding 8742
the pending action; 8743

(2) At least sixty days before the defendant is 8744
transferred to transitional control under section 2967.26 of the 8745
Revised Code, notice of the pendency of the transfer and of the 8746
victim's right under that section to submit a statement 8747
regarding the impact of the transfer; 8748

(3) At least sixty days before the release authority of 8749

the department of youth services holds a release review, release 8750
hearing, or discharge review for the alleged juvenile offender, 8751
notice of the pendency of the review or hearing, of the victim's 8752
right to make an oral or written statement regarding the impact 8753
of the crime upon the victim or regarding the possible release 8754
or discharge, and, if the notice pertains to a hearing, of the 8755
victim's right to attend and make statements or comments at the 8756
hearing as authorized by section 5139.56 of the Revised Code; 8757

(4) Prompt notice of the defendant's or alleged juvenile 8758
offender's escape from a facility of the custodial agency in 8759
which the defendant was incarcerated or in which the alleged 8760
juvenile offender was placed after commitment, of the 8761
defendant's or alleged juvenile offender's absence without leave 8762
from a mental health or developmental disabilities facility or 8763
from other custody, and of the capture of the defendant or 8764
alleged juvenile offender after an escape or absence; 8765

(5) Notice of the defendant's or alleged juvenile 8766
offender's death while in confinement or custody; 8767

(6) Notice of the filing of a petition by the director of 8768
rehabilitation and correction pursuant to section 2967.19 of the 8769
Revised Code requesting the early release under that section of 8770
the defendant; 8771

(7) Notice of the defendant's or alleged juvenile 8772
offender's release from confinement or custody and the terms and 8773
conditions of the release. 8774

(D) (1) If a defendant is incarcerated for the commission 8775
of aggravated murder, murder, or an offense of violence that is 8776
a felony of the first, second, or third degree or is under a 8777
sentence of life imprisonment or if an alleged juvenile offender 8778

has been charged with the commission of an act that would be 8779
aggravated murder, murder, or an offense of violence that is a 8780
felony of the first, second, or third degree or be subject to a 8781
sentence of life imprisonment if committed by an adult, except 8782
as otherwise provided in this division, the notices described in 8783
divisions (B) and (C) of this section shall be given regardless 8784
of whether the victim has requested the notification. The 8785
notices described in divisions (B) and (C) of this section shall 8786
not be given under this division to a victim if the victim has 8787
requested pursuant to division (B)(2) of section 2930.03 of the 8788
Revised Code that the victim not be provided the notice. 8789
Regardless of whether the victim has requested that the notices 8790
described in division (C) of this section be provided or not be 8791
provided, the custodial agency shall give notice similar to 8792
those notices to the prosecutor in the case, to the sentencing 8793
court, to the law enforcement agency that arrested the defendant 8794
or alleged juvenile offender if any officer of that agency was a 8795
victim of the offense, and to any member of the victim's 8796
immediate family who requests notification. If the notice given 8797
under this division to the victim is based on an offense 8798
committed prior to March 22, 2013, and if the prosecutor or 8799
custodial agency has not previously successfully provided any 8800
notice to the victim under this division or division (B) or (C) 8801
of this section with respect to that offense and the offender 8802
who committed it, the notice also shall inform the victim that 8803
the victim may request that the victim not be provided any 8804
further notices with respect to that offense and the offender 8805
who committed it and shall describe the procedure for making 8806
that request. If the notice given under this division to the 8807
victim pertains to a hearing regarding a grant of a parole to 8808
the defendant, the notice also shall inform the victim that the 8809
victim, a member of the victim's immediate family, or the 8810

victim's representative may request a victim conference, as 8811
described in division (E) of this section, and shall provide an 8812
explanation of a victim conference. 8813

The prosecutor or custodial agency may give the notices to 8814
which this division applies by any reasonable means, including 8815
regular mail, telephone, and electronic mail. If the prosecutor 8816
or custodial agency attempts to provide notice to a victim under 8817
this division but the attempt is unsuccessful because the 8818
prosecutor or custodial agency is unable to locate the victim, 8819
is unable to provide the notice by its chosen method because it 8820
cannot determine the mailing address, telephone number, or 8821
electronic mail address at which to provide the notice, or, if 8822
the notice is sent by mail, the notice is returned, the 8823
prosecutor or custodial agency shall make another attempt to 8824
provide the notice to the victim. If the second attempt is 8825
unsuccessful, the prosecutor or custodial agency shall make at 8826
least one more attempt to provide the notice. If the notice is 8827
based on an offense committed prior to March 22, 2013, in each 8828
attempt to provide the notice to the victim, the notice shall 8829
include the opt-out information described in the preceding 8830
paragraph. The prosecutor or custodial agency, in accordance 8831
with division (D)(2) of this section, shall keep a record of all 8832
attempts to provide the notice, and of all notices provided, 8833
under this division. 8834

Division (D)(1) of this section, and the notice-related 8835
provisions of divisions (E)(2) and (K) of section 2929.20, 8836
division (H) of section 2967.12, division (E)(1)(b) of section 8837
2967.19, division (A)(3)(b) of section 2967.26, division (D)(1) 8838
of section 2967.28, and division (A)(2) of section 5149.101 of 8839
the Revised Code enacted in the act in which division (D)(1) of 8840
this section was enacted, shall be known as "Roberta's Law." 8841

(2) Each prosecutor and custodial agency that attempts to 8842
give any notice to which division (D)(1) of this section applies 8843
shall keep a record of all attempts to give the notice. The 8844
record shall indicate the person who was to be the recipient of 8845
the notice, the date on which the attempt was made, the manner 8846
in which the attempt was made, and the person who made the 8847
attempt. If the attempt is successful and the notice is given, 8848
the record shall indicate that fact. The record shall be kept in 8849
a manner that allows public inspection of attempts and notices 8850
given to persons other than victims without revealing the names, 8851
addresses, or other identifying information relating to victims. 8852
The record of attempts and notices given to victims is not a 8853
public record, but the prosecutor or custodial agency shall 8854
provide upon request a copy of that record to a prosecuting 8855
attorney, judge, law enforcement agency, or member of the 8856
general assembly. The record of attempts and notices given to 8857
persons other than victims is a public record. A record kept 8858
under this division may be indexed by offender name, or in any 8859
other manner determined by the prosecutor or the custodial 8860
agency. Each prosecutor or custodial agency that is required to 8861
keep a record under this division shall determine the procedures 8862
for keeping the record and the manner in which it is to be kept, 8863
subject to the requirements of this division. 8864

(E) The adult parole authority shall adopt rules under 8865
Chapter 119. of the Revised Code providing for a victim 8866
conference, upon request of the victim, a member of the victim's 8867
immediate family, or the victim's representative, prior to a 8868
parole hearing in the case of a prisoner who is incarcerated for 8869
the commission of aggravated murder, murder, or an offense of 8870
violence that is a felony of the first, second, or third degree 8871
or is under a sentence of life imprisonment. The rules shall 8872

provide for, but not be limited to, all of the following: 8873

(1) Subject to division (E) (3) of this section, attendance 8874
by the victim, members of the victim's immediate family, the 8875
victim's representative, and, if practicable, other individuals; 8876

(2) Allotment of up to one hour for the conference; 8877

(3) A specification of the number of persons specified in 8878
division (E) (1) of this section who may be present at any single 8879
victim conference, if limited by the department pursuant to 8880
division (F) of this section. 8881

(F) The department may limit the number of persons 8882
specified in division (E) (1) of this section who may be present 8883
at any single victim conference, provided that the department 8884
shall not limit the number of persons who may be present at any 8885
single conference to fewer than three. If the department limits 8886
the number of persons who may be present at any single victim 8887
conference, the department shall permit and schedule, upon 8888
request of the victim, a member of the victim's immediate 8889
family, or the victim's representative, multiple victim 8890
conferences for the persons specified in division (E) (1) of this 8891
section. 8892

(G) As used in this section, "victim's immediate family" 8893
has the same meaning as in section 2967.12 of the Revised Code. 8894

Sec. 2943.032. (A) Prior to accepting a guilty plea or a 8895
plea of no contest to an indictment, information, or complaint 8896
that charges a felony, the court shall inform the defendant 8897
personally that, if the defendant pleads guilty or no contest to 8898
the felony so charged or any other felony, if the court imposes 8899
a prison term upon the defendant for the felony, and if the 8900
offender violates the conditions of a post-release control 8901

sanction imposed by the parole board upon the completion of the 8902
stated prison term, the parole board may impose upon the 8903
offender a residential sanction that includes a new prison term 8904
of up to nine months, subject to a maximum cumulative prison 8905
term for all violations that does not exceed one-half of the 8906
definite prison term that is the stated prison term originally 8907
imposed upon the offender or, with respect to a non-life felony 8908
indefinite prison term, one-half of the minimum prison term 8909
included as part of the stated non-life felony indefinite prison 8910
term originally imposed on the offender. 8911

(B) As used in this section, "non-life felony indefinite 8912
prison term" has the same meaning as in section 2929.01 of the 8913
Revised Code. 8914

Sec. 2953.08. (A) In addition to any other right to appeal 8915
and except as provided in division (D) of this section, a 8916
defendant who is convicted of or pleads guilty to a felony may 8917
appeal as a matter of right the sentence imposed upon the 8918
defendant on one of the following grounds: 8919

(1) The sentence consisted of or included the maximum 8920
definite prison term allowed for the offense by division (A) of 8921
section 2929.14 or section 2929.142 of the Revised Code or, with 8922
respect to a non-life felony indefinite prison term, the longest 8923
minimum prison term allowed for the offense by division (A) (1) 8924
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8925
Code, the maximum definite prison term or longest minimum prison 8926
term was not required for the offense pursuant to Chapter 2925. 8927
or any other provision of the Revised Code, and the court 8928
imposed the sentence under one of the following circumstances: 8929

(a) The sentence was imposed for only one offense. 8930

(b) The sentence was imposed for two or more offenses 8931
arising out of a single incident, and the court imposed the 8932
maximum definite prison term or longest minimum prison term for 8933
the offense of the highest degree. 8934

(2) The sentence consisted of or included a prison term 8935
and the offense for which it was imposed is a felony of the 8936
fourth or fifth degree or is a felony drug offense that is a 8937
violation of a provision of Chapter 2925. of the Revised Code 8938
and that is specified as being subject to division (B) of 8939
section 2929.13 of the Revised Code for purposes of sentencing. 8940
If the court specifies that it found one or more of the factors 8941
in division (B) (1) (b) of section 2929.13 of the Revised Code to 8942
apply relative to the defendant, the defendant is not entitled 8943
under this division to appeal as a matter of right the sentence 8944
imposed upon the offender. 8945

(3) The person was convicted of or pleaded guilty to a 8946
violent sex offense or a designated homicide, assault, or 8947
kidnapping offense, was adjudicated a sexually violent predator 8948
in relation to that offense, and was sentenced pursuant to 8949
division (A) (3) of section 2971.03 of the Revised Code, if the 8950
minimum term of the indefinite term imposed pursuant to division 8951
(A) (3) of section 2971.03 of the Revised Code is the longest 8952
term available for the offense from among the range of definite 8953
terms listed in section 2929.14 of the Revised Code or, with 8954
respect to a non-life felony indefinite prison term, the longest 8955
minimum prison term allowed for the offense by division (A) (1) 8956
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised 8957
Code. As used in this division, "designated homicide, assault, 8958
or kidnapping offense" and "violent sex offense" have the same 8959
meanings as in section 2971.01 of the Revised Code. As used in 8960
this division, "adjudicated a sexually violent predator" has the 8961

same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

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

(B) In addition to any other right to appeal and except as provided in division (D) of this section, a prosecuting attorney, a city director of law, village solicitor, or similar chief legal officer of a municipal corporation, or the attorney general, if one of those persons prosecuted the case, may appeal as a matter of right a sentence imposed upon a defendant who is convicted of or pleads guilty to a felony or, in the circumstances described in division (B)(3) of this section the modification of a sentence imposed upon such a defendant, on any of the following grounds:

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

(2) The sentence is contrary to law.

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

(C)(1) In addition to the right to appeal a sentence granted under division (A) or (B) of this section, a defendant who is convicted of or pleads guilty to a felony may seek leave

to appeal a sentence imposed upon the defendant on the basis 8991
that the sentencing judge has imposed consecutive sentences 8992
under division (C) (3) of section 2929.14 of the Revised Code and 8993
that the consecutive sentences exceed the maximum definite 8994
prison term allowed by division (A) of that section for the most 8995
serious offense of which the defendant was convicted or, with 8996
respect to a non-life felony indefinite prison term, exceed the 8997
longest minimum prison term allowed by division (A) (1) (a), (2) 8998
(a), or (3) (a) (i) of that section for the most serious such 8999
offense. Upon the filing of a motion under this division, the 9000
court of appeals may grant leave to appeal the sentence if the 9001
court determines that the allegation included as the basis of 9002
the motion is true. 9003

(2) A defendant may seek leave to appeal an additional 9004
sentence imposed upon the defendant pursuant to division (B) (2) 9005
(a) or (b) of section 2929.14 of the Revised Code if the 9006
additional sentence is for a definite prison term that is longer 9007
than five years. 9008

(D) (1) A sentence imposed upon a defendant is not subject 9009
to review under this section if the sentence is authorized by 9010
law, has been recommended jointly by the defendant and the 9011
prosecution in the case, and is imposed by a sentencing judge. 9012

(2) Except as provided in division (C) (2) of this section, 9013
a sentence imposed upon a defendant is not subject to review 9014
under this section if the sentence is imposed pursuant to 9015
division (B) (2) (b) of section 2929.14 of the Revised Code. 9016
Except as otherwise provided in this division, a defendant 9017
retains all rights to appeal as provided under this chapter or 9018
any other provision of the Revised Code. A defendant has the 9019
right to appeal under this chapter or any other provision of the 9020

Revised Code the court's application of division (B) (2) (c) of 9021
section 2929.14 of the Revised Code. 9022

(3) A sentence imposed for aggravated murder or murder 9023
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 9024
not subject to review under this section. 9025

(E) A defendant, prosecuting attorney, city director of 9026
law, village solicitor, or chief municipal legal officer shall 9027
file an appeal of a sentence under this section to a court of 9028
appeals within the time limits specified in Rule 4(B) of the 9029
Rules of Appellate Procedure, provided that if the appeal is 9030
pursuant to division (B) (3) of this section, the time limits 9031
specified in that rule shall not commence running until the 9032
court grants the motion that makes the sentence modification in 9033
question. A sentence appeal under this section shall be 9034
consolidated with any other appeal in the case. If no other 9035
appeal is filed, the court of appeals may review only the 9036
portions of the trial record that pertain to sentencing. 9037

(F) On the appeal of a sentence under this section, the 9038
record to be reviewed shall include all of the following, as 9039
applicable: 9040

(1) Any presentence, psychiatric, or other investigative 9041
report that was submitted to the court in writing before the 9042
sentence was imposed. An appellate court that reviews a 9043
presentence investigation report prepared pursuant to section 9044
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 9045
connection with the appeal of a sentence under this section 9046
shall comply with division (D) (3) of section 2951.03 of the 9047
Revised Code when the appellate court is not using the 9048
presentence investigation report, and the appellate court's use 9049
of a presentence investigation report of that nature in 9050

connection with the appeal of a sentence under this section does 9051
not affect the otherwise confidential character of the contents 9052
of that report as described in division (D) (1) of section 9053
2951.03 of the Revised Code and does not cause that report to 9054
become a public record, as defined in section 149.43 of the 9055
Revised Code, following the appellate court's use of the report. 9056

(2) The trial record in the case in which the sentence was 9057
imposed; 9058

(3) Any oral or written statements made to or by the court 9059
at the sentencing hearing at which the sentence was imposed; 9060

(4) Any written findings that the court was required to 9061
make in connection with the modification of the sentence 9062
pursuant to a judicial release under division (I) of section 9063
2929.20 of the Revised Code. 9064

(G) (1) If the sentencing court was required to make the 9065
findings required by division (B) or (D) of section 2929.13 or 9066
division (I) of section 2929.20 of the Revised Code, or to state 9067
the findings of the trier of fact required by division (B) (2) (e) 9068
of section 2929.14 of the Revised Code, relative to the 9069
imposition or modification of the sentence, and if the 9070
sentencing court failed to state the required findings on the 9071
record, the court hearing an appeal under division (A), (B), or 9072
(C) of this section shall remand the case to the sentencing 9073
court and instruct the sentencing court to state, on the record, 9074
the required findings. 9075

(2) The court hearing an appeal under division (A), (B), 9076
or (C) of this section shall review the record, including the 9077
findings underlying the sentence or modification given by the 9078
sentencing court. 9079

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 9109
substitution by the governor of a lesser for a greater 9110
punishment. A stated prison term may be commuted without the 9111
consent of the convict, except when granted upon the acceptance 9112
and performance by the convict of conditions precedent. After 9113
commutation, the commuted prison term shall be the only one in 9114
existence. The commutation may be stated in terms of commuting 9115
from a named offense to a lesser included offense with a shorter 9116
prison term, in terms of commuting from a stated prison term in 9117
months and years to a shorter prison term in months and years, 9118
or in terms of commuting from any other stated prison term to a 9119
shorter prison term. 9120

(D) "Reprieve" means the temporary suspension by the 9121
governor of the execution of a sentence or prison term. The 9122
governor may grant a reprieve without the consent of and against 9123
the will of the convict. 9124

(E) "Parole" means, regarding a prisoner who is serving a 9125
prison term for aggravated murder or murder, who is serving a 9126
prison term of life imprisonment for rape or for felonious 9127
sexual penetration as it existed under section 2907.12 of the 9128
Revised Code prior to September 3, 1996, or who was sentenced 9129
prior to July 1, 1996, a release of the prisoner from 9130
confinement in any state correctional institution by the adult 9131
parole authority that is subject to the eligibility criteria 9132
specified in this chapter and that is under the terms and 9133
conditions, and for the period of time, prescribed by the 9134
authority in its published rules and official minutes or 9135
required by division (A) of section 2967.131 of the Revised Code 9136
or another provision of this chapter. 9137

(F) "Head of a state correctional institution" or "head of 9138

the institution" means the resident head of the institution and 9139
the person immediately in charge of the institution, whether 9140
designated warden, superintendent, or any other name by which 9141
the head is known. 9142

(G) "Convict" means a person who has been convicted of a 9143
felony under the laws of this state, whether or not actually 9144
confined in a state correctional institution, unless the person 9145
has been pardoned or has served the person's sentence or prison 9146
term. 9147

(H) "Prisoner" means a person who is in actual confinement 9148
in a state correctional institution. 9149

(I) "Parolee" means any inmate who has been released from 9150
confinement on parole by order of the adult parole authority or 9151
conditionally pardoned, who is under supervision of the adult 9152
parole authority and has not been granted a final release, and 9153
who has not been declared in violation of the inmate's parole by 9154
the authority or is performing the prescribed conditions of a 9155
conditional pardon. 9156

(J) "Releasee" means an inmate who has been released from 9157
confinement pursuant to section 2967.28 of the Revised Code 9158
under a period of post-release control that includes one or more 9159
post-release control sanctions. 9160

(K) "Final release" means a remission by the adult parole 9161
authority of the balance of the sentence or prison term of a 9162
parolee or prisoner or the termination by the authority of a 9163
term of post-release control of a releasee. 9164

(L) "Parole violator" or "release violator" means any 9165
parolee or releasee who has been declared to be in violation of 9166
the condition of parole or post-release control specified in 9167

division (A) or (B) of section 2967.131 of the Revised Code or 9168
in violation of any other term, condition, or rule of the 9169
parolee's or releasee's parole or of the parolee's or releasee's 9170
post-release control sanctions, the determination of which has 9171
been made by the adult parole authority and recorded in its 9172
official minutes. 9173

(M) "Administrative release" means a termination of 9174
jurisdiction over a particular sentence or prison term by the 9175
adult parole authority for administrative convenience. 9176

(N) "Post-release control" means a period of supervision 9177
by the adult parole authority after a prisoner's release from 9178
imprisonment, other than under a term of life imprisonment, that 9179
includes one or more post-release control sanctions imposed 9180
under section 2967.28 of the Revised Code. 9181

(O) "Post-release control sanction" means a sanction that 9182
is authorized under sections 2929.16 to 2929.18 of the Revised 9183
Code and that is imposed upon a prisoner upon the prisoner's 9184
release from a prison term other than a term of life 9185
imprisonment. 9186

(P) "Community control sanction," "prison term," 9187
"mandatory prison term," and "stated prison term" have the same 9188
meanings as in section 2929.01 of the Revised Code. 9189

(Q) "Transitional control" means control of a prisoner 9190
under the transitional control program established by the 9191
department of rehabilitation and correction under section 9192
2967.26 of the Revised Code, if the department establishes a 9193
program of that nature under that section. 9194

(R) "Random drug testing" has the same meaning as in 9195
section 5120.63 of the Revised Code. 9196

(S) "Non-life felony indefinite prison term" has the same 9197
meaning as in section 2929.01 of the Revised Code. 9198

Sec. 2967.021. (A) Chapter 2967. of the Revised Code, as 9199
it existed prior to July 1, 1996, applies to a person upon whom 9200
a court imposed a term of imprisonment prior to July 1, 1996, 9201
and a person upon whom a court, on or after July 1, 1996, and in 9202
accordance with law existing prior to July 1, 1996, imposed a 9203
term of imprisonment for an offense that was committed prior to 9204
July 1, 1996. 9205

(B) Chapter 2967. of the Revised Code, as it exists on and 9206
after July 1, 1996, applies to a person upon whom a court 9207
imposed a stated prison term for an offense committed on or 9208
after July 1, 1996, subject to division (C) of this section. 9209

(C) Section 2967.271 of the Revised Code, and other 9210
provisions of Chapter 2967. of the Revised Code, as they exist 9211
on and after the effective date of this amendment, apply to a 9212
person who is sentenced to a non-life felony indefinite prison 9213
term. 9214

Sec. 2967.03. The adult parole authority may exercise its 9215
functions and duties in relation to the pardon, commutation of 9216
sentence, or reprieve of a convict upon direction of the 9217
governor or upon its own initiative. It may exercise its 9218
functions and duties in relation to the parole of a prisoner who 9219
is eligible for parole upon the initiative of the head of the 9220
institution in which the prisoner is confined or upon its own 9221
initiative. When a prisoner becomes eligible for parole, the 9222
head of the institution in which the prisoner is confined shall 9223
notify the authority in the manner prescribed by the authority. 9224
The authority may investigate and examine, or cause the 9225
investigation and examination of, prisoners confined in state 9226

correctional institutions concerning their conduct in the 9227
institutions, their mental and moral qualities and 9228
characteristics, their knowledge of a trade or profession, their 9229
former means of livelihood, their family relationships, and any 9230
other matters affecting their fitness to be at liberty without 9231
being a threat to society. 9232

The authority may recommend to the governor the pardon, 9233
commutation of sentence, or reprieve of any convict or prisoner 9234
or grant a parole to any prisoner for whom parole is authorized, 9235
if in its judgment there is reasonable ground to believe that 9236
granting a pardon, commutation, or reprieve to the convict or 9237
paroling the prisoner would further the interests of justice and 9238
be consistent with the welfare and security of society. However, 9239
the authority shall not recommend a pardon or commutation of 9240
sentence, or grant a parole to, any convict or prisoner until 9241
the authority has complied with the applicable notice 9242
requirements of sections 2930.16 and 2967.12 of the Revised Code 9243
and until it has considered any statement made by a victim or a 9244
victim's representative that is relevant to the convict's or 9245
prisoner's case and that was sent to the authority pursuant to 9246
section 2930.17 of the Revised Code, any other statement made by 9247
a victim or a victim's representative that is relevant to the 9248
convict's or prisoner's case and that was received by the 9249
authority after it provided notice of the pendency of the action 9250
under sections 2930.16 and 2967.12 of the Revised Code, and any 9251
written statement of any person submitted to the court pursuant 9252
to division (I) of section 2967.12 of the Revised Code. If a 9253
victim, victim's representative, or the victim's spouse, parent, 9254
sibling, or child appears at a full board hearing of the parole 9255
board and gives testimony as authorized by section 5149.101 of 9256
the Revised Code, the authority shall consider the testimony in 9257

determining whether to grant a parole. The trial judge and 9258
prosecuting attorney of the trial court in which a person was 9259
convicted shall furnish to the authority, at the request of the 9260
authority, a summarized statement of the facts proved at the 9261
trial and of all other facts having reference to the propriety 9262
of recommending a pardon or commutation or granting a parole, 9263
together with a recommendation for or against a pardon, 9264
commutation, or parole, and the reasons for the recommendation. 9265
The trial judge, the prosecuting attorney, specified law 9266
enforcement agency members, and a representative of the prisoner 9267
may appear at a full board hearing of the parole board and give 9268
testimony in regard to the grant of a parole to the prisoner as 9269
authorized by section 5149.101 of the Revised Code. All state 9270
and local officials shall furnish information to the authority, 9271
when so requested by it in the performance of its duties. 9272

The adult parole authority shall exercise its functions 9273
and duties in relation to the release of prisoners who are 9274
serving a ~~stated definite~~ prison term as a stated prison term in 9275
accordance with section 2967.28 of the Revised Code, and the 9276
authority and the department of rehabilitation and correction 9277
shall exercise their functions and duties in relation to the 9278
release of prisoners who are serving a non-life felony 9279
indefinite prison term as a stated prison term in accordance 9280
with sections 2967.271 and 2967.28 of the Revised Code. 9281

Sec. 2967.13. (A) Except as provided in division (G) of 9282
this section, a prisoner serving a sentence of imprisonment for 9283
life for an offense committed on or after July 1, 1996, is not 9284
entitled to any earned credit under section 2967.193 of the 9285
Revised Code and becomes eligible for parole as follows: 9286

(1) If a sentence of imprisonment for life was imposed for 9287

the offense of murder, at the expiration of the prisoner's 9288
minimum term; 9289

(2) If a sentence of imprisonment for life with parole 9290
eligibility after serving twenty years of imprisonment was 9291
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9292
Code, after serving a term of twenty years; 9293

(3) If a sentence of imprisonment for life with parole 9294
eligibility after serving twenty-five full years of imprisonment 9295
was imposed pursuant to section 2929.022 or 2929.03 of the 9296
Revised Code, after serving a term of twenty-five full years; 9297

(4) If a sentence of imprisonment for life with parole 9298
eligibility after serving thirty full years of imprisonment was 9299
imposed pursuant to section 2929.022 or 2929.03 of the Revised 9300
Code, after serving a term of thirty full years; 9301

(5) If a sentence of imprisonment for life was imposed for 9302
rape, after serving a term of ten full years' imprisonment; 9303

(6) If a sentence of imprisonment for life with parole 9304
eligibility after serving fifteen years of imprisonment was 9305
imposed for a violation of section 2927.24 of the Revised Code, 9306
after serving a term of fifteen years. 9307

(B) Except as provided in division (G) of this section, a 9308
prisoner serving a sentence of imprisonment for life with parole 9309
eligibility after serving twenty years of imprisonment or a 9310
sentence of imprisonment for life with parole eligibility after 9311
serving twenty-five full years or thirty full years of 9312
imprisonment imposed pursuant to section 2929.022 or 2929.03 of 9313
the Revised Code for an offense committed on or after July 1, 9314
1996, consecutively to any other term of imprisonment, becomes 9315
eligible for parole after serving twenty years, twenty full 9316

years, or thirty full years, as applicable, as to each such 9317
sentence of life imprisonment, which shall not be reduced for 9318
earned credits under section 2967.193 of the Revised Code, plus 9319
the term or terms of the other sentences consecutively imposed 9320
or, if one of the other sentences is another type of life 9321
sentence with parole eligibility, the number of years before 9322
parole eligibility for that sentence. 9323

(C) Except as provided in division (G) of this section, a 9324
prisoner serving consecutively two or more sentences in which an 9325
indefinite term of imprisonment is imposed becomes eligible for 9326
parole upon the expiration of the aggregate of the minimum terms 9327
of the sentences. 9328

(D) Except as provided in division (G) of this section, a 9329
prisoner serving a term of imprisonment who is described in 9330
division (A) of section 2967.021 of the Revised Code becomes 9331
eligible for parole as described in that division or, if the 9332
prisoner is serving a definite term of imprisonment, shall be 9333
released as described in that division. 9334

(E) A prisoner serving a sentence of life imprisonment 9335
without parole imposed pursuant to section 2907.02 or section 9336
2929.03 or 2929.06 of the Revised Code is not eligible for 9337
parole and shall be imprisoned until death. 9338

(F) A prisoner serving a stated prison term that is a non- 9339
life felony indefinite prison term shall be released in 9340
accordance with sections 2967.271 and 2967.28 of the Revised 9341
Code. A prisoner serving a stated prison term of any other 9342
nature shall be released in accordance with section 2967.28 of 9343
the Revised Code. 9344

(G) A prisoner serving a prison term or term of life 9345

imprisonment without parole imposed pursuant to section 2971.03 9346
of the Revised Code never becomes eligible for parole during 9347
that term of imprisonment. 9348

Sec. 2967.19. (A) As used in this section: 9349

(1) "Deadly weapon" and "dangerous ordnance" have the same 9350
meanings as in section 2923.11 of the Revised Code. 9351

(2) "Disqualifying prison term" means any of the 9352
following: 9353

(a) A prison term imposed for aggravated murder, murder, 9354
voluntary manslaughter, involuntary manslaughter, felonious 9355
assault, kidnapping, rape, aggravated arson, aggravated 9356
burglary, or aggravated robbery; 9357

(b) A prison term imposed for complicity in, an attempt to 9358
commit, or conspiracy to commit any offense listed in division 9359
(A) (2) (a) of this section; 9360

(c) A prison term of life imprisonment, including any term 9361
of life imprisonment that has parole eligibility; 9362

(d) A prison term imposed for any felony other than 9363
carrying a concealed weapon an essential element of which is any 9364
conduct or failure to act expressly involving any deadly weapon 9365
or dangerous ordnance; 9366

(e) A prison term imposed for any violation of section 9367
2925.03 of the Revised Code that is a felony of the first or 9368
second degree; 9369

(f) A prison term imposed for engaging in a pattern of 9370
corrupt activity in violation of section 2923.32 of the Revised 9371
Code; 9372

| | |
|---|--|
| (g) A prison term imposed pursuant to section 2971.03 of the Revised Code; | 9373 9374 |
| (h) A prison term imposed for any sexually oriented offense. | 9375 9376 |
| (3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. | 9377 9378 9379 |
| (4) "Restricting prison term" means any of the following: | 9380 |
| (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; | 9381 9382 9383 9384 |
| (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; | 9385 9386 9387 9388 9389 9390 |
| (c) A prison term imposed for trafficking in persons; | 9391 |
| (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: | 9392 9393 9394 |
| (i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A) (2) (a) or (b) of this section if the attempt is a felony of the first or | 9395 9396 9397 9398 9399 9400 |

second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A) (2) or (A) (4) (d) (i) of this section.

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

(6) "Stated prison term of one year or more" means a definite prison term of one year or more imposed as a stated prison term, or a minimum prison term of one year or more imposed as part of a stated prison term that is a non-life felony indefinite prison term.

(B) The director of the department of rehabilitation and correction may recommend in writing to the sentencing court that the court consider releasing from prison any offender who, on or after September 30, 2011, is confined in a state correctional institution, who is serving a stated prison term of one year or more, and who is eligible under division (C) of this section for a release under this section. If the director wishes to recommend that the sentencing court consider releasing an offender under this section, the director shall notify the sentencing court in writing of the offender's eligibility not earlier than ninety days prior to the date on which the offender becomes eligible as described in division (C) of this section. The director's submission of the written notice constitutes a recommendation by the director that the court strongly consider release of the offender consistent with the purposes and principles of sentencing set forth in sections 2929.11 and

2929.13 of the Revised Code. Only an offender recommended by the director under division (B) of this section may be considered for early release under this section.

(C) (1) An offender serving a stated prison term of one year or more and who has commenced service of that stated prison term becomes eligible for release from prison under this section only as described in this division. An offender serving a stated prison term that includes a disqualifying prison term is not eligible for release from prison under this section. An offender serving a stated prison term that consists solely of one or more restricting prison terms is not eligible for release under this section. An offender serving a stated prison term of one year or more that includes one or more restricting prison terms and one or more eligible prison terms becomes eligible for release under this section after having fully served all restricting prison terms and having served eighty per cent of ~~the~~ that stated prison term that remains to be served after all restricting prison terms have been fully served. An offender serving a stated prison term of one year or more that consists solely of one or more eligible prison terms becomes eligible for release under this section after having served eighty per cent of that stated prison term. For purposes of determining an offender's eligibility for release under this section, if the offender's stated prison term includes consecutive prison terms, any restricting prison terms shall be deemed served prior to any eligible prison terms that run consecutively to the restricting prison terms, and the eligible prison terms are deemed to commence after all of the restricting prison terms have been fully served.

An offender serving a stated prison term of one year or more that includes a mandatory prison term that is not a

disqualifying prison term and is not a restricting prison term 9462
is not automatically ineligible as a result of the offender's 9463
service of that mandatory term for release from prison under 9464
this section, and the offender's eligibility for release from 9465
prison under this section is determined in accordance with this 9466
division. 9467

(2) If an offender confined in a state correctional 9468
institution under a stated prison term is eligible for release 9469
under this section as described in division (C) (1) of this 9470
section, the director of the department of rehabilitation and 9471
correction may recommend in writing that the sentencing court 9472
consider releasing the offender from prison under this section 9473
by submitting to the sentencing court the written notice 9474
described in division (B) of this section. 9475

(D) The director shall include with any notice submitted 9476
to the sentencing court under division (B) of this section an 9477
institutional summary report that covers the offender's 9478
participation while confined in a state correctional institution 9479
in school, training, work, treatment, and other rehabilitative 9480
activities and any disciplinary action taken against the 9481
offender while so confined. The director shall include with the 9482
notice any other documentation requested by the court, if 9483
available. 9484

(E) (1) When the director submits a written notice to a 9485
sentencing court that an offender is eligible to be considered 9486
for early release under this section, the department promptly 9487
shall provide to the prosecuting attorney of the county in which 9488
the offender was indicted a copy of the written notice, a copy 9489
of the institutional summary report, and any other information 9490
provided to the court and shall provide a copy of the 9491

institutional summary report to any law enforcement agency that 9492
requests the report. The department also promptly shall do 9493
whichever of the following is applicable: 9494

(a) Subject to division (E) (1) (b) of this section, give 9495
written notice of the submission to any victim of the offender 9496
or victim's representative of any victim of the offender who is 9497
registered with the office of victim's services. 9498

(b) If the offense was aggravated murder, murder, an 9499
offense of violence that is a felony of the first, second, or 9500
third degree, or an offense punished by a sentence of life 9501
imprisonment, except as otherwise provided in this division, 9502
notify the victim or the victim's representative of the filing 9503
of the petition regardless of whether the victim or victim's 9504
representative has registered with the office of victim's 9505
services. The notice of the filing of the petition shall not be 9506
given under this division to a victim or victim's representative 9507
if the victim or victim's representative has requested pursuant 9508
to division (B) (2) of section 2930.03 of the Revised Code that 9509
the victim or the victim's representative not be provided the 9510
notice. If notice is to be provided to a victim or victim's 9511
representative under this division, the department may give the 9512
notice by any reasonable means, including regular mail, 9513
telephone, and electronic mail, in accordance with division (D) 9514
(1) of section 2930.16 of the Revised Code. If the notice is 9515
based on an offense committed prior to ~~the effective date of~~ 9516
~~this amendment~~ March 22, 2013, the notice also shall include the 9517
opt-out information described in division (D) (1) of section 9518
2930.16 of the Revised Code. The department, in accordance with 9519
division (D) (2) of section 2930.16 of the Revised Code, shall 9520
keep a record of all attempts to provide the notice, and of all 9521
notices provided, under this division. 9522

Division (E) (1) (b) of this section, and the notice-related 9523
provisions of divisions (E) (2) and (K) of section 2929.20, 9524
division (D) (1) of section 2930.16, division (H) of section 9525
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 9526
of section 2967.28, and division (A) (2) of section 5149.101 of 9527
the Revised Code enacted in the act in which division (E) (2) of 9528
this section was enacted, shall be known as "Roberta's Law." 9529

(2) When the director submits a petition under this 9530
section, the department also promptly shall post a copy of the 9531
written notice on the database it maintains under section 9532
5120.66 of the Revised Code and include information on where a 9533
person may send comments regarding the recommendation of early 9534
release. 9535

The information provided to the court, the prosecutor, and 9536
the victim or victim's representative under divisions (D) and 9537
(E) of this section shall include the name and contact 9538
information of a specific department of rehabilitation and 9539
correction employee who is available to answer questions about 9540
the offender who is the subject of the written notice submitted 9541
by the director, including, but not limited to, the offender's 9542
institutional conduct and rehabilitative activities while 9543
incarcerated. 9544

(F) Upon receipt of a written notice submitted by the 9545
director under division (B) of this section, the court either 9546
shall, on its own motion, schedule a hearing to consider 9547
releasing the offender who is the subject of the notice or shall 9548
inform the department that it will not be conducting a hearing 9549
relative to the offender. The court shall not grant an early 9550
release to an offender without holding a hearing. If a court 9551
declines to hold a hearing relative to an offender with respect 9552

to a written notice submitted by the director, the court may 9553
later consider release of that offender under this section on 9554
its own motion by scheduling a hearing for that purpose. Within 9555
thirty days after the written notice is submitted, the court 9556
shall inform the department whether or not the court is 9557
scheduling a hearing on the offender who is the subject of the 9558
notice. 9559

(G) If the court schedules a hearing upon receiving a 9560
written notice submitted under division (B) of this section or 9561
upon its own motion under division (F) of this section, the 9562
court shall notify the head of the state correctional 9563
institution in which the offender is confined of the hearing 9564
prior to the hearing. If the court makes a journal entry 9565
ordering the offender to be conveyed to the hearing, except as 9566
otherwise provided in this division, the head of the 9567
correctional institution shall deliver the offender to the 9568
sheriff of the county in which the hearing is to be held, and 9569
the sheriff shall convey the offender to and from the hearing. 9570
Upon the court's own motion or the motion of the offender or the 9571
prosecuting attorney of the county in which the offender was 9572
indicted, the court may permit the offender to appear at the 9573
hearing by video conferencing equipment if equipment of that 9574
nature is available and compatible. 9575

Upon receipt of notice from a court of a hearing on the 9576
release of an offender under this division, the head of the 9577
state correctional institution in which the offender is confined 9578
immediately shall notify the appropriate person at the 9579
department of rehabilitation and correction of the hearing, and 9580
the department within twenty-four hours after receipt of the 9581
notice shall post on the database it maintains pursuant to 9582
section 5120.66 of the Revised Code the offender's name and all 9583

of the information specified in division (A) (1) (c) (i) of that 9584
section. If the court schedules a hearing under this section, 9585
the court promptly shall give notice of the hearing to the 9586
prosecuting attorney of the county in which the offender was 9587
indicted. Upon receipt of the notice from the court, the 9588
prosecuting attorney shall notify pursuant to section 2930.16 of 9589
the Revised Code any victim of the offender or the victim's 9590
representative of the hearing. 9591

(H) If the court schedules a hearing under this section, 9592
at the hearing, the court shall afford the offender and the 9593
offender's attorney an opportunity to present written 9594
information and, if present, oral information relevant to the 9595
offender's early release. The court shall afford a similar 9596
opportunity to the prosecuting attorney, victim or victim's 9597
representative, as defined in section 2930.01 of the Revised 9598
Code, and any other person the court determines is likely to 9599
present additional relevant information. If the court pursuant 9600
to division (G) of this section permits the offender to appear 9601
at the hearing by video conferencing equipment, the offender's 9602
opportunity to present oral information shall be as a part of 9603
the video conferencing. The court shall consider any statement 9604
of a victim made under section 2930.14 or 2930.17 of the Revised 9605
Code, any victim impact statement prepared under section 9606
2947.051 of the Revised Code, and any report and other 9607
documentation submitted by the director under division (D) of 9608
this section. After ruling on whether to grant the offender 9609
early release, the court shall notify the victim in accordance 9610
with sections 2930.03 and 2930.16 of the Revised Code. 9611

(I) If the court grants an offender early release under 9612
this section, it shall order the release of the offender, shall 9613
place the offender under one or more appropriate community 9614

control sanctions, under appropriate conditions, and under the supervision of the department of probation that serves the court, and shall reserve the right to reimpose the sentence that it reduced and from which the offender was released if the offender violates the sanction. The court shall not make a release under this section effective prior to the date on which the offender becomes eligible as described in division (C) of this section. If the sentence under which the offender is confined in a state correctional institution and from which the offender is being released was imposed for a felony of the first or second degree, the court shall consider ordering that the offender be monitored by means of a global positioning device. If the court reimposes the sentence that it reduced and from which the offender was released and if the violation of the sanction is a new offense, the court may order that the reimposed sentence be served either concurrently with, or consecutive to, any new sentence imposed upon the offender as a result of the violation that is a new offense. The period of all community control sanctions imposed under this division shall not exceed five years. The court, in its discretion, may reduce the period of community control sanctions by the amount of time the offender spent in jail or prison for the offense.

If the court grants an offender early release under this section, it shall notify the appropriate person at the department of rehabilitation and correction of the release, and the department shall post notice of the release on the database it maintains pursuant to section 5120.66 of the Revised Code.

(J) The department shall adopt under Chapter 119. of the Revised Code any rules necessary to implement this section.

Sec. 2967.191. (A) The department of rehabilitation and

correction shall reduce the ~~stated~~ prison term of a prisoner ~~or,~~ 9645
~~if the prisoner is serving a term for which there is parole~~ 9646
~~eligibility, the minimum and maximum term or the parole~~ 9647
~~eligibility date of the prisoner,~~ as described in division (B) 9648
of this section, by the total number of days that the prisoner 9649
was confined for any reason arising out of the offense for which 9650
the prisoner was convicted and sentenced, including confinement 9651
in lieu of bail while awaiting trial, confinement for 9652
examination to determine the prisoner's competence to stand 9653
trial or sanity, confinement while awaiting transportation to 9654
the place where the prisoner is to serve the prisoner's prison 9655
term, as determined by the sentencing court under division (B) 9656
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 9657
confinement in a juvenile facility. The department of 9658
rehabilitation and correction also shall reduce the stated 9659
prison term of a prisoner or, if the prisoner is serving a term 9660
for which there is parole eligibility, the minimum and maximum 9661
term or the parole eligibility date of the prisoner by the total 9662
number of days, if any, that the prisoner previously served in 9663
the custody of the department of rehabilitation and correction 9664
arising out of the offense for which the prisoner was convicted 9665
and sentenced. 9666

(B) The reductions described in division (A) of this 9667
section shall be made to the following prison terms, as 9668
applicable: 9669

(1) The definite prison term of a prisoner serving a 9670
definite prison term as a stated prison term; 9671

(2) The minimum and maximum term of a prisoner serving a 9672
non-life felony indefinite prison term as a stated prison term; 9673

(3) The minimum and maximum term or the parole eligibility 9674

date of a prisoner serving a term for which there is parole 9675
eligibility. 9676

Sec. 2967.193. (A) (1) Except as provided in division (C) 9677
of this section and subject to the maximum aggregate total 9678
specified in division (A) (3) of this section, a person confined 9679
in a state correctional institution or placed in the substance 9680
use disorder treatment program may provisionally earn one day or 9681
five days of credit, based on the category set forth in division 9682
(D) (1), (2), (3), (4), or (5) of this section in which the 9683
person is included, toward satisfaction of the person's stated 9684
prison term, as described in division (F) of this section, for 9685
each completed month during which the person, if confined in a 9686
state correctional institution, productively participates in an 9687
education program, vocational training, employment in prison 9688
industries, treatment for substance abuse, or any other 9689
constructive program developed by the department with specific 9690
standards for performance by prisoners or during which the 9691
person, if placed in the substance use disorder treatment 9692
program, productively participates in the program. Except as 9693
provided in division (C) of this section and subject to the 9694
maximum aggregate total specified in division (A) (3) of this 9695
section, a person so confined in a state correctional 9696
institution who successfully completes two programs or 9697
activities of that type may, in addition, provisionally earn up 9698
to five days of credit toward satisfaction of the person's 9699
stated prison term, as described in division (F) of this 9700
section, for the successful completion of the second program or 9701
activity. The person shall not be awarded any provisional days 9702
of credit for the successful completion of the first program or 9703
activity or for the successful completion of any program or 9704
activity that is completed after the second program or activity. 9705

At the end of each calendar month in which a person productively 9706
participates in a program or activity listed in this division or 9707
successfully completes a program or activity listed in this 9708
division, the department of rehabilitation and correction shall 9709
determine and record the total number of days credit that the 9710
person provisionally earned in that calendar month. If the 9711
person in a state correctional institution violates prison rules 9712
or the person in the substance use disorder treatment program 9713
violates program or department rules, the department may deny 9714
the person a credit that otherwise could have been provisionally 9715
awarded to the person or may withdraw one or more credits 9716
previously provisionally earned by the person. Days of credit 9717
provisionally earned by a person shall be finalized and awarded 9718
by the department subject to administrative review by the 9719
department of the person's conduct. 9720

(2) Unless a person is serving a mandatory prison term or 9721
a prison term for an offense of violence or a sexually oriented 9722
offense, and notwithstanding the maximum aggregate total 9723
specified in division (A) (3) of this section, a person who 9724
successfully completes any of the following shall earn ninety 9725
days of credit toward satisfaction of the person's stated prison 9726
term or a ten per cent reduction of the person's stated prison 9727
term, whichever is less: 9728

(a) An Ohio high school diploma or Ohio certificate of 9729
high school equivalence certified by the Ohio central school 9730
system; 9731

(b) A therapeutic drug community program; 9732

(c) All three phases of the department of rehabilitation 9733
and correction's intensive outpatient drug treatment program; 9734

| | |
|---|--|
| (d) A career technical vocational school program; | 9735 |
| (e) A college certification program; | 9736 |
| (f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code. | 9737 9738 9739 |
| (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. | 9740 9741 9742 9743 9744 9745 9746 |
| (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. | 9747 9748 9749 9750 9751 9752 9753 9754 9755 9756 |
| (C) No person confined in a state correctional institution or placed in a substance use disorder treatment program to whom any of the following applies shall be awarded any days of credit under division (A) of this section: | 9757 9758 9759 9760 |
| (1) The person is serving a prison term that section 2929.13 or section 2929.14 of the Revised Code specifies cannot be reduced pursuant to this section or this chapter or is | 9761 9762 9763 |

9764 serving a sentence for which section 2967.13 or division (B) of
9765 section 2929.143 of the Revised Code specifies that the person
9766 is not entitled to any earned credit under this section.

9767 (2) The person is sentenced to death or is serving a
9768 prison term or a term of life imprisonment for aggravated
9769 murder, murder, or a conspiracy or attempt to commit, or
9770 complicity in committing, aggravated murder or murder.

9771 (3) The person is serving a sentence of life imprisonment
9772 without parole imposed pursuant to section 2929.03 or 2929.06 of
9773 the Revised Code, a prison term or a term of life imprisonment
9774 without parole imposed pursuant to section 2971.03 of the
9775 Revised Code, or a sentence for a sexually oriented offense that
9776 was committed on or after September 30, 2011.

9777 (D) This division does not apply to a determination of
9778 whether a person confined in a state correctional institution or
9779 placed in a substance use disorder treatment program may earn
9780 any days of credit under division (A) of this section for
9781 successful completion of a second program or activity. The
9782 determination of whether a person confined in a state
9783 correctional institution may earn one day of credit or five days
9784 of credit under division (A) of this section for each completed
9785 month during which the person productively participates in a
9786 program or activity specified under that division shall be made
9787 in accordance with the following:

9788 (1) The offender may earn one day of credit under division
9789 (A) of this section, except as provided in division (C) of this
9790 section, if the most serious offense for which the offender is
9791 confined is any of the following that is a felony of the first
9792 or second degree:

(a) A violation of division (A) of section 2903.04 or of 9793
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 9794
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 9795
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 9796
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 9797
2927.24 of the Revised Code; 9798

(b) A conspiracy or attempt to commit, or complicity in 9799
committing, any other offense for which the maximum penalty is 9800
imprisonment for life or any offense listed in division (D) (1) 9801
(a) of this section. 9802

(2) The offender may earn one day of credit under division 9803
(A) of this section, except as provided in division (C) of this 9804
section, if the offender is serving a stated prison term that 9805
includes a prison term imposed for a sexually oriented offense 9806
that the offender committed prior to September 30, 2011. 9807

(3) The offender may earn one day of credit under division 9808
(A) of this section, except as provided in division (C) of this 9809
section, if the offender is serving a stated prison term that 9810
includes a prison term imposed for a felony other than carrying 9811
a concealed weapon an essential element of which is any conduct 9812
or failure to act expressly involving any deadly weapon or 9813
dangerous ordnance. 9814

(4) Except as provided in division (C) of this section, if 9815
the most serious offense for which the offender is confined is a 9816
felony of the first or second degree and divisions (D) (1), (2), 9817
and (3) of this section do not apply to the offender, the 9818
offender may earn one day of credit under division (A) of this 9819
section if the offender committed that offense prior to 9820
September 30, 2011, and the offender may earn five days of 9821
credit under division (A) of this section if the offender 9822

committed that offense on or after September 30, 2011. 9823

(5) Except as provided in division (C) of this section, if 9824
the most serious offense for which the offender is confined is a 9825
felony of the third, fourth, or fifth degree or an unclassified 9826
felony and neither division (D) (2) nor (3) of this section 9827
applies to the offender, the offender may earn one day of credit 9828
under division (A) of this section if the offender committed 9829
that offense prior to September 30, 2011, and the offender may 9830
earn five days of credit under division (A) of this section if 9831
the offender committed that offense on or after September 30, 9832
2011. 9833

(E) The department annually shall seek and consider the 9834
written feedback of the Ohio prosecuting attorneys association, 9835
the Ohio judicial conference, the Ohio public defender, the Ohio 9836
association of criminal defense lawyers, and other organizations 9837
and associations that have an interest in the operation of the 9838
corrections system and the earned credits program under this 9839
section as part of its evaluation of the program and in 9840
determining whether to modify the program. 9841

(F) Days of credit awarded under this section shall be 9842
applied toward satisfaction of a person's stated prison term as 9843
follows: 9844

(1) Toward the definite prison term of a prisoner serving 9845
a definite prison term as a stated prison term; 9846

(2) Toward the minimum and maximum terms of a prisoner 9847
serving an indefinite prison term imposed under division (A) (1) 9848
(a), (2) (a), or (3) (a) (i) of section 2929.14 of the Revised Code 9849
for a felony of the first or second degree committed on or after 9850
the effective date of this amendment or a felony of the third 9851

degree that is described in division (A) (3) (a) of that section 9852
and committed on or after that effective date. 9853

(G) As used in this section: 9854

(1) "Sexually oriented offense" has the same meaning as in 9855
section 2950.01 of the Revised Code. 9856

(2) "Substance use disorder treatment program" means the 9857
substance use disorder treatment program established by the 9858
department of rehabilitation and correction under section 9859
5120.035 of the Revised Code. 9860

Sec. 2967.26. (A) (1) The department of rehabilitation and 9861
correction, by rule, may establish a transitional control 9862
program for the purpose of closely monitoring a prisoner's 9863
adjustment to community supervision during the final one hundred 9864
eighty days of the prisoner's confinement. If the department 9865
establishes a transitional control program under this division, 9866
the division of parole and community services of the department 9867
of rehabilitation and correction may transfer eligible prisoners 9868
to transitional control status under the program during the 9869
final one hundred eighty days of their confinement and under the 9870
terms and conditions established by the department, shall 9871
provide for the confinement as provided in this division of each 9872
eligible prisoner so transferred, and shall supervise each 9873
eligible prisoner so transferred in one or more community 9874
control sanctions. Each eligible prisoner who is transferred to 9875
transitional control status under the program shall be confined 9876
in a suitable facility that is licensed pursuant to division (C) 9877
of section 2967.14 of the Revised Code, or shall be confined in 9878
a residence the department has approved for this purpose and be 9879
monitored pursuant to an electronic monitoring device, as 9880
defined in section 2929.01 of the Revised Code. If the 9881

department establishes a transitional control program under this 9882
division, the rules establishing the program shall include 9883
criteria that define which prisoners are eligible for the 9884
program, criteria that must be satisfied to be approved as a 9885
residence that may be used for confinement under the program of 9886
a prisoner that is transferred to it and procedures for the 9887
department to approve residences that satisfy those criteria, 9888
and provisions of the type described in division (C) of this 9889
section. At a minimum, the criteria that define which prisoners 9890
are eligible for the program shall provide all of the following: 9891

(a) That a prisoner is eligible for the program if the 9892
prisoner is serving a prison term or term of imprisonment for an 9893
offense committed prior to March 17, 1998, and if, at the time 9894
at which eligibility is being determined, the prisoner would 9895
have been eligible for a furlough under this section as it 9896
existed immediately prior to March 17, 1998, or would have been 9897
eligible for conditional release under former section 2967.23 of 9898
the Revised Code as that section existed immediately prior to 9899
March 17, 1998; 9900

(b) That no prisoner who is serving a mandatory prison 9901
term is eligible for the program until after expiration of the 9902
mandatory term; 9903

(c) That no prisoner who is serving a prison term or term 9904
of life imprisonment without parole imposed pursuant to section 9905
2971.03 of the Revised Code is eligible for the program. 9906

(2) At least sixty days prior to transferring to 9907
transitional control under this section a prisoner who is 9908
serving a definite term of imprisonment or definite prison term 9909
of two years or less for an offense committed on or after July 9910
1, 1996, or who is serving a minimum term of two years or less 9911

under a non-life felony indefinite prison term, the division of 9912
parole and community services of the department of 9913
rehabilitation and correction shall give notice of the pendency 9914
of the transfer to transitional control to the court of common 9915
pleas of the county in which the indictment against the prisoner 9916
was found and of the fact that the court may disapprove the 9917
transfer of the prisoner to transitional control and shall 9918
include the institutional summary report prepared by the head of 9919
the state correctional institution in which the prisoner is 9920
confined. The head of the state correctional institution in 9921
which the prisoner is confined, upon the request of the division 9922
of parole and community services, shall provide to the division 9923
for inclusion in the notice sent to the court under this 9924
division an institutional summary report on the prisoner's 9925
conduct in the institution and in any institution from which the 9926
prisoner may have been transferred. The institutional summary 9927
report shall cover the prisoner's participation in school, 9928
vocational training, work, treatment, and other rehabilitative 9929
activities and any disciplinary action taken against the 9930
prisoner. If the court disapproves of the transfer of the 9931
prisoner to transitional control, the court shall notify the 9932
division of the disapproval within thirty days after receipt of 9933
the notice. If the court timely disapproves the transfer of the 9934
prisoner to transitional control, the division shall not proceed 9935
with the transfer. If the court does not timely disapprove the 9936
transfer of the prisoner to transitional control, the division 9937
may transfer the prisoner to transitional control. 9938

(3) (a) If the victim of an offense for which a prisoner 9939
was sentenced to a prison term or term of imprisonment has 9940
requested notification under section 2930.16 of the Revised Code 9941
and has provided the department of rehabilitation and correction 9942

with the victim's name and address or if division (A) (3) (b) of 9943
this section applies, the division of parole and community 9944
services, at least sixty days prior to transferring the prisoner 9945
to transitional control pursuant to this section, shall notify 9946
the victim of the pendency of the transfer and of the victim's 9947
right to submit a statement to the division regarding the impact 9948
of the transfer of the prisoner to transitional control. If the 9949
victim subsequently submits a statement of that nature to the 9950
division, the division shall consider the statement in deciding 9951
whether to transfer the prisoner to transitional control. 9952

(b) If a prisoner is incarcerated for the commission of 9953
aggravated murder, murder, or an offense of violence that is a 9954
felony of the first, second, or third degree or under a sentence 9955
of life imprisonment, except as otherwise provided in this 9956
division, the notice described in division (A) (3) (a) of this 9957
section shall be given regardless of whether the victim has 9958
requested the notification. The notice described in division (A) 9959
(3) (a) of this section shall not be given under this division to 9960
a victim if the victim has requested pursuant to division (B) (2) 9961
of section 2930.03 of the Revised Code that the victim not be 9962
provided the notice. If notice is to be provided to a victim 9963
under this division, the authority may give the notice by any 9964
reasonable means, including regular mail, telephone, and 9965
electronic mail, in accordance with division (D) (1) of section 9966
2930.16 of the Revised Code. If the notice is based on an 9967
offense committed prior to March 22, 2013, the notice also shall 9968
include the opt-out information described in division (D) (1) of 9969
section 2930.16 of the Revised Code. The authority, in 9970
accordance with division (D) (2) of section 2930.16 of the 9971
Revised Code, shall keep a record of all attempts to provide the 9972
notice, and of all notices provided, under this division. 9973

Division (A) (3) (b) of this section, and the notice-related 9974
provisions of divisions (E) (2) and (K) of section 2929.20, 9975
division (D) (1) of section 2930.16, division (H) of section 9976
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 9977
of section 2967.28, and division (A) (2) of section 5149.101 of 9978
the Revised Code enacted in the act in which division (A) (3) (b) 9979
of this section was enacted, shall be known as "Roberta's Law." 9980

(4) The department of rehabilitation and correction, at 9981
least sixty days prior to transferring a prisoner to 9982
transitional control pursuant to this section, shall post on the 9983
database it maintains pursuant to section 5120.66 of the Revised 9984
Code the prisoner's name and all of the information specified in 9985
division (A) (1) (c) (iv) of that section. In addition to and 9986
independent of the right of a victim to submit a statement as 9987
described in division (A) (3) of this section or to otherwise 9988
make a statement and in addition to and independent of any other 9989
right or duty of a person to present information or make a 9990
statement, any person may send to the division of parole and 9991
community services at any time prior to the division's transfer 9992
of the prisoner to transitional control a written statement 9993
regarding the transfer of the prisoner to transitional control. 9994
In addition to the information, reports, and statements it 9995
considers under divisions (A) (2) and (3) of this section or that 9996
it otherwise considers, the division shall consider each 9997
statement submitted in accordance with this division in deciding 9998
whether to transfer the prisoner to transitional control. 9999

(B) Each prisoner transferred to transitional control 10000
under this section shall be confined in the manner described in 10001
division (A) of this section during any period of time that the 10002
prisoner is not actually working at the prisoner's approved 10003
employment, engaged in a vocational training or another 10004

educational program, engaged in another program designated by 10005
the director, or engaged in other activities approved by the 10006
department. 10007

(C) The department of rehabilitation and correction shall 10008
adopt rules for transferring eligible prisoners to transitional 10009
control, supervising and confining prisoners so transferred, 10010
administering the transitional control program in accordance 10011
with this section, and using the moneys deposited into the 10012
transitional control fund established under division (E) of this 10013
section. 10014

(D) The department of rehabilitation and correction may 10015
adopt rules for the issuance of passes for the limited purposes 10016
described in this division to prisoners who are transferred to 10017
transitional control under this section. If the department 10018
adopts rules of that nature, the rules shall govern the granting 10019
of the passes and shall provide for the supervision of prisoners 10020
who are temporarily released pursuant to one of those passes. 10021
Upon the adoption of rules under this division, the department 10022
may issue passes to prisoners who are transferred to 10023
transitional control status under this section in accordance 10024
with the rules and the provisions of this division. All passes 10025
issued under this division shall be for a maximum of forty-eight 10026
hours and may be issued only for the following purposes: 10027

(1) To visit a relative in imminent danger of death; 10028

(2) To have a private viewing of the body of a deceased 10029
relative; 10030

(3) To visit with family; 10031

(4) To otherwise aid in the rehabilitation of the 10032
prisoner. 10033

(E) The division of parole and community services may 10034
require a prisoner who is transferred to transitional control to 10035
pay to the division the reasonable expenses incurred by the 10036
division in supervising or confining the prisoner while under 10037
transitional control. Inability to pay those reasonable expenses 10038
shall not be grounds for refusing to transfer an otherwise 10039
eligible prisoner to transitional control. Amounts received by 10040
the division of parole and community services under this 10041
division shall be deposited into the transitional control fund, 10042
which is hereby created in the state treasury and which hereby 10043
replaces and succeeds the furlough services fund that formerly 10044
existed in the state treasury. All moneys that remain in the 10045
furlough services fund on March 17, 1998, shall be transferred 10046
on that date to the transitional control fund. The transitional 10047
control fund shall be used solely to pay costs related to the 10048
operation of the transitional control program established under 10049
this section. The director of rehabilitation and correction 10050
shall adopt rules in accordance with section 111.15 of the 10051
Revised Code for the use of the fund. 10052

(F) A prisoner who violates any rule established by the 10053
department of rehabilitation and correction under division (A), 10054
(C), or (D) of this section may be transferred to a state 10055
correctional institution pursuant to rules adopted under 10056
division (A), (C), or (D) of this section, but the prisoner 10057
shall receive credit towards completing the prisoner's sentence 10058
for the time spent under transitional control. 10059

If a prisoner is transferred to transitional control under 10060
this section, upon successful completion of the period of 10061
transitional control, the prisoner may be released on parole or 10062
under post-release control pursuant to section 2967.13 or 10063
2967.28 of the Revised Code and rules adopted by the department 10064

of rehabilitation and correction. If the prisoner is released 10065
under post-release control, the duration of the post-release 10066
control, the type of post-release control sanctions that may be 10067
imposed, the enforcement of the sanctions, and the treatment of 10068
prisoners who violate any sanction applicable to the prisoner 10069
are governed by section 2967.28 of the Revised Code. 10070

Sec. 2967.271. (A) As used in this section: 10071

(1) "Offender's minimum prison term" means the minimum 10072
prison term imposed on an offender under a non-life felony 10073
indefinite prison term, diminished as provided in section 10074
2967.191 or 2967.193 of the Revised Code or in any other 10075
provision of the Revised Code, other than division (F) of this 10076
section, that provides for diminution or reduction of an 10077
offender's sentence. 10078

(2) "Offender's presumptive earned early release date" 10079
means the date that is determined under division (F) of this 10080
section by the reduction of an offender's minimum prison term. 10081

(3) "Security level" means the security level in which an 10082
offender is classified under the inmate classification level 10083
system of the department of rehabilitation and correction that 10084
then is in effect. 10085

(4) "Sexually oriented offense" has the same meaning as in 10086
section 2950.01 of the Revised Code. 10087

(B) When an offender is sentenced to a non-life felony 10088
indefinite prison term, there shall be a presumption that the 10089
person shall be released from service of the sentence on the 10090
expiration of the offender's minimum prison term or on the 10091
offender's presumptive earned early release date, whichever is 10092
earlier. 10093

(C) The presumption established under division (B) of this section is a rebuttable presumption that the department of rehabilitation and correction may rebut as provided in this division. Unless the department rebuts the presumption, the offender shall be released from service of the sentence on the expiration of the offender's minimum prison term or on the offender's presumptive earned early release date, whichever is earlier. The department may rebut the presumption only if the department determines, at a hearing, that one or more of the following applies: 10094
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(1) Regardless of the security level in which the offender is classified at the time of the hearing, both of the following apply: 10104
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(a) During the offender's incarceration, the offender committed institutional rule infractions that involved compromising the security of a state correctional institution, compromising the safety of the staff of a state correctional institution or its inmates, or physical harm or the threat of physical harm to the staff of a state correctional institution or its inmates, or committed a violation of law that was not prosecuted, and the infractions or violations demonstrate that the offender has not been rehabilitated. 10107
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(b) The offender's behavior while incarcerated, including, but not limited to the infractions and violations specified in division (C) (1) (a) of this section, demonstrate that the offender continues to pose a threat to society. 10116
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(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. 10120
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(3) At the time of the hearing, the offender is classified 10124
by the department as a security level three, four, or five, or 10125
at a higher security level. 10126

(D) (1) If the department of rehabilitation and correction, 10127
pursuant to division (C) of this section, rebuts the presumption 10128
established under division (B) of this section, the department 10129
may maintain the offender's incarceration in a state 10130
correctional institution under the sentence after the expiration 10131
of the offender's minimum prison term or, for offenders who have 10132
a presumptive earned early release date, after the offender's 10133
presumptive earned early release date. The department may 10134
maintain the offender's incarceration under this division for an 10135
additional period of incarceration determined by the department. 10136
The additional period of incarceration shall be a reasonable 10137
period determined by the department, shall be specified by the 10138
department, and shall not exceed the offender's maximum prison 10139
term. 10140

(2) If the department maintains an offender's 10141
incarceration for an additional period under division (D) (1) of 10142
this section, there shall be a presumption that the offender 10143
shall be released on the expiration of the offender's minimum 10144
prison term plus the additional period of incarceration 10145
specified by the department as provided under that division or, 10146
for offenders who have a presumptive earned early release date, 10147
on the expiration of the additional period of incarceration to 10148
be served after the offender's presumptive earned early release 10149
date that is specified by the department as provided under that 10150
division. The presumption is a rebuttable presumption that the 10151
department may rebut, but only if it conducts a hearing and 10152
makes the determinations specified in division (C) of this 10153
section, and if the department rebuts the presumption, it may 10154

maintain the offender's incarceration in a state correctional 10155
institution for an additional period determined as specified in 10156
division (D)(1) of this section. Unless the department rebuts 10157
the presumption at the hearing, the offender shall be released 10158
from service of the sentence on the expiration of the offender's 10159
minimum prison term plus the additional period of incarceration 10160
specified by the department or, for offenders who have a 10161
presumptive earned early release date, on the expiration of the 10162
additional period of incarceration to be served after the 10163
offender's presumptive earned early release date as specified by 10164
the department. 10165

The provisions of this division regarding the 10166
establishment of a rebuttable presumption, the department's 10167
rebuttal of the presumption, and the department's maintenance of 10168
an offender's incarceration for an additional period of 10169
incarceration apply, and may be utilized more than one time, 10170
during the remainder of the offender's incarceration. If the 10171
offender has not been released under division (C) of this 10172
section or this division prior to the expiration of the 10173
offender's maximum prison term imposed as part of the offender's 10174
non-life felony indefinite prison term, the offender shall be 10175
released upon the expiration of that maximum term. 10176

(E) The department shall provide notices of hearings to be 10177
conducted under division (C) or (D) of this section in the same 10178
manner, and to the same persons, as specified in section 2967.12 10179
and Chapter 2930. of the Revised Code with respect to hearings 10180
to be conducted regarding the possible release on parole of an 10181
inmate. 10182

(F)(1) Except as provided in division (F)(3) of this 10183
section, the department of rehabilitation and correction, 10184

pursuant to this division, may grant an offender serving a non- 10185
life felony indefinite prison term a reduction in the offender's 10186
minimum prison term imposed under that non-life felony 10187
indefinite prison term for the offender's exceptional conduct 10188
while incarcerated or the offender's adjustment to 10189
incarceration. A reduction under this division shall be for five 10190
to fifteen per cent of the offender's minimum term, as specified 10191
by the department by rule. The date determined by reduction of 10192
an offender's minimum prison term under this division is the 10193
offender's presumptive earned early release date. 10194

(2) The department of rehabilitation and correction by 10195
rule shall specify both of the following for offenders serving a 10196
non-life felony indefinite prison term: 10197

(a) The type of exceptional conduct while incarcerated and 10198
the type of adjustment to incarceration that will qualify an 10199
offender serving such a prison term for a reduction under 10200
division (F)(1) of this section of the minimum prison term 10201
imposed on the offender under the non-life felony indefinite 10202
prison term. 10203

(b) The per cent of reduction that it may grant to an 10204
offender serving such a prison term under division (F)(1) of 10205
this section, based on the offense level of the offense for 10206
which the prison term was imposed, with the department 10207
specifying the offense levels used for purposes of this division 10208
and assigning a specific percentage reduction within the range 10209
of five to fifteen per cent for each such offense level. 10210

(3) Division (F)(1) of this section does not apply with 10211
respect to an offender serving a non-life felony indefinite 10212
prison term for a sexually oriented offense, and no offender 10213
serving such a prison term for a sexually oriented offense shall 10214

be granted a reduction under that division in the offender's 10215
minimum prison term imposed under that non-life felony 10216
indefinite prison term. 10217

(G) If an offender is sentenced to a non-life felony 10218
indefinite prison term, any reference in a section of the 10219
Revised Code to a definite prison term shall be construed as 10220
referring to the offender's minimum term under that sentence 10221
plus any additional period of time of incarceration specified by 10222
the department under division (D)(1) or (2) of this section, 10223
except to the extent otherwise specified in the section or to 10224
the extent that that construction clearly would be 10225
inappropriate. 10226

Sec. 2967.28. (A) As used in this section: 10227

(1) "Monitored time" means the monitored time sanction 10228
specified in section 2929.17 of the Revised Code. 10229

(2) "Deadly weapon" and "dangerous ordnance" have the same 10230
meanings as in section 2923.11 of the Revised Code. 10231

(3) "Felony sex offense" means a violation of a section 10232
contained in Chapter 2907. of the Revised Code that is a felony. 10233

(4) "Risk reduction sentence" means a prison term imposed 10234
by a court, when the court recommends pursuant to section 10235
2929.143 of the Revised Code that the offender serve the 10236
sentence under section 5120.036 of the Revised Code, and the 10237
offender may potentially be released from imprisonment prior to 10238
the expiration of the prison term if the offender successfully 10239
completes all assessment and treatment or programming required 10240
by the department of rehabilitation and correction under section 10241
5120.036 of the Revised Code. 10242

(5) "Victim's immediate family" has the same meaning as in 10243

section 2967.12 of the Revised Code. 10244

(6) "Minor drug possession offense" has the same meaning 10245
as in section 2925.11 of the Revised Code. 10246

(B) Each sentence to a prison term, other than a term of 10247
life imprisonment, for a felony of the first degree, for a 10248
felony of the second degree, for a felony sex offense, or for a 10249
felony of the third degree that is an offense of violence and is 10250
not a felony sex offense shall include a requirement that the 10251
offender be subject to a period of post-release control imposed 10252
by the parole board after the offender's release from 10253
imprisonment. This division applies with respect to all prison 10254
terms of a type described in this division, including a term of 10255
any such type that is a risk reduction sentence. If a court 10256
imposes a sentence including a prison term of a type described 10257
in this division on or after July 11, 2006, the failure of a 10258
sentencing court to notify the offender pursuant to division (B) 10259
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 10260
requirement or to include in the judgment of conviction entered 10261
on the journal a statement that the offender's sentence includes 10262
this requirement does not negate, limit, or otherwise affect the 10263
mandatory period of supervision that is required for the 10264
offender under this division. This division applies with respect 10265
to all prison terms of a type described in this division, 10266
including a non-life felony indefinite prison term. Section 10267
2929.191 of the Revised Code applies if, prior to July 11, 2006, 10268
a court imposed a sentence including a prison term of a type 10269
described in this division and failed to notify the offender 10270
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 10271
Revised Code regarding post-release control or to include in the 10272
judgment of conviction entered on the journal or in the sentence 10273
pursuant to division (D) (1) of section 2929.14 of the Revised 10274

Code a statement regarding post-release control. Unless reduced 10275
by the parole board pursuant to division (D) of this section 10276
when authorized under that division, a period of post-release 10277
control required by this division for an offender shall be of 10278
one of the following periods: 10279

(1) For a felony of the first degree or for a felony sex 10280
offense, five years; 10281

(2) For a felony of the second degree that is not a felony 10282
sex offense, three years; 10283

(3) For a felony of the third degree that is an offense of 10284
violence and is not a felony sex offense, three years. 10285

(C) Any sentence to a prison term for a felony of the 10286
third, fourth, or fifth degree that is not subject to division 10287
(B) (1) or (3) of this section shall include a requirement that 10288
the offender be subject to a period of post-release control of 10289
up to three years after the offender's release from 10290
imprisonment, if the parole board, in accordance with division 10291
(D) of this section, determines that a period of post-release 10292
control is necessary for that offender. This division applies 10293
with respect to all prison terms of a type described in this 10294
division, including a term of any such type that is a risk 10295
reduction sentence. Section 2929.191 of the Revised Code applies 10296
if, prior to July 11, 2006, a court imposed a sentence including 10297
a prison term of a type described in this division and failed to 10298
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 10299
2929.19 of the Revised Code regarding post-release control or to 10300
include in the judgment of conviction entered on the journal or 10301
in the sentence pursuant to division (D) (2) of section 2929.14 10302
of the Revised Code a statement regarding post-release control. 10303
Pursuant to an agreement entered into under section 2967.29 of 10304

the Revised Code, a court of common pleas or parole board may 10305
impose sanctions or conditions on an offender who is placed on 10306
post-release control under this division. 10307

(D) (1) Before the prisoner is released from imprisonment, 10308
the parole board or, pursuant to an agreement under section 10309
2967.29 of the Revised Code, the court shall impose upon a 10310
prisoner described in division (B) of this section, shall impose 10311
upon a prisoner described in division (C) of this section who is 10312
to be released before the expiration of the prisoner's stated 10313
prison term under a risk reduction sentence, may impose upon a 10314
prisoner described in division (C) of this section who is not to 10315
be released before the expiration of the prisoner's stated 10316
prison term under a risk reduction sentence, and shall impose 10317
upon a prisoner described in division (B) (2) (b) of section 10318
5120.031 or in division (B) (1) of section 5120.032 of the 10319
Revised Code, one or more post-release control sanctions to 10320
apply during the prisoner's period of post-release control. 10321
Whenever the board or court imposes one or more post-release 10322
control sanctions upon a prisoner, the board or court, in 10323
addition to imposing the sanctions, also shall include as a 10324
condition of the post-release control that the offender not 10325
leave the state without permission of the court or the 10326
offender's parole or probation officer and that the offender 10327
abide by the law. The board or court may impose any other 10328
conditions of release under a post-release control sanction that 10329
the board or court considers appropriate, and the conditions of 10330
release may include any community residential sanction, 10331
community nonresidential sanction, or financial sanction that 10332
the sentencing court was authorized to impose pursuant to 10333
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 10334
Prior to the release of a prisoner for whom it will impose one 10335

or more post-release control sanctions under this division, the 10336
parole board or court shall review the prisoner's criminal 10337
history, results from the single validated risk assessment tool 10338
selected by the department of rehabilitation and correction 10339
under section 5120.114 of the Revised Code, all juvenile court 10340
adjudications finding the prisoner, while a juvenile, to be a 10341
delinquent child, and the record of the prisoner's conduct while 10342
imprisoned. The parole board or court shall consider any 10343
recommendation regarding post-release control sanctions for the 10344
prisoner made by the office of victims' services. After 10345
considering those materials, the board or court shall determine, 10346
for a prisoner described in division (B) of this section, 10347
division (B) (2) (b) of section 5120.031, or division (B) (1) of 10348
section 5120.032 of the Revised Code and for a prisoner 10349
described in division (C) of this section who is to be released 10350
before the expiration of the prisoner's stated prison term under 10351
a risk reduction sentence, which post-release control sanction 10352
or combination of post-release control sanctions is reasonable 10353
under the circumstances or, for a prisoner described in division 10354
(C) of this section who is not to be released before the 10355
expiration of the prisoner's stated prison term under a risk 10356
reduction sentence, whether a post-release control sanction is 10357
necessary and, if so, which post-release control sanction or 10358
combination of post-release control sanctions is reasonable 10359
under the circumstances. In the case of a prisoner convicted of 10360
a felony of the fourth or fifth degree other than a felony sex 10361
offense, the board or court shall presume that monitored time is 10362
the appropriate post-release control sanction unless the board 10363
or court determines that a more restrictive sanction is 10364
warranted. A post-release control sanction imposed under this 10365
division takes effect upon the prisoner's release from 10366
imprisonment. 10367

Regardless of whether the prisoner was sentenced to the 10368
prison term prior to, on, or after July 11, 2006, prior to the 10369
release of a prisoner for whom it will impose one or more post- 10370
release control sanctions under this division, the parole board 10371
shall notify the prisoner that, if the prisoner violates any 10372
sanction so imposed or any condition of post-release control 10373
described in division (B) of section 2967.131 of the Revised 10374
Code that is imposed on the prisoner, the parole board may 10375
impose a prison term of up to one-half of the stated prison term 10376
originally imposed upon the prisoner. 10377

At least thirty days before the prisoner is released from 10378
imprisonment under post-release control, except as otherwise 10379
provided in this paragraph, the department of rehabilitation and 10380
correction shall notify the victim and the victim's immediate 10381
family of the date on which the prisoner will be released, the 10382
period for which the prisoner will be under post-release control 10383
supervision, and the terms and conditions of the prisoner's 10384
post-release control regardless of whether the victim or 10385
victim's immediate family has requested the notification. The 10386
notice described in this paragraph shall not be given to a 10387
victim or victim's immediate family if the victim or the 10388
victim's immediate family has requested pursuant to division (B) 10389
(2) of section 2930.03 of the Revised Code that the notice not 10390
be provided to the victim or the victim's immediate family. At 10391
least thirty days before the prisoner is released from 10392
imprisonment and regardless of whether the victim or victim's 10393
immediate family has requested that the notice described in this 10394
paragraph be provided or not be provided to the victim or the 10395
victim's immediate family, the department also shall provide 10396
notice of that nature to the prosecuting attorney in the case 10397
and the law enforcement agency that arrested the prisoner if any 10398

officer of that agency was a victim of the offense. 10399

If the notice given under the preceding paragraph to the 10400
victim or the victim's immediate family is based on an offense 10401
committed prior to March 22, 2013, and if the department of 10402
rehabilitation and correction has not previously successfully 10403
provided any notice to the victim or the victim's immediate 10404
family under division (B), (C), or (D) of section 2930.16 of the 10405
Revised Code with respect to that offense and the offender who 10406
committed it, the notice also shall inform the victim or the 10407
victim's immediate family that the victim or the victim's 10408
immediate family may request that the victim or the victim's 10409
immediate family not be provided any further notices with 10410
respect to that offense and the offender who committed it and 10411
shall describe the procedure for making that request. The 10412
department may give the notices to which the preceding paragraph 10413
applies by any reasonable means, including regular mail, 10414
telephone, and electronic mail. If the department attempts to 10415
provide notice to any specified person under the preceding 10416
paragraph but the attempt is unsuccessful because the department 10417
is unable to locate the specified person, is unable to provide 10418
the notice by its chosen method because it cannot determine the 10419
mailing address, electronic mail address, or telephone number at 10420
which to provide the notice, or, if the notice is sent by mail, 10421
the notice is returned, the department shall make another 10422
attempt to provide the notice to the specified person. If the 10423
second attempt is unsuccessful, the department shall make at 10424
least one more attempt to provide the notice. If the notice is 10425
based on an offense committed prior to March 22, 2013, in each 10426
attempt to provide the notice to the victim or victim's 10427
immediate family, the notice shall include the opt-out 10428
information described in this paragraph. The department, in the 10429

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

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised

Code, the court may review the releasee's behavior under the 10461
post-release control sanctions imposed upon the releasee under 10462
this section. The authority or court may determine, based upon 10463
the review and in accordance with the standards established 10464
under division (E) of this section, that a more restrictive or a 10465
less restrictive sanction is appropriate and may impose a 10466
different sanction. The authority also may recommend that the 10467
parole board or court increase or reduce the duration of the 10468
period of post-release control imposed by the court. If the 10469
authority recommends that the board or court increase the 10470
duration of post-release control, the board or court shall 10471
review the releasee's behavior and may increase the duration of 10472
the period of post-release control imposed by the court up to 10473
eight years. If the authority recommends that the board or court 10474
reduce the duration of control for an offense described in 10475
division (B) or (C) of this section, the board or court shall 10476
review the releasee's behavior and, subject to divisions (D) (3) 10477
(a) to (c) of this section, may reduce the duration of the 10478
period of control imposed by the court or, if the period of 10479
control was imposed for a non-life felony indefinite prison 10480
term, reduce the duration of or terminate the period of control 10481
imposed by the court. In no case shall the board or court ~~reduce~~ 10482
do any of the following: 10483

(a) Reduce the duration of the period of control imposed 10484
for an offense described in division (B) (1) of this section to a 10485
period less than the length of the ~~stated definite prison term~~ 10486
included in the stated prison term originally imposed, and in no 10487
case shall the board or court permit on the offender as part of 10488
the sentence or, with respect to a stated non-life felony 10489
indefinite prison term, to a period less than the length of the 10490
minimum prison term imposed as part of that stated prison term; 10491

(b) Consider any reduction or termination of the duration of the period of control imposed on a releasee prior to the expiration of one year after the commencement of the period of control, if the period of control was imposed for a non-life felony indefinite prison term and the releasee's minimum prison term or presumptive earned early release date under that term was extended for any length of time under division (C) or (D) of section 2967.271 of the Revised Code. 10492
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(c) Permit the releasee to leave the state without permission of the court or the releasee's parole or probation officer. 10500
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(4) The department of rehabilitation and correction shall develop factors that the parole board or court shall consider in determining under division (D) (3) of this section whether to terminate the period of control imposed on a releasee for a non-life felony indefinite prison term. 10503
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(E) The department of rehabilitation and correction, in accordance with Chapter 119. of the Revised Code, shall adopt rules that do all of the following: 10508
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(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees; 10511
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(2) Establish standards that provide for a period of post-release control of up to three years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can 10516
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determine which prisoners described in division (C) of this 10521
section who are not to be released before the expiration of 10522
their stated prison term under a risk reduction sentence should 10523
be placed under a period of post-release control; 10524

(3) Establish standards to be used by the parole board in 10525
reducing the duration of the period of post-release control 10526
imposed by the court when authorized under division (D) of this 10527
section, in imposing a more restrictive post-release control 10528
sanction than monitored time upon a prisoner convicted of a 10529
felony of the fourth or fifth degree other than a felony sex 10530
offense, or in imposing a less restrictive control sanction upon 10531
a releasee based on the releasee's activities including, but not 10532
limited to, remaining free from criminal activity and from the 10533
abuse of alcohol or other drugs, successfully participating in 10534
approved rehabilitation programs, maintaining employment, and 10535
paying restitution to the victim or meeting the terms of other 10536
financial sanctions; 10537

(4) Establish standards to be used by the adult parole 10538
authority in modifying a releasee's post-release control 10539
sanctions pursuant to division (D)(2) of this section; 10540

(5) Establish standards to be used by the adult parole 10541
authority or parole board in imposing further sanctions under 10542
division (F) of this section on releasees who violate post- 10543
release control sanctions, including standards that do the 10544
following: 10545

(a) Classify violations according to the degree of 10546
seriousness; 10547

(b) Define the circumstances under which formal action by 10548
the parole board is warranted; 10549

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| (c) Govern the use of evidence at violation hearings; | 10550 |
| (d) Ensure procedural due process to an alleged violator; | 10551 |
| (e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations; | 10552 10553 |
| (f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. | 10554 10555 |
| (F) (1) Whenever the parole board imposes one or more post- release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section. | 10556 10557 10558 10559 10560 10561 10562 10563 10564 10565 10566 10567 10568 10569 10570 10571 10572 10573 |
| (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 | 10574 10575 10576 10577 10578 |

a more restrictive sanction is appropriate, the authority or 10579
court may impose a more restrictive sanction upon the releasee, 10580
in accordance with the standards established under division (E) 10581
of this section or in accordance with the agreement made under 10582
section 2967.29 of the Revised Code, or may report the violation 10583
to the parole board for a hearing pursuant to division (F) (3) of 10584
this section. The authority or court may not, pursuant to this 10585
division, increase the duration of the releasee's post-release 10586
control or impose as a post-release control sanction a 10587
residential sanction that includes a prison term, but the 10588
authority or court may impose on the releasee any other 10589
residential sanction, nonresidential sanction, or financial 10590
sanction that the sentencing court was authorized to impose 10591
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 10592
Revised Code. 10593

(3) The parole board or, pursuant to an agreement under 10594
section 2967.29 of the Revised Code, the court may hold a 10595
hearing on any alleged violation by a releasee of a post-release 10596
control sanction or any conditions described in division (A) of 10597
section 2967.131 of the Revised Code that are imposed upon the 10598
releasee. If after the hearing the board or court finds that the 10599
releasee violated the sanction or condition, the board or court 10600
may increase the duration of the releasee's post-release control 10601
up to the maximum duration authorized by division (B) or (C) of 10602
this section or impose a more restrictive post-release control 10603
sanction. If a releasee was acting pursuant to division (B) (2) 10604
(b) of section 2925.11 of the Revised Code and in so doing 10605
violated the conditions of a post-release control sanction based 10606
on a minor drug possession offense as defined in that section, 10607
the board or the court may consider the releasee's conduct in 10608
seeking or obtaining medical assistance for another in good 10609

faith or for self or may consider the releasee being the subject 10610
of another person seeking or obtaining medical assistance in 10611
accordance with that division as a mitigating factor before 10612
imposing any of the penalties described in this division. When 10613
appropriate, the board or court may impose as a post-release 10614
control sanction a residential sanction that includes a prison 10615
term. The board or court shall consider a prison term as a post- 10616
release control sanction imposed for a violation of post-release 10617
control when the violation involves a deadly weapon or dangerous 10618
ordnance, physical harm or attempted serious physical harm to a 10619
person, or sexual misconduct, or when the releasee committed 10620
repeated violations of post-release control sanctions. Unless a 10621
releasee's stated prison term was reduced pursuant to section 10622
5120.032 of the Revised Code, the period of a prison term that 10623
is imposed as a post-release control sanction under this 10624
division shall not exceed nine months, and the maximum 10625
cumulative prison term for all violations under this division 10626
shall not exceed one-half of the ~~stated-definite~~ prison term 10627
that was the stated prison term originally imposed upon the 10628
offender as part of this sentence or, with respect to a stated 10629
non-life felony indefinite prison term, one-half of the minimum 10630
prison term that was imposed as part of that stated prison term 10631
originally imposed upon the offender. If a releasee's stated 10632
prison term was reduced pursuant to section 5120.032 of the 10633
Revised Code, the period of a prison term that is imposed as a 10634
post-release control sanction under this division and the 10635
maximum cumulative prison term for all violations under this 10636
division shall not exceed the period of time not served in 10637
prison under the sentence imposed by the court. The period of a 10638
prison term that is imposed as a post-release control sanction 10639
under this division shall not count as, or be credited toward, 10640
the remaining period of post-release control. 10641

If an offender is imprisoned for a felony committed while 10642
under post-release control supervision and is again released on 10643
post-release control for a period of time determined by division 10644
(F) (4) (d) of this section, the maximum cumulative prison term 10645
for all violations under this division shall not exceed one-half 10646
of the total stated prison terms of the earlier felony, reduced 10647
by any prison term administratively imposed by the parole board 10648
or court, plus one-half of the total stated prison term of the 10649
new felony. 10650

(4) Any period of post-release control shall commence upon 10651
an offender's actual release from prison. If an offender is 10652
serving an indefinite prison term or a life sentence in addition 10653
to a stated prison term, the offender shall serve the period of 10654
post-release control in the following manner: 10655

(a) If a period of post-release control is imposed upon 10656
the offender and if the offender also is subject to a period of 10657
parole under a life sentence or an indefinite sentence, and if 10658
the period of post-release control ends prior to the period of 10659
parole, the offender shall be supervised on parole. The offender 10660
shall receive credit for post-release control supervision during 10661
the period of parole. The offender is not eligible for final 10662
release under section 2967.16 of the Revised Code until the 10663
post-release control period otherwise would have ended. 10664

(b) If a period of post-release control is imposed upon 10665
the offender and if the offender also is subject to a period of 10666
parole under an indefinite sentence, and if the period of parole 10667
ends prior to the period of post-release control, the offender 10668
shall be supervised on post-release control. The requirements of 10669
parole supervision shall be satisfied during the post-release 10670
control period. 10671

(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 2971.03. (A) Notwithstanding divisions (A) and (D) of section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or another section of the Revised Code, other than divisions (B) and (C) of section 2929.14 of the Revised Code, that authorizes or requires a specified prison term or a mandatory prison term for a person who is convicted of or pleads guilty to a felony or that specifies the manner and place of service of a prison term or term of imprisonment, the court shall impose a sentence upon a person who is convicted of or pleads guilty to a violent sex offense and who 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, and upon a person who is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation specification and a sexually violent predator specification that were included in the indictment, count in the indictment, or information charging that offense, as follows:

(1) If the offense for which the sentence is being imposed 10703
is aggravated murder and if the court does not impose upon the 10704
offender a sentence of death, it shall impose upon the offender 10705
a term of life imprisonment without parole. If the court 10706
sentences the offender to death and the sentence of death is 10707
vacated, overturned, or otherwise set aside, the court shall 10708
impose upon the offender a term of life imprisonment without 10709
parole. 10710

(2) If the offense for which the sentence is being imposed 10711
is murder; or if the offense is rape committed in violation of 10712
division (A) (1) (b) of section 2907.02 of the Revised Code when 10713
the offender purposely compelled the victim to submit by force 10714
or threat of force, when the victim was less than ten years of 10715
age, when the offender previously has been convicted of or 10716
pleaded guilty to either rape committed in violation of that 10717
division or a violation of an existing or former law of this 10718
state, another state, or the United States that is substantially 10719
similar to division (A) (1) (b) of section 2907.02 of the Revised 10720
Code, or when the offender during or immediately after the 10721
commission of the rape caused serious physical harm to the 10722
victim; or if the offense is an offense other than aggravated 10723
murder or murder for which a term of life imprisonment may be 10724
imposed, it shall impose upon the offender a term of life 10725
imprisonment without parole. 10726

(3) (a) Except as otherwise provided in division (A) (3) (b), 10727
(c), (d), or (e) or (A) (4) of this section, if the offense for 10728
which the sentence is being imposed is an offense other than 10729
aggravated murder, murder, or rape and other than an offense for 10730
which a term of life imprisonment may be imposed, it shall 10731
impose an indefinite prison term consisting of a minimum term 10732
fixed by the court ~~from among the range of terms available as a~~ 10733

definite term for the offense as described in this division, but 10734
not less than two years, and a maximum term of life 10735
imprisonment. Except as otherwise specified in this division, 10736
the minimum term shall be fixed by the court from among the 10737
range of terms available as a definite term for the offense. If 10738
the offense is a felony of the first or second degree committed 10739
on or after the effective date of this amendment or a felony of 10740
the third degree that is described in division (A) (3) (a) of 10741
section 2929.14 of the Revised Code and committed on or after 10742
that effective date, the minimum term shall be fixed by the 10743
court from among the range of terms available as a minimum term 10744
for the offense under division (A) (1) (a), (2) (a), or (3) (a) (i) 10745
of that section. 10746

(b) Except as otherwise provided in division (A) (4) of 10747
this section, if the offense for which the sentence is being 10748
imposed is kidnapping that is a felony of the first degree, it 10749
shall impose an indefinite prison term as follows: 10750

(i) If the kidnapping is committed on or after January 1, 10751
2008, and the victim of the offense is less than thirteen years 10752
of age, except as otherwise provided in this division, it shall 10753
impose an indefinite prison term consisting of a minimum term of 10754
fifteen years and a maximum term of life imprisonment. If the 10755
kidnapping is committed on or after January 1, 2008, the victim 10756
of the offense is less than thirteen years of age, and the 10757
offender released the victim in a safe place unharmed, it shall 10758
impose an indefinite prison term consisting of a minimum term of 10759
ten years and a maximum term of life imprisonment. 10760

(ii) If the kidnapping is committed prior to January 1, 10761
2008, or division (A) (3) (b) (i) of this section does not apply, 10762
it shall impose an indefinite term consisting of a minimum term 10763

fixed by the court that is not less than ten years and a maximum term of life imprisonment. 10764
10765

(c) Except as otherwise provided in division (A) (4) of 10766
this section, if the offense for which the sentence is being 10767
imposed is kidnapping that is a felony of the second degree, it 10768
shall impose an indefinite prison term consisting of a minimum 10769
term fixed by the court that is not less than eight years, and a 10770
maximum term of life imprisonment. 10771

(d) Except as otherwise provided in division (A) (4) of 10772
this section, if the offense for which the sentence is being 10773
imposed is rape for which a term of life imprisonment is not 10774
imposed under division (A) (2) of this section or division (B) of 10775
section 2907.02 of the Revised Code, it shall impose an 10776
indefinite prison term as follows: 10777

(i) If the rape is committed on or after January 2, 2007, 10778
in violation of division (A) (1) (b) of section 2907.02 of the 10779
Revised Code, it shall impose an indefinite prison term 10780
consisting of a minimum term of twenty-five years and a maximum 10781
term of life imprisonment. 10782

(ii) If the rape is committed prior to January 2, 2007, or 10783
the rape is committed on or after January 2, 2007, other than in 10784
violation of division (A) (1) (b) of section 2907.02 of the 10785
Revised Code, it shall impose an indefinite prison term 10786
consisting of a minimum term fixed by the court that is not less 10787
than ten years, and a maximum term of life imprisonment. 10788

(e) Except as otherwise provided in division (A) (4) of 10789
this section, if the offense for which sentence is being imposed 10790
is attempted rape, it shall impose an indefinite prison term as 10791
follows: 10792

(i) Except as otherwise provided in division (A) (3) (e) 10793
(ii), (iii), or (iv) of this section, it shall impose an 10794
indefinite prison term pursuant to division (A) (3) (a) of this 10795
section. 10796

(ii) If the attempted rape for which sentence is being 10797
imposed was committed on or after January 2, 2007, and if the 10798
offender also is convicted of or pleads guilty to a 10799
specification of the type described in section 2941.1418 of the 10800
Revised Code, it shall impose an indefinite prison term 10801
consisting of a minimum term of five years and a maximum term of 10802
twenty-five years. 10803

(iii) If the attempted rape for which sentence is being 10804
imposed was committed on or after January 2, 2007, and if the 10805
offender also is convicted of or pleads guilty to a 10806
specification of the type described in section 2941.1419 of the 10807
Revised Code, it shall impose an indefinite prison term 10808
consisting of a minimum term of ten years and a maximum of life 10809
imprisonment. 10810

(iv) If the attempted rape for which sentence is being 10811
imposed was committed on or after January 2, 2007, and if the 10812
offender also is convicted of or pleads guilty to a 10813
specification of the type described in section 2941.1420 of the 10814
Revised Code, it shall impose an indefinite prison term 10815
consisting of a minimum term of fifteen years and a maximum of 10816
life imprisonment. 10817

(4) For any offense for which the sentence is being 10818
imposed, if the offender previously has been convicted of or 10819
pleaded guilty to a violent sex offense and also to a sexually 10820
violent predator specification that was included in the 10821
indictment, count in the indictment, or information charging 10822

that offense, or previously has been convicted of or pleaded 10823
guilty to a designated homicide, assault, or kidnapping offense 10824
and also to both a sexual motivation specification and a 10825
sexually violent predator specification that were included in 10826
the indictment, count in the indictment, or information charging 10827
that offense, it shall impose upon the offender a term of life 10828
imprisonment without parole. 10829

(B) (1) Notwithstanding section 2929.13, division (A) or 10830
(D) of section 2929.14, or another section of the Revised Code 10831
other than division (B) of section 2907.02 or divisions (B) and 10832
(C) of section 2929.14 of the Revised Code that authorizes or 10833
requires a specified prison term or a mandatory prison term for 10834
a person who is convicted of or pleads guilty to a felony or 10835
that specifies the manner and place of service of a prison term 10836
or term of imprisonment, if a person is convicted of or pleads 10837
guilty to a violation of division (A) (1) (b) of section 2907.02 10838
of the Revised Code committed on or after January 2, 2007, if 10839
division (A) of this section does not apply regarding the 10840
person, and if the court does not impose a sentence of life 10841
without parole when authorized pursuant to division (B) of 10842
section 2907.02 of the Revised Code, the court shall impose upon 10843
the person an indefinite prison term consisting of one of the 10844
following: 10845

(a) Except as otherwise required in division (B) (1) (b) or 10846
(c) of this section, a minimum term of ten years and a maximum 10847
term of life imprisonment. 10848

(b) If the victim was less than ten years of age, a 10849
minimum term of fifteen years and a maximum of life 10850
imprisonment. 10851

(c) If the offender purposely compels the victim to submit 10852

by force or threat of force, or if the offender previously has 10853
been convicted of or pleaded guilty to violating division (A) (1) 10854
(b) of section 2907.02 of the Revised Code or to violating an 10855
existing or former law of this state, another state, or the 10856
United States that is substantially similar to division (A) (1) 10857
(b) of that section, or if the offender during or immediately 10858
after the commission of the offense caused serious physical harm 10859
to the victim, a minimum term of twenty-five years and a maximum 10860
of life imprisonment. 10861

(2) Notwithstanding section 2929.13, division (A) or (D) 10862
of section 2929.14, or another section of the Revised Code other 10863
than divisions (B) and (C) of section 2929.14 of the Revised 10864
Code that authorizes or requires a specified prison term or a 10865
mandatory prison term for a person who is convicted of or pleads 10866
guilty to a felony or that specifies the manner and place of 10867
service of a prison term or term of imprisonment and except as 10868
otherwise provided in division (B) of section 2907.02 of the 10869
Revised Code, if a person is convicted of or pleads guilty to 10870
attempted rape committed on or after January 2, 2007, and if 10871
division (A) of this section does not apply regarding the 10872
person, the court shall impose upon the person an indefinite 10873
prison term consisting of one of the following: 10874

(a) If the person also is convicted of or pleads guilty to 10875
a specification of the type described in section 2941.1418 of 10876
the Revised Code, the court shall impose upon the person an 10877
indefinite prison term consisting of a minimum term of five 10878
years and a maximum term of twenty-five years. 10879

(b) If the person also is convicted of or pleads guilty to 10880
a specification of the type described in section 2941.1419 of 10881
the Revised Code, the court shall impose upon the person an 10882

indefinite prison term consisting of a minimum term of ten years 10883
and a maximum term of life imprisonment. 10884

(c) If the person also is convicted of or pleads guilty to 10885
a specification of the type described in section 2941.1420 of 10886
the Revised Code, the court shall impose upon the person an 10887
indefinite prison term consisting of a minimum term of fifteen 10888
years and a maximum term of life imprisonment. 10889

(3) Notwithstanding section 2929.13, division (A) or (D) 10890
of section 2929.14, or another section of the Revised Code other 10891
than divisions (B) and (C) of section 2929.14 of the Revised 10892
Code that authorizes or requires a specified prison term or a 10893
mandatory prison term for a person who is convicted of or pleads 10894
guilty to a felony or that specifies the manner and place of 10895
service of a prison term or term of imprisonment, if a person is 10896
convicted of or pleads guilty to an offense described in 10897
division (B) (3) (a), (b), (c), or (d) of this section committed 10898
on or after January 1, 2008, if the person also is convicted of 10899
or pleads guilty to a sexual motivation specification that was 10900
included in the indictment, count in the indictment, or 10901
information charging that offense, and if division (A) of this 10902
section does not apply regarding the person, the court shall 10903
impose upon the person an indefinite prison term consisting of 10904
one of the following: 10905

(a) An indefinite prison term consisting of a minimum of 10906
ten years and a maximum term of life imprisonment if the offense 10907
for which the sentence is being imposed is kidnapping, the 10908
victim of the offense is less than thirteen years of age, and 10909
the offender released the victim in a safe place unharmed; 10910

(b) An indefinite prison term consisting of a minimum of 10911
fifteen years and a maximum term of life imprisonment if the 10912

offense for which the sentence is being imposed is kidnapping 10913
when the victim of the offense is less than thirteen years of 10914
age and division (B) (3) (a) of this section does not apply; 10915

(c) An indefinite term consisting of a minimum of thirty 10916
years and a maximum term of life imprisonment if the offense for 10917
which the sentence is being imposed is aggravated murder, when 10918
the victim of the offense is less than thirteen years of age, a 10919
sentence of death or life imprisonment without parole is not 10920
imposed for the offense, and division (A) (2) (b) (ii) of section 10921
2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) 10922
(2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or 10923
division (A) or (B) of section 2929.06 of the Revised Code 10924
requires that the sentence for the offense be imposed pursuant 10925
to this division; 10926

(d) An indefinite prison term consisting of a minimum of 10927
thirty years and a maximum term of life imprisonment if the 10928
offense for which the sentence is being imposed is murder when 10929
the victim of the offense is less than thirteen years of age. 10930

(C) (1) If the offender is sentenced to a prison term 10931
pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), 10932
(b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the 10933
parole board shall have control over the offender's service of 10934
the term during the entire term unless the parole board 10935
terminates its control in accordance with section 2971.04 of the 10936
Revised Code. 10937

(2) Except as provided in division (C) (3) of this section, 10938
an offender sentenced to a prison term or term of life 10939
imprisonment without parole pursuant to division (A) of this 10940
section shall serve the entire prison term or term of life 10941
imprisonment in a state correctional institution. The offender 10942

is not eligible for judicial release under section 2929.20 of 10943
the Revised Code. 10944

(3) For a prison term imposed pursuant to division (A)(3), 10945
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 10946
(b), (c), or (d) of this section, the court, in accordance with 10947
section 2971.05 of the Revised Code, may terminate the prison 10948
term or modify the requirement that the offender serve the 10949
entire term in a state correctional institution if all of the 10950
following apply: 10951

(a) The offender has served at least the minimum term 10952
imposed as part of that prison term. 10953

(b) The parole board, pursuant to section 2971.04 of the 10954
Revised Code, has terminated its control over the offender's 10955
service of that prison term. 10956

(c) The court has held a hearing and found, by clear and 10957
convincing evidence, one of the following: 10958

(i) In the case of termination of the prison term, that 10959
the offender is unlikely to commit a sexually violent offense in 10960
the future; 10961

(ii) In the case of modification of the requirement, that 10962
the offender does not represent a substantial risk of physical 10963
harm to others. 10964

(4) An offender who has been sentenced to a term of life 10965
imprisonment without parole pursuant to division (A)(1), (2), or 10966
(4) of this section shall not be released from the term of life 10967
imprisonment or be permitted to serve a portion of it in a place 10968
other than a state correctional institution. 10969

(D) If a court sentences an offender to a prison term or 10970

term of life imprisonment without parole pursuant to division 10971
(A) of this section and the court also imposes on the offender 10972
one or more additional prison terms pursuant to division (B) of 10973
section 2929.14 of the Revised Code, all of the additional 10974
prison terms shall be served consecutively with, and prior to, 10975
the prison term or term of life imprisonment without parole 10976
imposed upon the offender pursuant to division (A) of this 10977
section. 10978

(E) If the offender is convicted of or pleads guilty to 10979
two or more offenses for which a prison term or term of life 10980
imprisonment without parole is required to be imposed pursuant 10981
to division (A) of this section, divisions (A) to (D) of this 10982
section shall be applied for each offense. All minimum terms 10983
imposed upon the offender pursuant to division (A) (3) or (B) of 10984
this section for those offenses shall be aggregated and served 10985
consecutively, as if they were a single minimum term imposed 10986
under that division. 10987

(F) (1) If an offender is convicted of or pleads guilty to 10988
a violent sex offense and also is convicted of or pleads guilty 10989
to a sexually violent predator specification that was included 10990
in the indictment, count in the indictment, or information 10991
charging that offense, or is convicted of or pleads guilty to a 10992
designated homicide, assault, or kidnapping offense and also is 10993
convicted of or pleads guilty to both a sexual motivation 10994
specification and a sexually violent predator specification that 10995
were included in the indictment, count in the indictment, or 10996
information charging that offense, the conviction of or plea of 10997
guilty to the offense and the sexually violent predator 10998
specification automatically classifies the offender as a tier 10999
III sex offender/child-victim offender for purposes of Chapter 11000
2950. of the Revised Code. 11001

(2) If an offender is convicted of or pleads guilty to committing on or after January 2, 2007, a violation of division (A) (1) (b) of section 2907.02 of the Revised Code and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(3) If a person is convicted of or pleads guilty to committing on or after January 2, 2007, attempted rape and also is convicted of or pleads guilty to a specification of the type described in section 2941.1418, 2941.1419, or 2941.1420 of the Revised Code, the conviction of or plea of guilty to the offense and the specification automatically classify the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

(4) If a person is convicted of or pleads guilty to one of the offenses described in division (B) (3) (a), (b), (c), or (d) of this section and a sexual motivation specification related to the offense and the victim of the offense is less than thirteen years of age, the conviction of or plea of guilty to the offense automatically classifies the offender as a tier III sex offender/child-victim offender for purposes of Chapter 2950. of the Revised Code.

Sec. 3719.99. (A) Whoever violates section 3719.16 or 3719.161 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of a violation of section 3719.16 or 3719.161 of the Revised Code or a drug abuse offense, a violation of section 3719.16 or 3719.161

of the Revised Code is a felony of the fourth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.

(B) Whoever violates division (C) or (D) of section 3719.172 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of a violation of division (C) or (D) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of division (C) or (D) of section 3719.172 of the Revised Code is a felony of the fourth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.

(C) Whoever violates section 3719.07 or 3719.08 of the Revised Code is guilty of a misdemeanor of the first degree. If the offender previously has been convicted of a violation of section 3719.07 or 3719.08 of the Revised Code or a drug abuse offense, a violation of section 3719.07 or 3719.08 of the Revised Code is a felony of the fifth degree. If the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the offender, as a result of the violation, is a major drug offender, division (D) of this section applies.

(D) (1) If an offender is convicted of or pleads guilty to a felony violation of section 3719.07, 3719.08, 3719.16, or 3719.161 or of division (C) or (D) of section 3719.172 of the Revised Code, if the violation involves the sale, offer to sell,

or possession of a schedule I or II controlled substance, with 11062
the exception of marihuana, and if the court imposing sentence 11063
upon the offender finds that the offender as a result of the 11064
violation is a major drug offender and is guilty of a 11065
specification of the type described in section 2941.1410 of the 11066
Revised Code, the court, in lieu of the prison term authorized 11067
or required by division (A), (B), or (C) of this section and 11068
sections 2929.13 and 2929.14 of the Revised Code and in addition 11069
to any other sanction imposed for the offense under sections 11070
2929.11 to 2929.18 of the Revised Code, shall impose upon the 11071
offender, in accordance with division (B) (3) ~~(a)~~ of section 11072
2929.14 of the Revised Code, the mandatory prison term specified 11073
in that division ~~and may impose an additional prison term under~~
~~division (B) (3) (b) of that section.~~ 11074
11075

(2) Notwithstanding any contrary provision of section 11076
3719.21 of the Revised Code, the clerk of the court shall pay 11077
any fine imposed for a felony violation of section 3719.07, 11078
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 11079
section 3719.172 of the Revised Code pursuant to division (A) of 11080
section 2929.18 of the Revised Code in accordance with and 11081
subject to the requirements of division (F) of section 2925.03 11082
of the Revised Code. The agency that receives the fine shall use 11083
the fine as specified in division (F) of section 2925.03 of the 11084
Revised Code. 11085

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 11086
3719.31 or division (B) of section 3719.172 of the Revised Code 11087
is guilty of a misdemeanor of the third degree. If the offender 11088
previously has been convicted of a violation of section 3719.05, 11089
3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 11090
of the Revised Code or a drug abuse offense, a violation of 11091
section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 11092

section 3719.172 of the Revised Code is a misdemeanor of the 11093
first degree. 11094

(F) Whoever violates section 3719.30 of the Revised Code 11095
is guilty of a misdemeanor of the fourth degree. If the offender 11096
previously has been convicted of a violation of section 3719.30 11097
of the Revised Code or a drug abuse offense, a violation of 11098
section 3719.30 of the Revised Code is a misdemeanor of the 11099
third degree. 11100

(G) Whoever violates section 3719.32 or 3719.33 of the 11101
Revised Code is guilty of a minor misdemeanor. 11102

(H) Whoever violates division (K) (2) (b) of section 3719.44 11103
of the Revised Code is guilty of a felony of the fifth degree. 11104

(I) Whoever violates division (K) (2) (c) of section 3719.44 11105
of the Revised Code is guilty of a misdemeanor of the second 11106
degree. 11107

(J) As used in this section, "major drug offender" has the 11108
same meaning as in section 2929.01 of the Revised Code. 11109

Sec. 5120.53. (A) If a treaty between the United States 11110
and a foreign country provides for the transfer or exchange, 11111
from one of the signatory countries to the other signatory 11112
country, of convicted offenders who are citizens or nationals of 11113
the other signatory country, the governor, subject to and in 11114
accordance with the terms of the treaty, may authorize the 11115
director of rehabilitation and correction to allow the transfer 11116
or exchange of convicted offenders and to take any action 11117
necessary to initiate participation in the treaty. If the 11118
governor grants the director the authority described in this 11119
division, the director may take the necessary action to initiate 11120
participation in the treaty and, subject to and in accordance 11121

with division (B) of this section and the terms of the treaty, 11122
may allow the transfer or exchange to a foreign country that has 11123
signed the treaty of any convicted offender who is a citizen or 11124
national of that signatory country. 11125

(B) (1) No convicted offender who is serving a term of 11126
imprisonment in this state for aggravated murder, murder, or a 11127
felony of the first or second degree, who is serving a mandatory 11128
prison term imposed under section 2925.03 or 2925.11 of the 11129
Revised Code in circumstances in which the court was required to 11130
impose as the mandatory prison term the maximum definite prison 11131
term or longest minimum prison term authorized for the degree of 11132
offense committed, who is serving a term of imprisonment in this 11133
state imposed for an offense committed prior to ~~the effective~~ 11134
~~date of this amendment~~ July 1, 1996, that was an aggravated 11135
felony of the first or second degree or that was aggravated 11136
trafficking in violation of division (A) (9) or (10) of section 11137
2925.03 of the Revised Code, or who has been sentenced to death 11138
in this state shall be transferred or exchanged to another 11139
country pursuant to a treaty of the type described in division 11140
(A) of this section. 11141

(2) If a convicted offender is serving a term of 11142
imprisonment in this state and the offender is a citizen or 11143
national of a foreign country that has signed a treaty of the 11144
type described in division (A) of this section, if the governor 11145
has granted the director of rehabilitation and correction the 11146
authority described in that division, and if the transfer or 11147
exchange of the offender is not barred by division (B) (1) of 11148
this section, the director or the director's designee may 11149
approve the offender for transfer or exchange pursuant to the 11150
treaty if the director or the designee, after consideration of 11151
the factors set forth in the rules adopted by the department 11152

under division (D) of this section and all other relevant 11153
factors, determines that the transfer or exchange of the 11154
offender is appropriate. 11155

(C) Notwithstanding any provision of the Revised Code 11156
regarding the parole eligibility of, or the duration or 11157
calculation of a sentence of imprisonment imposed upon, an 11158
offender, if a convicted offender is serving a term of 11159
imprisonment in this state and the offender is a citizen or 11160
national of a foreign country that has signed a treaty of the 11161
type described in division (A) of this section, if the offender 11162
is serving an indefinite term of imprisonment, if the offender 11163
is barred from being transferred or exchanged pursuant to the 11164
treaty due to the indefinite nature of the offender's term of 11165
imprisonment, and if in accordance with division (B) (2) of this 11166
section the director of rehabilitation and correction or the 11167
director's designee approves the offender for transfer or 11168
exchange pursuant to the treaty, the parole board, pursuant to 11169
rules adopted by the director, shall set a date certain for the 11170
release of the offender. To the extent possible, the date 11171
certain that is set shall be reasonably proportionate to the 11172
indefinite term of imprisonment that the offender is serving. 11173
The date certain that is set for the release of the offender 11174
shall be considered only for purposes of facilitating the 11175
international transfer or exchange of the offender, shall not be 11176
viable or actionable for any other purpose, and shall not create 11177
any expectation or guarantee of release. If an offender for whom 11178
a date certain for release is set under this division is not 11179
transferred to or exchanged with the foreign country pursuant to 11180
the treaty, the date certain is null and void, and the 11181
offender's release shall be determined pursuant to the laws and 11182
rules of this state pertaining to parole eligibility and the 11183

duration and calculation of an indefinite sentence of 11184
imprisonment. 11185

(D) If the governor, pursuant to division (A) of this 11186
section, authorizes the director of rehabilitation and 11187
correction to allow any transfer or exchange of convicted 11188
offenders as described in that division, the director shall 11189
adopt rules under Chapter 119. of the Revised Code to implement 11190
the provisions of this section. The rules shall include a rule 11191
that requires the director or the director's designee, in 11192
determining whether to approve a convicted offender who is 11193
serving a term of imprisonment in this state for transfer or 11194
exchange pursuant to a treaty of the type described in division 11195
(A) of this section, to consider all of the following factors: 11196

(1) The nature of the offense for which the offender is 11197
serving the term of imprisonment in this state; 11198

(2) The likelihood that, if the offender is transferred or 11199
exchanged to a foreign country pursuant to the treaty, the 11200
offender will serve a shorter period of time in imprisonment in 11201
the foreign country than the offender would serve if the 11202
offender is not transferred or exchanged to the foreign country 11203
pursuant to the treaty; 11204

(3) The likelihood that, if the offender is transferred or 11205
exchanged to a foreign country pursuant to the treaty, the 11206
offender will return or attempt to return to this state after 11207
the offender has been released from imprisonment in the foreign 11208
country; 11209

(4) The degree of any shock to the conscience of justice 11210
and society that will be experienced in this state if the 11211
offender is transferred or exchanged to a foreign country 11212

pursuant to the treaty; 11213

(5) All other factors that the department determines are 11214
relevant to the determination. 11215

Sec. 5120.66. (A) Within ninety days after November 23, 11216
2005, but not before January 1, 2006, the department of 11217
rehabilitation and correction shall establish and operate on the 11218
internet a database that contains all of the following: 11219

(1) For each inmate in the custody of the department under 11220
a sentence imposed for a conviction of or plea of guilty to any 11221
offense, all of the following information: 11222

(a) The inmate's name; 11223

(b) For each offense for which the inmate was sentenced to 11224
a prison term or term of imprisonment and is in the department's 11225
custody, the name of the offense, the Revised Code section of 11226
which the offense is a violation, the gender of each victim of 11227
the offense if those facts are known, whether each victim of the 11228
offense was an adult or child if those facts are known, whether 11229
any victim of the offense was a law enforcement officer if that 11230
fact is known, the range of the possible prison terms or term of 11231
imprisonment that could have been imposed for the offense, the 11232
actual prison term or term of imprisonment imposed for the 11233
offense, the county in which the offense was committed, the date 11234
on which the inmate began serving the prison term or term of 11235
imprisonment imposed for the offense, and ~~either the~~ whichever 11236
of the following is applicable: 11237

(i) The date on which the inmate will be eligible for 11238
parole relative to the offense if the prison term or term of 11239
imprisonment is an indefinite term or life term ~~or the~~ with 11240
parole eligibility; 11241

(ii) The date on which the term ends if the prison term is 11242
a definite term; 11243

(iii) The date on which the inmate will be eligible for 11244
presumptive release under section 2967.271 of the Revised Code, 11245
if the inmate is serving a non-life felony indefinite prison 11246
term. 11247

(c) All of the following information that is applicable 11248
regarding the inmate: 11249

(i) If known to the department prior to the conduct of any 11250
hearing for judicial release of the defendant pursuant to 11251
section 2929.20 of the Revised Code in relation to any prison 11252
term or term of imprisonment the inmate is serving for any 11253
offense or any hearing for release of the defendant pursuant to 11254
section 2967.19 of the Revised Code in relation to any such 11255
term, notice of the fact that the inmate will be having a 11256
hearing regarding a possible grant of judicial release or 11257
release, the date of the hearing, and the right of any person 11258
pursuant to division (J) of section 2929.20 or division (H) of 11259
section 2967.19 of the Revised Code, whichever is applicable, to 11260
submit to the court a written statement regarding the possible 11261
judicial release or release. The department also shall post 11262
notice of the submission to a sentencing court of any 11263
recommendation for early release of the inmate pursuant to 11264
section 2967.19 of the Revised Code, as required by division (E) 11265
of that section. 11266

(ii) If the inmate is serving a prison term pursuant to 11267
division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), 11268
or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised 11269
Code, prior to the conduct of any hearing pursuant to section 11270
2971.05 of the Revised Code to determine whether to modify the 11271

requirement that the inmate serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section, notice of the fact that the inmate will be having a hearing regarding those determinations and the date of the hearing;

(iii) At least sixty days before the adult parole authority recommends a pardon or commutation of sentence for the inmate ~~or~~, at least sixty days prior to a hearing before the adult parole authority regarding a grant of parole to the inmate in relation to any prison term or term of imprisonment the inmate is serving for any offense, or at least sixty days prior to a hearing before the department regarding a determination of whether the inmate must be released under division (C) or (D) (2) of section 2967.271 of the Revised Code if the inmate is serving a non-life felony indefinite prison term, notice of the fact that the inmate might be under consideration for a pardon or commutation of sentence or will be having a hearing regarding a possible grant of parole or release, the date of any hearing regarding a possible grant of parole or release, and the right of any person to submit a written statement regarding the pending action;

(iv) At least sixty days before the inmate is transferred to transitional control under section 2967.26 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense, notice of the pendency of the transfer, the date of the possible transfer, and the right of any person to submit a statement regarding the possible transfer;

(v) Prompt notice of the inmate's escape from any facility 11303
in which the inmate was incarcerated and of the capture of the 11304
inmate after an escape; 11305

(vi) Notice of the inmate's death while in confinement; 11306

(vii) Prior to the release of the inmate from confinement, 11307
notice of the fact that the inmate will be released, of the date 11308
of the release, and, if applicable, of the standard terms and 11309
conditions of the release; 11310

(viii) Notice of the inmate's judicial release pursuant to 11311
section 2929.20 of the Revised Code or release pursuant to 11312
section 2967.19 of the Revised Code. 11313

(2) Information as to where a person can send written 11314
statements of the types referred to in divisions (A)(1)(c)(i), 11315
(iii), and (iv) of this section. 11316

(B)(1) The department shall update the database required 11317
under division (A) of this section every twenty-four hours to 11318
ensure that the information it contains is accurate and current. 11319

(2) The database required under division (A) of this 11320
section is a public record open for inspection under section 11321
149.43 of the Revised Code. The department shall make the 11322
database searchable by inmate name and by the county and zip 11323
code where the offender intends to reside after release from a 11324
state correctional institution if this information is known to 11325
the department. 11326

(3) The database required under division (A) of this 11327
section may contain information regarding inmates who are listed 11328
in the database in addition to the information described in that 11329
division. 11330

(4) No information included on the database required under 11331
division (A) of this section shall identify or enable the 11332
identification of any victim of any offense committed by an 11333
inmate. 11334

(C) The failure of the department to comply with the 11335
requirements of division (A) or (B) of this section does not 11336
give any rights or any grounds for appeal or post-conviction 11337
relief to any inmate. 11338

(D) This section, and the related provisions of sections 11339
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 11340
enacted in the act in which this section was enacted, shall be 11341
known as "Laura's Law." 11342

(E) As used in this section, "non-life felony indefinite 11343
prison term" has the same meaning as in section 2929.01 of the 11344
Revised Code. 11345

Section 2. That existing sections 109.42, 121.22, 149.43, 11346
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 11347
2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 2921.36, 11348
2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 11349
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 11350
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 11351
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 11352
2971.03, 3719.99, 5120.53, and 5120.66 of the Revised Code are 11353
hereby repealed. 11354

Section 3. The General Assembly, applying the principle 11355
stated in division (B) of section 1.52 of the Revised Code that 11356
amendments are to be harmonized if reasonably capable of 11357
simultaneous operation, finds that the following sections, 11358
presented in this act as composites of the sections as amended 11359

by the acts indicated, are the resulting versions of the 11360
sections in effect prior to the effective date of the sections 11361
as presented in this act: 11362

Section 121.22 of the Revised Code as amended by both Sub. 11363
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 11364

Section 2903.06 of the Revised Code as amended by both 11365
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 11366

Section 2925.03 of the Revised Code as amended by Am. Sub. 11367
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 11368
Assembly. 11369

Section 2925.11 of the Revised Code as amended by Sub. 11370
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 11371
Assembly. 11372

Section 2929.19 of the Revised Code as amended by both Am. 11373
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 11374
Assembly. 11375

Section 2953.08 of the Revised Code as amended by Sub. 11376
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 11377
129th General Assembly. 11378

Section 2967.03 of the Revised Code as amended by Am. Sub. 11379
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 11380
129th General Assembly. 11381

Section 2967.191 of the Revised Code as amended by both 11382
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 11383
Assembly. 11384

Section 5120.66 of the Revised Code as amended by both Am. 11385
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General 11386
Assembly. 11387