

**As Passed by the House**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**Am. Sub. S. B. No. 201**

**Senators Bacon, O'Brien**

**Cosponsors: Senators Kunze, Gardner, Beagle, Manning, Hoagland, Coley, Balderson, Burke, Dolan, Eklund, Hackett, Hottinger, Huffman, LaRose, Lehner, Oelslager, Peterson, Schiavoni, Terhar, Williams, Wilson, Yuko Representatives Manning, Butler, Galonski, Rogers, Anielski, Antani, Antonio, Brenner, Brown, Carfagna, Celebrezze, Craig, Dean, Duffey, Edwards, Gavarone, Greenspan, Hagan, Hambley, Henne, Hill, Holmes, Hoops, Hughes, Johnson, Kent, Kick, Lanese, LaTourette, Leland, Lepore-Hagan, McClain, Merrin, Miller, O'Brien, Patterson, Patton, Pelanda, Perales, Ramos, Reineke, Retherford, Riedel, Roegner, Romanchuk, Schaffer, Scherer, Smith, T., Stein, Sweeney, B., Thompson, Wiggam, Young, Speaker Smith**

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**A BILL**

To amend sections 109.42, 121.22, 149.43, 1901.021, 1  
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2  
2905.32, 2907.02, 2907.03, 2907.05, 2907.07, 3  
2907.321, 2907.322, 2907.323, 2919.22, 2919.25, 4  
2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 5  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 6  
2929.01, 2929.13, 2929.14, 2929.142, 2929.15, 7  
2929.18, 2929.19, 2929.191, 2929.20, 2929.61, 8  
2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 9  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 10  
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 11  
5120.53, 5120.66, and 5120.80 and to enact 12  
sections 109.68, 2901.011, 2929.144, 2967.271, 13  
and 5120.038 of the Revised Code to provide for 14  
indefinite prison terms for first or second 15  
degree felonies, with presumptive release of 16  
offenders sentenced to such a term at the end of 17

the minimum term; to generally allow the 18  
Department of Rehabilitation and Correction with 19  
approval of the sentencing court to reduce the 20  
minimum term for exceptional conduct or 21  
adjustment to incarceration; to allow the 22  
Department to rebut the release presumption and 23  
keep the offender in prison up to the maximum 24  
term if it makes specified findings; to require 25  
the Adult Parole Authority to study the 26  
feasibility of certain GPS monitoring functions; 27  
to prioritize funding for residential service 28  
contracts that reduce homeless offenders; to 29  
name those provisions of the act the Reagan 30  
Tokes Law; to include conduct involving an 31  
impaired person within certain sex offenses 32  
relating to conduct involving a minor; to 33  
require the Attorney General to create and 34  
maintain a statewide tracking system for the 35  
processing of sexual assault examination kits; 36  
and to eliminate the requirement that one of the 37  
judges of the Wayne County Municipal Court sit 38  
within the municipal corporation of Orrville. 39

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

**Section 1.** That sections 109.42, 121.22, 149.43, 1901.021, 40  
2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 2907.02, 41  
2907.03, 2907.05, 2907.07, 2907.321, 2907.322, 2907.323, 42  
2919.22, 2919.25, 2921.321, 2921.36, 2923.132, 2925.01, 2925.02, 43  
2925.03, 2925.04, 2925.041, 2925.05, 2925.11, 2929.01, 2929.13, 44

2929.14, 2929.142, 2929.15, 2929.18, 2929.19, 2929.191, 2929.20, 45  
2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 2967.03, 46  
2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 2971.03, 47  
3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 be amended and 48  
sections 109.68, 2901.011, 2929.144, 2967.271, and 5120.038 of 49  
the Revised Code be enacted to read as follows: 50

**Sec. 109.42.** (A) The attorney general shall prepare and 51  
have printed a pamphlet that contains a compilation of all 52  
statutes relative to victim's rights in which the attorney 53  
general lists and explains the statutes in the form of a 54  
victim's bill of rights. The attorney general shall distribute 55  
the pamphlet to all sheriffs, marshals, municipal corporation 56  
and township police departments, constables, and other law 57  
enforcement agencies, to all prosecuting attorneys, city 58  
directors of law, village solicitors, and other similar chief 59  
legal officers of municipal corporations, and to organizations 60  
that represent or provide services for victims of crime. The 61  
victim's bill of rights set forth in the pamphlet shall contain 62  
a description of all of the rights of victims that are provided 63  
for in Chapter 2930. or in any other section of the Revised Code 64  
and shall include, but not be limited to, all of the following: 65

(1) The right of a victim or a victim's representative to 66  
attend a proceeding before a grand jury, in a juvenile case, or 67  
in a criminal case pursuant to a subpoena without being 68  
discharged from the victim's or representative's employment, 69  
having the victim's or representative's employment terminated, 70  
having the victim's or representative's pay decreased or 71  
withheld, or otherwise being punished, penalized, or threatened 72  
as a result of time lost from regular employment because of the 73  
victim's or representative's attendance at the proceeding 74  
pursuant to the subpoena, as set forth in section 2151.211, 75

2930.18, 2939.121, or 2945.451 of the Revised Code;	76
(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;	77 78 79 80 81 82 83 84
(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;	85 86 87
(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;	88 89 90 91 92 93 94
(5) The right of the victim in certain criminal or juvenile cases or a victim's representative to receive, pursuant to section 2930.04, 2930.05, or 2930.06 of the Revised Code, notice of the name of the person charged with the violation, the case or docket number assigned to the charge, and a telephone number or numbers that can be called to obtain information about the disposition of the case;	95 96 97 98 99 100 101
(6) The right of the victim in certain criminal or juvenile cases or of the victim's representative pursuant to section 2930.13 or 2930.14 of the Revised Code, subject to any	102 103 104

reasonable terms set by the court as authorized under section 105  
2930.14 of the Revised Code, to make a statement about the 106  
victimization and, if applicable, a statement relative to the 107  
sentencing or disposition of the offender; 108

(7) The opportunity to obtain a court order, pursuant to 109  
section 2945.04 of the Revised Code, to prevent or stop the 110  
commission of the offense of intimidation of a crime victim or 111  
witness or an offense against the person or property of the 112  
complainant, or of the complainant's ward or child; 113

(8) The right of the victim in certain criminal or 114  
juvenile cases or a victim's representative pursuant to sections 115  
2151.38, 2929.20, 2930.10, 2930.16, and 2930.17 of the Revised 116  
Code to receive notice of a pending motion for judicial release, 117  
release pursuant to section 2967.19 of the Revised Code, or 118  
other early release of the person who committed the offense 119  
against the victim, to make an oral or written statement at the 120  
court hearing on the motion, and to be notified of the court's 121  
decision on the motion; 122

(9) The right of the victim in certain criminal or 123  
juvenile cases or a victim's representative pursuant to section 124  
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 125  
Code to receive notice of any pending commutation, pardon, 126  
parole, transitional control, discharge, other form of 127  
authorized release, post-release control, or supervised release 128  
for the person who committed the offense against the victim or 129  
any application for release of that person and to send a written 130  
statement relative to the victimization and the pending action 131  
to the adult parole authority or the release authority of the 132  
department of youth services; 133

(10) The right of the victim to bring a civil action 134

pursuant to sections 2969.01 to 2969.06 of the Revised Code to 135  
obtain money from the offender's profit fund; 136

(11) The right, pursuant to section 3109.09 of the Revised 137  
Code, to maintain a civil action to recover compensatory damages 138  
not exceeding ten thousand dollars and costs from the parent of 139  
a minor who willfully damages property through the commission of 140  
an act that would be a theft offense, as defined in section 141  
2913.01 of the Revised Code, if committed by an adult; 142

(12) The right, pursuant to section 3109.10 of the Revised 143  
Code, to maintain a civil action to recover compensatory damages 144  
not exceeding ten thousand dollars and costs from the parent of 145  
a minor who willfully and maliciously assaults a person; 146

(13) The possibility of receiving restitution from an 147  
offender or a delinquent child pursuant to section 2152.20, 148  
2929.18, or 2929.28 of the Revised Code; 149

(14) The right of the victim in certain criminal or 150  
juvenile cases or a victim's representative, pursuant to section 151  
2930.16 of the Revised Code, to receive notice of the escape 152  
from confinement or custody of the person who committed the 153  
offense, to receive that notice from the custodial agency of the 154  
person at the victim's last address or telephone number provided 155  
to the custodial agency, and to receive notice that, if either 156  
the victim's address or telephone number changes, it is in the 157  
victim's interest to provide the new address or telephone number 158  
to the custodial agency; 159

(15) The right of a victim of domestic violence to seek 160  
the issuance of a civil protection order pursuant to section 161  
3113.31 of the Revised Code, the right of a victim of a 162  
violation of section 2903.14, 2909.06, 2909.07, 2911.12, 163

2911.211, or 2919.22 of the Revised Code, a violation of a 164  
substantially similar municipal ordinance, or an offense of 165  
violence who is a family or household member of the offender at 166  
the time of the offense to seek the issuance of a temporary 167  
protection order pursuant to section 2919.26 of the Revised 168  
Code, and the right of both types of victims to be accompanied 169  
by a victim advocate during court proceedings; 170

(16) The right of a victim of a sexually oriented offense 171  
or of a child-victim oriented offense that is committed by a 172  
person who is convicted of, pleads guilty to, or is adjudicated 173  
a delinquent child for committing the offense and who is in a 174  
category specified in division (B) of section 2950.10 of the 175  
Revised Code to receive, pursuant to that section, notice that 176  
the person has registered with a sheriff under section 2950.04, 177  
2950.041, or 2950.05 of the Revised Code and notice of the 178  
person's name, the person's residence that is registered, and 179  
the offender's school, institution of higher education, or place 180  
of employment address or addresses that are registered, the 181  
person's photograph, and a summary of the manner in which the 182  
victim must make a request to receive the notice. As used in 183  
this division, "sexually oriented offense" and "child-victim 184  
oriented offense" have the same meanings as in section 2950.01 185  
of the Revised Code. 186

(17) The right of a victim of certain sexually violent 187  
offenses committed by an offender who also is convicted of or 188  
pleads guilty to a sexually violent predator specification and 189  
who is sentenced to a prison term pursuant to division (A) (3) of 190  
section 2971.03 of the Revised Code, of a victim of a violation 191  
of division (A) (1) (b) of section 2907.02 of the Revised Code 192  
committed on or after January 2, 2007, by an offender who is 193  
sentenced for the violation pursuant to division (B) (1) (a), (b), 194

or (c) of section 2971.03 of the Revised Code, of a victim of an 195  
attempted rape committed on or after January 2, 2007, by an 196  
offender who also is convicted of or pleads guilty to a 197  
specification of the type described in section 2941.1418, 198  
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 199  
the violation pursuant to division (B)(2)(a), (b), or (c) of 200  
section 2971.03 of the Revised Code, and of a victim of an 201  
offense that is described in division (B)(3)(a), (b), (c), or 202  
(d) of section 2971.03 of the Revised Code and is committed by 203  
an offender who is sentenced pursuant to one of those divisions 204  
to receive, pursuant to section 2930.16 of the Revised Code, 205  
notice of a hearing to determine whether to modify the 206  
requirement that the offender serve the entire prison term in a 207  
state correctional facility, whether to continue, revise, or 208  
revoke any existing modification of that requirement, or whether 209  
to terminate the prison term. As used in this division, 210  
"sexually violent offense" and "sexually violent predator 211  
specification" have the same meanings as in section 2971.01 of 212  
the Revised Code. 213

(B)(1)(a) Subject to division (B)(1)(c) of this section, a 214  
prosecuting attorney, assistant prosecuting attorney, city 215  
director of law, assistant city director of law, village 216  
solicitor, assistant village solicitor, or similar chief legal 217  
officer of a municipal corporation or an assistant of any of 218  
those officers who prosecutes an offense committed in this 219  
state, upon first contact with the victim of the offense, the 220  
victim's family, or the victim's dependents, shall give the 221  
victim, the victim's family, or the victim's dependents a copy 222  
of the pamphlet prepared pursuant to division (A) of this 223  
section and explain, upon request, the information in the 224  
pamphlet to the victim, the victim's family, or the victim's 225

dependents.	226
(b) Subject to division (B) (1) (c) of this section, a law enforcement agency that investigates an offense or delinquent act committed in this state shall give the victim of the offense or delinquent act, the victim's family, or the victim's dependents a copy of the pamphlet prepared pursuant to division (A) of this section at one of the following times:	227 228 229 230 231 232
(i) Upon first contact with the victim, the victim's family, or the victim's dependents;	233 234
(ii) If the offense or delinquent act is an offense of violence, if the circumstances of the offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents.	235 236 237 238 239 240 241 242 243 244
If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the pamphlet to the victim, the victim's family, or the victim's dependents at their last known address.	245 246 247 248 249 250 251
(c) In complying on and after December 9, 1994, with the duties imposed by division (B) (1) (a) or (b) of this section, an official or a law enforcement agency shall use copies of the	252 253 254

pamphlet that are in the official's or agency's possession on 255  
December 9, 1994, until the official or agency has distributed 256  
all of those copies. After the official or agency has 257  
distributed all of those copies, the official or agency shall 258  
use only copies of the pamphlet that contain at least the 259  
information described in divisions (A) (1) to (17) of this 260  
section. 261

(2) The failure of a law enforcement agency or of a 262  
prosecuting attorney, assistant prosecuting attorney, city 263  
director of law, assistant city director of law, village 264  
solicitor, assistant village solicitor, or similar chief legal 265  
officer of a municipal corporation or an assistant to any of 266  
those officers to give, as required by division (B) (1) of this 267  
section, the victim of an offense or delinquent act, the 268  
victim's family, or the victim's dependents a copy of the 269  
pamphlet prepared pursuant to division (A) of this section does 270  
not give the victim, the victim's family, the victim's 271  
dependents, or a victim's representative any rights under 272  
section 2743.51 to 2743.72, 2945.04, 2967.12, 2969.01 to 273  
2969.06, 3109.09, or 3109.10 of the Revised Code or under any 274  
other provision of the Revised Code and does not affect any 275  
right under those sections. 276

(3) A law enforcement agency, a prosecuting attorney or 277  
assistant prosecuting attorney, or a city director of law, 278  
assistant city director of law, village solicitor, assistant 279  
village solicitor, or similar chief legal officer of a municipal 280  
corporation that distributes a copy of the pamphlet prepared 281  
pursuant to division (A) of this section shall not be required 282  
to distribute a copy of an information card or other printed 283  
material provided by the clerk of the court of claims pursuant 284  
to section 2743.71 of the Revised Code. 285

(C) The cost of printing and distributing the pamphlet 286  
prepared pursuant to division (A) of this section shall be paid 287  
out of the reparations fund, created pursuant to section 288  
2743.191 of the Revised Code, in accordance with division (D) of 289  
that section. 290

(D) As used in this section: 291

(1) "Victim's representative" has the same meaning as in 292  
section 2930.01 of the Revised Code; 293

(2) "Victim advocate" has the same meaning as in section 294  
2919.26 of the Revised Code. 295

Sec. 109.68. (A) In consultation with the attorney 296  
general's advisory group on sexual assault examination kit 297  
tracking, the attorney general shall develop recommendations for 298  
establishing a statewide sexual assault examination kit tracking 299  
system. Based on those recommendations, the attorney general 300  
shall create, operate, and maintain the statewide tracking 301  
system and shall identify and allocate money for that purpose 302  
from the appropriate funds available to the attorney general. 303

(B) The attorney general may contract with state or 304  
private entities, including private software and technology 305  
providers, for the creation, operation, and maintenance of the 306  
statewide tracking system. The tracking system shall do all of 307  
the following: 308

(1) Track the status of sexual assault examination kits 309  
from the collection site through the criminal justice process, 310  
including the initial collection at medical facilities, 311  
inventory and storage by law enforcement agencies, analysis at 312  
crime laboratories, and storage or destruction after completion 313  
of analysis; 314

(2) Allow all entities that receive, maintain, store, or 315  
preserve sexual assault examination kits to update the status 316  
and location of the kits; 317

(3) Allow individuals to anonymously access the statewide 318  
tracking system regarding the location and status of their 319  
sexual assault examination kit. 320

(C) Not later than one year after creation of the 321  
statewide tracking system, all entities in the chain of custody 322  
of sexual assault examination kits shall participate in the 323  
system. 324

(D) The attorney general may adopt rules under Chapter 325  
119. of the Revised Code to facilitate the implementation of the 326  
statewide sexual assault examination kit tracking system 327  
pursuant to this section. Except as provided in division (B) (3) 328  
of this section, information contained in the statewide tracking 329  
system is confidential and not subject to public disclosure. 330

**Sec. 121.22.** (A) This section shall be liberally construed 331  
to require public officials to take official action and to 332  
conduct all deliberations upon official business only in open 333  
meetings unless the subject matter is specifically excepted by 334  
law. 335

(B) As used in this section: 336

(1) "Public body" means any of the following: 337

(a) Any board, commission, committee, council, or similar 338  
decision-making body of a state agency, institution, or 339  
authority, and any legislative authority or board, commission, 340  
committee, council, agency, authority, or similar decision- 341  
making body of any county, township, municipal corporation, 342  
school district, or other political subdivision or local public 343

institution;	344
(b) Any committee or subcommittee of a body described in	345
division (B) (1) (a) of this section;	346
(c) A court of jurisdiction of a sanitary district	347
organized wholly for the purpose of providing a water supply for	348
domestic, municipal, and public use when meeting for the purpose	349
of the appointment, removal, or reappointment of a member of the	350
board of directors of such a district pursuant to section	351
6115.10 of the Revised Code, if applicable, or for any other	352
matter related to such a district other than litigation	353
involving the district. As used in division (B) (1) (c) of this	354
section, "court of jurisdiction" has the same meaning as "court"	355
in section 6115.01 of the Revised Code.	356
(2) "Meeting" means any prearranged discussion of the	357
public business of the public body by a majority of its members.	358
(3) "Regulated individual" means either of the following:	359
(a) A student in a state or local public educational	360
institution;	361
(b) A person who is, voluntarily or involuntarily, an	362
inmate, patient, or resident of a state or local institution	363
because of criminal behavior, mental illness, an intellectual	364
disability, disease, disability, age, or other condition	365
requiring custodial care.	366
(4) "Public office" has the same meaning as in section	367
149.011 of the Revised Code.	368
(C) All meetings of any public body are declared to be	369
public meetings open to the public at all times. A member of a	370
public body shall be present in person at a meeting open to the	371

public to be considered present or to vote at the meeting and 372  
for purposes of determining whether a quorum is present at the 373  
meeting. 374

The minutes of a regular or special meeting of any public 375  
body shall be promptly prepared, filed, and maintained and shall 376  
be open to public inspection. The minutes need only reflect the 377  
general subject matter of discussions in executive sessions 378  
authorized under division (G) or (J) of this section. 379

(D) This section does not apply to any of the following: 380

(1) A grand jury; 381

(2) An audit conference conducted by the auditor of state 382  
or independent certified public accountants with officials of 383  
the public office that is the subject of the audit; 384

(3) The adult parole authority when its hearings are 385  
conducted at a correctional institution for the sole purpose of 386  
interviewing inmates to determine parole or pardon and the 387  
department of rehabilitation and correction when its hearings 388  
are conducted at a correctional institution for the sole purpose 389  
of making determinations under section 2967.271 of the Revised 390  
Code regarding the release or maintained incarceration of an 391  
offender to whom that section applies; 392

(4) The organized crime investigations commission 393  
established under section 177.01 of the Revised Code; 394

(5) Meetings of a child fatality review board established 395  
under section 307.621 of the Revised Code, meetings related to a 396  
review conducted pursuant to guidelines established by the 397  
director of health under section 3701.70 of the Revised Code, 398  
and meetings conducted pursuant to sections 5153.171 to 5153.173 399  
of the Revised Code; 400

- (6) The state medical board when determining whether to suspend a certificate without a prior hearing pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code;
- (7) The board of nursing when determining whether to suspend a license or certificate without a prior hearing pursuant to division (B) of section 4723.281 of the Revised Code;
- (8) The state board of pharmacy when determining whether to suspend a license without a prior hearing pursuant to division (D) of section 4729.16 of the Revised Code;
- (9) The state chiropractic board when determining whether to suspend a license without a hearing pursuant to section 4734.37 of the Revised Code;
- (10) The executive committee of the emergency response commission when determining whether to issue an enforcement order or request that a civil action, civil penalty action, or criminal action be brought to enforce Chapter 3750. of the Revised Code;
- (11) The board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code or any committee thereof, and the board of directors of any subsidiary of that corporation or a committee thereof;
- (12) An audit conference conducted by the audit staff of the department of job and family services with officials of the public office that is the subject of that audit under section 5101.37 of the Revised Code;
- (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 430  
without a hearing pursuant to division (D) of section 4755.11 of 431  
the Revised Code; 432

(14) The physical therapy section of the occupational 433  
therapy, physical therapy, and athletic trainers board when 434  
determining whether to suspend a license without a hearing 435  
pursuant to division (E) of section 4755.47 of the Revised Code; 436

(15) The athletic trainers section of the occupational 437  
therapy, physical therapy, and athletic trainers board when 438  
determining whether to suspend a license without a hearing 439  
pursuant to division (D) of section 4755.64 of the Revised Code. 440

(E) The controlling board, the tax credit authority, or 441  
the minority development financing advisory board, when meeting 442  
to consider granting assistance pursuant to Chapter 122. or 166. 443  
of the Revised Code, in order to protect the interest of the 444  
applicant or the possible investment of public funds, by 445  
unanimous vote of all board or authority members present, may 446  
close the meeting during consideration of the following 447  
information confidentially received by the authority or board 448  
from the applicant: 449

(1) Marketing plans; 450

(2) Specific business strategy; 451

(3) Production techniques and trade secrets; 452

(4) Financial projections; 453

(5) Personal financial statements of the applicant or 454  
members of the applicant's immediate family, including, but not 455  
limited to, tax records or other similar information not open to 456  
public inspection. 457

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

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

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

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

(1) To consider the appointment, employment, dismissal,

discipline, promotion, demotion, or compensation of a public 488  
employee or official, or the investigation of charges or 489  
complaints against a public employee, official, licensee, or 490  
regulated individual, unless the public employee, official, 491  
licensee, or regulated individual requests a public hearing. 492  
Except as otherwise provided by law, no public body shall hold 493  
an executive session for the discipline of an elected official 494  
for conduct related to the performance of the elected official's 495  
official duties or for the elected official's removal from 496  
office. If a public body holds an executive session pursuant to 497  
division (G) (1) of this section, the motion and vote to hold 498  
that executive session shall state which one or more of the 499  
approved purposes listed in division (G) (1) of this section are 500  
the purposes for which the executive session is to be held, but 501  
need not include the name of any person to be considered at the 502  
meeting. 503

(2) To consider the purchase of property for public 504  
purposes, the sale of property at competitive bidding, or the 505  
sale or other disposition of unneeded, obsolete, or unfit-for- 506  
use property in accordance with section 505.10 of the Revised 507  
Code, if premature disclosure of information would give an 508  
unfair competitive or bargaining advantage to a person whose 509  
personal, private interest is adverse to the general public 510  
interest. No member of a public body shall use division (G) (2) 511  
of this section as a subterfuge for providing covert information 512  
to prospective buyers or sellers. A purchase or sale of public 513  
property is void if the seller or buyer of the public property 514  
has received covert information from a member of a public body 515  
that has not been disclosed to the general public in sufficient 516  
time for other prospective buyers and sellers to prepare and 517  
submit offers. 518

If the minutes of the public body show that all meetings 519  
and deliberations of the public body have been conducted in 520  
compliance with this section, any instrument executed by the 521  
public body purporting to convey, lease, or otherwise dispose of 522  
any right, title, or interest in any public property shall be 523  
conclusively presumed to have been executed in compliance with 524  
this section insofar as title or other interest of any bona fide 525  
purchasers, lessees, or transferees of the property is 526  
concerned. 527

(3) Conferences with an attorney for the public body 528  
concerning disputes involving the public body that are the 529  
subject of pending or imminent court action; 530

(4) Preparing for, conducting, or reviewing negotiations 531  
or bargaining sessions with public employees concerning their 532  
compensation or other terms and conditions of their employment; 533

(5) Matters required to be kept confidential by federal 534  
law or regulations or state statutes; 535

(6) Details relative to the security arrangements and 536  
emergency response protocols for a public body or a public 537  
office, if disclosure of the matters discussed could reasonably 538  
be expected to jeopardize the security of the public body or 539  
public office; 540

(7) In the case of a county hospital operated pursuant to 541  
Chapter 339. of the Revised Code, a joint township hospital 542  
operated pursuant to Chapter 513. of the Revised Code, or a 543  
municipal hospital operated pursuant to Chapter 749. of the 544  
Revised Code, to consider trade secrets, as defined in section 545  
1333.61 of the Revised Code; 546

(8) To consider confidential information related to the 547

marketing plans, specific business strategy, production 548  
techniques, trade secrets, or personal financial statements of 549  
an applicant for economic development assistance, or to 550  
negotiations with other political subdivisions respecting 551  
requests for economic development assistance, provided that both 552  
of the following conditions apply: 553

(a) The information is directly related to a request for 554  
economic development assistance that is to be provided or 555  
administered under any provision of Chapter 715., 725., 1724., 556  
or 1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 557  
5709.43, 5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 558  
5709.81 of the Revised Code, or that involves public 559  
infrastructure improvements or the extension of utility services 560  
that are directly related to an economic development project. 561

(b) A unanimous quorum of the public body determines, by a 562  
roll call vote, that the executive session is necessary to 563  
protect the interests of the applicant or the possible 564  
investment or expenditure of public funds to be made in 565  
connection with the economic development project. 566

If a public body holds an executive session to consider 567  
any of the matters listed in divisions (G)(2) to (8) of this 568  
section, the motion and vote to hold that executive session 569  
shall state which one or more of the approved matters listed in 570  
those divisions are to be considered at the executive session. 571

A public body specified in division (B)(1)(c) of this 572  
section shall not hold an executive session when meeting for the 573  
purposes specified in that division. 574

(H) A resolution, rule, or formal action of any kind is 575  
invalid unless adopted in an open meeting of the public body. A 576

resolution, rule, or formal action adopted in an open meeting 577  
that results from deliberations in a meeting not open to the 578  
public is invalid unless the deliberations were for a purpose 579  
specifically authorized in division (G) or (J) of this section 580  
and conducted at an executive session held in compliance with 581  
this section. A resolution, rule, or formal action adopted in an 582  
open meeting is invalid if the public body that adopted the 583  
resolution, rule, or formal action violated division (F) of this 584  
section. 585

(I) (1) Any person may bring an action to enforce this 586  
section. An action under division (I) (1) of this section shall 587  
be brought within two years after the date of the alleged 588  
violation or threatened violation. Upon proof of a violation or 589  
threatened violation of this section in an action brought by any 590  
person, the court of common pleas shall issue an injunction to 591  
compel the members of the public body to comply with its 592  
provisions. 593

(2) (a) If the court of common pleas issues an injunction 594  
pursuant to division (I) (1) of this section, the court shall 595  
order the public body that it enjoins to pay a civil forfeiture 596  
of five hundred dollars to the party that sought the injunction 597  
and shall award to that party all court costs and, subject to 598  
reduction as described in division (I) (2) of this section, 599  
reasonable attorney's fees. The court, in its discretion, may 600  
reduce an award of attorney's fees to the party that sought the 601  
injunction or not award attorney's fees to that party if the 602  
court determines both of the following: 603

(i) That, based on the ordinary application of statutory 604  
law and case law as it existed at the time of violation or 605  
threatened violation that was the basis of the injunction, a 606

well-informed public body reasonably would believe that the 607  
public body was not violating or threatening to violate this 608  
section; 609

(ii) That a well-informed public body reasonably would 610  
believe that the conduct or threatened conduct that was the 611  
basis of the injunction would serve the public policy that 612  
underlies the authority that is asserted as permitting that 613  
conduct or threatened conduct. 614

(b) If the court of common pleas does not issue an 615  
injunction pursuant to division (I)(1) of this section and the 616  
court determines at that time that the bringing of the action 617  
was frivolous conduct, as defined in division (A) of section 618  
2323.51 of the Revised Code, the court shall award to the public 619  
body all court costs and reasonable attorney's fees, as 620  
determined by the court. 621

(3) Irreparable harm and prejudice to the party that 622  
sought the injunction shall be conclusively and irrebuttably 623  
presumed upon proof of a violation or threatened violation of 624  
this section. 625

(4) A member of a public body who knowingly violates an 626  
injunction issued pursuant to division (I)(1) of this section 627  
may be removed from office by an action brought in the court of 628  
common pleas for that purpose by the prosecuting attorney or the 629  
attorney general. 630

(J)(1) Pursuant to division (C) of section 5901.09 of the 631  
Revised Code, a veterans service commission shall hold an 632  
executive session for one or more of the following purposes 633  
unless an applicant requests a public hearing: 634

(a) Interviewing an applicant for financial assistance 635

under sections 5901.01 to 5901.15 of the Revised Code; 636

(b) Discussing applications, statements, and other 637  
documents described in division (B) of section 5901.09 of the 638  
Revised Code; 639

(c) Reviewing matters relating to an applicant's request 640  
for financial assistance under sections 5901.01 to 5901.15 of 641  
the Revised Code. 642

(2) A veterans service commission shall not exclude an 643  
applicant for, recipient of, or former recipient of financial 644  
assistance under sections 5901.01 to 5901.15 of the Revised 645  
Code, and shall not exclude representatives selected by the 646  
applicant, recipient, or former recipient, from a meeting that 647  
the commission conducts as an executive session that pertains to 648  
the applicant's, recipient's, or former recipient's application 649  
for financial assistance. 650

(3) A veterans service commission shall vote on the grant 651  
or denial of financial assistance under sections 5901.01 to 652  
5901.15 of the Revised Code only in an open meeting of the 653  
commission. The minutes of the meeting shall indicate the name, 654  
address, and occupation of the applicant, whether the assistance 655  
was granted or denied, the amount of the assistance if 656  
assistance is granted, and the votes for and against the 657  
granting of assistance. 658

**Sec. 149.43.** (A) As used in this section: 659

(1) "Public record" means records kept by any public 660  
office, including, but not limited to, state, county, city, 661  
village, township, and school district units, and records 662  
pertaining to the delivery of educational services by an 663  
alternative school in this state kept by the nonprofit or for- 664

profit entity operating the alternative school pursuant to 665  
section 3313.533 of the Revised Code. "Public record" does not 666  
mean any of the following: 667

(a) Medical records; 668

(b) Records pertaining to probation and parole proceedings 669  
~~or~~ to proceedings related to the imposition of community 670  
control sanctions and post-release control sanctions, or to 671  
proceedings related to determinations under section 2967.271 of 672  
the Revised Code regarding the release or maintained 673  
incarceration of an offender to whom that section applies; 674

(c) Records pertaining to actions under section 2151.85 675  
and division (C) of section 2919.121 of the Revised Code and to 676  
appeals of actions arising under those sections; 677

(d) Records pertaining to adoption proceedings, including 678  
the contents of an adoption file maintained by the department of 679  
health under sections 3705.12 to 3705.124 of the Revised Code; 680

(e) Information in a record contained in the putative 681  
father registry established by section 3107.062 of the Revised 682  
Code, regardless of whether the information is held by the 683  
department of job and family services or, pursuant to section 684  
3111.69 of the Revised Code, the office of child support in the 685  
department or a child support enforcement agency; 686

(f) Records specified in division (A) of section 3107.52 687  
of the Revised Code; 688

(g) Trial preparation records; 689

(h) Confidential law enforcement investigatory records; 690

(i) Records containing information that is confidential 691  
under section 2710.03 or 4112.05 of the Revised Code; 692

(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	693 694
(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;	695 696 697 698
(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;	699 700 701 702
(m) Intellectual property records;	703
(n) Donor profile records;	704
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	705 706
(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;	707 708 709 710 711 712 713
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	714 715 716 717 718
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	719 720

(s) In the case of a child fatality review board acting 721  
under sections 307.621 to 307.629 of the Revised Code or a 722  
review conducted pursuant to guidelines established by the 723  
director of health under section 3701.70 of the Revised Code, 724  
records provided to the board or director, statements made by 725  
board members during meetings of the board or by persons 726  
participating in the director's review, and all work products of 727  
the board or director, and in the case of a child fatality 728  
review board, child fatality review data submitted by the board 729  
to the department of health or a national child death review 730  
database, other than the report prepared pursuant to division 731  
(A) of section 307.626 of the Revised Code; 732

(t) Records provided to and statements made by the 733  
executive director of a public children services agency or a 734  
prosecuting attorney acting pursuant to section 5153.171 of the 735  
Revised Code other than the information released under that 736  
section; 737

(u) Test materials, examinations, or evaluation tools used 738  
in an examination for licensure as a nursing home administrator 739  
that the board of executives of long-term services and supports 740  
administers under section 4751.04 of the Revised Code or 741  
contracts under that section with a private or government entity 742  
to administer; 743

(v) Records the release of which is prohibited by state or 744  
federal law; 745

(w) Proprietary information of or relating to any person 746  
that is submitted to or compiled by the Ohio venture capital 747  
authority created under section 150.01 of the Revised Code; 748

(x) Financial statements and data any person submits for 749

any purpose to the Ohio housing finance agency or the 750  
controlling board in connection with applying for, receiving, or 751  
accounting for financial assistance from the agency, and 752  
information that identifies any individual who benefits directly 753  
or indirectly from financial assistance from the agency; 754

(y) Records listed in section 5101.29 of the Revised Code; 755

(z) Discharges recorded with a county recorder under 756  
section 317.24 of the Revised Code, as specified in division (B) 757  
(2) of that section; 758

(aa) Usage information including names and addresses of 759  
specific residential and commercial customers of a municipally 760  
owned or operated public utility; 761

(bb) Records described in division (C) of section 187.04 762  
of the Revised Code that are not designated to be made available 763  
to the public as provided in that division; 764

(cc) Information and records that are made confidential, 765  
privileged, and not subject to disclosure under divisions (B) 766  
and (C) of section 2949.221 of the Revised Code; 767

(dd) Personal information, as defined in section 149.45 of 768  
the Revised Code; 769

(ee) The confidential name, address, and other personally 770  
identifiable information of a program participant in the address 771  
confidentiality program established under sections 111.41 to 772  
111.47 of the Revised Code, including the contents of any 773  
application for absent voter's ballots, absent voter's ballot 774  
identification envelope statement of voter, or provisional 775  
ballot affirmation completed by a program participant who has a 776  
confidential voter registration record, and records or portions 777  
of records pertaining to that program that identify the number 778

of program participants that reside within a precinct, ward, 779  
township, municipal corporation, county, or any other geographic 780  
area smaller than the state. As used in this division, 781  
"confidential address" and "program participant" have the 782  
meaning defined in section 111.41 of the Revised Code. 783

(ff) Orders for active military service of an individual 784  
serving or with previous service in the armed forces of the 785  
United States, including a reserve component, or the Ohio 786  
organized militia, except that, such order becomes a public 787  
record on the day that is fifteen years after the published date 788  
or effective date of the call to order. 789

(2) "Confidential law enforcement investigatory record" 790  
means any record that pertains to a law enforcement matter of a 791  
criminal, quasi-criminal, civil, or administrative nature, but 792  
only to the extent that the release of the record would create a 793  
high probability of disclosure of any of the following: 794

(a) The identity of a suspect who has not been charged 795  
with the offense to which the record pertains, or of an 796  
information source or witness to whom confidentiality has been 797  
reasonably promised; 798

(b) Information provided by an information source or 799  
witness to whom confidentiality has been reasonably promised, 800  
which information would reasonably tend to disclose the source's 801  
or witness's identity; 802

(c) Specific confidential investigatory techniques or 803  
procedures or specific investigatory work product; 804

(d) Information that would endanger the life or physical 805  
safety of law enforcement personnel, a crime victim, a witness, 806  
or a confidential information source. 807

(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.

(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.

(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.

(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.

(7) "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" means any information that discloses 838  
any of the following about a peace officer, parole officer, 839  
probation officer, bailiff, prosecuting attorney, assistant 840  
prosecuting attorney, correctional employee, community-based 841  
correctional facility employee, youth services employee, 842  
firefighter, EMT, investigator of the bureau of criminal 843  
identification and investigation, or federal law enforcement 844  
officer: 845

(a) The address of the actual personal residence of a 846  
peace officer, parole officer, probation officer, bailiff, 847  
assistant prosecuting attorney, correctional employee, 848  
community-based correctional facility employee, youth services 849  
employee, firefighter, EMT, an investigator of the bureau of 850  
criminal identification and investigation, or federal law 851  
enforcement officer, except for the state or political 852  
subdivision in which the peace officer, parole officer, 853  
probation officer, bailiff, assistant prosecuting attorney, 854  
correctional employee, community-based correctional facility 855  
employee, youth services employee, firefighter, EMT, 856  
investigator of the bureau of criminal identification and 857  
investigation, or federal law enforcement officer resides; 858

(b) Information compiled from referral to or participation 859  
in an employee assistance program; 860

(c) The social security number, the residential telephone 861  
number, any bank account, debit card, charge card, or credit 862  
card number, or the emergency telephone number of, or any 863  
medical information pertaining to, a peace officer, parole 864  
officer, probation officer, bailiff, prosecuting attorney, 865  
assistant prosecuting attorney, correctional employee, 866  
community-based correctional facility employee, youth services 867

employee, firefighter, EMT, investigator of the bureau of 868  
criminal identification and investigation, or federal law 869  
enforcement officer; 870

(d) The name of any beneficiary of employment benefits, 871  
including, but not limited to, life insurance benefits, provided 872  
to a peace officer, parole officer, probation officer, bailiff, 873  
prosecuting attorney, assistant prosecuting attorney, 874  
correctional employee, community-based correctional facility 875  
employee, youth services employee, firefighter, EMT, 876  
investigator of the bureau of criminal identification and 877  
investigation, or federal law enforcement officer by the peace 878  
officer's, parole officer's, probation officer's, bailiff's, 879  
prosecuting attorney's, assistant prosecuting attorney's, 880  
correctional employee's, community-based correctional facility 881  
employee's, youth services employee's, firefighter's, EMT's, 882  
investigator of the bureau of criminal identification and 883  
investigation's, or federal law enforcement officer's employer; 884

(e) The identity and amount of any charitable or 885  
employment benefit deduction made by the peace officer's, parole 886  
officer's, probation officer's, bailiff's, prosecuting 887  
attorney's, assistant prosecuting attorney's, correctional 888  
employee's, community-based correctional facility employee's, 889  
youth services employee's, firefighter's, EMT's, investigator of 890  
the bureau of criminal identification and investigation's, or 891  
federal law enforcement officer's employer from the peace 892  
officer's, parole officer's, probation officer's, bailiff's, 893  
prosecuting attorney's, assistant prosecuting attorney's, 894  
correctional employee's, community-based correctional facility 895  
employee's, youth services employee's, firefighter's, EMT's, 896  
investigator of the bureau of criminal identification and 897  
investigation's, or federal law enforcement officer's 898

compensation unless the amount of the deduction is required by 899  
state or federal law; 900

(f) The name, the residential address, the name of the 901  
employer, the address of the employer, the social security 902  
number, the residential telephone number, any bank account, 903  
debit card, charge card, or credit card number, or the emergency 904  
telephone number of the spouse, a former spouse, or any child of 905  
a peace officer, parole officer, probation officer, bailiff, 906  
prosecuting attorney, assistant prosecuting attorney, 907  
correctional employee, community-based correctional facility 908  
employee, youth services employee, firefighter, EMT, 909  
investigator of the bureau of criminal identification and 910  
investigation, or federal law enforcement officer; 911

(g) A photograph of a peace officer who holds a position 912  
or has an assignment that may include undercover or plain 913  
clothes positions or assignments as determined by the peace 914  
officer's appointing authority. 915

As used in divisions (A) (7) and (B) (9) of this section, 916  
"peace officer" has the same meaning as in section 109.71 of the 917  
Revised Code and also includes the superintendent and troopers 918  
of the state highway patrol; it does not include the sheriff of 919  
a county or a supervisory employee who, in the absence of the 920  
sheriff, is authorized to stand in for, exercise the authority 921  
of, and perform the duties of the sheriff. 922

As used in divisions (A) (7) and (B) (9) of this section, 923  
"correctional employee" means any employee of the department of 924  
rehabilitation and correction who in the course of performing 925  
the employee's job duties has or has had contact with inmates 926  
and persons under supervision. 927

As used in divisions (A) (7) and (B) (9) of this section, 928  
"youth services employee" means any employee of the department 929  
of youth services who in the course of performing the employee's 930  
job duties has or has had contact with children committed to the 931  
custody of the department of youth services. 932

As used in divisions (A) (7) and (B) (9) of this section, 933  
"firefighter" means any regular, paid or volunteer, member of a 934  
lawfully constituted fire department of a municipal corporation, 935  
township, fire district, or village. 936

As used in divisions (A) (7) and (B) (9) of this section, 937  
"EMT" means EMTs-basic, EMTs-I, and paramedics that provide 938  
emergency medical services for a public emergency medical 939  
service organization. "Emergency medical service organization," 940  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as 941  
in section 4765.01 of the Revised Code. 942

As used in divisions (A) (7) and (B) (9) of this section, 943  
"investigator of the bureau of criminal identification and 944  
investigation" has the meaning defined in section 2903.11 of the 945  
Revised Code. 946

As used in divisions (A) (7) and (B) (9) of this section, 947  
"federal law enforcement officer" has the meaning defined in 948  
section 9.88 of the Revised Code. 949

(8) "Information pertaining to the recreational activities 950  
of a person under the age of eighteen" means information that is 951  
kept in the ordinary course of business by a public office, that 952  
pertains to the recreational activities of a person under the 953  
age of eighteen years, and that discloses any of the following: 954

(a) The address or telephone number of a person under the 955  
age of eighteen or the address or telephone number of that 956

person's parent, guardian, custodian, or emergency contact	957
person;	958
(b) The social security number, birth date, or	959
photographic image of a person under the age of eighteen;	960
(c) Any medical record, history, or information pertaining	961
to a person under the age of eighteen;	962
(d) Any additional information sought or required about a	963
person under the age of eighteen for the purpose of allowing	964
that person to participate in any recreational activity	965
conducted or sponsored by a public office or to use or obtain	966
admission privileges to any recreational facility owned or	967
operated by a public office.	968
(9) "Community control sanction" has the same meaning as	969
in section 2929.01 of the Revised Code.	970
(10) "Post-release control sanction" has the same meaning	971
as in section 2967.01 of the Revised Code.	972
(11) "Redaction" means obscuring or deleting any	973
information that is exempt from the duty to permit public	974
inspection or copying from an item that otherwise meets the	975
definition of a "record" in section 149.011 of the Revised Code.	976
(12) "Designee" and "elected official" have the same	977
meanings as in section 109.43 of the Revised Code.	978
(B) (1) Upon request and subject to division (B) (8) of this	979
section, all public records responsive to the request shall be	980
promptly prepared and made available for inspection to any	981
person at all reasonable times during regular business hours.	982
Subject to division (B) (8) of this section, upon request, a	983
public office or person responsible for public records shall	984

make copies of the requested public record available at cost and 985  
within a reasonable period of time. If a public record contains 986  
information that is exempt from the duty to permit public 987  
inspection or to copy the public record, the public office or 988  
the person responsible for the public record shall make 989  
available all of the information within the public record that 990  
is not exempt. When making that public record available for 991  
public inspection or copying that public record, the public 992  
office or the person responsible for the public record shall 993  
notify the requester of any redaction or make the redaction 994  
plainly visible. A redaction shall be deemed a denial of a 995  
request to inspect or copy the redacted information, except if 996  
federal or state law authorizes or requires a public office to 997  
make the redaction. 998

(2) To facilitate broader access to public records, a 999  
public office or the person responsible for public records shall 1000  
organize and maintain public records in a manner that they can 1001  
be made available for inspection or copying in accordance with 1002  
division (B) of this section. A public office also shall have 1003  
available a copy of its current records retention schedule at a 1004  
location readily available to the public. If a requester makes 1005  
an ambiguous or overly broad request or has difficulty in making 1006  
a request for copies or inspection of public records under this 1007  
section such that the public office or the person responsible 1008  
for the requested public record cannot reasonably identify what 1009  
public records are being requested, the public office or the 1010  
person responsible for the requested public record may deny the 1011  
request but shall provide the requester with an opportunity to 1012  
revise the request by informing the requester of the manner in 1013  
which records are maintained by the public office and accessed 1014  
in the ordinary course of the public office's or person's 1015

duties. 1016

(3) If a request is ultimately denied, in part or in 1017  
whole, the public office or the person responsible for the 1018  
requested public record shall provide the requester with an 1019  
explanation, including legal authority, setting forth why the 1020  
request was denied. If the initial request was provided in 1021  
writing, the explanation also shall be provided to the requester 1022  
in writing. The explanation shall not preclude the public office 1023  
or the person responsible for the requested public record from 1024  
relying upon additional reasons or legal authority in defending 1025  
an action commenced under division (C) of this section. 1026

(4) Unless specifically required or authorized by state or 1027  
federal law or in accordance with division (B) of this section, 1028  
no public office or person responsible for public records may 1029  
limit or condition the availability of public records by 1030  
requiring disclosure of the requester's identity or the intended 1031  
use of the requested public record. Any requirement that the 1032  
requester disclose the requester's identity or the intended use 1033  
of the requested public record constitutes a denial of the 1034  
request. 1035

(5) A public office or person responsible for public 1036  
records may ask a requester to make the request in writing, may 1037  
ask for the requester's identity, and may inquire about the 1038  
intended use of the information requested, but may do so only 1039  
after disclosing to the requester that a written request is not 1040  
mandatory and that the requester may decline to reveal the 1041  
requester's identity or the intended use and when a written 1042  
request or disclosure of the identity or intended use would 1043  
benefit the requester by enhancing the ability of the public 1044  
office or person responsible for public records to identify, 1045

locate, or deliver the public records sought by the requester. 1046

(6) If any person chooses to obtain a copy of a public 1047  
record in accordance with division (B) of this section, the 1048  
public office or person responsible for the public record may 1049  
require that person to pay in advance the cost involved in 1050  
providing the copy of the public record in accordance with the 1051  
choice made by the person seeking the copy under this division. 1052  
The public office or the person responsible for the public 1053  
record shall permit that person to choose to have the public 1054  
record duplicated upon paper, upon the same medium upon which 1055  
the public office or person responsible for the public record 1056  
keeps it, or upon any other medium upon which the public office 1057  
or person responsible for the public record determines that it 1058  
reasonably can be duplicated as an integral part of the normal 1059  
operations of the public office or person responsible for the 1060  
public record. When the person seeking the copy makes a choice 1061  
under this division, the public office or person responsible for 1062  
the public record shall provide a copy of it in accordance with 1063  
the choice made by the person seeking the copy. Nothing in this 1064  
section requires a public office or person responsible for the 1065  
public record to allow the person seeking a copy of the public 1066  
record to make the copies of the public record. 1067

(7) (a) Upon a request made in accordance with division (B) 1068  
of this section and subject to division (B) (6) of this section, 1069  
a public office or person responsible for public records shall 1070  
transmit a copy of a public record to any person by United 1071  
States mail or by any other means of delivery or transmission 1072  
within a reasonable period of time after receiving the request 1073  
for the copy. The public office or person responsible for the 1074  
public record may require the person making the request to pay 1075  
in advance the cost of postage if the copy is transmitted by 1076

United States mail or the cost of delivery if the copy is 1077  
transmitted other than by United States mail, and to pay in 1078  
advance the costs incurred for other supplies used in the 1079  
mailing, delivery, or transmission. 1080

(b) Any public office may adopt a policy and procedures 1081  
that it will follow in transmitting, within a reasonable period 1082  
of time after receiving a request, copies of public records by 1083  
United States mail or by any other means of delivery or 1084  
transmission pursuant to division (B) (7) of this section. A 1085  
public office that adopts a policy and procedures under division 1086  
(B) (7) of this section shall comply with them in performing its 1087  
duties under that division. 1088

(c) In any policy and procedures adopted under division 1089  
(B) (7) of this section: 1090

(i) A public office may limit the number of records 1091  
requested by a person that the office will physically deliver by 1092  
United States mail or by another delivery service to ten per 1093  
month, unless the person certifies to the office in writing that 1094  
the person does not intend to use or forward the requested 1095  
records, or the information contained in them, for commercial 1096  
purposes; 1097

(ii) A public office that chooses to provide some or all 1098  
of its public records on a web site that is fully accessible to 1099  
and searchable by members of the public at all times, other than 1100  
during acts of God outside the public office's control or 1101  
maintenance, and that charges no fee to search, access, 1102  
download, or otherwise receive records provided on the web site, 1103  
may limit to ten per month the number of records requested by a 1104  
person that the office will deliver in a digital format, unless 1105  
the requested records are not provided on the web site and 1106

unless the person certifies to the office in writing that the 1107  
person does not intend to use or forward the requested records, 1108  
or the information contained in them, for commercial purposes. 1109

(iii) For purposes of division (B)(7) of this section, 1110  
"commercial" shall be narrowly construed and does not include 1111  
reporting or gathering news, reporting or gathering information 1112  
to assist citizen oversight or understanding of the operation or 1113  
activities of government, or nonprofit educational research. 1114

(8) A public office or person responsible for public 1115  
records is not required to permit a person who is incarcerated 1116  
pursuant to a criminal conviction or a juvenile adjudication to 1117  
inspect or to obtain a copy of any public record concerning a 1118  
criminal investigation or prosecution or concerning what would 1119  
be a criminal investigation or prosecution if the subject of the 1120  
investigation or prosecution were an adult, unless the request 1121  
to inspect or to obtain a copy of the record is for the purpose 1122  
of acquiring information that is subject to release as a public 1123  
record under this section and the judge who imposed the sentence 1124  
or made the adjudication with respect to the person, or the 1125  
judge's successor in office, finds that the information sought 1126  
in the public record is necessary to support what appears to be 1127  
a justiciable claim of the person. 1128

(9) (a) Upon written request made and signed by a 1129  
journalist on or after December 16, 1999, a public office, or 1130  
person responsible for public records, having custody of the 1131  
records of the agency employing a specified peace officer, 1132  
parole officer, probation officer, bailiff, prosecuting 1133  
attorney, assistant prosecuting attorney, correctional employee, 1134  
community-based correctional facility employee, youth services 1135  
employee, firefighter, EMT, investigator of the bureau of 1136

criminal identification and investigation, or federal law 1137  
enforcement officer shall disclose to the journalist the address 1138  
of the actual personal residence of the peace officer, parole 1139  
officer, probation officer, bailiff, prosecuting attorney, 1140  
assistant prosecuting attorney, correctional employee, 1141  
community-based correctional facility employee, youth services 1142  
employee, firefighter, EMT, investigator of the bureau of 1143  
criminal identification and investigation, or federal law 1144  
enforcement officer and, if the peace officer's, parole 1145  
officer's, probation officer's, bailiff's, prosecuting 1146  
attorney's, assistant prosecuting attorney's, correctional 1147  
employee's, community-based correctional facility employee's, 1148  
youth services employee's, firefighter's, EMT's, investigator of 1149  
the bureau of criminal identification and investigation's, or 1150  
federal law enforcement officer's spouse, former spouse, or 1151  
child is employed by a public office, the name and address of 1152  
the employer of the peace officer's, parole officer's, probation 1153  
officer's, bailiff's, prosecuting attorney's, assistant 1154  
prosecuting attorney's, correctional employee's, community-based 1155  
correctional facility employee's, youth services employee's, 1156  
firefighter's, EMT's, investigator of the bureau of criminal 1157  
identification and investigation's, or federal law enforcement 1158  
officer's spouse, former spouse, or child. The request shall 1159  
include the journalist's name and title and the name and address 1160  
of the journalist's employer and shall state that disclosure of 1161  
the information sought would be in the public interest. 1162

(b) Division (B) (9) (a) of this section also applies to 1163  
journalist requests for customer information maintained by a 1164  
municipally owned or operated public utility, other than social 1165  
security numbers and any private financial information such as 1166  
credit reports, payment methods, credit card numbers, and bank 1167

account information. 1168

(c) As used in division (B) (9) of this section, 1169  
"journalist" means a person engaged in, connected with, or 1170  
employed by any news medium, including a newspaper, magazine, 1171  
press association, news agency, or wire service, a radio or 1172  
television station, or a similar medium, for the purpose of 1173  
gathering, processing, transmitting, compiling, editing, or 1174  
disseminating information for the general public. 1175

(C) (1) If a person allegedly is aggrieved by the failure 1176  
of a public office or the person responsible for public records 1177  
to promptly prepare a public record and to make it available to 1178  
the person for inspection in accordance with division (B) of 1179  
this section or by any other failure of a public office or the 1180  
person responsible for public records to comply with an 1181  
obligation in accordance with division (B) of this section, the 1182  
person allegedly aggrieved may do only one of the following, and 1183  
not both: 1184

(a) File a complaint with the clerk of the court of claims 1185  
or the clerk of the court of common pleas under section 2743.75 1186  
of the Revised Code; 1187

(b) Commence a mandamus action to obtain a judgment that 1188  
orders the public office or the person responsible for the 1189  
public record to comply with division (B) of this section, that 1190  
awards court costs and reasonable attorney's fees to the person 1191  
that instituted the mandamus action, and, if applicable, that 1192  
includes an order fixing statutory damages under division (C) (2) 1193  
of this section. The mandamus action may be commenced in the 1194  
court of common pleas of the county in which division (B) of 1195  
this section allegedly was not complied with, in the supreme 1196  
court pursuant to its original jurisdiction under Section 2 of 1197

Article IV, Ohio Constitution, or in the court of appeals for 1198  
the appellate district in which division (B) of this section 1199  
allegedly was not complied with pursuant to its original 1200  
jurisdiction under Section 3 of Article IV, Ohio Constitution. 1201

(2) If a requester transmits a written request by hand 1202  
delivery or certified mail to inspect or receive copies of any 1203  
public record in a manner that fairly describes the public 1204  
record or class of public records to the public office or person 1205  
responsible for the requested public records, except as 1206  
otherwise provided in this section, the requester shall be 1207  
entitled to recover the amount of statutory damages set forth in 1208  
this division if a court determines that the public office or 1209  
the person responsible for public records failed to comply with 1210  
an obligation in accordance with division (B) of this section. 1211

The amount of statutory damages shall be fixed at one 1212  
hundred dollars for each business day during which the public 1213  
office or person responsible for the requested public records 1214  
failed to comply with an obligation in accordance with division 1215  
(B) of this section, beginning with the day on which the 1216  
requester files a mandamus action to recover statutory damages, 1217  
up to a maximum of one thousand dollars. The award of statutory 1218  
damages shall not be construed as a penalty, but as compensation 1219  
for injury arising from lost use of the requested information. 1220  
The existence of this injury shall be conclusively presumed. The 1221  
award of statutory damages shall be in addition to all other 1222  
remedies authorized by this section. 1223

The court may reduce an award of statutory damages or not 1224  
award statutory damages if the court determines both of the 1225  
following: 1226

(a) That, based on the ordinary application of statutory 1227

law and case law as it existed at the time of the conduct or 1228  
threatened conduct of the public office or person responsible 1229  
for the requested public records that allegedly constitutes a 1230  
failure to comply with an obligation in accordance with division 1231  
(B) of this section and that was the basis of the mandamus 1232  
action, a well-informed public office or person responsible for 1233  
the requested public records reasonably would believe that the 1234  
conduct or threatened conduct of the public office or person 1235  
responsible for the requested public records did not constitute 1236  
a failure to comply with an obligation in accordance with 1237  
division (B) of this section; 1238

(b) That a well-informed public office or person 1239  
responsible for the requested public records reasonably would 1240  
believe that the conduct or threatened conduct of the public 1241  
office or person responsible for the requested public records 1242  
would serve the public policy that underlies the authority that 1243  
is asserted as permitting that conduct or threatened conduct. 1244

(3) In a mandamus action filed under division (C) (1) of 1245  
this section, the following apply: 1246

(a) (i) If the court orders the public office or the person 1247  
responsible for the public record to comply with division (B) of 1248  
this section, the court shall determine and award to the relator 1249  
all court costs, which shall be construed as remedial and not 1250  
punitive. 1251

(ii) If the court makes a determination described in 1252  
division (C) (3) (b) (iii) of this section, the court shall 1253  
determine and award to the relator all court costs, which shall 1254  
be construed as remedial and not punitive. 1255

(b) If the court renders a judgment that orders the public 1256

office or the person responsible for the public record to comply 1257  
with division (B) of this section or if the court determines any 1258  
of the following, the court may award reasonable attorney's fees 1259  
to the relator, subject to the provisions of division (C) (4) of 1260  
this section: 1261

(i) The public office or the person responsible for the 1262  
public records failed to respond affirmatively or negatively to 1263  
the public records request in accordance with the time allowed 1264  
under division (B) of this section. 1265

(ii) The public office or the person responsible for the 1266  
public records promised to permit the relator to inspect or 1267  
receive copies of the public records requested within a 1268  
specified period of time but failed to fulfill that promise 1269  
within that specified period of time. 1270

(iii) The public office or the person responsible for the 1271  
public records acted in bad faith when the office or person 1272  
voluntarily made the public records available to the relator for 1273  
the first time after the relator commenced the mandamus action, 1274  
but before the court issued any order concluding whether or not 1275  
the public office or person was required to comply with division 1276  
(B) of this section. No discovery may be conducted on the issue 1277  
of the alleged bad faith of the public office or person 1278  
responsible for the public records. This division shall not be 1279  
construed as creating a presumption that the public office or 1280  
the person responsible for the public records acted in bad faith 1281  
when the office or person voluntarily made the public records 1282  
available to the relator for the first time after the relator 1283  
commenced the mandamus action, but before the court issued any 1284  
order described in this division. 1285

(c) The court shall not award attorney's fees to the 1286

relator if the court determines both of the following: 1287

(i) That, based on the ordinary application of statutory 1288  
law and case law as it existed at the time of the conduct or 1289  
threatened conduct of the public office or person responsible 1290  
for the requested public records that allegedly constitutes a 1291  
failure to comply with an obligation in accordance with division 1292  
(B) of this section and that was the basis of the mandamus 1293  
action, a well-informed public office or person responsible for 1294  
the requested public records reasonably would believe that the 1295  
conduct or threatened conduct of the public office or person 1296  
responsible for the requested public records did not constitute 1297  
a failure to comply with an obligation in accordance with 1298  
division (B) of this section; 1299

(ii) That a well-informed public office or person 1300  
responsible for the requested public records reasonably would 1301  
believe that the conduct or threatened conduct of the public 1302  
office or person responsible for the requested public records 1303  
would serve the public policy that underlies the authority that 1304  
is asserted as permitting that conduct or threatened conduct. 1305

(4) All of the following apply to any award of reasonable 1306  
attorney's fees awarded under division (C) (3) (b) of this 1307  
section: 1308

(a) The fees shall be construed as remedial and not 1309  
punitive. 1310

(b) The fees awarded shall not exceed the total of the 1311  
reasonable attorney's fees incurred before the public record was 1312  
made available to the relator and the fees described in division 1313  
(C) (4) (c) of this section. 1314

(c) Reasonable attorney's fees shall include reasonable 1315

fees incurred to produce proof of the reasonableness and amount 1316  
of the fees and to otherwise litigate entitlement to the fees. 1317

(d) The court may reduce the amount of fees awarded if the 1318  
court determines that, given the factual circumstances involved 1319  
with the specific public records request, an alternative means 1320  
should have been pursued to more effectively and efficiently 1321  
resolve the dispute that was subject to the mandamus action 1322  
filed under division (C) (1) of this section. 1323

(5) If the court does not issue a writ of mandamus under 1324  
division (C) of this section and the court determines at that 1325  
time that the bringing of the mandamus action was frivolous 1326  
conduct as defined in division (A) of section 2323.51 of the 1327  
Revised Code, the court may award to the public office all court 1328  
costs, expenses, and reasonable attorney's fees, as determined 1329  
by the court. 1330

(D) Chapter 1347. of the Revised Code does not limit the 1331  
provisions of this section. 1332

(E) (1) To ensure that all employees of public offices are 1333  
appropriately educated about a public office's obligations under 1334  
division (B) of this section, all elected officials or their 1335  
appropriate designees shall attend training approved by the 1336  
attorney general as provided in section 109.43 of the Revised 1337  
Code. In addition, all public offices shall adopt a public 1338  
records policy in compliance with this section for responding to 1339  
public records requests. In adopting a public records policy 1340  
under this division, a public office may obtain guidance from 1341  
the model public records policy developed and provided to the 1342  
public office by the attorney general under section 109.43 of 1343  
the Revised Code. Except as otherwise provided in this section, 1344  
the policy may not limit the number of public records that the 1345

public office will make available to a single person, may not 1346  
limit the number of public records that it will make available 1347  
during a fixed period of time, and may not establish a fixed 1348  
period of time before it will respond to a request for 1349  
inspection or copying of public records, unless that period is 1350  
less than eight hours. 1351

(2) The public office shall distribute the public records 1352  
policy adopted by the public office under division (E)(1) of 1353  
this section to the employee of the public office who is the 1354  
records custodian or records manager or otherwise has custody of 1355  
the records of that office. The public office shall require that 1356  
employee to acknowledge receipt of the copy of the public 1357  
records policy. The public office shall create a poster that 1358  
describes its public records policy and shall post the poster in 1359  
a conspicuous place in the public office and in all locations 1360  
where the public office has branch offices. The public office 1361  
may post its public records policy on the internet web site of 1362  
the public office if the public office maintains an internet web 1363  
site. A public office that has established a manual or handbook 1364  
of its general policies and procedures for all employees of the 1365  
public office shall include the public records policy of the 1366  
public office in the manual or handbook. 1367

(F)(1) The bureau of motor vehicles may adopt rules 1368  
pursuant to Chapter 119. of the Revised Code to reasonably limit 1369  
the number of bulk commercial special extraction requests made 1370  
by a person for the same records or for updated records during a 1371  
calendar year. The rules may include provisions for charges to 1372  
be made for bulk commercial special extraction requests for the 1373  
actual cost of the bureau, plus special extraction costs, plus 1374  
ten per cent. The bureau may charge for expenses for redacting 1375  
information, the release of which is prohibited by law. 1376

- (2) As used in division (F) (1) of this section: 1377
- (a) "Actual cost" means the cost of depleted supplies, 1378  
records storage media costs, actual mailing and alternative 1379  
delivery costs, or other transmitting costs, and any direct 1380  
equipment operating and maintenance costs, including actual 1381  
costs paid to private contractors for copying services. 1382
- (b) "Bulk commercial special extraction request" means a 1383  
request for copies of a record for information in a format other 1384  
than the format already available, or information that cannot be 1385  
extracted without examination of all items in a records series, 1386  
class of records, or database by a person who intends to use or 1387  
forward the copies for surveys, marketing, solicitation, or 1388  
resale for commercial purposes. "Bulk commercial special 1389  
extraction request" does not include a request by a person who 1390  
gives assurance to the bureau that the person making the request 1391  
does not intend to use or forward the requested copies for 1392  
surveys, marketing, solicitation, or resale for commercial 1393  
purposes. 1394
- (c) "Commercial" means profit-seeking production, buying, 1395  
or selling of any good, service, or other product. 1396
- (d) "Special extraction costs" means the cost of the time 1397  
spent by the lowest paid employee competent to perform the task, 1398  
the actual amount paid to outside private contractors employed 1399  
by the bureau, or the actual cost incurred to create computer 1400  
programs to make the special extraction. "Special extraction 1401  
costs" include any charges paid to a public agency for computer 1402  
or records services. 1403
- (3) For purposes of divisions (F) (1) and (2) of this 1404  
section, "surveys, marketing, solicitation, or resale for 1405

commercial purposes" shall be narrowly construed and does not 1406  
include reporting or gathering news, reporting or gathering 1407  
information to assist citizen oversight or understanding of the 1408  
operation or activities of government, or nonprofit educational 1409  
research. 1410

(G) A request by a defendant, counsel of a defendant, or 1411  
any agent of a defendant in a criminal action that public 1412  
records related to that action be made available under this 1413  
section shall be considered a demand for discovery pursuant to 1414  
the Criminal Rules, except to the extent that the Criminal Rules 1415  
plainly indicate a contrary intent. The defendant, counsel of 1416  
the defendant, or agent of the defendant making a request under 1417  
this division shall serve a copy of the request on the 1418  
prosecuting attorney, director of law, or other chief legal 1419  
officer responsible for prosecuting the action. 1420

**Sec. 1901.021.** (A) Except as otherwise provided in 1421  
division (M) of this section, the judge or judges of any 1422  
municipal court established under division (A) of section 1423  
1901.01 of the Revised Code having territorial jurisdiction 1424  
outside the corporate limits of the municipal corporation in 1425  
which it is located may sit outside the corporate limits of the 1426  
municipal corporation within the area of its territorial 1427  
jurisdiction. 1428

(B) Two or more of the judges of the Hamilton county 1429  
municipal court shall be assigned by the presiding judge of the 1430  
court to sit outside the municipal corporation of Cincinnati. 1431

(C) Two of the judges of the Portage county municipal 1432  
court shall sit within the municipal corporation of Ravenna, and 1433  
one of the judges shall sit within the municipal corporation of 1434  
Kent. The judges may sit in other incorporated areas of Portage 1435

county. 1436

(D) ~~One of the~~ The judges of the Wayne county municipal 1437  
court shall sit within the municipal corporation of Wooster, and 1438  
~~one shall sit within the municipal corporation of Orrville. Both~~ 1439  
~~judges~~ may sit in other incorporated areas of Wayne county. 1440

(E) The judge of the Auglaize county municipal court shall 1441  
sit within the municipal corporations of Wapakoneta and St. 1442  
Marys and may sit in other incorporated areas in Auglaize 1443  
county. 1444

(F) At least one of the judges of the Miami county 1445  
municipal court shall sit within the municipal corporations of 1446  
Troy, Piqua, and Tipp City, and the judges may sit in other 1447  
incorporated areas of Miami county. 1448

(G) The judge of the Crawford county municipal court shall 1449  
sit within the municipal corporations of Bucyrus and Galion and 1450  
may sit in other incorporated areas in Crawford county. 1451

(H) The judge of the Jackson county municipal court shall 1452  
sit within the municipal corporations of Jackson and Wellston 1453  
and may sit in other incorporated areas in Jackson county. 1454

(I) Each judge of the Columbiana county municipal court 1455  
may sit within the municipal corporation of Lisbon, Salem, or 1456  
East Palestine until the judges jointly select a central 1457  
location within the territorial jurisdiction of the court. When 1458  
the judges select a central location, the judges shall sit at 1459  
that location. 1460

(J) In any municipal court, other than the Hamilton county 1461  
municipal court and the Montgomery county municipal court, that 1462  
has more than one judge, the decision for one or more judges to 1463  
sit outside the corporate limits of the municipal corporation 1464

shall be made by rule of the court as provided in division (C) 1465  
of sections 1901.14 and 1901.16 of the Revised Code. 1466

(K) The assignment of a judge to sit in a municipal 1467  
corporation other than that in which the court is located does 1468  
not affect the jurisdiction of the mayor except as provided in 1469  
section 1905.01 of the Revised Code. 1470

(L) The judges of the Clermont county municipal court may 1471  
sit in any municipal corporation or unincorporated territory 1472  
within Clermont county. 1473

(M) Beginning July 1, 2010, the judges of the Montgomery 1474  
county municipal court shall sit in the same locations as the 1475  
judges of the Montgomery county county court sat before the 1476  
county court was abolished on that date. The legislative 1477  
authority of the Montgomery county municipal court may determine 1478  
after that date that the judges of the Montgomery county 1479  
municipal court shall sit in any municipal corporation or 1480  
unincorporated territory within Montgomery county. 1481

(N) The judge of the Tiffin-Fostoria municipal court shall 1482  
sit within each of the municipal corporations of Tiffin and 1483  
Fostoria on a weekly basis. Cases that arise within the 1484  
municipal corporation of Tiffin and within Adams, Big Spring, 1485  
Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, 1486  
Seneca, Thompson, and Venice townships in Seneca county shall be 1487  
filed in the office of the clerk of the court located in the 1488  
municipal corporation of Tiffin. Cases that arise in the 1489  
municipal corporation of Fostoria and within Loudon and Jackson 1490  
townships in Seneca county, within Washington township in 1491  
Hancock county, and within Perry township, except within the 1492  
municipal corporation of West Millgrove, in Wood county, shall 1493  
be filed in the office of the special deputy clerk located in 1494

the municipal corporation of Fostoria. 1495

Sec. 2901.011. The amendments to sections 109.42, 121.22, 1496  
149.43, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32, 1497  
2907.02, 2907.03, 2907.05, 2907.07, 2919.22, 2919.25, 2921.321, 1498  
2921.36, 2923.132, 2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 1499  
2925.11, 2929.01, 2929.14, 2929.142, 2929.15, 2929.19, 2929.191, 1500  
2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01, 2967.021, 1501  
2967.03, 2967.13, 2967.19, 2967.191, 2967.193, 2967.26, 2967.28, 1502  
2971.03, 3719.99, 5120.021, 5120.53, 5120.66, and 5120.80 and 1503  
the enactment of sections 2901.011, 2929.144, 2967.271, and 1504  
5120.038 of the Revised Code by S.B. 201 of the 132nd general 1505  
assembly constitute the Reagan Tokes Law. 1506

**Sec. 2903.06.** (A) No person, while operating or 1507  
participating in the operation of a motor vehicle, motorcycle, 1508  
snowmobile, locomotive, watercraft, or aircraft, shall cause the 1509  
death of another or the unlawful termination of another's 1510  
pregnancy in any of the following ways: 1511

(1) (a) As the proximate result of committing a violation 1512  
of division (A) of section 4511.19 of the Revised Code or of a 1513  
substantially equivalent municipal ordinance; 1514

(b) As the proximate result of committing a violation of 1515  
division (A) of section 1547.11 of the Revised Code or of a 1516  
substantially equivalent municipal ordinance; 1517

(c) As the proximate result of committing a violation of 1518  
division (A) (3) of section 4561.15 of the Revised Code or of a 1519  
substantially equivalent municipal ordinance. 1520

(2) In one of the following ways: 1521

(a) Recklessly; 1522

(b) As the proximate result of committing, while operating 1523  
or participating in the operation of a motor vehicle or 1524  
motorcycle in a construction zone, a reckless operation offense, 1525  
provided that this division applies only if the person whose 1526  
death is caused or whose pregnancy is unlawfully terminated is 1527  
in the construction zone at the time of the offender's 1528  
commission of the reckless operation offense in the construction 1529  
zone and does not apply as described in division (F) of this 1530  
section. 1531

(3) In one of the following ways: 1532

(a) Negligently; 1533

(b) As the proximate result of committing, while operating 1534  
or participating in the operation of a motor vehicle or 1535  
motorcycle in a construction zone, a speeding offense, provided 1536  
that this division applies only if the person whose death is 1537  
caused or whose pregnancy is unlawfully terminated is in the 1538  
construction zone at the time of the offender's commission of 1539  
the speeding offense in the construction zone and does not apply 1540  
as described in division (F) of this section. 1541

(4) As the proximate result of committing a violation of 1542  
any provision of any section contained in Title XLV of the 1543  
Revised Code that is a minor misdemeanor or of a municipal 1544  
ordinance that, regardless of the penalty set by ordinance for 1545  
the violation, is substantially equivalent to any provision of 1546  
any section contained in Title XLV of the Revised Code that is a 1547  
minor misdemeanor. 1548

(B) (1) Whoever violates division (A) (1) or (2) of this 1549  
section is guilty of aggravated vehicular homicide and shall be 1550  
punished as provided in divisions (B) (2) and (3) of this 1551

section. 1552

(2) (a) Except as otherwise provided in division (B) (2) (b) 1553  
or (c) of this section, aggravated vehicular homicide committed 1554  
in violation of division (A) (1) of this section is a felony of 1555  
the second degree and the court shall impose a mandatory prison 1556  
term on the offender as described in division (E) of this 1557  
section. 1558

(b) Except as otherwise provided in division (B) (2) (c) of 1559  
this section, aggravated vehicular homicide committed in 1560  
violation of division (A) (1) of this section is a felony of the 1561  
first degree, and the court shall impose a mandatory prison term 1562  
on the offender as described in division (E) of this section, if 1563  
any of the following apply: 1564

(i) At the time of the offense, the offender was driving 1565  
under a suspension or cancellation imposed under Chapter 4510. 1566  
or any other provision of the Revised Code or was operating a 1567  
motor vehicle or motorcycle, did not have a valid driver's 1568  
license, commercial driver's license, temporary instruction 1569  
permit, probationary license, or nonresident operating 1570  
privilege, and was not eligible for renewal of the offender's 1571  
driver's license or commercial driver's license without 1572  
examination under section 4507.10 of the Revised Code. 1573

(ii) The offender previously has been convicted of or 1574  
pleaded guilty to a violation of this section. 1575

(iii) The offender previously has been convicted of or 1576  
pleaded guilty to any traffic-related homicide, manslaughter, or 1577  
assault offense. 1578

(c) Aggravated vehicular homicide committed in violation 1579  
of division (A) (1) of this section is a felony of the first 1580

degree, and the court shall sentence the offender to a mandatory 1581  
prison term as provided in section 2929.142 of the Revised Code 1582  
and described in division (E) of this section if any of the 1583  
following apply: 1584

(i) The offender previously has been convicted of or 1585  
pleaded guilty to three or more prior violations of section 1586  
4511.19 of the Revised Code or of a substantially equivalent 1587  
municipal ordinance within the previous ten years. 1588

(ii) The offender previously has been convicted of or 1589  
pleaded guilty to three or more prior violations of division (A) 1590  
of section 1547.11 of the Revised Code or of a substantially 1591  
equivalent municipal ordinance within the previous ten years. 1592

(iii) The offender previously has been convicted of or 1593  
pleaded guilty to three or more prior violations of division (A) 1594  
(3) of section 4561.15 of the Revised Code or of a substantially 1595  
equivalent municipal ordinance within the previous ten years. 1596

(iv) The offender previously has been convicted of or 1597  
pleaded guilty to three or more prior violations of division (A) 1598  
(1) of this section within the previous ten years. 1599

(v) The offender previously has been convicted of or 1600  
pleaded guilty to three or more prior violations of division (A) 1601  
(1) of section 2903.08 of the Revised Code within the previous 1602  
ten years. 1603

(vi) The offender previously has been convicted of or 1604  
pleaded guilty to three or more prior violations of section 1605  
2903.04 of the Revised Code within the previous ten years in 1606  
circumstances in which division (D) of that section applied 1607  
regarding the violations. 1608

(vii) The offender previously has been convicted of or 1609

pleaded guilty to three or more violations of any combination of 1610  
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 1611  
(v), or (vi) of this section within the previous ten years. 1612

(viii) The offender previously has been convicted of or 1613  
pleaded guilty to a second or subsequent felony violation of 1614  
division (A) of section 4511.19 of the Revised Code. 1615

(d) In addition to any other sanctions imposed pursuant to 1616  
division (B) (2) (a), (b), or (c) of this section for aggravated 1617  
vehicular homicide committed in violation of division (A) (1) of 1618  
this section, the court shall impose upon the offender a class 1619  
one suspension of the offender's driver's license, commercial 1620  
driver's license, temporary instruction permit, probationary 1621  
license, or nonresident operating privilege as specified in 1622  
division (A) (1) of section 4510.02 of the Revised Code. 1623

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1624  
Code apply to a suspension imposed under division (B) (2) (d) of 1625  
this section. 1626

(3) Except as otherwise provided in this division, 1627  
aggravated vehicular homicide committed in violation of division 1628  
(A) (2) of this section is a felony of the third degree. 1629  
Aggravated vehicular homicide committed in violation of division 1630  
(A) (2) of this section is a felony of the second degree if, at 1631  
the time of the offense, the offender was driving under a 1632  
suspension or cancellation imposed under Chapter 4510. or any 1633  
other provision of the Revised Code or was operating a motor 1634  
vehicle or motorcycle, did not have a valid driver's license, 1635  
commercial driver's license, temporary instruction permit, 1636  
probationary license, or nonresident operating privilege, and 1637  
was not eligible for renewal of the offender's driver's license 1638  
or commercial driver's license without examination under section 1639

4507.10 of the Revised Code or if the offender previously has 1640  
been convicted of or pleaded guilty to a violation of this 1641  
section or any traffic-related homicide, manslaughter, or 1642  
assault offense. The court shall impose a mandatory prison term 1643  
on the offender when required by division (E) of this section. 1644

In addition to any other sanctions imposed pursuant to 1645  
this division for a violation of division (A) (2) of this 1646  
section, the court shall impose upon the offender a class two 1647  
suspension of the offender's driver's license, commercial 1648  
driver's license, temporary instruction permit, probationary 1649  
license, or nonresident operating privilege from the range 1650  
specified in division (A) (2) of section 4510.02 of the Revised 1651  
Code or, if the offender previously has been convicted of or 1652  
pleaded guilty to a traffic-related murder, felonious assault, 1653  
or attempted murder offense, a class one suspension of the 1654  
offender's driver's license, commercial driver's license, 1655  
temporary instruction permit, probationary license, or 1656  
nonresident operating privilege as specified in division (A) (1) 1657  
of that section. 1658

(C) Whoever violates division (A) (3) of this section is 1659  
guilty of vehicular homicide. Except as otherwise provided in 1660  
this division, vehicular homicide is a misdemeanor of the first 1661  
degree. Vehicular homicide committed in violation of division 1662  
(A) (3) of this section is a felony of the fourth degree if, at 1663  
the time of the offense, the offender was driving under a 1664  
suspension or cancellation imposed under Chapter 4510. or any 1665  
other provision of the Revised Code or was operating a motor 1666  
vehicle or motorcycle, did not have a valid driver's license, 1667  
commercial driver's license, temporary instruction permit, 1668  
probationary license, or nonresident operating privilege, and 1669  
was not eligible for renewal of the offender's driver's license 1670

or commercial driver's license without examination under section 1671  
4507.10 of the Revised Code or if the offender previously has 1672  
been convicted of or pleaded guilty to a violation of this 1673  
section or any traffic-related homicide, manslaughter, or 1674  
assault offense. The court shall impose a mandatory jail term or 1675  
a mandatory prison term on the offender when required by 1676  
division (E) of this section. 1677

In addition to any other sanctions imposed pursuant to 1678  
this division, the court shall impose upon the offender a class 1679  
four suspension of the offender's driver's license, commercial 1680  
driver's license, temporary instruction permit, probationary 1681  
license, or nonresident operating privilege from the range 1682  
specified in division (A) (4) of section 4510.02 of the Revised 1683  
Code, or, if the offender previously has been convicted of or 1684  
pleaded guilty to a violation of this section or any traffic- 1685  
related homicide, manslaughter, or assault offense, a class 1686  
three suspension of the offender's driver's license, commercial 1687  
driver's license, temporary instruction permit, probationary 1688  
license, or nonresident operating privilege from the range 1689  
specified in division (A) (3) of that section, or, if the 1690  
offender previously has been convicted of or pleaded guilty to a 1691  
traffic-related murder, felonious assault, or attempted murder 1692  
offense, a class two suspension of the offender's driver's 1693  
license, commercial driver's license, temporary instruction 1694  
permit, probationary license, or nonresident operating privilege 1695  
as specified in division (A) (2) of that section. 1696

(D) Whoever violates division (A) (4) of this section is 1697  
guilty of vehicular manslaughter. Except as otherwise provided 1698  
in this division, vehicular manslaughter is a misdemeanor of the 1699  
second degree. Vehicular manslaughter is a misdemeanor of the 1700  
first degree if, at the time of the offense, the offender was 1701

driving under a suspension or cancellation imposed under Chapter 1702  
4510. or any other provision of the Revised Code or was 1703  
operating a motor vehicle or motorcycle, did not have a valid 1704  
driver's license, commercial driver's license, temporary 1705  
instruction permit, probationary license, or nonresident 1706  
operating privilege, and was not eligible for renewal of the 1707  
offender's driver's license or commercial driver's license 1708  
without examination under section 4507.10 of the Revised Code or 1709  
if the offender previously has been convicted of or pleaded 1710  
guilty to a violation of this section or any traffic-related 1711  
homicide, manslaughter, or assault offense. 1712

In addition to any other sanctions imposed pursuant to 1713  
this division, the court shall impose upon the offender a class 1714  
six suspension of the offender's driver's license, commercial 1715  
driver's license, temporary instruction permit, probationary 1716  
license, or nonresident operating privilege from the range 1717  
specified in division (A) (6) of section 4510.02 of the Revised 1718  
Code or, if the offender previously has been convicted of or 1719  
pleaded guilty to a violation of this section, any traffic- 1720  
related homicide, manslaughter, or assault offense, or a 1721  
traffic-related murder, felonious assault, or attempted murder 1722  
offense, a class four suspension of the offender's driver's 1723  
license, commercial driver's license, temporary instruction 1724  
permit, probationary license, or nonresident operating privilege 1725  
from the range specified in division (A) (4) of that section. 1726

(E) (1) The court shall impose a mandatory prison term on 1727  
an offender who is convicted of or pleads guilty to a violation 1728  
of division (A) (1) of this section. Except as otherwise provided 1729  
in this division, the mandatory prison term shall be a definite 1730  
term from the range of prison terms provided in division (A) (1) 1731  
(b) of section 2929.14 of the Revised Code for a felony of the 1732

first degree or from division (A) (2) (b) of that section for a 1733  
felony of the second degree, whichever is applicable, except 1734  
that if the violation is committed on or after the effective 1735  
date of this amendment, the court shall impose as the minimum 1736  
prison term for the offense a mandatory prison term that is one 1737  
of the minimum terms prescribed for a felony of the first degree 1738  
in division (A) (1) (a) of section 2929.14 of the Revised Code or 1739  
one of the terms prescribed for a felony of the second degree in 1740  
division (A) (2) (a) of that section, whichever is applicable. If 1741  
division (B) (2) (c) (i), (ii), (iii), (iv), (v), (vi), (vii), or 1742  
(viii) of this section applies to an offender who is convicted 1743  
of or pleads guilty to the violation of division (A) (1) of this 1744  
section, the court shall impose the mandatory prison term 1745  
pursuant to division (B) of section 2929.142 of the Revised 1746  
Code. The court shall impose a mandatory jail term of at least 1747  
fifteen days on an offender who is convicted of or pleads guilty 1748  
to a misdemeanor violation of division (A) (3) (b) of this section 1749  
and may impose upon the offender a longer jail term as 1750  
authorized pursuant to section 2929.24 of the Revised Code. ~~The~~ 1751

(2) The court shall impose a mandatory prison term on an 1752  
offender who is convicted of or pleads guilty to a violation of 1753  
division (A) (2) or (3) (a) of this section or a felony violation 1754  
of division (A) (3) (b) of this section if either division (E) (2) 1755  
(a) or (b) of this section applies. The mandatory prison term 1756  
shall be a definite term from the range of prison terms provided 1757  
in division (A) (3) (a) of section 2929.14 of the Revised Code for 1758  
a felony of the third degree or from division (A) (4) of that 1759  
section for a felony of the fourth degree, whichever is 1760  
applicable. The court shall impose a mandatory prison term on an 1761  
offender in a category described in this division if either of 1762  
the following applies: 1763

~~(1)~~ (a) The offender previously has been convicted of or 1764  
pleaded guilty to a violation of this section or section 2903.08 1765  
of the Revised Code. 1766

~~(2)~~ (b) At the time of the offense, the offender was 1767  
driving under suspension or cancellation under Chapter 4510. or 1768  
any other provision of the Revised Code or was operating a motor 1769  
vehicle or motorcycle, did not have a valid driver's license, 1770  
commercial driver's license, temporary instruction permit, 1771  
probationary license, or nonresident operating privilege, and 1772  
was not eligible for renewal of the offender's driver's license 1773  
or commercial driver's license without examination under section 1774  
4507.10 of the Revised Code. 1775

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1776  
apply in a particular construction zone unless signs of the type 1777  
described in section 2903.081 of the Revised Code are erected in 1778  
that construction zone in accordance with the guidelines and 1779  
design specifications established by the director of 1780  
transportation under section 5501.27 of the Revised Code. The 1781  
failure to erect signs of the type described in section 2903.081 1782  
of the Revised Code in a particular construction zone in 1783  
accordance with those guidelines and design specifications does 1784  
not limit or affect the application of division (A) (1), (A) (2) 1785  
(a), (A) (3) (a), or (A) (4) of this section in that construction 1786  
zone or the prosecution of any person who violates any of those 1787  
divisions in that construction zone. 1788

(G) (1) As used in this section: 1789

(a) "Mandatory prison term" and "mandatory jail term" have 1790  
the same meanings as in section 2929.01 of the Revised Code. 1791

(b) "Traffic-related homicide, manslaughter, or assault 1792

offense" means a violation of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applies, a violation of section 2903.06 or 2903.08 of the Revised Code, or a violation of section 2903.06, 2903.07, or 2903.08 of the Revised Code as they existed prior to March 23, 2000.

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

(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.

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

(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.

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

(2) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation

of a specified law or a prior or current specified offense, the 1822  
reference to the violation of the specified law or the specified 1823  
offense includes any violation of any substantially equivalent 1824  
municipal ordinance, former law of this state, or current or 1825  
former law of another state or the United States. 1826

**Sec. 2903.08.** (A) No person, while operating or 1827  
participating in the operation of a motor vehicle, motorcycle, 1828  
snowmobile, locomotive, watercraft, or aircraft, shall cause 1829  
serious physical harm to another person or another's unborn in 1830  
any of the following ways: 1831

(1) (a) As the proximate result of committing a violation 1832  
of division (A) of section 4511.19 of the Revised Code or of a 1833  
substantially equivalent municipal ordinance; 1834

(b) As the proximate result of committing a violation of 1835  
division (A) of section 1547.11 of the Revised Code or of a 1836  
substantially equivalent municipal ordinance; 1837

(c) As the proximate result of committing a violation of 1838  
division (A) (3) of section 4561.15 of the Revised Code or of a 1839  
substantially equivalent municipal ordinance. 1840

(2) In one of the following ways: 1841

(a) As the proximate result of committing, while operating 1842  
or participating in the operation of a motor vehicle or 1843  
motorcycle in a construction zone, a reckless operation offense, 1844  
provided that this division applies only if the person to whom 1845  
the serious physical harm is caused or to whose unborn the 1846  
serious physical harm is caused is in the construction zone at 1847  
the time of the offender's commission of the reckless operation 1848  
offense in the construction zone and does not apply as described 1849  
in division (E) of this section; 1850

(b) Recklessly. 1851

(3) As the proximate result of committing, while operating 1852  
or participating in the operation of a motor vehicle or 1853  
motorcycle in a construction zone, a speeding offense, provided 1854  
that this division applies only if the person to whom the 1855  
serious physical harm is caused or to whose unborn the serious 1856  
physical harm is caused is in the construction zone at the time 1857  
of the offender's commission of the speeding offense in the 1858  
construction zone and does not apply as described in division 1859  
(E) of this section. 1860

(B) (1) Whoever violates division (A) (1) of this section is 1861  
guilty of aggravated vehicular assault. Except as otherwise 1862  
provided in this division, aggravated vehicular assault is a 1863  
felony of the third degree. Aggravated vehicular assault is a 1864  
felony of the second degree if any of the following apply: 1865

(a) At the time of the offense, the offender was driving 1866  
under a suspension imposed under Chapter 4510. or any other 1867  
provision of the Revised Code. 1868

(b) The offender previously has been convicted of or 1869  
pleaded guilty to a violation of this section. 1870

(c) The offender previously has been convicted of or 1871  
pleaded guilty to any traffic-related homicide, manslaughter, or 1872  
assault offense. 1873

(d) The offender previously has been convicted of or 1874  
pleaded guilty to three or more prior violations of section 1875  
4511.19 of the Revised Code or a substantially equivalent 1876  
municipal ordinance within the previous ten years. 1877

(e) The offender previously has been convicted of or 1878  
pleaded guilty to three or more prior violations of division (A) 1879

of section 1547.11 of the Revised Code or of a substantially 1880  
equivalent municipal ordinance within the previous ten years. 1881

(f) The offender previously has been convicted of or 1882  
pleaded guilty to three or more prior violations of division (A) 1883  
(3) of section 4561.15 of the Revised Code or of a substantially 1884  
equivalent municipal ordinance within the previous ten years. 1885

(g) The offender previously has been convicted of or 1886  
pleaded guilty to three or more prior violations of any 1887  
combination of the offenses listed in division (B) (1) (d), (e), 1888  
or (f) of this section. 1889

(h) The offender previously has been convicted of or 1890  
pleaded guilty to a second or subsequent felony violation of 1891  
division (A) of section 4511.19 of the Revised Code. 1892

(2) In addition to any other sanctions imposed pursuant to 1893  
division (B) (1) of this section, except as otherwise provided in 1894  
this division, the court shall impose upon the offender a class 1895  
three suspension of the offender's driver's license, commercial 1896  
driver's license, temporary instruction permit, probationary 1897  
license, or nonresident operating privilege from the range 1898  
specified in division (A) (3) of section 4510.02 of the Revised 1899  
Code. If the offender previously has been convicted of or 1900  
pleaded guilty to a violation of this section, any traffic- 1901  
related homicide, manslaughter, or assault offense, or any 1902  
traffic-related murder, felonious assault, or attempted murder 1903  
offense, the court shall impose either a class two suspension of 1904  
the offender's driver's license, commercial driver's license, 1905  
temporary instruction permit, probationary license, or 1906  
nonresident operating privilege from the range specified in 1907  
division (A) (2) of that section or a class one suspension as 1908  
specified in division (A) (1) of that section. 1909

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

(2) Except as otherwise provided in this division, vehicular assault committed in violation of division (A) (2) of this section is a felony of the fourth degree. Vehicular assault committed in violation of division (A) (2) of this section is a felony of the third degree if, at the time of the offense, the offender was driving under a suspension imposed under Chapter 4510. or any other provision of the Revised Code, 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, or if, in the same course of conduct that resulted in the violation of division (A) (2) of this section, the offender also violated section 4549.02, 4549.021, or 4549.03 of the Revised Code.

In addition to any other sanctions imposed, the court shall impose upon the offender a class four 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) (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, any traffic-related homicide, manslaughter, or assault offense, or any traffic-related murder, felonious assault, or attempted murder 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.

(3) Except as otherwise provided in this division, 1940  
vehicular assault committed in violation of division (A)(3) of 1941  
this section is a misdemeanor of the first degree. Vehicular 1942  
assault committed in violation of division (A)(3) of this 1943  
section is a felony of the fourth degree if, at the time of the 1944  
offense, the offender was driving under a suspension imposed 1945  
under Chapter 4510. or any other provision of the Revised Code 1946  
or if the offender previously has been convicted of or pleaded 1947  
guilty to a violation of this section or any traffic-related 1948  
homicide, manslaughter, or assault offense. 1949

In addition to any other sanctions imposed, the court 1950  
shall impose upon the offender a class four suspension of the 1951  
offender's driver's license, commercial driver's license, 1952  
temporary instruction permit, probationary license, or 1953  
nonresident operating privilege from the range specified in 1954  
division (A)(4) of section 4510.02 of the Revised Code or, if 1955  
the offender previously has been convicted of or pleaded guilty 1956  
to a violation of this section, any traffic-related homicide, 1957  
manslaughter, or assault offense, or any traffic-related murder, 1958  
felonious assault, or attempted murder offense, a class three 1959  
suspension of the offender's driver's license, commercial 1960  
driver's license, temporary instruction permit, probationary 1961  
license, or nonresident operating privilege from the range 1962  
specified in division (A)(3) of section 4510.02 of the Revised 1963  
Code. 1964

(D)(1) The court shall impose a mandatory prison term, as 1965  
described in division (D)(4) of this section, on an offender who 1966  
is convicted of or pleads guilty to a violation of division (A) 1967  
(1) of this section. 1968

(2) The court shall impose a mandatory prison term, as 1969

described in division (D) (4) of this section, on an offender who 1970  
is convicted of or pleads guilty to a violation of division (A) 1971  
(2) of this section or a felony violation of division (A) (3) of 1972  
this section if either of the following applies: 1973

(a) The offender previously has been convicted of or 1974  
pleaded guilty to a violation of this section or section 2903.06 1975  
of the Revised Code. 1976

(b) At the time of the offense, the offender was driving 1977  
under suspension under Chapter 4510. or any other provision of 1978  
the Revised Code. 1979

(3) The court shall impose a mandatory jail term of at 1980  
least seven days on an offender who is convicted of or pleads 1981  
guilty to a misdemeanor violation of division (A) (3) of this 1982  
section and may impose upon the offender a longer jail term as 1983  
authorized pursuant to section 2929.24 of the Revised Code. 1984

(4) A mandatory prison term required under division (D) (1) 1985  
or (2) of this section shall be a definite term from the range 1986  
of prison terms provided in division (A) (2) (b) of section 1987  
2929.14 of the Revised Code for a felony of the second degree, 1988  
from division (A) (3) (a) of that section for a felony of the 1989  
third degree, or from division (A) (4) of that section for a 1990  
felony of the fourth degree, whichever is applicable, except 1991  
that if the violation is a felony of the second degree committed 1992  
on or after the effective date of this amendment, the court 1993  
shall impose as the minimum prison term for the offense a 1994  
mandatory prison term that is one of the minimum terms 1995  
prescribed for a felony of the second degree in division (A) (2) 1996  
(a) of section 2929.14 of the Revised Code. 1997

(E) Divisions (A) (2) (a) and (3) of this section do not 1998

apply in a particular construction zone unless signs of the type 1999  
described in section 2903.081 of the Revised Code are erected in 2000  
that construction zone in accordance with the guidelines and 2001  
design specifications established by the director of 2002  
transportation under section 5501.27 of the Revised Code. The 2003  
failure to erect signs of the type described in section 2903.081 2004  
of the Revised Code in a particular construction zone in 2005  
accordance with those guidelines and design specifications does 2006  
not limit or affect the application of division (A) (1) or (2) (b) 2007  
of this section in that construction zone or the prosecution of 2008  
any person who violates either of those divisions in that 2009  
construction zone. 2010

(F) As used in this section: 2011

(1) "Mandatory prison term" and "mandatory jail term" have 2012  
the same meanings as in section 2929.01 of the Revised Code. 2013

(2) "Traffic-related homicide, manslaughter, or assault 2014  
offense" and "traffic-related murder, felonious assault, or 2015  
attempted murder offense" have the same meanings as in section 2016  
2903.06 of the Revised Code. 2017

(3) "Construction zone" has the same meaning as in section 2018  
5501.27 of the Revised Code. 2019

(4) "Reckless operation offense" and "speeding offense" 2020  
have the same meanings as in section 2903.06 of the Revised 2021  
Code. 2022

(G) For the purposes of this section, when a penalty or 2023  
suspension is enhanced because of a prior or current violation 2024  
of a specified law or a prior or current specified offense, the 2025  
reference to the violation of the specified law or the specified 2026  
offense includes any violation of any substantially equivalent 2027

municipal ordinance, former law of this state, or current or 2028  
former law of another state or the United States. 2029

**Sec. 2903.11.** (A) No person shall knowingly do either of 2030  
the following: 2031

(1) Cause serious physical harm to another or to another's 2032  
unborn; 2033

(2) Cause or attempt to cause physical harm to another or 2034  
to another's unborn by means of a deadly weapon or dangerous 2035  
ordnance. 2036

(B) No person, with knowledge that the person has tested 2037  
positive as a carrier of a virus that causes acquired 2038  
immunodeficiency syndrome, shall knowingly do any of the 2039  
following: 2040

(1) Engage in sexual conduct with another person without 2041  
disclosing that knowledge to the other person prior to engaging 2042  
in the sexual conduct; 2043

(2) Engage in sexual conduct with a person whom the 2044  
offender knows or has reasonable cause to believe lacks the 2045  
mental capacity to appreciate the significance of the knowledge 2046  
that the offender has tested positive as a carrier of a virus 2047  
that causes acquired immunodeficiency syndrome; 2048

(3) Engage in sexual conduct with a person under eighteen 2049  
years of age who is not the spouse of the offender. 2050

(C) The prosecution of a person under this section does 2051  
not preclude prosecution of that person under section 2907.02 of 2052  
the Revised Code. 2053

(D) (1) (a) Whoever violates this section is guilty of 2054  
felonious assault. Except as otherwise provided in this division 2055

or division (D) (1) (b) of this section, felonious assault is a 2056  
felony of the second degree. If the victim of a violation of 2057  
division (A) of this section is a peace officer or an 2058  
investigator of the bureau of criminal identification and 2059  
investigation, felonious assault is a felony of the first 2060  
degree. 2061

(b) Regardless of whether the felonious assault is a 2062  
felony of the first or second degree under division (D) (1) (a) of 2063  
this section, if the offender also is convicted of or pleads 2064  
guilty to a specification as described in section 2941.1423 of 2065  
the Revised Code that was included in the indictment, count in 2066  
the indictment, or information charging the offense, except as 2067  
otherwise provided in this division or unless a longer prison 2068  
term is required under any other provision of law, the court 2069  
shall sentence the offender to a mandatory prison term as 2070  
provided in division (B) (8) of section 2929.14 of the Revised 2071  
Code. If the victim of the offense is a peace officer or an 2072  
investigator of the bureau of criminal identification and 2073  
investigation, and if the victim suffered serious physical harm 2074  
as a result of the commission of the offense, felonious assault 2075  
is a felony of the first degree, and the court, pursuant to 2076  
division (F) of section 2929.13 of the Revised Code, shall 2077  
impose as a mandatory prison term one of the definite prison 2078  
terms prescribed for a felony of the first degree in division 2079  
(A) (1) (b) of section 2929.14 of the Revised Code, except that if 2080  
the violation is committed on or after the effective date of 2081  
this amendment, the court shall impose as the minimum prison 2082  
term for the offense a mandatory prison term that is one of the 2083  
minimum terms prescribed for a felony of the first degree in 2084  
division (A) (1) (a) of section 2929.14 of the Revised Code. 2085

(2) In addition to any other sanctions imposed pursuant to 2086

division (D) (1) of this section for felonious assault committed 2087  
in violation of division (A) (1) or (2) of this section, if the 2088  
offender also is convicted of or pleads guilty to a 2089  
specification of the type described in section 2941.1425 of the 2090  
Revised Code that was included in the indictment, count in the 2091  
indictment, or information charging the offense, the court shall 2092  
sentence the offender to a mandatory prison term under division 2093  
(B) (9) of section 2929.14 of the Revised Code. 2094

(3) In addition to any other sanctions imposed pursuant to 2095  
division (D) (1) of this section for felonious assault committed 2096  
in violation of division (A) (2) of this section, if the deadly 2097  
weapon used in the commission of the violation is a motor 2098  
vehicle, the court shall impose upon the offender a class two 2099  
suspension of the offender's driver's license, commercial 2100  
driver's license, temporary instruction permit, probationary 2101  
license, or nonresident operating privilege as specified in 2102  
division (A) (2) of section 4510.02 of the Revised Code. 2103

(E) As used in this section: 2104

(1) "Deadly weapon" and "dangerous ordnance" have the same 2105  
meanings as in section 2923.11 of the Revised Code. 2106

(2) "Motor vehicle" has the same meaning as in section 2107  
4501.01 of the Revised Code. 2108

(3) "Peace officer" has the same meaning as in section 2109  
2935.01 of the Revised Code. 2110

(4) "Sexual conduct" has the same meaning as in section 2111  
2907.01 of the Revised Code, except that, as used in this 2112  
section, it does not include the insertion of an instrument, 2113  
apparatus, or other object that is not a part of the body into 2114  
the vaginal or anal opening of another, unless the offender knew 2115

at the time of the insertion that the instrument, apparatus, or 2116  
other object carried the offender's bodily fluid. 2117

(5) "Investigator of the bureau of criminal identification 2118  
and investigation" means an investigator of the bureau of 2119  
criminal identification and investigation who is commissioned by 2120  
the superintendent of the bureau as a special agent for the 2121  
purpose of assisting law enforcement officers or providing 2122  
emergency assistance to peace officers pursuant to authority 2123  
granted under section 109.541 of the Revised Code. 2124

(6) "Investigator" has the same meaning as in section 2125  
109.541 of the Revised Code. 2126

(F) The provisions of division (D) (2) of this section and 2127  
of division (F) (20) of section 2929.13, divisions (B) (9) and (C) 2128  
(6) of section 2929.14, and section 2941.1425 of the Revised 2129  
Code shall be known as "Judy's Law." 2130

**Sec. 2903.12.** (A) No person, while under the influence of 2131  
sudden passion or in a sudden fit of rage, either of which is 2132  
brought on by serious provocation occasioned by the victim that 2133  
is reasonably sufficient to incite the person into using deadly 2134  
force, shall knowingly: 2135

(1) Cause serious physical harm to another or to another's 2136  
unborn; 2137

(2) Cause or attempt to cause physical harm to another or 2138  
to another's unborn by means of a deadly weapon or dangerous 2139  
ordnance, as defined in section 2923.11 of the Revised Code. 2140

(B) Whoever violates this section is guilty of aggravated 2141  
assault. Except as otherwise provided in this division, 2142  
aggravated assault is a felony of the fourth degree. If the 2143  
victim of the offense is a peace officer or an investigator of 2144

the bureau of criminal identification and investigation, 2145  
aggravated assault is a felony of the third degree. Regardless 2146  
of whether the offense is a felony of the third or fourth degree 2147  
under this division, if the offender also is convicted of or 2148  
pleads guilty to a specification as described in section 2149  
2941.1423 of the Revised Code that was included in the 2150  
indictment, count in the indictment, or information charging the 2151  
offense, except as otherwise provided in this division, the 2152  
court shall sentence the offender to a mandatory prison term as 2153  
provided in division (B) (8) of section 2929.14 of the Revised 2154  
Code. If the victim of the offense is a peace officer or an 2155  
investigator of the bureau of criminal identification and 2156  
investigation, and if the victim suffered serious physical harm 2157  
as a result of the commission of the offense, aggravated assault 2158  
is a felony of the third degree, and the court, pursuant to 2159  
division (F) of section 2929.13 of the Revised Code, shall 2160  
impose as a mandatory prison term one of the definite prison 2161  
terms prescribed in division (A) (3) (b) of section 2929.14 of the 2162  
Revised Code for a felony of the third degree. 2163

(C) As used in this section: 2164

(1) "Investigator of the bureau of criminal identification 2165  
and investigation" has the same meaning as in section 2903.11 of 2166  
the Revised Code. 2167

(2) "Peace officer" has the same meaning as in section 2168  
2935.01 of the Revised Code. 2169

**Sec. 2905.01.** (A) No person, by force, threat, or 2170  
deception, or, in the case of a victim under the age of thirteen 2171  
or mentally incompetent, by any means, shall remove another from 2172  
the place where the other person is found or restrain the 2173  
liberty of the other person, for any of the following purposes: 2174

(1) To hold for ransom, or as a shield or hostage;	2175
(2) To facilitate the commission of any felony or flight thereafter;	2176 2177
(3) To terrorize, or to inflict serious physical harm on the victim or another;	2178 2179
(4) To engage in sexual activity, as defined in section 2907.01 of the Revised Code, with the victim against the victim's will;	2180 2181 2182
(5) To hinder, impede, or obstruct a function of government, or to force any action or concession on the part of governmental authority;	2183 2184 2185
(6) To hold in a condition of involuntary servitude.	2186
(B) No person, by force, threat, or deception, or, in the case of a victim under the age of thirteen or mentally incompetent, by any means, shall knowingly do any of the following, under circumstances that create a substantial risk of serious physical harm to the victim or, in the case of a minor victim, under circumstances that either create a substantial risk of serious physical harm to the victim or cause physical harm to the victim:	2187 2188 2189 2190 2191 2192 2193 2194
(1) Remove another from the place where the other person is found;	2195 2196
(2) Restrain another of the other person's liberty.	2197
(C) (1) Whoever violates this section is guilty of kidnapping. Except as otherwise provided in this division or division (C) (2) or (3) of this section, kidnapping is a felony of the first degree. Except as otherwise provided in this division or division (C) (2) or (3) of this section, if an	2198 2199 2200 2201 2202

offender who violates division (A) (1) to (5), (B) (1), or (B) (2) 2203  
of this section releases the victim in a safe place unharmed, 2204  
kidnapping is a felony of the second degree. 2205

(2) If the offender in any case also is convicted of or 2206  
pleads guilty to a specification as described in section 2207  
2941.1422 of the Revised Code that was included in the 2208  
indictment, count in the indictment, or information charging the 2209  
offense, the court shall order the offender to make restitution 2210  
as provided in division (B) (8) of section 2929.18 of the Revised 2211  
Code and, except as otherwise provided in division (C) (3) of 2212  
this section, shall sentence the offender to a mandatory prison 2213  
term as provided in division (B) (7) of section 2929.14 of the 2214  
Revised Code. 2215

(3) If the victim of the offense is less than thirteen 2216  
years of age and if the offender also is convicted of or pleads 2217  
guilty to a sexual motivation specification that was included in 2218  
the indictment, count in the indictment, or information charging 2219  
the offense, kidnapping is a felony of the first degree, and, 2220  
notwithstanding the definite or indefinite sentence provided for 2221  
a felony of the first degree in section 2929.14 of the Revised 2222  
Code, the offender shall be sentenced pursuant to section 2223  
2971.03 of the Revised Code as follows: 2224

(a) Except as otherwise provided in division (C) (3) (b) of 2225  
this section, the offender shall be sentenced pursuant to that 2226  
section to an indefinite prison term consisting of a minimum 2227  
term of fifteen years and a maximum term of life imprisonment. 2228

(b) If the offender releases the victim in a safe place 2229  
unharmed, the offender shall be sentenced pursuant to that 2230  
section to an indefinite term consisting of a minimum term of 2231  
ten years and a maximum term of life imprisonment. 2232

(D) As used in this section:	2233
(1) "Involuntary servitude" has the same meaning as in section 2905.31 of the Revised Code.	2234 2235
(2) "Sexual motivation specification" has the same meaning as in section 2971.01 of the Revised Code.	2236 2237
<b>Sec. 2905.32.</b> (A) No person shall knowingly recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, or knowingly attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain, another person if any of the following applies:	2238 2239 2240 2241 2242
(1) The offender knows that the other person will be subjected to involuntary servitude or be compelled to engage in sexual activity for hire, engage in a performance that is obscene, sexually oriented, or nudity oriented, or be a model or participant in the production of material that is obscene, sexually oriented, or nudity oriented.	2243 2244 2245 2246 2247 2248
(2) The other person is less than sixteen years of age or is a person with a developmental disability whom the offender knows or has reasonable cause to believe is a person with a developmental disability, and either the offender knows that the other person will be subjected to involuntary servitude or the offender's knowing recruitment, luring, enticement, isolation, harboring, transportation, provision, obtaining, or maintenance of the other person or knowing attempt to recruit, lure, entice, isolate, harbor, transport, provide, obtain, or maintain the other person is for any of the following purposes:	2249 2250 2251 2252 2253 2254 2255 2256 2257 2258
(a) To engage in sexual activity for hire;	2259
(b) To engage in a performance for hire that is obscene, sexually oriented, or nudity oriented;	2260 2261

(c) To be a model or participant for hire in the 2262  
production of material that is obscene, sexually oriented, or 2263  
nudity oriented. 2264

(3) The other person is sixteen or seventeen years of age, 2265  
either the offender knows that the other person will be 2266  
subjected to involuntary servitude or the offender's knowing 2267  
recruitment, luring, enticement, isolation, harboring, 2268  
transportation, provision, obtaining, or maintenance of the 2269  
other person or knowing attempt to recruit, lure, entice, 2270  
isolate, harbor, transport, provide, obtain, or maintain the 2271  
other person is for any purpose described in divisions (A) (2) (a) 2272  
to (c) of this section, and the circumstances described in 2273  
division (A) (5), (6), (7), (8), (9), (10), (11), (12), or (13) 2274  
of section 2907.03 of the Revised Code apply with respect to the 2275  
offender and the other person. 2276

(B) For a prosecution under division (A) (1) of this 2277  
section, the element "compelled" does not require that the 2278  
compulsion be openly displayed or physically exerted. The 2279  
element "compelled" has been established if the state proves 2280  
that the victim's will was overcome by force, fear, duress, 2281  
intimidation, or fraud. 2282

(C) In a prosecution under this section, proof that the 2283  
defendant engaged in sexual activity with any person, or 2284  
solicited sexual activity with any person, whether or not for 2285  
hire, without more, does not constitute a violation of this 2286  
section. 2287

(D) A prosecution for a violation of this section does not 2288  
preclude a prosecution of a violation of any other section of 2289  
the Revised Code. One or more acts, a series of acts, or a 2290  
course of behavior that can be prosecuted under this section or 2291

any other section of the Revised Code may be prosecuted under 2292  
this section, the other section of the Revised Code, or both 2293  
sections. However, if an offender is convicted of or pleads 2294  
guilty to a violation of this section and also is convicted of 2295  
or pleads guilty to a violation of section 2907.21 of the 2296  
Revised Code based on the same conduct involving the same victim 2297  
that was the basis of the violation of this section, or is 2298  
convicted of or pleads guilty to any other violation of Chapter 2299  
2907. of the Revised Code based on the same conduct involving 2300  
the same victim that was the basis of the violation of this 2301  
section, the two offenses are allied offenses of similar import 2302  
under section 2941.25 of the Revised Code. 2303

(E) Whoever violates this section is guilty of trafficking 2304  
in persons, a felony of the first degree. ~~Notwithstanding~~ For a 2305  
violation committed prior to the effective date of this 2306  
amendment, notwithstanding the range of definite terms set forth 2307  
in division (A) (1) (b) of section 2929.14 of the Revised Code, 2308  
the court shall sentence the offender to a definite prison term 2309  
of ten, eleven, twelve, thirteen, fourteen, or fifteen years. 2310  
For a violation committed on or after the effective date of this 2311  
amendment, notwithstanding the range of minimum terms set forth 2312  
in division (A) (1) (a) of section 2929.14 of the Revised Code, 2313  
the court shall sentence the offender to an indefinite prison 2314  
term pursuant to that division, with a minimum term under that 2315  
sentence of ten, eleven, twelve, thirteen, fourteen, or fifteen 2316  
years. 2317

(F) As used in this section: 2318

(1) "Person with a developmental disability" means a 2319  
person whose ability to resist or consent to an act is 2320  
substantially impaired because of a mental or physical condition 2321

or because of advanced age. 2322

(2) "Sexual activity for hire," "performance for hire," 2323  
and "model or participant for hire" mean an implicit or explicit 2324  
agreement to provide sexual activity, engage in an obscene, 2325  
sexually oriented, or nudity oriented performance, or be a model 2326  
or participant in the production of obscene, sexually oriented, 2327  
or nudity oriented material, whichever is applicable, in 2328  
exchange for anything of value paid to any of the following: 2329

(a) The person engaging in such sexual activity, 2330  
performance, or modeling or participation; 2331

(b) Any person who recruits, lures, entices, isolates, 2332  
harbors, transports, provides, obtains, or maintains, or 2333  
attempts to recruit, lure, entice, isolate, harbor, transport, 2334  
provide, obtain, or maintain the person described in division 2335  
(F) (2) (a) of this section; 2336

(c) Any person associated with a person described in 2337  
division (F) (2) (a) or (b) of this section. 2338

(3) "Material that is obscene, sexually oriented, or 2339  
nudity oriented" and "performance that is obscene, sexually 2340  
oriented, or nudity oriented" have the same meanings as in 2341  
section 2929.01 of the Revised Code. 2342

**Sec. 2907.02.** (A) (1) No person shall engage in sexual 2343  
conduct with another who is not the spouse of the offender or 2344  
who is the spouse of the offender but is living separate and 2345  
apart from the offender, when any of the following applies: 2346

(a) For the purpose of preventing resistance, the offender 2347  
substantially impairs the other person's judgment or control by 2348  
administering any drug, intoxicant, or controlled substance to 2349  
the other person surreptitiously or by force, threat of force, 2350

or deception. 2351

(b) The other person is less than thirteen years of age, 2352  
whether or not the offender knows the age of the other person. 2353

(c) The other person's ability to resist or consent is 2354  
substantially impaired because of a mental or physical condition 2355  
or because of advanced age, and the offender knows or has 2356  
reasonable cause to believe that the other person's ability to 2357  
resist or consent is substantially impaired because of a mental 2358  
or physical condition or because of advanced age. 2359

(2) No person shall engage in sexual conduct with another 2360  
when the offender purposely compels the other person to submit 2361  
by force or threat of force. 2362

(B) Whoever violates this section is guilty of rape, a 2363  
felony of the first degree. If the offender under division (A) 2364  
(1) (a) of this section substantially impairs the other person's 2365  
judgment or control by administering any controlled substance 2366  
described in section 3719.41 of the Revised Code to the other 2367  
person surreptitiously or by force, threat of force, or 2368  
deception, the prison term imposed upon the offender shall be 2369  
one of the definite prison terms prescribed for a felony of the 2370  
first degree in division (A) (1) (b) of section 2929.14 of the 2371  
Revised Code that is not less than five years, except that if 2372  
the violation is committed on or after the effective date of 2373  
this amendment, the court shall impose as the minimum prison 2374  
term for the offense a mandatory prison term that is one of the 2375  
minimum terms prescribed for a felony of the first degree in 2376  
division (A) (1) (a) of section 2929.14 of the Revised Code that 2377  
is not less than five years. Except as otherwise provided in 2378  
this division, notwithstanding sections 2929.11 to 2929.14 of 2379  
the Revised Code, an offender under division (A) (1) (b) of this 2380

section shall be sentenced to a prison term or term of life 2381  
imprisonment pursuant to section 2971.03 of the Revised Code. If 2382  
an offender is convicted of or pleads guilty to a violation of 2383  
division (A) (1) (b) of this section, if the offender was less 2384  
than sixteen years of age at the time the offender committed the 2385  
violation of that division, and if the offender during or 2386  
immediately after the commission of the offense did not cause 2387  
serious physical harm to the victim, the victim was ten years of 2388  
age or older at the time of the commission of the violation, and 2389  
the offender has not previously been convicted of or pleaded 2390  
guilty to a violation of this section or a substantially similar 2391  
existing or former law of this state, another state, or the 2392  
United States, the court shall not sentence the offender to a 2393  
prison term or term of life imprisonment pursuant to section 2394  
2971.03 of the Revised Code, and instead the court shall 2395  
sentence the offender as otherwise provided in this division. If 2396  
an offender under division (A) (1) (b) of this section previously 2397  
has been convicted of or pleaded guilty to violating division 2398  
(A) (1) (b) of this section or to violating an existing or former 2399  
law of this state, another state, or the United States that is 2400  
substantially similar to division (A) (1) (b) of this section, if 2401  
the offender during or immediately after the commission of the 2402  
offense caused serious physical harm to the victim, or if the 2403  
victim under division (A) (1) (b) of this section is less than ten 2404  
years of age, in lieu of sentencing the offender to a prison 2405  
term or term of life imprisonment pursuant to section 2971.03 of 2406  
the Revised Code, the court may impose upon the offender a term 2407  
of life without parole. If the court imposes a term of life 2408  
without parole pursuant to this division, division (F) of 2409  
section 2971.03 of the Revised Code applies, and the offender 2410  
automatically is classified a tier III sex offender/child-victim 2411  
offender, as described in that division. 2412

(C) A victim need not prove physical resistance to the 2413  
offender in prosecutions under this section. 2414

(D) Evidence of specific instances of the victim's sexual 2415  
activity, opinion evidence of the victim's sexual activity, and 2416  
reputation evidence of the victim's sexual activity shall not be 2417  
admitted under this section unless it involves evidence of the 2418  
origin of semen, pregnancy, or disease, or the victim's past 2419  
sexual activity with the offender, and only to the extent that 2420  
the court finds that the evidence is material to a fact at issue 2421  
in the case and that its inflammatory or prejudicial nature does 2422  
not outweigh its probative value. 2423

Evidence of specific instances of the defendant's sexual 2424  
activity, opinion evidence of the defendant's sexual activity, 2425  
and reputation evidence of the defendant's sexual activity shall 2426  
not be admitted under this section unless it involves evidence 2427  
of the origin of semen, pregnancy, or disease, the defendant's 2428  
past sexual activity with the victim, or is admissible against 2429  
the defendant under section 2945.59 of the Revised Code, and 2430  
only to the extent that the court finds that the evidence is 2431  
material to a fact at issue in the case and that its 2432  
inflammatory or prejudicial nature does not outweigh its 2433  
probative value. 2434

(E) Prior to taking testimony or receiving evidence of any 2435  
sexual activity of the victim or the defendant in a proceeding 2436  
under this section, the court shall resolve the admissibility of 2437  
the proposed evidence in a hearing in chambers, which shall be 2438  
held at or before preliminary hearing and not less than three 2439  
days before trial, or for good cause shown during the trial. 2440

(F) Upon approval by the court, the victim may be 2441  
represented by counsel in any hearing in chambers or other 2442

proceeding to resolve the admissibility of evidence. If the 2443  
victim is indigent or otherwise is unable to obtain the services 2444  
of counsel, the court, upon request, may appoint counsel to 2445  
represent the victim without cost to the victim. 2446

(G) It is not a defense to a charge under division (A) (2) 2447  
of this section that the offender and the victim were married or 2448  
were cohabiting at the time of the commission of the offense. 2449

**Sec. 2907.03.** (A) No person shall engage in sexual conduct 2450  
with another, not the spouse of the offender, when any of the 2451  
following apply: 2452

(1) The offender knowingly coerces the other person to 2453  
submit by any means that would prevent resistance by a person of 2454  
ordinary resolution. 2455

(2) The offender knows that the other person's ability to 2456  
appraise the nature of or control the other person's own conduct 2457  
is substantially impaired. 2458

(3) The offender knows that the other person submits 2459  
because the other person is unaware that the act is being 2460  
committed. 2461

(4) The offender knows that the other person submits 2462  
because the other person mistakenly identifies the offender as 2463  
the other person's spouse. 2464

(5) The offender is the other person's natural or adoptive 2465  
parent, or a stepparent, or guardian, custodian, or person in 2466  
loco parentis of the other person. 2467

(6) The other person is in custody of law or a patient in 2468  
a hospital or other institution, and the offender has 2469  
supervisory or disciplinary authority over the other person. 2470

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

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

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

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

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

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

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

(B) Whoever violates this section is guilty of sexual

battery. Except as otherwise provided in this division, sexual 2500  
battery is a felony of the third degree. If the other person is 2501  
less than thirteen years of age, sexual battery is a felony of 2502  
the second degree, and the court shall impose upon the offender 2503  
a mandatory prison term equal to one of the definite prison 2504  
terms prescribed in division (A) (2) (b) of section 2929.14 of the 2505  
Revised Code for a felony of the second degree, except that if 2506  
the violation is committed on or after the effective date of 2507  
this amendment, the court shall impose as the minimum prison 2508  
term for the offense a mandatory prison term that is one of the 2509  
minimum terms prescribed in division (A) (2) (a) of that section 2510  
for a felony of the second degree. 2511

(C) As used in this section: 2512

(1) "Cleric" has the same meaning as in section 2317.02 of 2513  
the Revised Code. 2514

(2) "Detention facility" has the same meaning as in 2515  
section 2921.01 of the Revised Code. 2516

(3) "Institution of higher education" means a state 2517  
institution of higher education defined in section 3345.011 of 2518  
the Revised Code, a private nonprofit college or university 2519  
located in this state that possesses a certificate of 2520  
authorization issued by the Ohio board of regents pursuant to 2521  
Chapter 1713. of the Revised Code, or a school certified under 2522  
Chapter 3332. of the Revised Code. 2523

(4) "Peace officer" has the same meaning as in section 2524  
2935.01 of the Revised Code. 2525

**Sec. 2907.05.** (A) No person shall have sexual contact with 2526  
another, not the spouse of the offender; cause another, not the 2527  
spouse of the offender, to have sexual contact with the 2528

offender; or cause two or more other persons to have sexual 2529  
contact when any of the following applies: 2530

(1) The offender purposely compels the other person, or 2531  
one of the other persons, to submit by force or threat of force. 2532

(2) For the purpose of preventing resistance, the offender 2533  
substantially impairs the judgment or control of the other 2534  
person or of one of the other persons by administering any drug, 2535  
intoxicant, or controlled substance to the other person 2536  
surreptitiously or by force, threat of force, or deception. 2537

(3) The offender knows that the judgment or control of the 2538  
other person or of one of the other persons is substantially 2539  
impaired as a result of the influence of any drug or intoxicant 2540  
administered to the other person with the other person's consent 2541  
for the purpose of any kind of medical or dental examination, 2542  
treatment, or surgery. 2543

(4) The other person, or one of the other persons, is less 2544  
than thirteen years of age, whether or not the offender knows 2545  
the age of that person. 2546

(5) The ability of the other person to resist or consent 2547  
or the ability of one of the other persons to resist or consent 2548  
is substantially impaired because of a mental or physical 2549  
condition or because of advanced age, and the offender knows or 2550  
has reasonable cause to believe that the ability to resist or 2551  
consent of the other person or of one of the other persons is 2552  
substantially impaired because of a mental or physical condition 2553  
or because of advanced age. 2554

(B) No person shall knowingly touch the genitalia of 2555  
another, when the touching is not through clothing, the other 2556  
person is less than twelve years of age, whether or not the 2557

offender knows the age of that person, and the touching is done 2558  
with an intent to abuse, humiliate, harass, degrade, or arouse 2559  
or gratify the sexual desire of any person. 2560

(C) Whoever violates this section is guilty of gross 2561  
sexual imposition. 2562

(1) Except as otherwise provided in this section, gross 2563  
sexual imposition committed in violation of division (A) (1), 2564  
(2), (3), or (5) of this section is a felony of the fourth 2565  
degree. If the offender under division (A) (2) of this section 2566  
substantially impairs the judgment or control of the other 2567  
person or one of the other persons by administering any 2568  
controlled substance described in section 3719.41 of the Revised 2569  
Code to the person surreptitiously or by force, threat of force, 2570  
or deception, gross sexual imposition committed in violation of 2571  
division (A) (2) of this section is a felony of the third degree. 2572

(2) Gross sexual imposition committed in violation of 2573  
division (A) (4) or (B) of this section is a felony of the third 2574  
degree. Except as otherwise provided in this division, for gross 2575  
sexual imposition committed in violation of division (A) (4) or 2576  
(B) of this section there is a presumption that a prison term 2577  
shall be imposed for the offense. The court shall impose on an 2578  
offender convicted of gross sexual imposition in violation of 2579  
division (A) (4) or (B) of this section a mandatory prison term 2580  
~~equal to one of the prison terms prescribed in section 2929.14~~ 2581  
~~of the Revised Code, as described in division (C) (3) of this~~ 2582  
section, for a felony of the third degree if either of the 2583  
following applies: 2584

(a) Evidence other than the testimony of the victim was 2585  
admitted in the case corroborating the violation; 2586

(b) The offender previously was convicted of or pleaded 2587  
guilty to a violation of this section, rape, the former offense 2588  
of felonious sexual penetration, or sexual battery, and the 2589  
victim of the previous offense was less than thirteen years of 2590  
age. 2591

(3) A mandatory prison term required under division (C) (2) 2592  
of this section shall be a definite term from the range of 2593  
prison terms provided in division (A) (3) (a) of section 2929.14 2594  
of the Revised Code for a felony of the third degree. 2595

(D) A victim need not prove physical resistance to the 2596  
offender in prosecutions under this section. 2597

(E) Evidence of specific instances of the victim's sexual 2598  
activity, opinion evidence of the victim's sexual activity, and 2599  
reputation evidence of the victim's sexual activity shall not be 2600  
admitted under this section unless it involves evidence of the 2601  
origin of semen, pregnancy, or disease, or the victim's past 2602  
sexual activity with the offender, and only to the extent that 2603  
the court finds that the evidence is material to a fact at issue 2604  
in the case and that its inflammatory or prejudicial nature does 2605  
not outweigh its probative value. 2606

Evidence of specific instances of the defendant's sexual 2607  
activity, opinion evidence of the defendant's sexual activity, 2608  
and reputation evidence of the defendant's sexual activity shall 2609  
not be admitted under this section unless it involves evidence 2610  
of the origin of semen, pregnancy, or disease, the defendant's 2611  
past sexual activity with the victim, or is admissible against 2612  
the defendant under section 2945.59 of the Revised Code, and 2613  
only to the extent that the court finds that the evidence is 2614  
material to a fact at issue in the case and that its 2615  
inflammatory or prejudicial nature does not outweigh its 2616

probative value. 2617

(F) Prior to taking testimony or receiving evidence of any 2618  
sexual activity of the victim or the defendant in a proceeding 2619  
under this section, the court shall resolve the admissibility of 2620  
the proposed evidence in a hearing in chambers, which shall be 2621  
held at or before preliminary hearing and not less than three 2622  
days before trial, or for good cause shown during the trial. 2623

(G) Upon approval by the court, the victim may be 2624  
represented by counsel in any hearing in chambers or other 2625  
proceeding to resolve the admissibility of evidence. If the 2626  
victim is indigent or otherwise is unable to obtain the services 2627  
of counsel, the court, upon request, may appoint counsel to 2628  
represent the victim without cost to the victim. 2629

**Sec. 2907.07.** (A) No person shall solicit a person who is 2630  
less than thirteen years of age to engage in sexual activity 2631  
with the offender, whether or not the offender knows the age of 2632  
such person. 2633

(B) (1) No person shall solicit another, not the spouse of 2634  
the offender, to engage in sexual conduct with the offender, 2635  
when the offender is eighteen years of age or older and four or 2636  
more years older than the other person, and the other person is 2637  
thirteen years of age or older but less than sixteen years of 2638  
age, whether or not the offender knows the age of the other 2639  
person. 2640

(2) No person shall solicit another, not the spouse of the 2641  
offender, to engage in sexual conduct with the offender, when 2642  
the offender is eighteen years of age or older and four or more 2643  
years older than the other person, the other person is sixteen 2644  
or seventeen years of age and a victim of a violation of section 2645

2905.32 of the Revised Code, and the offender knows or has 2646  
reckless disregard of the age of the other person. 2647

(C) No person shall solicit another by means of a 2648  
telecommunications device, as defined in section 2913.01 of the 2649  
Revised Code, to engage in sexual activity with the offender 2650  
when the offender is eighteen years of age or older and either 2651  
of the following applies: 2652

(1) The other person is less than thirteen years of age, 2653  
and the offender knows that the other person is less than 2654  
thirteen years of age or is reckless in that regard. 2655

(2) The other person is a law enforcement officer posing 2656  
as a person who is less than thirteen years of age, and the 2657  
offender believes that the other person is less than thirteen 2658  
years of age or is reckless in that regard. 2659

(D) No person shall solicit another by means of a 2660  
telecommunications device, as defined in section 2913.01 of the 2661  
Revised Code, to engage in sexual activity with the offender 2662  
when the offender is eighteen years of age or older and either 2663  
of the following applies: 2664

(1) The other person is thirteen years of age or older but 2665  
less than sixteen years of age, the offender knows that the 2666  
other person is thirteen years of age or older but less than 2667  
sixteen years of age or is reckless in that regard, and the 2668  
offender is four or more years older than the other person. 2669

(2) The other person is a law enforcement officer posing 2670  
as a person who is thirteen years of age or older but less than 2671  
sixteen years of age, the offender believes that the other 2672  
person is thirteen years of age or older but less than sixteen 2673  
years of age or is reckless in that regard, and the offender is 2674

four or more years older than the age the law enforcement 2675  
officer assumes in posing as the person who is thirteen years of 2676  
age or older but less than sixteen years of age. 2677

(E) Divisions (C) and (D) of this section apply to any 2678  
solicitation that is contained in a transmission via a 2679  
telecommunications device that either originates in this state 2680  
or is received in this state. 2681

(F) (1) Whoever violates this section is guilty of 2682  
importuning. 2683

(2) Except as otherwise provided in this division, a 2684  
violation of division (A) or (C) of this section is a felony of 2685  
the third degree on a first offense, and, notwithstanding 2686  
division (C) of section 2929.13 of the Revised Code, there is a 2687  
presumption that a prison term shall be imposed as described in 2688  
division (D) of section 2929.13 of the Revised Code. If the 2689  
offender previously has been convicted of a sexually oriented 2690  
offense or a child-victim oriented offense, a violation of 2691  
division (A) or (C) of this section is a felony of the second 2692  
degree, and the court shall impose upon the offender as a 2693  
mandatory prison term one of the definite prison terms 2694  
prescribed in division (A) (2) (b) of section 2929.14 of the 2695  
Revised Code for a felony of the second degree, except that if 2696  
the violation is committed on or after the effective date of 2697  
this amendment, the court shall impose as the minimum prison 2698  
term for the offense a mandatory prison term that is one of the 2699  
minimum terms prescribed in division (A) (2) (a) of that section 2700  
for a felony of the second degree. 2701

(3) A violation of division (B) or (D) of this section is 2702  
a felony of the fifth degree on a first offense, and, 2703  
notwithstanding division (B) of section 2929.13 of the Revised 2704

Code, there is a presumption that a prison term shall be imposed 2705  
as described in division (D) of section 2929.13 of the Revised 2706  
Code. If the offender previously has been convicted of a 2707  
sexually oriented offense or a child-victim oriented offense, a 2708  
violation of division (B) or (D) of this section is a felony of 2709  
the fourth degree, and the court shall impose upon the offender 2710  
as a mandatory prison term one of the prison terms prescribed in 2711  
section 2929.14 of the Revised Code for a felony of the fourth 2712  
degree that is not less than twelve months in duration. 2713

**Sec. 2907.321.** (A) No person, with knowledge of the 2714  
character of the material or performance involved, shall do any 2715  
of the following: 2716

(1) Create, reproduce, or publish any obscene material 2717  
that has a minor or impaired person as one of its participants 2718  
or portrayed observers; 2719

(2) Promote or advertise for sale or dissemination; sell, 2720  
deliver, disseminate, display, exhibit, present, rent, or 2721  
provide; or offer or agree to sell, deliver, disseminate, 2722  
display, exhibit, present, rent, or provide, any obscene 2723  
material that has a minor or impaired person as one of its 2724  
participants or portrayed observers; 2725

(3) Create, direct, or produce an obscene performance that 2726  
has a minor or impaired person as one of its participants; 2727

(4) Advertise or promote for presentation, present, or 2728  
participate in presenting an obscene performance that has a 2729  
minor or impaired person as one of its participants; 2730

(5) Buy, procure, possess, or control any obscene 2731  
material, that has a minor or impaired person as one of its 2732  
participants; 2733

(6) Bring or cause to be brought into this state any 2734  
obscene material that has a minor or impaired person as one of 2735  
its participants or portrayed observers. 2736

(B) (1) This section does not apply to any material or 2737  
performance that is sold, disseminated, displayed, possessed, 2738  
controlled, brought or caused to be brought into this state, or 2739  
presented for a bona fide medical, scientific, educational, 2740  
religious, governmental, judicial, or other proper purpose, by 2741  
or to a physician, psychologist, sociologist, scientist, 2742  
teacher, person pursuing bona fide studies or research, 2743  
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 2744  
other person having a proper interest in the material or 2745  
performance. 2746

(2) Mistake of age is not a defense to a charge under this 2747  
section. 2748

(3) In a prosecution under this section, the trier of fact 2749  
may infer that a person in the material or performance involved 2750  
is a minor or impaired person if the material or performance, 2751  
through its title, text, visual representation, or otherwise, 2752  
represents or depicts the person as a minor or impaired person. 2753

(C) Whoever violates this section is guilty of pandering 2754  
obscenity involving a minor or impaired person. ~~Violation~~ If the 2755  
offense involves a minor, a violation of division (A) (1), (2), 2756  
(3), (4), or (6) of this section is a felony of the second 2757  
degree. ~~Violation~~ If the offense involves an impaired person, a 2758  
violation of division (A) (1), (2), (3), (4), or (6) of this 2759  
section is a felony of the third degree. A violation of division 2760  
(A) (5) of this section is a felony of the fourth degree. If the 2761  
offender previously has been convicted of or pleaded guilty to a 2762  
violation of this section or section 2907.322 or 2907.323 of the 2763

Revised Code, pandering obscenity involving a minor or impaired person in violation of division (A) (5) of this section is a felony of the third degree. 2764  
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(D) As used in this section and sections 2907.322 and 2907.323 of the Revised Code, "impaired person" means a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age, and the offender knows or has reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. 2767  
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**Sec. 2907.322.** (A) No person, with knowledge of the character of the material or performance involved, shall do any of the following: 2775  
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(1) Create, record, photograph, film, develop, reproduce, or publish any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2778  
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(2) Advertise for sale or dissemination, sell, distribute, transport, disseminate, exhibit, or display any material that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2782  
2783  
2784  
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(3) Create, direct, or produce a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2786  
2787  
2788

(4) Advertise for presentation, present, or participate in presenting a performance that shows a minor or impaired person participating or engaging in sexual activity, masturbation, or bestiality; 2789  
2790  
2791  
2792

(5) Knowingly solicit, receive, purchase, exchange, 2793  
possess, or control any material that shows a minor or impaired 2794  
person participating or engaging in sexual activity, 2795  
masturbation, or bestiality; 2796

(6) Bring or cause to be brought into this state any 2797  
material that shows a minor or impaired person participating or 2798  
engaging in sexual activity, masturbation, or bestiality, ~~or~~ 2799  
~~bring;~~ 2800

(7) Bring, cause to be brought, or finance the bringing of 2801  
any minor or impaired person into or across this state with the 2802  
intent that the minor or impaired person engage in sexual 2803  
activity, masturbation, or bestiality in a performance or for 2804  
the purpose of producing material containing a visual 2805  
representation depicting the minor or impaired person engaged in 2806  
sexual activity, masturbation, or bestiality. 2807

(B) (1) This section does not apply to any material or 2808  
performance that is sold, disseminated, displayed, possessed, 2809  
controlled, brought or caused to be brought into this state, or 2810  
presented for a bona fide medical, scientific, educational, 2811  
religious, governmental, judicial, or other proper purpose, by 2812  
or to a physician, psychologist, sociologist, scientist, 2813  
teacher, person pursuing bona fide studies or research, 2814  
librarian, ~~clergyman~~ member of the clergy, prosecutor, judge, or 2815  
other person having a proper interest in the material or 2816  
performance. 2817

(2) Mistake of age is not a defense to a charge under this 2818  
section. 2819

(3) In a prosecution under this section, the trier of fact 2820  
may infer that a person in the material or performance involved 2821

is a minor or impaired person if the material or performance, 2822  
through its title, text, visual representation, or otherwise, 2823  
represents or depicts the person as a minor or impaired person. 2824

(C) Whoever violates this section is guilty of pandering 2825  
sexually oriented matter involving a minor or impaired person. 2826  
~~Violation~~ If the offense involves a minor, a violation of 2827  
division (A) (1), (2), (3), (4), ~~or (6), or (7)~~ of this section 2828  
is a felony of the second degree. If the offense involves an 2829  
impaired person, a violation of division (A) (1), (2), (3), (4), 2830  
(6), or (7) of this section is a felony of the third degree. 2831  
Violation of division (A) (5) of this section is a felony of the 2832  
fourth degree. If the offender previously has been convicted of 2833  
or pleaded guilty to a violation of this section or section 2834  
2907.321 or 2907.323 of the Revised Code, pandering sexually 2835  
oriented matter involving a minor or impaired person in 2836  
violation of division (A) (5) of this section is a felony of the 2837  
third degree. 2838

**Sec. 2907.323.** (A) No person shall do any of the 2839  
following: 2840

(1) Photograph any minor or impaired person who is not the 2841  
person's child or ward in a state of nudity, or create, direct, 2842  
produce, or transfer any material or performance that shows the 2843  
minor or impaired person in a state of nudity, unless both of 2844  
the following apply: 2845

(a) The material or performance is, or is to be, sold, 2846  
disseminated, displayed, possessed, controlled, brought or 2847  
caused to be brought into this state, or presented for a bona 2848  
fide artistic, medical, scientific, educational, religious, 2849  
governmental, judicial, or other proper purpose, by or to a 2850  
physician, psychologist, sociologist, scientist, teacher, person 2851

pursuing bona fide studies or research, librarian, member of the 2852  
clergy, prosecutor, judge, or other person having a proper 2853  
interest in the material or performance; 2854

(b) The minor's or impaired person's parents, guardian, or 2855  
custodian consents in writing to the photographing of the minor 2856  
or impaired person, to the use of the minor or impaired person 2857  
in the material or performance, or to the transfer of the 2858  
material and to the specific manner in which the material or 2859  
performance is to be used. 2860

(2) Consent to the photographing of the person's ~~minor~~ 2861  
child or ward who is a minor or impaired person, or photograph 2862  
the person's ~~minor~~ child or ward who is a minor or impaired 2863  
person, in a state of nudity or consent to the use of the 2864  
person's ~~minor~~ child or ward who is a minor or impaired person 2865  
in a state of nudity in any material or performance, or use or 2866  
transfer a material or performance of that nature, unless the 2867  
material or performance is sold, disseminated, displayed, 2868  
possessed, controlled, brought or caused to be brought into this 2869  
state, or presented for a bona fide artistic, medical, 2870  
scientific, educational, religious, governmental, judicial, or 2871  
other proper purpose, by or to a physician, psychologist, 2872  
sociologist, scientist, teacher, person pursuing bona fide 2873  
studies or research, librarian, member of the clergy, 2874  
prosecutor, judge, or other person having a proper interest in 2875  
the material or performance; 2876

(3) Possess or view any material or performance that shows 2877  
a minor or impaired person who is not the person's child or ward 2878  
in a state of nudity, unless one of the following applies: 2879

(a) The material or performance is sold, disseminated, 2880  
displayed, possessed, controlled, brought or caused to be 2881

brought into this state, or presented for a bona fide artistic, 2882  
medical, scientific, educational, religious, governmental, 2883  
judicial, or other proper purpose, by or to a physician, 2884  
psychologist, sociologist, scientist, teacher, person pursuing 2885  
bona fide studies or research, librarian, member of the clergy, 2886  
prosecutor, judge, or other person having a proper interest in 2887  
the material or performance. 2888

(b) The person knows that the minor's or impaired person's 2889  
parents, guardian, or custodian has consented in writing to the 2890  
photographing or use of the minor or impaired person in a state 2891  
of nudity and to the manner in which the material or performance 2892  
is used or transferred. 2893

(B) Whoever violates this section is guilty of illegal use 2894  
of a minor or impaired person in a nudity-oriented material or 2895  
performance. ~~Whoever~~ If the offense involves a minor, whoever 2896  
violates division (A) (1) or (2) of this section is guilty of a 2897  
felony of the second degree. If the offense involves an impaired 2898  
person, whoever violates division (A) (1) or (2) of this section 2899  
is guilty of a felony of the third degree. Except as otherwise 2900  
provided in this division, whoever violates division (A) (3) of 2901  
this section is guilty of a felony of the fifth degree. If the 2902  
offender previously has been convicted of or pleaded guilty to a 2903  
violation of this section or section 2907.321 or 2907.322 of the 2904  
Revised Code, illegal use of a minor or impaired person in a 2905  
nudity-oriented material or performance in violation of division 2906  
(A) (3) of this section is a felony of the fourth degree. If the 2907  
offender who ~~violates~~ commits a violation of division (A) (1) or 2908  
(2) of this section that involves a minor also is convicted of 2909  
or pleads guilty to a specification as described in section 2910  
2941.1422 of the Revised Code that was included in the 2911  
indictment, count in the indictment, or information charging the 2912

offense, the court shall sentence the offender to a mandatory 2913  
prison term as provided in division (B) (7) of section 2929.14 of 2914  
the Revised Code and shall order the offender to make 2915  
restitution as provided in division (B) (8) of section 2929.18 of 2916  
the Revised Code. 2917

**Sec. 2919.22.** (A) No person, who is the parent, guardian, 2918  
custodian, person having custody or control, or person in loco 2919  
parentis of a child under eighteen years of age or a mentally or 2920  
physically handicapped child under twenty-one years of age, 2921  
shall create a substantial risk to the health or safety of the 2922  
child, by violating a duty of care, protection, or support. It 2923  
is not a violation of a duty of care, protection, or support 2924  
under this division when the parent, guardian, custodian, or 2925  
person having custody or control of a child treats the physical 2926  
or mental illness or defect of the child by spiritual means 2927  
through prayer alone, in accordance with the tenets of a 2928  
recognized religious body. 2929

(B) No person shall do any of the following to a child 2930  
under eighteen years of age or a mentally or physically 2931  
handicapped child under twenty-one years of age: 2932

(1) Abuse the child; 2933

(2) Torture or cruelly abuse the child; 2934

(3) Administer corporal punishment or other physical 2935  
disciplinary measure, or physically restrain the child in a 2936  
cruel manner or for a prolonged period, which punishment, 2937  
discipline, or restraint is excessive under the circumstances 2938  
and creates a substantial risk of serious physical harm to the 2939  
child; 2940

(4) Repeatedly administer unwarranted disciplinary 2941

measures to the child, when there is a substantial risk that 2942  
such conduct, if continued, will seriously impair or retard the 2943  
child's mental health or development; 2944

(5) Entice, coerce, permit, encourage, compel, hire, 2945  
employ, use, or allow the child to act, model, or in any other 2946  
way participate in, or be photographed for, the production, 2947  
presentation, dissemination, or advertisement of any material or 2948  
performance that the offender knows or reasonably should know is 2949  
obscene, is sexually oriented matter, or is nudity-oriented 2950  
matter; 2951

(6) Allow the child to be on the same parcel of real 2952  
property and within one hundred feet of, or, in the case of more 2953  
than one housing unit on the same parcel of real property, in 2954  
the same housing unit and within one hundred feet of, any act in 2955  
violation of section 2925.04 or 2925.041 of the Revised Code 2956  
when the person knows that the act is occurring, whether or not 2957  
any person is prosecuted for or convicted of the violation of 2958  
section 2925.04 or 2925.041 of the Revised Code that is the 2959  
basis of the violation of this division. 2960

(C) (1) No person shall operate a vehicle, streetcar, or 2961  
trackless trolley within this state in violation of division (A) 2962  
of section 4511.19 of the Revised Code when one or more children 2963  
under eighteen years of age are in the vehicle, streetcar, or 2964  
trackless trolley. Notwithstanding any other provision of law, a 2965  
person may be convicted at the same trial or proceeding of a 2966  
violation of this division and a violation of division (A) of 2967  
section 4511.19 of the Revised Code that constitutes the basis 2968  
of the charge of the violation of this division. For purposes of 2969  
sections 4511.191 to 4511.197 of the Revised Code and all 2970  
related provisions of law, a person arrested for a violation of 2971

this division shall be considered to be under arrest for 2972  
operating a vehicle while under the influence of alcohol, a drug 2973  
of abuse, or a combination of them or for operating a vehicle 2974  
with a prohibited concentration of alcohol, a controlled 2975  
substance, or a metabolite of a controlled substance in the 2976  
whole blood, blood serum or plasma, breath, or urine. 2977

(2) As used in division (C) (1) of this section: 2978

(a) "Controlled substance" has the same meaning as in 2979  
section 3719.01 of the Revised Code. 2980

(b) "Vehicle," "streetcar," and "trackless trolley" have 2981  
the same meanings as in section 4511.01 of the Revised Code. 2982

(D) (1) Division (B) (5) of this section does not apply to 2983  
any material or performance that is produced, presented, or 2984  
disseminated for a bona fide medical, scientific, educational, 2985  
religious, governmental, judicial, or other proper purpose, by 2986  
or to a physician, psychologist, sociologist, scientist, 2987  
teacher, person pursuing bona fide studies or research, 2988  
librarian, member of the clergy, prosecutor, judge, or other 2989  
person having a proper interest in the material or performance. 2990

(2) Mistake of age is not a defense to a charge under 2991  
division (B) (5) of this section. 2992

(3) In a prosecution under division (B) (5) of this 2993  
section, the trier of fact may infer that an actor, model, or 2994  
participant in the material or performance involved is a 2995  
juvenile if the material or performance, through its title, 2996  
text, visual representation, or otherwise, represents or depicts 2997  
the actor, model, or participant as a juvenile. 2998

(4) As used in this division and division (B) (5) of this 2999  
section: 3000

(a) "Material," "performance," "obscene," and "sexual activity" have the same meanings as in section 2907.01 of the Revised Code. 3001  
3002  
3003

(b) "Nudity-oriented matter" means any material or performance that shows a minor in a state of nudity and that, taken as a whole by the average person applying contemporary community standards, appeals to prurient interest. 3004  
3005  
3006  
3007

(c) "Sexually oriented matter" means any material or performance that shows a minor participating or engaging in sexual activity, masturbation, or bestiality. 3008  
3009  
3010

(E) (1) Whoever violates this section is guilty of endangering children. 3011  
3012

(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies: 3013  
3014  
3015  
3016

(a) Except as otherwise provided in division (E) (2) (b), (c), or (d) of this section, a misdemeanor of the first degree; 3017  
3018

(b) If the offender previously has been convicted of an offense under this section or of any offense involving neglect, abandonment, contributing to the delinquency of, or physical abuse of a child, except as otherwise provided in division (E) (2) (c) or (d) of this section, a felony of the fourth degree; 3019  
3020  
3021  
3022  
3023

(c) If the violation is a violation of division (A) of this section and results in serious physical harm to the child involved, a felony of the third degree; 3024  
3025  
3026

(d) If the violation is a violation of division (B) (1) of this section and results in serious physical harm to the child 3027  
3028

involved, a felony of the second degree. 3029

(e) If the violation is a felony violation of division (B) 3030  
(1) of this section and the offender also is convicted of or 3031  
pleads guilty to a specification as described in section 3032  
2941.1422 of the Revised Code that was included in the 3033  
indictment, count in the indictment, or information charging the 3034  
offense, the court shall sentence the offender to a mandatory 3035  
prison term as provided in division (B) (7) of section 2929.14 of 3036  
the Revised Code and shall order the offender to make 3037  
restitution as provided in division (B) (8) of section 2929.18 of 3038  
the Revised Code. 3039

(3) If the offender violates division (B) (2), (3), (4), or 3040  
(6) of this section, except as otherwise provided in this 3041  
division, endangering children is a felony of the third degree. 3042  
If the violation results in serious physical harm to the child 3043  
involved, or if the offender previously has been convicted of an 3044  
offense under this section or of any offense involving neglect, 3045  
abandonment, contributing to the delinquency of, or physical 3046  
abuse of a child, endangering children is a felony of the second 3047  
degree. If the offender violates division (B) (2), (3), or (4) of 3048  
this section and the offender also is convicted of or pleads 3049  
guilty to a specification as described in section 2941.1422 of 3050  
the Revised Code that was included in the indictment, count in 3051  
the indictment, or information charging the offense, the court 3052  
shall sentence the offender to a mandatory prison term as 3053  
provided in division (B) (7) of section 2929.14 of the Revised 3054  
Code and shall order the offender to make restitution as 3055  
provided in division (B) (8) of section 2929.18 of the Revised 3056  
Code. If the offender violates division (B) (6) of this section 3057  
and the drug involved is methamphetamine, the court shall impose 3058  
a mandatory prison term on the offender as follows: 3059

(a) If the violation is a violation of division (B) (6) of 3060  
this section that is a felony of the third degree under division 3061  
(E) (3) of this section and the drug involved is methamphetamine, 3062  
except as otherwise provided in this division, the court shall 3063  
impose as a mandatory prison term one of the prison terms 3064  
prescribed for a felony of the third degree that is not less 3065  
than two years. If the violation is a violation of division (B) 3066  
(6) of this section that is a felony of the third degree under 3067  
division (E) (3) of this section, if the drug involved is 3068  
methamphetamine, and if the offender previously has been 3069  
convicted of or pleaded guilty to a violation of division (B) (6) 3070  
of this section, a violation of division (A) of section 2925.04 3071  
of the Revised Code, or a violation of division (A) of section 3072  
2925.041 of the Revised Code, the court shall impose as a 3073  
mandatory prison term one of the prison terms prescribed for a 3074  
felony of the third degree that is not less than five years. 3075

(b) If the violation is a violation of division (B) (6) of 3076  
this section that is a felony of the second degree under 3077  
division (E) (3) of this section and the drug involved is 3078  
methamphetamine, except as otherwise provided in this division, 3079  
the court shall impose as a mandatory prison term one of the 3080  
definite prison terms prescribed for a felony of the second 3081  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3082  
Code that is not less than three years, except that if the 3083  
violation is committed on or after the effective date of this 3084  
amendment, the court shall impose as the minimum prison term for 3085  
the offense a mandatory prison term that is one of the minimum 3086  
terms prescribed for a felony of the second degree in division 3087  
(A) (2) (a) of that section that is not less than three years. If 3088  
the violation is a violation of division (B) (6) of this section 3089  
that is a felony of the second degree under division (E) (3) of 3090

this section, if the drug involved is methamphetamine, and if 3091  
the offender previously has been convicted of or pleaded guilty 3092  
to a violation of division (B) (6) of this section, a violation 3093  
of division (A) of section 2925.04 of the Revised Code, or a 3094  
violation of division (A) of section 2925.041 of the Revised 3095  
Code, the court shall impose as a mandatory prison term one of 3096  
the definite prison terms prescribed for a felony of the second 3097  
degree in division (A) (2) (b) of section 2929.14 of the Revised 3098  
Code that is not less than five years, except that if the 3099  
violation is committed on or after the effective date of this 3100  
amendment, the court shall impose as the minimum prison term for 3101  
the offense a mandatory prison term that is one of the terms 3102  
prescribed for a felony of the second degree in division (A) (2) 3103  
(a) of that section that is not less than five years. 3104

(4) If the offender violates division (B) (5) of this 3105  
section, endangering children is a felony of the second degree. 3106  
If the offender also is convicted of or pleads guilty to a 3107  
specification as described in section 2941.1422 of the Revised 3108  
Code that was included in the indictment, count in the 3109  
indictment, or information charging the offense, the court shall 3110  
sentence the offender to a mandatory prison term as provided in 3111  
division (B) (7) of section 2929.14 of the Revised Code and shall 3112  
order the offender to make restitution as provided in division 3113  
(B) (8) of section 2929.18 of the Revised Code. 3114

(5) If the offender violates division (C) of this section, 3115  
the offender shall be punished as follows: 3116

(a) Except as otherwise provided in division (E) (5) (b) or 3117  
(c) of this section, endangering children in violation of 3118  
division (C) of this section is a misdemeanor of the first 3119  
degree. 3120

(b) If the violation results in serious physical harm to 3121  
the child involved or the offender previously has been convicted 3122  
of an offense under this section or any offense involving 3123  
neglect, abandonment, contributing to the delinquency of, or 3124  
physical abuse of a child, except as otherwise provided in 3125  
division (E) (5) (c) of this section, endangering children in 3126  
violation of division (C) of this section is a felony of the 3127  
fifth degree. 3128

(c) If the violation results in serious physical harm to 3129  
the child involved and if the offender previously has been 3130  
convicted of a violation of division (C) of this section, 3131  
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 3132  
of the Revised Code as it existed prior to March 23, 2000, or 3133  
section 2903.04 of the Revised Code in a case in which the 3134  
offender was subject to the sanctions described in division (D) 3135  
of that section, endangering children in violation of division 3136  
(C) of this section is a felony of the fourth degree. 3137

(d) In addition to any term of imprisonment, fine, or 3138  
other sentence, penalty, or sanction it imposes upon the 3139  
offender pursuant to division (E) (5) (a), (b), or (c) of this 3140  
section or pursuant to any other provision of law and in 3141  
addition to any suspension of the offender's driver's or 3142  
commercial driver's license or permit or nonresident operating 3143  
privilege under Chapter 4506., 4509., 4510., or 4511. of the 3144  
Revised Code or under any other provision of law, the court also 3145  
may impose upon the offender a class seven suspension of the 3146  
offender's driver's or commercial driver's license or permit or 3147  
nonresident operating privilege from the range specified in 3148  
division (A) (7) of section 4510.02 of the Revised Code. 3149

(e) In addition to any term of imprisonment, fine, or 3150

other sentence, penalty, or sanction imposed upon the offender 3151  
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 3152  
or pursuant to any other provision of law for the violation of 3153  
division (C) of this section, if as part of the same trial or 3154  
proceeding the offender also is convicted of or pleads guilty to 3155  
a separate charge charging the violation of division (A) of 3156  
section 4511.19 of the Revised Code that was the basis of the 3157  
charge of the violation of division (C) of this section, the 3158  
offender also shall be sentenced in accordance with section 3159  
4511.19 of the Revised Code for that violation of division (A) 3160  
of section 4511.19 of the Revised Code. 3161

(F) (1) (a) A court may require an offender to perform not 3162  
more than two hundred hours of supervised community service work 3163  
under the authority of an agency, subdivision, or charitable 3164  
organization. The requirement shall be part of the community 3165  
control sanction or sentence of the offender, and the court 3166  
shall impose the community service in accordance with and 3167  
subject to divisions (F) (1) (a) and (b) of this section. The 3168  
court may require an offender whom it requires to perform 3169  
supervised community service work as part of the offender's 3170  
community control sanction or sentence to pay the court a 3171  
reasonable fee to cover the costs of the offender's 3172  
participation in the work, including, but not limited to, the 3173  
costs of procuring a policy or policies of liability insurance 3174  
to cover the period during which the offender will perform the 3175  
work. If the court requires the offender to perform supervised 3176  
community service work as part of the offender's community 3177  
control sanction or sentence, the court shall do so in 3178  
accordance with the following limitations and criteria: 3179

(i) The court shall require that the community service 3180  
work be performed after completion of the term of imprisonment 3181

or jail term imposed upon the offender for the violation of 3182  
division (C) of this section, if applicable. 3183

(ii) The supervised community service work shall be 3184  
subject to the limitations set forth in divisions (B) (1), (2), 3185  
and (3) of section 2951.02 of the Revised Code. 3186

(iii) The community service work shall be supervised in 3187  
the manner described in division (B) (4) of section 2951.02 of 3188  
the Revised Code by an official or person with the 3189  
qualifications described in that division. The official or 3190  
person periodically shall report in writing to the court 3191  
concerning the conduct of the offender in performing the work. 3192

(iv) The court shall inform the offender in writing that 3193  
if the offender does not adequately perform, as determined by 3194  
the court, all of the required community service work, the court 3195  
may order that the offender be committed to a jail or workhouse 3196  
for a period of time that does not exceed the term of 3197  
imprisonment that the court could have imposed upon the offender 3198  
for the violation of division (C) of this section, reduced by 3199  
the total amount of time that the offender actually was 3200  
imprisoned under the sentence or term that was imposed upon the 3201  
offender for that violation and by the total amount of time that 3202  
the offender was confined for any reason arising out of the 3203  
offense for which the offender was convicted and sentenced as 3204  
described in sections 2949.08 and 2967.191 of the Revised Code, 3205  
and that, if the court orders that the offender be so committed, 3206  
the court is authorized, but not required, to grant the offender 3207  
credit upon the period of the commitment for the community 3208  
service work that the offender adequately performed. 3209

(b) If a court, pursuant to division (F) (1) (a) of this 3210  
section, orders an offender to perform community service work as 3211

part of the offender's community control sanction or sentence 3212  
and if the offender does not adequately perform all of the 3213  
required community service work, as determined by the court, the 3214  
court may order that the offender be committed to a jail or 3215  
workhouse for a period of time that does not exceed the term of 3216  
imprisonment that the court could have imposed upon the offender 3217  
for the violation of division (C) of this section, reduced by 3218  
the total amount of time that the offender actually was 3219  
imprisoned under the sentence or term that was imposed upon the 3220  
offender for that violation and by the total amount of time that 3221  
the offender was confined for any reason arising out of the 3222  
offense for which the offender was convicted and sentenced as 3223  
described in sections 2949.08 and 2967.191 of the Revised Code. 3224  
The court may order that a person committed pursuant to this 3225  
division shall receive hour-for-hour credit upon the period of 3226  
the commitment for the community service work that the offender 3227  
adequately performed. No commitment pursuant to this division 3228  
shall exceed the period of the term of imprisonment that the 3229  
sentencing court could have imposed upon the offender for the 3230  
violation of division (C) of this section, reduced by the total 3231  
amount of time that the offender actually was imprisoned under 3232  
that sentence or term and by the total amount of time that the 3233  
offender was confined for any reason arising out of the offense 3234  
for which the offender was convicted and sentenced as described 3235  
in sections 2949.08 and 2967.191 of the Revised Code. 3236

(2) Division (F)(1) of this section does not limit or 3237  
affect the authority of the court to suspend the sentence 3238  
imposed upon a misdemeanor offender and place the offender under 3239  
a community control sanction pursuant to section 2929.25 of the 3240  
Revised Code, to require a misdemeanor or felony offender to 3241  
perform supervised community service work in accordance with 3242

division (B) of section 2951.02 of the Revised Code, or to place 3243  
a felony offender under a community control sanction. 3244

(G) (1) If a court suspends an offender's driver's or 3245  
commercial driver's license or permit or nonresident operating 3246  
privilege under division (E) (5) (d) of this section, the period 3247  
of the suspension shall be consecutive to, and commence after, 3248  
the period of suspension of the offender's driver's or 3249  
commercial driver's license or permit or nonresident operating 3250  
privilege that is imposed under Chapter 4506., 4509., 4510., or 3251  
4511. of the Revised Code or under any other provision of law in 3252  
relation to the violation of division (C) of this section that 3253  
is the basis of the suspension under division (E) (5) (d) of this 3254  
section or in relation to the violation of division (A) of 3255  
section 4511.19 of the Revised Code that is the basis for that 3256  
violation of division (C) of this section. 3257

(2) An offender is not entitled to request, and the court 3258  
shall not grant to the offender, limited driving privileges if 3259  
the offender's license, permit, or privilege has been suspended 3260  
under division (E) (5) (d) of this section and the offender, 3261  
within the preceding six years, has been convicted of or pleaded 3262  
guilty to three or more violations of one or more of the 3263  
following: 3264

(a) Division (C) of this section; 3265

(b) Any equivalent offense, as defined in section 4511.181 3266  
of the Revised Code. 3267

(H) (1) If a person violates division (C) of this section 3268  
and if, at the time of the violation, there were two or more 3269  
children under eighteen years of age in the motor vehicle 3270  
involved in the violation, the offender may be convicted of a 3271

violation of division (C) of this section for each of the 3272  
children, but the court may sentence the offender for only one 3273  
of the violations. 3274

(2) (a) If a person is convicted of or pleads guilty to a 3275  
violation of division (C) of this section but the person is not 3276  
also convicted of and does not also plead guilty to a separate 3277  
charge charging the violation of division (A) of section 4511.19 3278  
of the Revised Code that was the basis of the charge of the 3279  
violation of division (C) of this section, both of the following 3280  
apply: 3281

(i) For purposes of the provisions of section 4511.19 of 3282  
the Revised Code that set forth the penalties and sanctions for 3283  
a violation of division (A) of section 4511.19 of the Revised 3284  
Code, the conviction of or plea of guilty to the violation of 3285  
division (C) of this section shall not constitute a violation of 3286  
division (A) of section 4511.19 of the Revised Code; 3287

(ii) For purposes of any provision of law that refers to a 3288  
conviction of or plea of guilty to a violation of division (A) 3289  
of section 4511.19 of the Revised Code and that is not described 3290  
in division (H) (2) (a) (i) of this section, the conviction of or 3291  
plea of guilty to the violation of division (C) of this section 3292  
shall constitute a conviction of or plea of guilty to a 3293  
violation of division (A) of section 4511.19 of the Revised 3294  
Code. 3295

(b) If a person is convicted of or pleads guilty to a 3296  
violation of division (C) of this section and the person also is 3297  
convicted of or pleads guilty to a separate charge charging the 3298  
violation of division (A) of section 4511.19 of the Revised Code 3299  
that was the basis of the charge of the violation of division 3300  
(C) of this section, the conviction of or plea of guilty to the 3301

violation of division (C) of this section shall not constitute, 3302  
for purposes of any provision of law that refers to a conviction 3303  
of or plea of guilty to a violation of division (A) of section 3304  
4511.19 of the Revised Code, a conviction of or plea of guilty 3305  
to a violation of division (A) of section 4511.19 of the Revised 3306  
Code. 3307

(I) As used in this section: 3308

(1) "Community control sanction" has the same meaning as 3309  
in section 2929.01 of the Revised Code; 3310

(2) "Limited driving privileges" has the same meaning as 3311  
in section 4501.01 of the Revised Code; 3312

(3) "Methamphetamine" has the same meaning as in section 3313  
2925.01 of the Revised Code. 3314

**Sec. 2919.25.** (A) No person shall knowingly cause or 3315  
attempt to cause physical harm to a family or household member. 3316

(B) No person shall recklessly cause serious physical harm 3317  
to a family or household member. 3318

(C) No person, by threat of force, shall knowingly cause a 3319  
family or household member to believe that the offender will 3320  
cause imminent physical harm to the family or household member. 3321

(D) (1) Whoever violates this section is guilty of domestic 3322  
violence, and the court shall sentence the offender as provided 3323  
in divisions (D) (2) to (6) of this section. 3324

(2) Except as otherwise provided in divisions (D) (3) to 3325  
(5) of this section, a violation of division (C) of this section 3326  
is a misdemeanor of the fourth degree, and a violation of 3327  
division (A) or (B) of this section is a misdemeanor of the 3328  
first degree. 3329

(3) Except as otherwise provided in division (D)(4) of 3330  
this section, if the offender previously has pleaded guilty to 3331  
or been convicted of domestic violence, a violation of an 3332  
existing or former municipal ordinance or law of this or any 3333  
other state or the United States that is substantially similar 3334  
to domestic violence, a violation of section 2903.14, 2909.06, 3335  
2909.07, 2911.12, 2911.211, or 2919.22 of the Revised Code if 3336  
the victim of the violation was a family or household member at 3337  
the time of the violation, a violation of an existing or former 3338  
municipal ordinance or law of this or any other state or the 3339  
United States that is substantially similar to any of those 3340  
sections if the victim of the violation was a family or 3341  
household member at the time of the commission of the violation, 3342  
or any offense of violence if the victim of the offense was a 3343  
family or household member at the time of the commission of the 3344  
offense, a violation of division (A) or (B) of this section is a 3345  
felony of the fourth degree, and, if the offender knew that the 3346  
victim of the violation was pregnant at the time of the 3347  
violation, the court shall impose a mandatory prison term on the 3348  
offender pursuant to division (D)(6) of this section, and a 3349  
violation of division (C) of this section is a misdemeanor of 3350  
the second degree. 3351

(4) If the offender previously has pleaded guilty to or 3352  
been convicted of two or more offenses of domestic violence or 3353  
two or more violations or offenses of the type described in 3354  
division (D)(3) of this section involving a person who was a 3355  
family or household member at the time of the violations or 3356  
offenses, a violation of division (A) or (B) of this section is 3357  
a felony of the third degree, and, if the offender knew that the 3358  
victim of the violation was pregnant at the time of the 3359  
violation, the court shall impose a mandatory prison term on the 3360

offender pursuant to division (D)(6) of this section, and a 3361  
violation of division (C) of this section is a misdemeanor of 3362  
the first degree. 3363

(5) Except as otherwise provided in division (D)(3) or (4) 3364  
of this section, if the offender knew that the victim of the 3365  
violation was pregnant at the time of the violation, a violation 3366  
of division (A) or (B) of this section is a felony of the fifth 3367  
degree, and the court shall impose a mandatory prison term on 3368  
the offender pursuant to division (D)(6) of this section, and a 3369  
violation of division (C) of this section is a misdemeanor of 3370  
the third degree. 3371

(6) If division (D)(3), (4), or (5) of this section 3372  
requires the court that sentences an offender for a violation of 3373  
division (A) or (B) of this section to impose a mandatory prison 3374  
term on the offender pursuant to this division, the court shall 3375  
impose the mandatory prison term as follows: 3376

(a) If the violation of division (A) or (B) of this 3377  
section is a felony of the fourth or fifth degree, except as 3378  
otherwise provided in division (D)(6)(b) or (c) of this section, 3379  
the court shall impose a mandatory prison term on the offender 3380  
of at least six months. 3381

(b) If the violation of division (A) or (B) of this 3382  
section is a felony of the fifth degree and the offender, in 3383  
committing the violation, caused serious physical harm to the 3384  
pregnant woman's unborn or caused the termination of the 3385  
pregnant woman's pregnancy, the court shall impose a mandatory 3386  
prison term on the offender of twelve months. 3387

(c) If the violation of division (A) or (B) of this 3388  
section is a felony of the fourth degree and the offender, in 3389

committing the violation, caused serious physical harm to the 3390  
pregnant woman's unborn or caused the termination of the 3391  
pregnant woman's pregnancy, the court shall impose a mandatory 3392  
prison term on the offender of at least twelve months. 3393

(d) If the violation of division (A) or (B) of this 3394  
section is a felony of the third degree, except as otherwise 3395  
provided in division (D)(6)(e) of this section and 3396  
notwithstanding the range of definite prison terms prescribed in 3397  
division (A)(3) of section 2929.14 of the Revised Code for a 3398  
felony of the third degree, the court shall impose a mandatory 3399  
prison term on the offender of either a definite term of six 3400  
months or one of the prison terms prescribed in division (A)(3) 3401  
(b) of section 2929.14 of the Revised Code for felonies of the 3402  
third degree. 3403

(e) If the violation of division (A) or (B) of this 3404  
section is a felony of the third degree and the offender, in 3405  
committing the violation, caused serious physical harm to the 3406  
pregnant woman's unborn or caused the termination of the 3407  
pregnant woman's pregnancy, notwithstanding the range of 3408  
definite prison terms prescribed in division (A)(3) of section 3409  
2929.14 of the Revised Code for a felony of the third degree, 3410  
the court shall impose a mandatory prison term on the offender 3411  
of either a definite term of one year or one of the prison terms 3412  
prescribed in division (A)(3)(b) of section 2929.14 of the 3413  
Revised Code for felonies of the third degree. 3414

(E) Notwithstanding any provision of law to the contrary, 3415  
no court or unit of state or local government shall charge any 3416  
fee, cost, deposit, or money in connection with the filing of 3417  
charges against a person alleging that the person violated this 3418  
section or a municipal ordinance substantially similar to this 3419

section or in connection with the prosecution of any charges so 3420  
filed. 3421

(F) As used in this section and sections 2919.251 and 3422  
2919.26 of the Revised Code: 3423

(1) "Family or household member" means any of the 3424  
following: 3425

(a) Any of the following who is residing or has resided 3426  
with the offender: 3427

(i) A spouse, a person living as a spouse, or a former 3428  
spouse of the offender; 3429

(ii) A parent, a foster parent, or a child of the 3430  
offender, or another person related by consanguinity or affinity 3431  
to the offender; 3432

(iii) A parent or a child of a spouse, person living as a 3433  
spouse, or former spouse of the offender, or another person 3434  
related by consanguinity or affinity to a spouse, person living 3435  
as a spouse, or former spouse of the offender. 3436

(b) The natural parent of any child of whom the offender 3437  
is the other natural parent or is the putative other natural 3438  
parent. 3439

(2) "Person living as a spouse" means a person who is 3440  
living or has lived with the offender in a common law marital 3441  
relationship, who otherwise is cohabiting with the offender, or 3442  
who otherwise has cohabited with the offender within five years 3443  
prior to the date of the alleged commission of the act in 3444  
question. 3445

(3) "Pregnant woman's unborn" has the same meaning as 3446  
"such other person's unborn," as set forth in section 2903.09 of 3447

the Revised Code, as it relates to the pregnant woman. Division 3448  
(C) of that section applies regarding the use of the term in 3449  
this section, except that the second and third sentences of 3450  
division (C) (1) of that section shall be construed for purposes 3451  
of this section as if they included a reference to this section 3452  
in the listing of Revised Code sections they contain. 3453

(4) "Termination of the pregnant woman's pregnancy" has 3454  
the same meaning as "unlawful termination of another's 3455  
pregnancy," as set forth in section 2903.09 of the Revised Code, 3456  
as it relates to the pregnant woman. Division (C) of that 3457  
section applies regarding the use of the term in this section, 3458  
except that the second and third sentences of division (C) (1) of 3459  
that section shall be construed for purposes of this section as 3460  
if they included a reference to this section in the listing of 3461  
Revised Code sections they contain. 3462

**Sec. 2921.321.** (A) No person shall knowingly cause, or 3463  
attempt to cause, physical harm to a police dog or horse in 3464  
either of the following circumstances: 3465

(1) The police dog or horse is assisting a law enforcement 3466  
officer in the performance of the officer's official duties at 3467  
the time the physical harm is caused or attempted. 3468

(2) The police dog or horse is not assisting a law 3469  
enforcement officer in the performance of the officer's official 3470  
duties at the time the physical harm is caused or attempted, but 3471  
the offender has actual knowledge that the dog or horse is a 3472  
police dog or horse. 3473

(B) No person shall recklessly do any of the following: 3474

(1) Taunt, torment, or strike a police dog or horse; 3475

(2) Throw an object or substance at a police dog or horse; 3476

(3) Interfere with or obstruct a police dog or horse, or	3477
interfere with or obstruct a law enforcement officer who is	3478
being assisted by a police dog or horse, in a manner that does	3479
any of the following:	3480
(a) Inhibits or restricts the law enforcement officer's	3481
control of the police dog or horse;	3482
(b) Deprives the law enforcement officer of control of the	3483
police dog or horse;	3484
(c) Releases the police dog or horse from its area of	3485
control;	3486
(d) Enters the area of control of the police dog or horse	3487
without the consent of the law enforcement officer, including	3488
placing food or any other object or substance into that area;	3489
(e) Inhibits or restricts the ability of the police dog or	3490
horse to assist a law enforcement officer.	3491
(4) Engage in any conduct that is likely to cause serious	3492
physical injury or death to a police dog or horse;	3493
(5) If the person is the owner, keeper, or harbinger of a	3494
dog, fail to reasonably restrain the dog from taunting,	3495
tormenting, chasing, approaching in a menacing fashion or	3496
apparent attitude of attack, or attempting to bite or otherwise	3497
endanger a police dog or horse that at the time of the conduct	3498
is assisting a law enforcement officer in the performance of the	3499
officer's duties or that the person knows is a police dog or	3500
horse.	3501
(C) No person shall knowingly cause, or attempt to cause,	3502
physical harm to an assistance dog in either of the following	3503
circumstances:	3504

(1) The dog is assisting or serving a blind, deaf or 3505  
hearing impaired, or mobility impaired person at the time the 3506  
physical harm is caused or attempted. 3507

(2) The dog is not assisting or serving a blind, deaf or 3508  
hearing impaired, or mobility impaired person at the time the 3509  
physical harm is caused or attempted, but the offender has 3510  
actual knowledge that the dog is an assistance dog. 3511

(D) No person shall recklessly do any of the following: 3512

(1) Taunt, torment, or strike an assistance dog; 3513

(2) Throw an object or substance at an assistance dog; 3514

(3) Interfere with or obstruct an assistance dog, or 3515  
interfere with or obstruct a blind, deaf or hearing impaired, or 3516  
mobility impaired person who is being assisted or served by an 3517  
assistance dog, in a manner that does any of the following: 3518

(a) Inhibits or restricts the assisted or served person's 3519  
control of the dog; 3520

(b) Deprives the assisted or served person of control of 3521  
the dog; 3522

(c) Releases the dog from its area of control; 3523

(d) Enters the area of control of the dog without the 3524  
consent of the assisted or served person, including placing food 3525  
or any other object or substance into that area; 3526

(e) Inhibits or restricts the ability of the dog to assist 3527  
the assisted or served person. 3528

(4) Engage in any conduct that is likely to cause serious 3529  
physical injury or death to an assistance dog; 3530

(5) If the person is the owner, keeper, or harbinger of a 3531

dog, fail to reasonably restrain the dog from taunting, 3532  
tormenting, chasing, approaching in a menacing fashion or 3533  
apparent attitude of attack, or attempting to bite or otherwise 3534  
endanger an assistance dog that at the time of the conduct is 3535  
assisting or serving a blind, deaf or hearing impaired, or 3536  
mobility impaired person or that the person knows is an 3537  
assistance dog. 3538

(E) (1) Whoever violates division (A) of this section is 3539  
guilty of assaulting a police dog or horse, and shall be 3540  
punished as provided in divisions (E) (1) (a) and (b) of this 3541  
section. 3542

(a) Except as otherwise provided in this division, 3543  
assaulting a police dog or horse is a misdemeanor of the second 3544  
degree. If the violation results in the death of the police dog 3545  
or horse, assaulting a police dog or horse is a felony of the 3546  
third degree and the court shall impose as a mandatory prison 3547  
term one of the definite prison terms prescribed in division (A) 3548  
(3) (b) of section 2929.14 of the Revised Code for a felony of 3549  
the third degree. If the violation results in serious physical 3550  
harm to the police dog or horse other than its death, assaulting 3551  
a police dog or horse is a felony of the fourth degree. If the 3552  
violation results in physical harm to the police dog or horse 3553  
other than death or serious physical harm, assaulting a police 3554  
dog or horse is a misdemeanor of the first degree. 3555

(b) In addition to any other sanction imposed for 3556  
assaulting a police dog or horse, if the violation of division 3557  
(A) of this section results in the death of the police dog or 3558  
horse, the sentencing court shall impose as a financial sanction 3559  
a mandatory fine under division (B) (10) of section 2929.18 of 3560  
the Revised Code. The fine shall be paid to the law enforcement 3561

agency that was served by the police dog or horse that was 3562  
killed, and shall be used by that agency only for one or more of 3563  
the following purposes: 3564

(i) If the dog or horse was not owned by the agency, the 3565  
payment to the owner of the dog or horse of the cost of the dog 3566  
or horse and the cost of the training of the dog or horse to 3567  
qualify it as a police dog or horse, if that cost has not 3568  
previously been paid by the agency; 3569

(ii) After payment of the costs described in division (E) 3570  
(1)(b)(i) of this section, if applicable, payment of the cost of 3571  
replacing the dog or horse that was killed; 3572

(iii) After payment of the costs described in division (E) 3573  
(1)(b)(i) of this section, if applicable, payment of the cost of 3574  
training the replacement dog or horse to qualify it as a police 3575  
dog or horse; 3576

(iv) After payment of the costs described in division (E) 3577  
(1)(b)(i) of this section, if applicable, payment of the cost of 3578  
further training of the replacement dog or horse that is needed 3579  
to train it to the level of training that had been achieved by 3580  
the dog or horse that was killed. 3581

(2) Whoever violates division (B) of this section is 3582  
guilty of harassing a police dog or horse. Except as otherwise 3583  
provided in this division, harassing a police dog or horse is a 3584  
misdemeanor of the second degree. If the violation results in 3585  
the death of the police dog or horse, harassing a police dog or 3586  
horse is a felony of the third degree. If the violation results 3587  
in serious physical harm to the police dog or horse, but does 3588  
not result in its death, harassing a police dog or horse, is a 3589  
felony of the fourth degree. If the violation results in 3590

physical harm to the police dog or horse, but does not result in 3591  
its death or in serious physical harm to it, harassing a police 3592  
dog or horse is a misdemeanor of the first degree. 3593

(3) Whoever violates division (C) of this section is 3594  
guilty of assaulting an assistance dog. Except as otherwise 3595  
provided in this division, assaulting an assistance dog is a 3596  
misdemeanor of the second degree. If the violation results in 3597  
the death of the assistance dog, assaulting an assistance dog is 3598  
a felony of the third degree. If the violation results in 3599  
serious physical harm to the assistance dog other than its 3600  
death, assaulting an assistance dog is a felony of the fourth 3601  
degree. If the violation results in physical harm to the 3602  
assistance dog other than death or serious physical harm, 3603  
assaulting an assistance dog is a misdemeanor of the first 3604  
degree. 3605

(4) Whoever violates division (D) of this section is 3606  
guilty of harassing an assistance dog. Except as otherwise 3607  
provided in this division, harassing an assistance dog is a 3608  
misdemeanor of the second degree. If the violation results in 3609  
the death of the assistance dog, harassing an assistance dog is 3610  
a felony of the third degree. If the violation results in 3611  
serious physical harm to the assistance dog, but does not result 3612  
in its death, harassing an assistance dog is a felony of the 3613  
fourth degree. If the violation results in physical harm to the 3614  
assistance dog, but does not result in its death or in serious 3615  
physical harm to it, harassing an assistance dog is a 3616  
misdemeanor of the first degree. 3617

(5) In addition to any other sanction or penalty imposed 3618  
for the offense under this section, Chapter 2929., or any other 3619  
provision of the Revised Code, whoever violates division (A), 3620

(B), (C), or (D) of this section is responsible for the payment 3621  
of all of the following: 3622

(a) Any veterinary bill or bill for medication incurred as 3623  
a result of the violation by the police department regarding a 3624  
violation of division (A) or (B) of this section or by the 3625  
blind, deaf or hearing impaired, or mobility impaired person 3626  
assisted or served by the assistance dog regarding a violation 3627  
of division (C) or (D) of this section; 3628

(b) The cost of any damaged equipment that results from 3629  
the violation; 3630

(c) If the violation did not result in the death of the 3631  
police dog or horse or the assistance dog that was the subject 3632  
of the violation and if, as a result of that dog or horse being 3633  
the subject of the violation, the dog or horse needs further 3634  
training or retraining to be able to continue in the capacity of 3635  
a police dog or horse or an assistance dog, the cost of any 3636  
further training or retraining of that dog or horse by a law 3637  
enforcement officer or by the blind, deaf or hearing impaired, 3638  
or mobility impaired person assisted or served by the assistance 3639  
dog; 3640

(d) If the violation resulted in the death of the 3641  
assistance dog that was the subject of the violation or resulted 3642  
in serious physical harm to the police dog or horse or the 3643  
assistance dog or horse that was the subject of the violation to 3644  
the extent that the dog or horse needs to be replaced on either 3645  
a temporary or a permanent basis, the cost of replacing that dog 3646  
or horse and of any further training of a new police dog or 3647  
horse or a new assistance dog by a law enforcement officer or by 3648  
the blind, deaf or hearing impaired, or mobility impaired person 3649  
assisted or served by the assistance dog, which replacement or 3650

training is required because of the death of or the serious 3651  
physical harm to the dog or horse that was the subject of the 3652  
violation. 3653

(F) This section does not apply to a licensed veterinarian 3654  
whose conduct is in accordance with Chapter 4741. of the Revised 3655  
Code. 3656

(G) This section only applies to an offender who knows or 3657  
should know at the time of the violation that the police dog or 3658  
horse or assistance dog that is the subject of a violation under 3659  
this section is a police dog or horse or an assistance dog. 3660

(H) As used in this section: 3661

(1) "Physical harm" means any injury, illness, or other 3662  
physiological impairment, regardless of its gravity or duration. 3663

(2) "Police dog or horse" means a dog or horse that has 3664  
been trained, and may be used, to assist law enforcement 3665  
officers in the performance of their official duties. 3666

(3) "Serious physical harm" means any of the following: 3667

(a) Any physical harm that carries a substantial risk of 3668  
death; 3669

(b) Any physical harm that causes permanent maiming or 3670  
that involves some temporary, substantial maiming; 3671

(c) Any physical harm that causes acute pain of a duration 3672  
that results in substantial suffering. 3673

(4) "Assistance dog," "blind," and "mobility impaired 3674  
person" have the same meanings as in section 955.011 of the 3675  
Revised Code. 3676

**Sec. 2921.36.** (A) No person shall knowingly convey, or 3677

attempt to convey, onto the grounds of a detention facility or 3678  
of an institution, office building, or other place that is under 3679  
the control of the department of mental health and addiction 3680  
services, the department of developmental disabilities, the 3681  
department of youth services, or the department of 3682  
rehabilitation and correction any of the following items: 3683

(1) Any deadly weapon or dangerous ordnance, as defined in 3684  
section 2923.11 of the Revised Code, or any part of or 3685  
ammunition for use in such a deadly weapon or dangerous 3686  
ordnance; 3687

(2) Any drug of abuse, as defined in section 3719.011 of 3688  
the Revised Code; 3689

(3) Any intoxicating liquor, as defined in section 4301.01 3690  
of the Revised Code. 3691

(B) Division (A) of this section does not apply to any 3692  
person who conveys or attempts to convey an item onto the 3693  
grounds of a detention facility or of an institution, office 3694  
building, or other place under the control of the department of 3695  
mental health and addiction services, the department of 3696  
developmental disabilities, the department of youth services, or 3697  
the department of rehabilitation and correction pursuant to the 3698  
written authorization of the person in charge of the detention 3699  
facility or the institution, office building, or other place and 3700  
in accordance with the written rules of the detention facility 3701  
or the institution, office building, or other place. 3702

(C) No person shall knowingly deliver, or attempt to 3703  
deliver, to any person who is confined in a detention facility, 3704  
to a child confined in a youth services facility, to a prisoner 3705  
who is temporarily released from confinement for a work 3706

assignment, or to any patient in an institution under the 3707  
control of the department of mental health and addiction 3708  
services or the department of developmental disabilities any 3709  
item listed in division (A) (1), (2), or (3) of this section. 3710

(D) No person shall knowingly deliver, or attempt to 3711  
deliver, cash to any person who is confined in a detention 3712  
facility, to a child confined in a youth services facility, or 3713  
to a prisoner who is temporarily released from confinement for a 3714  
work assignment. 3715

(E) No person shall knowingly deliver, or attempt to 3716  
deliver, to any person who is confined in a detention facility, 3717  
to a child confined in a youth services facility, or to a 3718  
prisoner who is temporarily released from confinement for a work 3719  
assignment a cellular telephone, two-way radio, or other 3720  
electronic communications device. 3721

(F) (1) It is an affirmative defense to a charge under 3722  
division (A) (1) of this section that the weapon or dangerous 3723  
ordnance in question was being transported in a motor vehicle 3724  
for any lawful purpose, that it was not on the actor's person, 3725  
and, if the weapon or dangerous ordnance in question was a 3726  
firearm, that it was unloaded and was being carried in a closed 3727  
package, box, or case or in a compartment that can be reached 3728  
only by leaving the vehicle. 3729

(2) It is an affirmative defense to a charge under 3730  
division (C) of this section that the actor was not otherwise 3731  
prohibited by law from delivering the item to the confined 3732  
person, the child, the prisoner, or the patient and that either 3733  
of the following applies: 3734

(a) The actor was permitted by the written rules of the 3735

detention facility or the institution, office building, or other 3736  
place to deliver the item to the confined person or the patient. 3737

(b) The actor was given written authorization by the 3738  
person in charge of the detention facility or the institution, 3739  
office building, or other place to deliver the item to the 3740  
confined person or the patient. 3741

(G) (1) Whoever violates division (A) (1) of this section or 3742  
commits a violation of division (C) of this section involving an 3743  
item listed in division (A) (1) of this section is guilty of 3744  
illegal conveyance of weapons onto the grounds of a specified 3745  
governmental facility, a felony of the third degree. If the 3746  
offender is an officer or employee of the department of 3747  
rehabilitation and correction, the court shall impose a 3748  
mandatory prison term from the range of definite prison terms 3749  
prescribed in division (A) (3) (b) of section 2929.14 of the 3750  
Revised Code for a felony of the third degree. 3751

(2) Whoever violates division (A) (2) of this section or 3752  
commits a violation of division (C) of this section involving 3753  
any drug of abuse is guilty of illegal conveyance of drugs of 3754  
abuse onto the grounds of a specified governmental facility, a 3755  
felony of the third degree. If the offender is an officer or 3756  
employee of the department of rehabilitation and correction or 3757  
of the department of youth services, the court shall impose a 3758  
mandatory prison term from the range of definite prison terms 3759  
prescribed in division (A) (3) (b) of section 2929.14 of the 3760  
Revised Code for a felony of the third degree. 3761

(3) Whoever violates division (A) (3) of this section or 3762  
commits a violation of division (C) of this section involving 3763  
any intoxicating liquor is guilty of illegal conveyance of 3764  
intoxicating liquor onto the grounds of a specified governmental 3765

facility, a misdemeanor of the second degree. 3766

(4) Whoever violates division (D) of this section is 3767  
guilty of illegal conveyance of cash onto the grounds of a 3768  
detention facility, a misdemeanor of the first degree. If the 3769  
offender previously has been convicted of or pleaded guilty to a 3770  
violation of division (D) of this section, illegal conveyance of 3771  
cash onto the grounds of a detention facility is a felony of the 3772  
fifth degree. 3773

(5) Whoever violates division (E) of this section is 3774  
guilty of illegal conveyance of a communications device onto the 3775  
grounds of a specified governmental facility, a misdemeanor of 3776  
the first degree, or if the offender previously has been 3777  
convicted of or pleaded guilty to a violation of division (E) of 3778  
this section, a felony of the fifth degree. 3779

**Sec. 2923.132.** (A) As used in this section: 3780

(1) (a) "Violent career criminal" means a person who within 3781  
the preceding eight years, subject to extension as provided in 3782  
division (A) (1) (b) of this section, has been convicted of or 3783  
pleaded guilty to two or more violent felony offenses that are 3784  
separated by intervening sentences and are not so closely 3785  
related to each other and connected in time and place that they 3786  
constitute a course of criminal conduct. 3787

(b) Except as provided in division (A) (1) (c) of this 3788  
section, the eight-year period described in division (A) (1) (a) 3789  
of this section shall be extended by a period of time equal to 3790  
any period of time during which the person, within that eight- 3791  
year period, was confined as a result of having been accused of 3792  
an offense, having been convicted of or pleaded guilty to an 3793  
offense, or having been accused of violating or found to have 3794

violated any community control sanction, post-release control 3795  
sanction, or term or condition of supervised release. 3796

(c) Division (A) (1) (b) of this section shall not apply to 3797  
extend the eight-year period described in division (A) (1) (a) of 3798  
this section by any period of time during which a person is 3799  
confined if the person is acquitted of the charges or the 3800  
charges are dismissed in final disposition of the case or during 3801  
which a person is confined as a result of having been accused of 3802  
violating any sanction, term, or condition described in division 3803  
(A) (1) (b) of this section if the person subsequently is not 3804  
found to have violated that sanction, term, or condition. 3805

(2) "Violent felony offense" means any of the following: 3806

(a) A violation of section 2903.01, 2903.02, 2903.03, 3807  
2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2909.02, 2909.23, 3808  
2911.01, 2911.02, or 2911.11 of the Revised Code; 3809

(b) A violation of division (A) (1) or (2) of section 3810  
2911.12 of the Revised Code; 3811

(c) A felony violation of section 2907.02, 2907.03, 3812  
2907.04, or 2907.05 of the Revised Code; 3813

(d) A felony violation of section 2909.24 of the Revised 3814  
Code or a violation of section 2919.25 of the Revised Code that 3815  
is a felony of the third degree; 3816

(e) A felony violation of any existing or former ordinance 3817  
or law of this state, another state, or the United States that 3818  
is or was substantially equivalent to any offense listed or 3819  
described in divisions (A) (2) (a) to (e) of this section; 3820

(f) A conspiracy or attempt to commit, or complicity in 3821  
committing, any of the offenses listed or described in divisions 3822

(A) (2) (a) to (e) of this section, if the conspiracy, attempt, or complicity is a felony of the first or second degree. 3823  
3824

(3) "Dangerous ordnance" and "firearm" have the same meanings as in section 2923.11 of the Revised Code. 3825  
3826

(4) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 3827  
3828

(5) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 3829  
3830

(6) "Supervised release" has the same meaning as in section 2950.01 of the Revised Code. 3831  
3832

(B) No violent career criminal shall knowingly use any firearm or dangerous ordnance. 3833  
3834

(C) Whoever violates this section is guilty of unlawful use of a weapon by a violent career criminal, a felony of the first degree, ~~and~~. For an offense committed prior to the effective date of this amendment, notwithstanding the range of definite prison terms set forth in division (A) (1) (b) of section 2929.14 of the Revised Code, the court shall impose upon the offender a mandatory prison term that is a definite prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. For an offense committed on or after the effective date of this amendment, notwithstanding the range of minimum prison terms set forth in division (A) (1) (a) of section 2929.14 of the Revised Code, the court shall impose upon the offender an indefinite prison term pursuant to that division, with a minimum term under that sentence that is a mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years. 3835  
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**Sec. 2925.01.** As used in this chapter: 3851

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

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

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

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

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

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

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

(c) An amount equal to or exceeding thirty grams or ten

unit doses of a compound, mixture, preparation, or substance 3881  
that is or contains any amount of a schedule I hallucinogen 3882  
other than tetrahydrocannabinol or lysergic acid amide, or a 3883  
schedule I stimulant or depressant; 3884

(d) An amount equal to or exceeding twenty grams or five 3885  
times the maximum daily dose in the usual dose range specified 3886  
in a standard pharmaceutical reference manual of a compound, 3887  
mixture, preparation, or substance that is or contains any 3888  
amount of a schedule II opiate or opium derivative; 3889

(e) An amount equal to or exceeding five grams or ten unit 3890  
doses of a compound, mixture, preparation, or substance that is 3891  
or contains any amount of phencyclidine; 3892

(f) An amount equal to or exceeding one hundred twenty 3893  
grams or thirty times the maximum daily dose in the usual dose 3894  
range specified in a standard pharmaceutical reference manual of 3895  
a compound, mixture, preparation, or substance that is or 3896  
contains any amount of a schedule II stimulant that is in a 3897  
final dosage form manufactured by a person authorized by the 3898  
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 3899  
U.S.C.A. 301, as amended, and the federal drug abuse control 3900  
laws, as defined in section 3719.01 of the Revised Code, that is 3901  
or contains any amount of a schedule II depressant substance or 3902  
a schedule II hallucinogenic substance; 3903

(g) An amount equal to or exceeding three grams of a 3904  
compound, mixture, preparation, or substance that is or contains 3905  
any amount of a schedule II stimulant, or any of its salts or 3906  
isomers, that is not in a final dosage form manufactured by a 3907  
person authorized by the Federal Food, Drug, and Cosmetic Act 3908  
and the federal drug abuse control laws. 3909

(2) An amount equal to or exceeding one hundred twenty 3910  
grams or thirty times the maximum daily dose in the usual dose 3911  
range specified in a standard pharmaceutical reference manual of 3912  
a compound, mixture, preparation, or substance that is or 3913  
contains any amount of a schedule III or IV substance other than 3914  
an anabolic steroid or a schedule III opiate or opium 3915  
derivative; 3916

(3) An amount equal to or exceeding twenty grams or five 3917  
times the maximum daily dose in the usual dose range specified 3918  
in a standard pharmaceutical reference manual of a compound, 3919  
mixture, preparation, or substance that is or contains any 3920  
amount of a schedule III opiate or opium derivative; 3921

(4) An amount equal to or exceeding two hundred fifty 3922  
milliliters or two hundred fifty grams of a compound, mixture, 3923  
preparation, or substance that is or contains any amount of a 3924  
schedule V substance; 3925

(5) An amount equal to or exceeding two hundred solid 3926  
dosage units, sixteen grams, or sixteen milliliters of a 3927  
compound, mixture, preparation, or substance that is or contains 3928  
any amount of a schedule III anabolic steroid. 3929

(E) "Unit dose" means an amount or unit of a compound, 3930  
mixture, or preparation containing a controlled substance that 3931  
is separately identifiable and in a form that indicates that it 3932  
is the amount or unit by which the controlled substance is 3933  
separately administered to or taken by an individual. 3934

(F) "Cultivate" includes planting, watering, fertilizing, 3935  
or tilling. 3936

(G) "Drug abuse offense" means any of the following: 3937

(1) A violation of division (A) of section 2913.02 that 3938

constitutes theft of drugs, or a violation of section 2925.02, 3939  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 3940  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 3941  
or 2925.37 of the Revised Code; 3942

(2) A violation of an existing or former law of this or 3943  
any other state or of the United States that is substantially 3944  
equivalent to any section listed in division (G) (1) of this 3945  
section; 3946

(3) An offense under an existing or former law of this or 3947  
any other state, or of the United States, of which planting, 3948  
cultivating, harvesting, processing, making, manufacturing, 3949  
producing, shipping, transporting, delivering, acquiring, 3950  
possessing, storing, distributing, dispensing, selling, inducing 3951  
another to use, administering to another, using, or otherwise 3952  
dealing with a controlled substance is an element; 3953

(4) A conspiracy to commit, attempt to commit, or 3954  
complicity in committing or attempting to commit any offense 3955  
under division (G) (1), (2), or (3) of this section. 3956

(H) "Felony drug abuse offense" means any drug abuse 3957  
offense that would constitute a felony under the laws of this 3958  
state, any other state, or the United States. 3959

(I) "Harmful intoxicant" does not include beer or 3960  
intoxicating liquor but means any of the following: 3961

(1) Any compound, mixture, preparation, or substance the 3962  
gas, fumes, or vapor of which when inhaled can induce 3963  
intoxication, excitement, giddiness, irrational behavior, 3964  
depression, stupefaction, paralysis, unconsciousness, 3965  
asphyxiation, or other harmful physiological effects, and 3966  
includes, but is not limited to, any of the following: 3967

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;	3968 3969 3970 3971
(b) Any aerosol propellant;	3972
(c) Any fluorocarbon refrigerant;	3973
(d) Any anesthetic gas.	3974
(2) Gamma Butyrolactone;	3975
(3) 1,4 Butanediol.	3976
(J) "Manufacture" means to plant, cultivate, harvest, process, make, prepare, or otherwise engage in any part of the production of a drug, by propagation, extraction, chemical synthesis, or compounding, or any combination of the same, and includes packaging, repackaging, labeling, and other activities incident to production.	3977 3978 3979 3980 3981 3982
(K) "Possess" or "possession" means having control over a thing or substance, but may not be inferred solely from mere access to the thing or substance through ownership or occupation of the premises upon which the thing or substance is found.	3983 3984 3985 3986
(L) "Sample drug" means a drug or pharmaceutical preparation that would be hazardous to health or safety if used without the supervision of a licensed health professional authorized to prescribe drugs, or a drug of abuse, and that, at one time, had been placed in a container plainly marked as a sample by a manufacturer.	3987 3988 3989 3990 3991 3992
(M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy.	3993 3994 3995

(N) "Juvenile" means a person under eighteen years of age.	3996
(O) "Counterfeit controlled substance" means any of the following:	3997
	3998
(1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;	3999
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(2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;	4003
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(3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;	4007
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	4009
(4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.	4010
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(P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.	4015
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(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state	4022
	4023
	4024

board of education prescribes minimum standards under section 4025  
3301.07 of the Revised Code, whether or not any instruction, 4026  
extracurricular activities, or training provided by the school 4027  
is being conducted at the time a criminal offense is committed. 4028

(R) "School premises" means either of the following: 4029

(1) The parcel of real property on which any school is 4030  
situated, whether or not any instruction, extracurricular 4031  
activities, or training provided by the school is being 4032  
conducted on the premises at the time a criminal offense is 4033  
committed; 4034

(2) Any other parcel of real property that is owned or 4035  
leased by a board of education of a school, the governing 4036  
authority of a community school established under Chapter 3314. 4037  
of the Revised Code, or the governing body of a nonpublic school 4038  
for which the state board of education prescribes minimum 4039  
standards under section 3301.07 of the Revised Code and on which 4040  
some of the instruction, extracurricular activities, or training 4041  
of the school is conducted, whether or not any instruction, 4042  
extracurricular activities, or training provided by the school 4043  
is being conducted on the parcel of real property at the time a 4044  
criminal offense is committed. 4045

(S) "School building" means any building in which any of 4046  
the instruction, extracurricular activities, or training 4047  
provided by a school is conducted, whether or not any 4048  
instruction, extracurricular activities, or training provided by 4049  
the school is being conducted in the school building at the time 4050  
a criminal offense is committed. 4051

(T) "Disciplinary counsel" means the disciplinary counsel 4052  
appointed by the board of commissioners on grievances and 4053

discipline of the supreme court under the Rules for the 4054  
Government of the Bar of Ohio. 4055

(U) "Certified grievance committee" means a duly 4056  
constituted and organized committee of the Ohio state bar 4057  
association or of one or more local bar associations of the 4058  
state of Ohio that complies with the criteria set forth in Rule 4059  
V, section 6 of the Rules for the Government of the Bar of Ohio. 4060

(V) "Professional license" means any license, permit, 4061  
certificate, registration, qualification, admission, temporary 4062  
license, temporary permit, temporary certificate, or temporary 4063  
registration that is described in divisions (W) (1) to (36) of 4064  
this section and that qualifies a person as a professionally 4065  
licensed person. 4066

(W) "Professionally licensed person" means any of the 4067  
following: 4068

(1) A person who has obtained a license as a manufacturer 4069  
of controlled substances or a wholesaler of controlled 4070  
substances under Chapter 3719. of the Revised Code; 4071

(2) A person who has received a certificate or temporary 4072  
certificate as a certified public accountant or who has 4073  
registered as a public accountant under Chapter 4701. of the 4074  
Revised Code and who holds an Ohio permit issued under that 4075  
chapter; 4076

(3) A person who holds a certificate of qualification to 4077  
practice architecture issued or renewed and registered under 4078  
Chapter 4703. of the Revised Code; 4079

(4) A person who is registered as a landscape architect 4080  
under Chapter 4703. of the Revised Code or who holds a permit as 4081  
a landscape architect issued under that chapter; 4082

(5) A person licensed under Chapter 4707. of the Revised Code;	4083 4084
(6) A person who has been issued a certificate of registration as a registered barber under Chapter 4709. of the Revised Code;	4085 4086 4087
(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;	4088 4089 4090
(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;	4091 4092 4093 4094 4095 4096 4097 4098 4099 4100 4101
(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 teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	4102 4103 4104 4105 4106 4107
(10) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the	4108 4109 4110 4111

Revised Code;	4112
(11) A person who has been licensed as a registered nurse	4113
or practical nurse, or who has been issued a certificate for the	4114
practice of nurse-midwifery under Chapter 4723. of the Revised	4115
Code;	4116
(12) A person who has been licensed to practice optometry	4117
or to engage in optical dispensing under Chapter 4725. of the	4118
Revised Code;	4119
(13) A person licensed to act as a pawnbroker under	4120
Chapter 4727. of the Revised Code;	4121
(14) A person licensed to act as a precious metals dealer	4122
under Chapter 4728. of the Revised Code;	4123
(15) A person licensed as a pharmacist, a pharmacy intern,	4124
a wholesale distributor of dangerous drugs, or a terminal	4125
distributor of dangerous drugs under Chapter 4729. of the	4126
Revised Code;	4127
(16) A person who is authorized to practice as a physician	4128
assistant under Chapter 4730. of the Revised Code;	4129
(17) A person who has been issued a license to practice	4130
medicine and surgery, osteopathic medicine and surgery, or	4131
podiatric medicine and surgery under Chapter 4731. of the	4132
Revised Code or has been issued a certificate to practice a	4133
limited branch of medicine under that chapter;	4134
(18) A person licensed as a psychologist or school	4135
psychologist under Chapter 4732. of the Revised Code;	4136
(19) A person registered to practice the profession of	4137
engineering or surveying under Chapter 4733. of the Revised	4138
Code;	4139

(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4140 4141
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	4142 4143
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	4144 4145
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	4146 4147
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	4148 4149
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	4150 4151
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	4152 4153 4154 4155
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	4156 4157 4158
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	4159 4160 4161
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	4162 4163 4164
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised	4165 4166

Code;	4167
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	4168 4169 4170
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	4171 4172 4173 4174 4175 4176
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	4177 4178
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	4179 4180 4181
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	4182 4183
(36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	4184 4185 4186
(X) "Cocaine" means any of the following:	4187
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	4188 4189
(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;	4190 4191 4192 4193

(3) A salt, compound, derivative, or preparation of a 4194  
substance identified in division (X) (1) or (2) of this section 4195  
that is chemically equivalent to or identical with any of those 4196  
substances, except that the substances shall not include 4197  
decocainized coca leaves or extraction of coca leaves if the 4198  
extractions do not contain cocaine or ecgonine. 4199

(Y) "L.S.D." means lysergic acid diethylamide. 4200

(Z) "Hashish" means the resin or a preparation of the 4201  
resin contained in marihuana, whether in solid form or in a 4202  
liquid concentrate, liquid extract, or liquid distillate form. 4203

(AA) "Marihuana" has the same meaning as in section 4204  
3719.01 of the Revised Code, except that it does not include 4205  
hashish. 4206

(BB) An offense is "committed in the vicinity of a 4207  
juvenile" if the offender commits the offense within one hundred 4208  
feet of a juvenile or within the view of a juvenile, regardless 4209  
of whether the offender knows the age of the juvenile, whether 4210  
the offender knows the offense is being committed within one 4211  
hundred feet of or within view of the juvenile, or whether the 4212  
juvenile actually views the commission of the offense. 4213

(CC) "Presumption for a prison term" or "presumption that 4214  
a prison term shall be imposed" means a presumption, as 4215  
described in division (D) of section 2929.13 of the Revised 4216  
Code, that a prison term is a necessary sanction for a felony in 4217  
order to comply with the purposes and principles of sentencing 4218  
under section 2929.11 of the Revised Code. 4219

(DD) "Major drug offender" has the same meaning as in 4220  
section 2929.01 of the Revised Code. 4221

(EE) "Minor drug possession offense" means either of the 4222

following: 4223

(1) A violation of section 2925.11 of the Revised Code as 4224  
it existed prior to July 1, 1996; 4225

(2) A violation of section 2925.11 of the Revised Code as 4226  
it exists on and after July 1, 1996, that is a misdemeanor or a 4227  
felony of the fifth degree. 4228

(FF) "Mandatory prison term" has the same meaning as in 4229  
section 2929.01 of the Revised Code. 4230

(GG) "Adulterate" means to cause a drug to be adulterated 4231  
as described in section 3715.63 of the Revised Code. 4232

(HH) "Public premises" means any hotel, restaurant, 4233  
tavern, store, arena, hall, or other place of public 4234  
accommodation, business, amusement, or resort. 4235

(II) "Methamphetamine" means methamphetamine, any salt, 4236  
isomer, or salt of an isomer of methamphetamine, or any 4237  
compound, mixture, preparation, or substance containing 4238  
methamphetamine or any salt, isomer, or salt of an isomer of 4239  
methamphetamine. 4240

(JJ) "Lawful prescription" means a prescription that is 4241  
issued for a legitimate medical purpose by a licensed health 4242  
professional authorized to prescribe drugs, that is not altered 4243  
or forged, and that was not obtained by means of deception or by 4244  
the commission of any theft offense. 4245

(KK) "Deception" and "theft offense" have the same 4246  
meanings as in section 2913.01 of the Revised Code. 4247

(LL) "First degree felony mandatory prison term" means one 4248  
of the definite prison terms prescribed in division (A) (1) (b) of 4249  
section 2929.14 of the Revised Code for a felony of the first 4250

degree, except that if the violation for which sentence is being 4251  
imposed is committed on or after the effective date of this 4252  
amendment, it means one of the minimum prison terms prescribed 4253  
in division (A) (1) (a) of that section for a felony of the first 4254  
degree. 4255

(MM) "Second degree felony mandatory prison term" means 4256  
one of the definite prison terms prescribed in division (A) (2) 4257  
(b) of section 2929.14 of the Revised Code for a felony of the 4258  
second degree, except that if the violation for which sentence 4259  
is being imposed is committed on or after the effective date of 4260  
this amendment, it means one of the minimum prison terms 4261  
prescribed in division (A) (2) (a) of that section for a felony of 4262  
the second degree. 4263

(NN) "Maximum first degree felony mandatory prison term" 4264  
means the maximum definite prison term prescribed in division 4265  
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 4266  
the first degree, except that if the violation for which 4267  
sentence is being imposed is committed on or after the effective 4268  
date of this amendment, it means the longest minimum prison term 4269  
prescribed in division (A) (1) (a) of that section for a felony of 4270  
the first degree. 4271

(OO) "Maximum second degree felony mandatory prison term" 4272  
means the maximum definite prison term prescribed in division 4273  
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 4274  
the second degree, except that if the violation for which 4275  
sentence is being imposed is committed on or after the effective 4276  
date of this amendment, it means the longest minimum prison term 4277  
prescribed in division (A) (2) (a) of that section for a felony of 4278  
the second degree. 4279

**Sec. 2925.02.** (A) No person shall knowingly do any of the 4280

following: 4281

(1) By force, threat, or deception, administer to another 4282  
or induce or cause another to use a controlled substance; 4283

(2) By any means, administer or furnish to another or 4284  
induce or cause another to use a controlled substance with 4285  
purpose to cause serious physical harm to the other person, or 4286  
with purpose to cause the other person to become drug dependent; 4287

(3) By any means, administer or furnish to another or 4288  
induce or cause another to use a controlled substance, and 4289  
thereby cause serious physical harm to the other person, or 4290  
cause the other person to become drug dependent; 4291

(4) By any means, do any of the following: 4292

(a) Furnish or administer a controlled substance to a 4293  
juvenile who is at least two years the offender's junior, when 4294  
the offender knows the age of the juvenile or is reckless in 4295  
that regard; 4296

(b) Induce or cause a juvenile who is at least two years 4297  
the offender's junior to use a controlled substance, when the 4298  
offender knows the age of the juvenile or is reckless in that 4299  
regard; 4300

(c) Induce or cause a juvenile who is at least two years 4301  
the offender's junior to commit a felony drug abuse offense, 4302  
when the offender knows the age of the juvenile or is reckless 4303  
in that regard; 4304

(d) Use a juvenile, whether or not the offender knows the 4305  
age of the juvenile, to perform any surveillance activity that 4306  
is intended to prevent the detection of the offender or any 4307  
other person in the commission of a felony drug abuse offense or 4308

to prevent the arrest of the offender or any other person for 4309  
the commission of a felony drug abuse offense. 4310

(5) By any means, furnish or administer a controlled 4311  
substance to a pregnant woman or induce or cause a pregnant 4312  
woman to use a controlled substance, when the offender knows 4313  
that the woman is pregnant or is reckless in that regard. 4314

(B) Division (A) (1), (3), (4), or (5) of this section does 4315  
not apply to manufacturers, wholesalers, licensed health 4316  
professionals authorized to prescribe drugs, pharmacists, owners 4317  
of pharmacies, and other persons whose conduct is in accordance 4318  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4319  
4741. of the Revised Code. 4320

(C) Whoever violates this section is guilty of corrupting 4321  
another with drugs. The penalty for the offense shall be 4322  
determined as follows: 4323

(1) If the offense is a violation of division (A) (1), (2), 4324  
(3), or (4) of this section and the drug involved is any 4325  
compound, mixture, preparation, or substance included in 4326  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 4327  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4328  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4329  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4330  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4331  
offender shall be punished as follows: 4332

(a) Except as otherwise provided in division (C) (1) (b) of 4333  
this section, corrupting another with drugs committed in those 4334  
circumstances is a felony of the second degree and, subject to 4335  
division (E) of this section, the court shall impose as a 4336  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4337

~~felony of the second degree~~ a second degree felony mandatory  
prison term. 4338  
4339

(b) If the offense was committed in the vicinity of a 4340  
school, corrupting another with drugs committed in those 4341  
circumstances is a felony of the first degree, and, subject to 4342  
division (E) of this section, the court shall impose as a 4343  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4344  
~~felony of the first degree~~ a first degree felony mandatory  
prison term. 4345  
4346

(2) If the offense is a violation of division (A) (1), (2), 4347  
(3), or (4) of this section and the drug involved is any 4348  
compound, mixture, preparation, or substance included in 4349  
schedule III, IV, or V, the offender shall be punished as 4350  
follows: 4351

(a) Except as otherwise provided in division (C) (2) (b) of 4352  
this section, corrupting another with drugs committed in those 4353  
circumstances is a felony of the second degree and there is a 4354  
presumption for a prison term for the offense. 4355

(b) If the offense was committed in the vicinity of a 4356  
school, corrupting another with drugs committed in those 4357  
circumstances is a felony of the second degree and the court 4358  
shall impose as a mandatory prison term ~~one of the prison terms~~ 4359  
~~prescribed for a felony of the second degree~~ a second degree  
felony mandatory prison term. 4360  
4361

(3) If the offense is a violation of division (A) (1), (2), 4362  
(3), or (4) of this section and the drug involved is marihuana, 4363  
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 4364  
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4365  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4366

(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 4367  
offender shall be punished as follows: 4368

(a) Except as otherwise provided in division (C) (3) (b) of 4369  
this section, corrupting another with drugs committed in those 4370  
circumstances is a felony of the fourth degree and division (C) 4371  
of section 2929.13 of the Revised Code applies in determining 4372  
whether to impose a prison term on the offender. 4373

(b) If the offense was committed in the vicinity of a 4374  
school, corrupting another with drugs committed in those 4375  
circumstances is a felony of the third degree and division (C) 4376  
of section 2929.13 of the Revised Code applies in determining 4377  
whether to impose a prison term on the offender. 4378

(4) If the offense is a violation of division (A) (5) of 4379  
this section and the drug involved is any compound, mixture, 4380  
preparation, or substance included in schedule I or II, with the 4381  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 4382  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 4383  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 4384  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 4385  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 4386  
felony of the first degree and, subject to division (E) of this 4387  
section, the court shall impose as a mandatory prison term ~~one~~ 4388  
~~of the prison terms prescribed for a felony of the first degree~~ 4389  
a first degree felony mandatory prison term. 4390

(5) If the offense is a violation of division (A) (5) of 4391  
this section and the drug involved is any compound, mixture, 4392  
preparation, or substance included in schedule III, IV, or V, 4393  
corrupting another with drugs is a felony of the second degree 4394  
and the court shall impose as a mandatory prison term ~~one of the~~ 4395  
~~prison terms prescribed for a felony of the second degree~~ a 4396

second degree felony mandatory prison term. 4397

(6) If the offense is a violation of division (A) (5) of 4398  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 4399  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4400  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4401  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 4402  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 4403  
corrupting another with drugs is a felony of the third degree 4404  
and division (C) of section 2929.13 of the Revised Code applies 4405  
in determining whether to impose a prison term on the offender. 4406

(D) In addition to any prison term authorized or required 4407  
by division (C) or (E) of this section and sections 2929.13 and 4408  
2929.14 of the Revised Code and in addition to any other 4409  
sanction imposed for the offense under this section or sections 4410  
2929.11 to 2929.18 of the Revised Code, the court that sentences 4411  
an offender who is convicted of or pleads guilty to a violation 4412  
of division (A) of this section may suspend for not more than 4413  
five years the offender's driver's or commercial driver's 4414  
license or permit. However, if the offender pleaded guilty to or 4415  
was convicted of a violation of section 4511.19 of the Revised 4416  
Code or a substantially similar municipal ordinance or the law 4417  
of another state or the United States arising out of the same 4418  
set of circumstances as the violation, the court shall suspend 4419  
the offender's driver's or commercial driver's license or permit 4420  
for not more than five years. The court also shall do all of the 4421  
following that are applicable regarding the offender: 4422

(1) (a) If the violation is a felony of the first, second, 4423  
or third degree, the court shall impose upon the offender the 4424  
mandatory fine specified for the offense under division (B) (1) 4425  
of section 2929.18 of the Revised Code unless, as specified in 4426

that division, the court determines that the offender is 4427  
indigent. 4428

(b) Notwithstanding any contrary provision of section 4429  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 4430  
to division (D)(1)(a) of this section and any fine imposed for a 4431  
violation of this section pursuant to division (A) of section 4432  
2929.18 of the Revised Code shall be paid by the clerk of the 4433  
court in accordance with and subject to the requirements of, and 4434  
shall be used as specified in, division (F) of section 2925.03 4435  
of the Revised Code. 4436

(c) If a person is charged with any violation of this 4437  
section that is a felony of the first, second, or third degree, 4438  
posts bail, and forfeits the bail, the forfeited bail shall be 4439  
paid by the clerk of the court pursuant to division (D)(1)(b) of 4440  
this section as if it were a fine imposed for a violation of 4441  
this section. 4442

(2) If the offender is a professionally licensed person, 4443  
in addition to any other sanction imposed for a violation of 4444  
this section, the court immediately shall comply with section 4445  
2925.38 of the Revised Code. 4446

(E) Notwithstanding the prison term otherwise authorized 4447  
or required for the offense under division (C) of this section 4448  
and sections 2929.13 and 2929.14 of the Revised Code, if the 4449  
violation of division (A) of this section involves the sale, 4450  
offer to sell, or possession of a schedule I or II controlled 4451  
substance, with the exception of marihuana, 1-Pentyl-3-(1- 4452  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 4453  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 4454  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 4455  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 4456

if the court imposing sentence upon the offender finds that the 4457  
offender as a result of the violation is a major drug offender 4458  
and is guilty of a specification of the type described in 4459  
section 2941.1410 of the Revised Code, the court, in lieu of the 4460  
prison term that otherwise is authorized or required, shall 4461  
impose upon the offender the mandatory prison term specified in 4462  
division (B) (3) (a) of section 2929.14 of the Revised Code. 4463

(F) (1) If the sentencing court suspends the offender's 4464  
driver's or commercial driver's license or permit under division 4465  
(D) of this section, the offender, at any time after the 4466  
expiration of two years from the day on which the offender's 4467  
sentence was imposed or from the day on which the offender 4468  
finally was released from a prison term under the sentence, 4469  
whichever is later, may file a motion with the sentencing court 4470  
requesting termination of the suspension. Upon the filing of the 4471  
motion and the court's finding of good cause for the 4472  
determination, the court may terminate the suspension. 4473

(2) Any offender who received a mandatory suspension of 4474  
the offender's driver's or commercial driver's license or permit 4475  
under this section prior to ~~the effective date of this amendment~~ 4476  
September 13, 2016, may file a motion with the sentencing court 4477  
requesting the termination of the suspension. However, an 4478  
offender who pleaded guilty to or was convicted of a violation 4479  
of section 4511.19 of the Revised Code or a substantially 4480  
similar municipal ordinance or law of another state or the 4481  
United States that arose out of the same set of circumstances as 4482  
the violation for which the offender's license or permit was 4483  
suspended under this section shall not file such a motion. 4484

Upon the filing of a motion under division (F) (2) of this 4485  
section, the sentencing court, in its discretion, may terminate 4486

the suspension. 4487

**Sec. 2925.03.** (A) No person shall knowingly do any of the 4488  
following: 4489

(1) Sell or offer to sell a controlled substance or a 4490  
controlled substance analog; 4491

(2) Prepare for shipment, ship, transport, deliver, 4492  
prepare for distribution, or distribute a controlled substance 4493  
or a controlled substance analog, when the offender knows or has 4494  
reasonable cause to believe that the controlled substance or a 4495  
controlled substance analog is intended for sale or resale by 4496  
the offender or another person. 4497

(B) This section does not apply to any of the following: 4498

(1) Manufacturers, licensed health professionals 4499  
authorized to prescribe drugs, pharmacists, owners of 4500  
pharmacies, and other persons whose conduct is in accordance 4501  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4502  
4741. of the Revised Code; 4503

(2) If the offense involves an anabolic steroid, any 4504  
person who is conducting or participating in a research project 4505  
involving the use of an anabolic steroid if the project has been 4506  
approved by the United States food and drug administration; 4507

(3) Any person who sells, offers for sale, prescribes, 4508  
dispenses, or administers for livestock or other nonhuman 4509  
species an anabolic steroid that is expressly intended for 4510  
administration through implants to livestock or other nonhuman 4511  
species and approved for that purpose under the "Federal Food, 4512  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 4513  
as amended, and is sold, offered for sale, prescribed, 4514  
dispensed, or administered for that purpose in accordance with 4515

that act. 4516

(C) Whoever violates division (A) of this section is 4517  
guilty of one of the following: 4518

(1) If the drug involved in the violation is any compound, 4519  
mixture, preparation, or substance included in schedule I or 4520  
schedule II, with the exception of marihuana, cocaine, L.S.D., 4521  
heroin, hashish, and controlled substance analogs, whoever 4522  
violates division (A) of this section is guilty of aggravated 4523  
trafficking in drugs. The penalty for the offense shall be 4524  
determined as follows: 4525

(a) Except as otherwise provided in division (C) (1) (b), 4526  
(c), (d), (e), or (f) of this section, aggravated trafficking in 4527  
drugs is a felony of the fourth degree, and division (C) of 4528  
section 2929.13 of the Revised Code applies in determining 4529  
whether to impose a prison term on the offender. 4530

(b) Except as otherwise provided in division (C) (1) (c), 4531  
(d), (e), or (f) of this section, if the offense was committed 4532  
in the vicinity of a school or in the vicinity of a juvenile, 4533  
aggravated trafficking in drugs is a felony of the third degree, 4534  
and division (C) of section 2929.13 of the Revised Code applies 4535  
in determining whether to impose a prison term on the offender. 4536

(c) Except as otherwise provided in this division, if the 4537  
amount of the drug involved equals or exceeds the bulk amount 4538  
but is less than five times the bulk amount, aggravated 4539  
trafficking in drugs is a felony of the third degree, and, 4540  
except as otherwise provided in this division, there is a 4541  
presumption for a prison term for the offense. If aggravated 4542  
trafficking in drugs is a felony of the third degree under this 4543  
division and if the offender two or more times previously has 4544

been convicted of or pleaded guilty to a felony drug abuse 4545  
offense, the court shall impose as a mandatory prison term one 4546  
of the prison terms prescribed for a felony of the third degree. 4547  
If the amount of the drug involved is within that range and if 4548  
the offense was committed in the vicinity of a school or in the 4549  
vicinity of a juvenile, aggravated trafficking in drugs is a 4550  
felony of the second degree, and the court shall impose as a 4551  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4552  
~~felony of the second degree~~ a second degree felony mandatory 4553  
prison term. 4554

(d) Except as otherwise provided in this division, if the 4555  
amount of the drug involved equals or exceeds five times the 4556  
bulk amount but is less than fifty times the bulk amount, 4557  
aggravated trafficking in drugs is a felony of the second 4558  
degree, and the court shall impose as a mandatory prison term 4559  
~~one of the prison terms prescribed for a felony of the second-~~ 4560  
~~degree~~ a second degree felony mandatory prison term. If the 4561  
amount of the drug involved is within that range and if the 4562  
offense was committed in the vicinity of a school or in the 4563  
vicinity of a juvenile, aggravated trafficking in drugs is a 4564  
felony of the first degree, and the court shall impose as a 4565  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4566  
~~felony of the first degree~~ a first degree felony mandatory 4567  
prison term. 4568

(e) If the amount of the drug involved equals or exceeds 4569  
fifty times the bulk amount but is less than one hundred times 4570  
the bulk amount and regardless of whether the offense was 4571  
committed in the vicinity of a school or in the vicinity of a 4572  
juvenile, aggravated trafficking in drugs is a felony of the 4573  
first degree, and the court shall impose as a mandatory prison 4574  
term ~~one of the prison terms prescribed for a felony of the~~ 4575

~~first degree a first degree felony mandatory prison term.~~ 4576

(f) If the amount of the drug involved equals or exceeds 4577  
one hundred times the bulk amount and regardless of whether the 4578  
offense was committed in the vicinity of a school or in the 4579  
vicinity of a juvenile, aggravated trafficking in drugs is a 4580  
felony of the first degree, the offender is a major drug 4581  
offender, and the court shall impose as a mandatory prison term 4582  
~~the maximum prison term prescribed for a felony of the first~~ 4583  
~~degree a maximum first degree felony mandatory prison term.~~ 4584

(2) If the drug involved in the violation is any compound, 4585  
mixture, preparation, or substance included in schedule III, IV, 4586  
or V, whoever violates division (A) of this section is guilty of 4587  
trafficking in drugs. The penalty for the offense shall be 4588  
determined as follows: 4589

(a) Except as otherwise provided in division (C) (2) (b), 4590  
(c), (d), or (e) of this section, trafficking in drugs is a 4591  
felony of the fifth degree, and division (B) of section 2929.13 4592  
of the Revised Code applies in determining whether to impose a 4593  
prison term on the offender. 4594

(b) Except as otherwise provided in division (C) (2) (c), 4595  
(d), or (e) of this section, if the offense was committed in the 4596  
vicinity of a school or in the vicinity of a juvenile, 4597  
trafficking in drugs is a felony of the fourth degree, and 4598  
division (C) of section 2929.13 of the Revised Code applies in 4599  
determining whether to impose a prison term on the offender. 4600

(c) Except as otherwise provided in this division, if the 4601  
amount of the drug involved equals or exceeds the bulk amount 4602  
but is less than five times the bulk amount, trafficking in 4603  
drugs is a felony of the fourth degree, and division (B) of 4604

section 2929.13 of the Revised Code applies in determining 4605  
whether to impose a prison term for the offense. If the amount 4606  
of the drug involved is within that range and if the offense was 4607  
committed in the vicinity of a school or in the vicinity of a 4608  
juvenile, trafficking in drugs is a felony of the third degree, 4609  
and there is a presumption for a prison term for the offense. 4610

(d) Except as otherwise provided in this division, if the 4611  
amount of the drug involved equals or exceeds five times the 4612  
bulk amount but is less than fifty times the bulk amount, 4613  
trafficking in drugs is a felony of the third degree, and there 4614  
is a presumption for a prison term for the offense. If the 4615  
amount of the drug involved is within that range and if the 4616  
offense was committed in the vicinity of a school or in the 4617  
vicinity of a juvenile, trafficking in drugs is a felony of the 4618  
second degree, and there is a presumption for a prison term for 4619  
the offense. 4620

(e) Except as otherwise provided in this division, if the 4621  
amount of the drug involved equals or exceeds fifty times the 4622  
bulk amount, trafficking in drugs is a felony of the second 4623  
degree, and the court shall impose as a mandatory prison term 4624  
~~one of the prison terms prescribed for a felony of the second-~~ 4625  
~~degree~~ a second degree felony mandatory prison term. If the 4626  
amount of the drug involved equals or exceeds fifty times the 4627  
bulk amount and if the offense was committed in the vicinity of 4628  
a school or in the vicinity of a juvenile, trafficking in drugs 4629  
is a felony of the first degree, and the court shall impose as a 4630  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4631  
~~felony of the first degree~~ a first degree felony mandatory 4632  
prison term. 4633

(3) If the drug involved in the violation is marihuana or 4634

a compound, mixture, preparation, or substance containing 4635  
marihuana other than hashish, whoever violates division (A) of 4636  
this section is guilty of trafficking in marihuana. The penalty 4637  
for the offense shall be determined as follows: 4638

(a) Except as otherwise provided in division (C) (3) (b), 4639  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 4640  
marihuana is a felony of the fifth degree, and division (B) of 4641  
section 2929.13 of the Revised Code applies in determining 4642  
whether to impose a prison term on the offender. 4643

(b) Except as otherwise provided in division (C) (3) (c), 4644  
(d), (e), (f), (g), or (h) of this section, if the offense was 4645  
committed in the vicinity of a school or in the vicinity of a 4646  
juvenile, trafficking in marihuana is a felony of the fourth 4647  
degree, and division (B) of section 2929.13 of the Revised Code 4648  
applies in determining whether to impose a prison term on the 4649  
offender. 4650

(c) Except as otherwise provided in this division, if the 4651  
amount of the drug involved equals or exceeds two hundred grams 4652  
but is less than one thousand grams, trafficking in marihuana is 4653  
a felony of the fourth degree, and division (B) of section 4654  
2929.13 of the Revised Code applies in determining whether to 4655  
impose a prison term on the offender. If the amount of the drug 4656  
involved is within that range and if the offense was committed 4657  
in the vicinity of a school or in the vicinity of a juvenile, 4658  
trafficking in marihuana is a felony of the third degree, and 4659  
division (C) of section 2929.13 of the Revised Code applies in 4660  
determining whether to impose a prison term on the offender. 4661

(d) Except as otherwise provided in this division, if the 4662  
amount of the drug involved equals or exceeds one thousand grams 4663  
but is less than five thousand grams, trafficking in marihuana 4664

is a felony of the third degree, and division (C) of section 4665  
2929.13 of the Revised Code applies in determining whether to 4666  
impose a prison term on the offender. If the amount of the drug 4667  
involved is within that range and if the offense was committed 4668  
in the vicinity of a school or in the vicinity of a juvenile, 4669  
trafficking in marihuana is a felony of the second degree, and 4670  
there is a presumption that a prison term shall be imposed for 4671  
the offense. 4672

(e) Except as otherwise provided in this division, if the 4673  
amount of the drug involved equals or exceeds five thousand 4674  
grams but is less than twenty thousand grams, trafficking in 4675  
marihuana is a felony of the third degree, and there is a 4676  
presumption that a prison term shall be imposed for the offense. 4677  
If the amount of the drug involved is within that range and if 4678  
the offense was committed in the vicinity of a school or in the 4679  
vicinity of a juvenile, trafficking in marihuana is a felony of 4680  
the second degree, and there is a presumption that a prison term 4681  
shall be imposed for the offense. 4682

(f) Except as otherwise provided in this division, if the 4683  
amount of the drug involved equals or exceeds twenty thousand 4684  
grams but is less than forty thousand grams, trafficking in 4685  
marihuana is a felony of the second degree, and the court shall 4686  
impose as a mandatory prison term a second degree felony 4687  
mandatory prison term of five, six, seven, or eight years. If 4688  
the amount of the drug involved is within that range and if the 4689  
offense was committed in the vicinity of a school or in the 4690  
vicinity of a juvenile, trafficking in marihuana is a felony of 4691  
the first degree, and the court shall impose as a mandatory 4692  
prison term ~~the maximum prison term prescribed for a felony of~~ 4693  
~~the first degree~~ a maximum first degree felony mandatory prison 4694  
term. 4695

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds forty thousand grams, trafficking in marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term ~~the maximum prison term prescribed for a felony of the second degree~~ a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds forty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term ~~the maximum prison term prescribed for a felony of the first degree~~ a maximum first degree felony mandatory prison term.

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

(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. 4726

(b) Except as otherwise provided in division (C) (4) (c), 4727  
(d), (e), (f), or (g) of this section, if the offense was 4728  
committed in the vicinity of a school or in the vicinity of a 4729  
juvenile, trafficking in cocaine is a felony of the fourth 4730  
degree, and division (C) of section 2929.13 of the Revised Code 4731  
applies in determining whether to impose a prison term on the 4732  
offender. 4733

(c) Except as otherwise provided in this division, if the 4734  
amount of the drug involved equals or exceeds five grams but is 4735  
less than ten grams of cocaine, trafficking in cocaine is a 4736  
felony of the fourth degree, and division (B) of section 2929.13 4737  
of the Revised Code applies in determining whether to impose a 4738  
prison term for the offense. If the amount of the drug involved 4739  
is within that range and if the offense was committed in the 4740  
vicinity of a school or in the vicinity of a juvenile, 4741  
trafficking in cocaine is a felony of the third degree, and 4742  
there is a presumption for a prison term for the offense. 4743

(d) Except as otherwise provided in this division, if the 4744  
amount of the drug involved equals or exceeds ten grams but is 4745  
less than twenty grams of cocaine, trafficking in cocaine is a 4746  
felony of the third degree, and, except as otherwise provided in 4747  
this division, there is a presumption for a prison term for the 4748  
offense. If trafficking in cocaine is a felony of the third 4749  
degree under this division and if the offender two or more times 4750  
previously has been convicted of or pleaded guilty to a felony 4751  
drug abuse offense, the court shall impose as a mandatory prison 4752  
term one of the prison terms prescribed for a felony of the 4753  
third degree. If the amount of the drug involved is within that 4754  
range and if the offense was committed in the vicinity of a 4755

school or in the vicinity of a juvenile, trafficking in cocaine 4756  
is a felony of the second degree, and the court shall impose as 4757  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4758  
~~felony of the second degree~~ a second degree felony mandatory 4759  
prison term. 4760

(e) Except as otherwise provided in this division, if the 4761  
amount of the drug involved equals or exceeds twenty grams but 4762  
is less than twenty-seven grams of cocaine, trafficking in 4763  
cocaine is a felony of the second degree, and the court shall 4764  
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 cocaine is a felony of the first degree, and the 4770  
court shall impose as a mandatory prison term ~~one of the prison~~ 4771  
~~terms prescribed for a felony of the first degree~~ a first degree 4772  
felony mandatory prison term. 4773

(f) If the amount of the drug involved equals or exceeds 4774  
twenty-seven grams but is less than one hundred grams of cocaine 4775  
and regardless of whether the offense was committed in the 4776  
vicinity of a school or in the vicinity of a juvenile, 4777  
trafficking in cocaine is a felony of the first degree, and the 4778  
court shall impose as a mandatory prison term ~~one of the prison~~ 4779  
~~terms 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  
one hundred grams of cocaine and regardless of whether the 4783  
offense was committed in the vicinity of a school or in the 4784  
vicinity of a juvenile, trafficking in cocaine is a felony of 4785

the 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

(5) If the drug involved in the violation is L.S.D. or a 4790  
compound, mixture, preparation, or substance containing L.S.D., 4791  
whoever violates division (A) of this section is guilty of 4792  
trafficking in L.S.D. The penalty for the offense shall be 4793  
determined as follows: 4794

(a) Except as otherwise provided in division (C) (5) (b), 4795  
(c), (d), (e), (f), or (g) of this section, trafficking in 4796  
L.S.D. is a felony of the fifth degree, and division (B) of 4797  
section 2929.13 of the Revised Code applies in determining 4798  
whether to impose a prison term on the offender. 4799

(b) Except as otherwise provided in division (C) (5) (c), 4800  
(d), (e), (f), or (g) of this section, if the offense was 4801  
committed in the vicinity of a school or in the vicinity of a 4802  
juvenile, trafficking in L.S.D. is a felony of the fourth 4803  
degree, and division (C) of section 2929.13 of the Revised Code 4804  
applies in determining whether to impose a prison term on the 4805  
offender. 4806

(c) Except as otherwise provided in this division, if the 4807  
amount of the drug involved equals or exceeds ten unit doses but 4808  
is less than fifty unit doses of L.S.D. in a solid form or 4809  
equals or exceeds one gram but is less than five grams of L.S.D. 4810  
in a liquid concentrate, liquid extract, or liquid distillate 4811  
form, trafficking in L.S.D. is a felony of the fourth degree, 4812  
and division (B) of section 2929.13 of the Revised Code applies 4813  
in determining whether to impose a prison term for the offense. 4814  
If the amount of the drug involved is within that range and if 4815

the offense was committed in the vicinity of a school or in the 4816  
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 4817  
third degree, and there is a presumption for a prison term for 4818  
the offense. 4819

(d) Except as otherwise provided in this division, if the 4820  
amount of the drug involved equals or exceeds fifty unit doses 4821  
but is less than two hundred fifty unit doses of L.S.D. in a 4822  
solid form or equals or exceeds five grams but is less than 4823  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 4824  
extract, or liquid distillate form, trafficking in L.S.D. is a 4825  
felony of the third degree, and, except as otherwise provided in 4826  
this division, there is a presumption for a prison term for the 4827  
offense. If trafficking in L.S.D. is a felony of the third 4828  
degree under this division and if the offender two or more times 4829  
previously has been convicted of or pleaded guilty to a felony 4830  
drug abuse offense, the court shall impose as a mandatory prison 4831  
term one of the prison terms prescribed for a felony of the 4832  
third degree. If the amount of the drug involved is within that 4833  
range and if the offense was committed in the vicinity of a 4834  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4835  
is a felony of the second degree, and the court shall impose as 4836  
a mandatory prison term ~~one of the prison terms prescribed for a~~ 4837  
~~felony of the second degree~~ a second degree felony mandatory 4838  
prison term. 4839

(e) Except as otherwise provided in this division, if the 4840  
amount of the drug involved equals or exceeds two hundred fifty 4841  
unit doses but is less than one thousand unit doses of L.S.D. in 4842  
a solid form or equals or exceeds twenty-five grams but is less 4843  
than one hundred grams of L.S.D. in a liquid concentrate, liquid 4844  
extract, or liquid distillate form, trafficking in L.S.D. is a 4845  
felony of the second degree, and the court shall impose as a 4846

mandatory prison term ~~one of the prison terms prescribed for a~~ 4847  
~~felony of the second degree~~ a second degree felony mandatory 4848  
prison term. If the amount of the drug involved is within that 4849  
range and if the offense was committed in the vicinity of a 4850  
school or in the vicinity of a juvenile, trafficking in L.S.D. 4851  
is a felony of the first degree, and the court shall impose as a 4852  
mandatory prison term ~~one of the prison terms prescribed for a~~ 4853  
~~felony of the first degree~~ a first degree felony mandatory 4854  
prison term. 4855

(f) If the amount of the drug involved equals or exceeds 4856  
one thousand unit doses but is less than five thousand unit 4857  
doses of L.S.D. in a solid form or equals or exceeds one hundred 4858  
grams but is less than five hundred grams of L.S.D. in a liquid 4859  
concentrate, liquid extract, or liquid distillate form and 4860  
regardless of whether the offense was committed in the vicinity 4861  
of a school or in the vicinity of a juvenile, trafficking in 4862  
L.S.D. is a felony of the first degree, and the court shall 4863  
impose as a mandatory prison term ~~one of the prison terms~~ 4864  
~~prescribed for a felony of the first degree~~ a first degree 4865  
felony mandatory prison term. 4866

(g) If the amount of the drug involved equals or exceeds 4867  
five thousand unit doses of L.S.D. in a solid form or equals or 4868  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4869  
liquid extract, or liquid distillate form and regardless of 4870  
whether the offense was committed in the vicinity of a school or 4871  
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 4872  
of the first degree, the offender is a major drug offender, and 4873  
the court shall impose as a mandatory prison term ~~the maximum~~ 4874  
~~prison term prescribed for a felony of the first degree~~ a 4875  
maximum first degree felony mandatory prison term. 4876

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

(a) Except as otherwise provided in division (C) (6) (b), (c), (d), (e), (f), or (g) of this section, trafficking in heroin 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) (6) (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 heroin 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 unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin 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 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 4907  
five grams but is less than ten grams, trafficking in heroin is 4908  
a felony of the third degree, and there is a presumption for a 4909  
prison term for the offense. If the amount of the drug involved 4910  
is within that range and if the offense was committed in the 4911  
vicinity of a school or in the vicinity of a juvenile, 4912  
trafficking in heroin is a felony of the second degree, and 4913  
there is a presumption for a prison term for the offense. 4914

(e) Except as otherwise provided in this division, if the 4915  
amount of the drug involved equals or exceeds one hundred unit 4916  
doses but is less than five hundred unit doses or equals or 4917  
exceeds ten grams but is less than fifty grams, trafficking in 4918  
heroin is a felony of the second degree, and the court shall 4919  
impose as a mandatory prison term ~~one of the prison terms~~ 4920  
~~prescribed for a felony of the second degree~~ a second degree 4921  
felony mandatory prison term. If the amount of the drug involved 4922  
is within that range and if the offense was committed in the 4923  
vicinity of a school or in the vicinity of a juvenile, 4924  
trafficking in heroin is a felony of the first degree, and the 4925  
court shall impose as a mandatory prison term ~~one of the prison~~ 4926  
~~terms prescribed for a felony of the first degree~~ a first degree 4927  
felony mandatory prison term. 4928

(f) If the amount of the drug involved equals or exceeds 4929  
five hundred unit doses but is less than one thousand unit doses 4930  
or equals or exceeds fifty grams but is less than one hundred 4931  
grams and regardless of whether the offense was committed in the 4932  
vicinity of a school or in the vicinity of a juvenile, 4933  
trafficking in heroin is a felony of the first degree, and the 4934  
court shall impose as a mandatory prison term ~~one of the prison~~ 4935  
~~terms prescribed for a felony of the first degree~~ a first degree 4936  
felony mandatory prison term. 4937

(g) If the amount of the drug involved equals or exceeds 4938  
one thousand unit doses or equals or exceeds one hundred grams 4939  
and regardless of whether the offense was committed in the 4940  
vicinity of a school or in the vicinity of a juvenile, 4941  
trafficking in heroin is a felony of the first degree, the 4942  
offender is a major drug offender, and the court shall impose as 4943  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 4944  
~~felony of the first degree~~ a maximum first degree felony 4945  
mandatory prison term. 4946

(7) If the drug involved in the violation is hashish or a 4947  
compound, mixture, preparation, or substance containing hashish, 4948  
whoever violates division (A) of this section is guilty of 4949  
trafficking in hashish. The penalty for the offense shall be 4950  
determined as follows: 4951

(a) Except as otherwise provided in division (C) (7) (b), 4952  
(c), (d), (e), (f), or (g) of this section, trafficking in 4953  
hashish is a felony of the fifth degree, and division (B) of 4954  
section 2929.13 of the Revised Code applies in determining 4955  
whether to impose a prison term on the offender. 4956

(b) Except as otherwise provided in division (C) (7) (c), 4957  
(d), (e), (f), or (g) of this section, if the offense was 4958  
committed in the vicinity of a school or in the vicinity of a 4959  
juvenile, trafficking in hashish is a felony of the fourth 4960  
degree, and division (B) of section 2929.13 of the Revised Code 4961  
applies in determining whether to impose a prison term on the 4962  
offender. 4963

(c) Except as otherwise provided in this division, if the 4964  
amount of the drug involved equals or exceeds ten grams but is 4965  
less than fifty grams of hashish in a solid form or equals or 4966  
exceeds two grams but is less than ten grams of hashish in a 4967

liquid concentrate, liquid extract, or liquid distillate form, 4968  
trafficking in hashish is a felony of the fourth degree, and 4969  
division (B) of section 2929.13 of the Revised Code applies in 4970  
determining whether to impose a prison term on the offender. If 4971  
the amount of the drug involved is within that range and if the 4972  
offense was committed in the vicinity of a school or in the 4973  
vicinity of a juvenile, trafficking in hashish is a felony of 4974  
the third degree, and division (C) of section 2929.13 of the 4975  
Revised Code applies in determining whether to impose a prison 4976  
term on the offender. 4977

(d) Except as otherwise provided in this division, if the 4978  
amount of the drug involved equals or exceeds fifty grams but is 4979  
less than two hundred fifty grams of hashish in a solid form or 4980  
equals or exceeds ten grams but is less than fifty grams of 4981  
hashish in a liquid concentrate, liquid extract, or liquid 4982  
distillate form, trafficking in hashish is a felony of the third 4983  
degree, and division (C) of section 2929.13 of the Revised Code 4984  
applies in determining whether to impose a prison term on the 4985  
offender. If the amount of the drug involved is within that 4986  
range and if the offense was committed in the vicinity of a 4987  
school or in the vicinity of a juvenile, trafficking in hashish 4988  
is a felony of the second degree, and there is a presumption 4989  
that a prison term shall be imposed for the offense. 4990

(e) Except as otherwise provided in this division, if the 4991  
amount of the drug involved equals or exceeds two hundred fifty 4992  
grams but is less than one thousand grams of hashish in a solid 4993  
form or equals or exceeds fifty grams but is less than two 4994  
hundred grams of hashish in a liquid concentrate, liquid 4995  
extract, or liquid distillate form, trafficking in hashish is a 4996  
felony of the third degree, and there is a presumption that a 4997  
prison term shall be imposed for the offense. If the amount of 4998

the drug involved is within that range and if the offense was 4999  
committed in the vicinity of a school or in the vicinity of a 5000  
juvenile, trafficking in hashish is a felony of the second 5001  
degree, and there is a presumption that a prison term shall be 5002  
imposed for the offense. 5003

(f) Except as otherwise provided in this division, if the 5004  
amount of the drug involved equals or exceeds one thousand grams 5005  
but is less than two thousand grams of hashish in a solid form 5006  
or equals or exceeds two hundred grams but is less than four 5007  
hundred grams of hashish in a liquid concentrate, liquid 5008  
extract, or liquid distillate form, trafficking in hashish is a 5009  
felony of the second degree, and the court shall impose as a 5010  
mandatory prison term a second degree felony mandatory prison 5011  
term of five, six, seven, or eight years. If the amount of the 5012  
drug involved is within that range and if the offense was 5013  
committed in the vicinity of a school or in the vicinity of a 5014  
juvenile, trafficking in hashish is a felony of the first 5015  
degree, and the court shall impose as a mandatory prison term 5016  
~~the maximum prison term prescribed for a felony of the first~~ 5017  
~~degree~~ a maximum first degree felony mandatory prison term. 5018

(g) Except as otherwise provided in this division, if the 5019  
amount of the drug involved equals or exceeds two thousand grams 5020  
of hashish in a solid form or equals or exceeds four hundred 5021  
grams of hashish in a liquid concentrate, liquid extract, or 5022  
liquid distillate form, trafficking in hashish is a felony of 5023  
the second degree, and the court shall impose as a mandatory 5024  
prison term ~~the maximum prison term prescribed for a felony of~~ 5025  
~~the second degree~~ a maximum second degree felony mandatory 5026  
prison term. If the amount of the drug involved equals or 5027  
exceeds two thousand grams of hashish in a solid form or equals 5028  
or exceeds four hundred grams of hashish in a liquid 5029

concentrate, liquid extract, or liquid distillate form and if 5030  
the offense was committed in the vicinity of a school or in the 5031  
vicinity of a juvenile, trafficking in hashish is a felony of 5032  
the first degree, and the court shall impose as a mandatory 5033  
prison term ~~the maximum prison term prescribed for a felony of~~ 5034  
~~the first degree~~ a maximum first degree felony mandatory prison 5035  
term. 5036

(8) If the drug involved in the violation is a controlled 5037  
substance analog or compound, mixture, preparation, or substance 5038  
that contains a controlled substance analog, whoever violates 5039  
division (A) of this section is guilty of trafficking in a 5040  
controlled substance analog. The penalty for the offense shall 5041  
be determined as follows: 5042

(a) Except as otherwise provided in division (C) (8) (b), 5043  
(c), (d), (e), (f), or (g) of this section, trafficking in a 5044  
controlled substance analog is a felony of the fifth degree, and 5045  
division (C) of section 2929.13 of the Revised Code applies in 5046  
determining whether to impose a prison term on the offender. 5047

(b) Except as otherwise provided in division (C) (8) (c), 5048  
(d), (e), (f), or (g) of this section, if the offense was 5049  
committed in the vicinity of a school or in the vicinity of a 5050  
juvenile, trafficking in a controlled substance analog is a 5051  
felony of the fourth degree, and division (C) of section 2929.13 5052  
of the Revised Code applies in determining whether to impose a 5053  
prison term on the offender. 5054

(c) Except as otherwise provided in this division, if the 5055  
amount of the drug involved equals or exceeds ten grams but is 5056  
less than twenty grams, trafficking in a controlled substance 5057  
analog is a felony of the fourth degree, and division (B) of 5058  
section 2929.13 of the Revised Code applies in determining 5059

whether to impose a prison term for the offense. If the amount 5060  
of the drug involved is within that range and if the offense was 5061  
committed in the vicinity of a school or in the vicinity of a 5062  
juvenile, trafficking in a controlled substance analog is a 5063  
felony of the third degree, and there is a presumption for a 5064  
prison term for the offense. 5065

(d) Except as otherwise provided in this division, if the 5066  
amount of the drug involved equals or exceeds twenty grams but 5067  
is less than thirty grams, trafficking in a controlled substance 5068  
analog is a felony of the third degree, and there is a 5069  
presumption for a prison term for the offense. If the amount of 5070  
the drug involved is within that range and if the offense was 5071  
committed in the vicinity of a school or in the vicinity of a 5072  
juvenile, trafficking in a controlled substance analog is a 5073  
felony of the second degree, and there is a presumption for a 5074  
prison term for the offense. 5075

(e) Except as otherwise provided in this division, if the 5076  
amount of the drug involved equals or exceeds thirty grams but 5077  
is less than forty grams, trafficking in a controlled substance 5078  
analog is a felony of the second degree, and the court shall 5079  
impose as a mandatory prison term ~~one of the prison terms~~ 5080  
prescribed for a felony of the second degree, a second degree 5081  
felony mandatory prison term. If the amount of the drug involved 5082  
is within that range and if the offense was committed in the 5083  
vicinity of a school or in the vicinity of a juvenile, 5084  
trafficking in a controlled substance analog is a felony of the 5085  
first degree, and the court shall impose as a mandatory prison 5086  
term ~~one of the prison terms prescribed for a felony of the~~ 5087  
first degree, a first degree felony mandatory prison term. 5088

(f) If the amount of the drug involved equals or exceeds 5089

forty grams but is less than fifty grams and regardless of 5090  
whether the offense was committed in the vicinity of a school or 5091  
in the vicinity of a juvenile, trafficking in a controlled 5092  
substance analog is a felony of the first degree, and the court 5093  
shall impose as a mandatory prison term ~~one of the prison terms~~ 5094  
~~prescribed for a felony of the first degree~~ a first degree 5095  
felony mandatory prison term. 5096

(g) If the amount of the drug involved equals or exceeds 5097  
fifty grams and regardless of whether the offense was committed 5098  
in the vicinity of a school or in the vicinity of a juvenile, 5099  
trafficking in a controlled substance analog is a felony of the 5100  
first degree, the offender is a major drug offender, and the 5101  
court shall impose as a mandatory prison term ~~the maximum prison~~ 5102  
~~term prescribed for a felony of the first degree~~ a maximum first 5103  
degree felony mandatory prison term. 5104

(D) In addition to any prison term authorized or required 5105  
by division (C) of this section and sections 2929.13 and 2929.14 5106  
of the Revised Code, and in addition to any other sanction 5107  
imposed for the offense under this section or sections 2929.11 5108  
to 2929.18 of the Revised Code, the court that sentences an 5109  
offender who is convicted of or pleads guilty to a violation of 5110  
division (A) of this section may suspend the driver's or 5111  
commercial driver's license or permit of the offender in 5112  
accordance with division (G) of this section. However, if the 5113  
offender pleaded guilty to or was convicted of a violation of 5114  
section 4511.19 of the Revised Code or a substantially similar 5115  
municipal ordinance or the law of another state or the United 5116  
States arising out of the same set of circumstances as the 5117  
violation, the court shall suspend the offender's driver's or 5118  
commercial driver's license or permit in accordance with 5119  
division (G) of this section. If applicable, the court also 5120

shall do the following: 5121

(1) If the violation of division (A) of this section is a 5122  
felony of the first, second, or third degree, the court shall 5123  
impose upon the offender the mandatory fine specified for the 5124  
offense under division (B)(1) of section 2929.18 of the Revised 5125  
Code unless, as specified in that division, the court determines 5126  
that the offender is indigent. Except as otherwise provided in 5127  
division (H)(1) of this section, a mandatory fine or any other 5128  
fine imposed for a violation of this section is subject to 5129  
division (F) of this section. If a person is charged with a 5130  
violation of this section that is a felony of the first, second, 5131  
or third degree, posts bail, and forfeits the bail, the clerk of 5132  
the court shall pay the forfeited bail pursuant to divisions (D) 5133  
(1) and (F) of this section, as if the forfeited bail was a fine 5134  
imposed for a violation of this section. If any amount of the 5135  
forfeited bail remains after that payment and if a fine is 5136  
imposed under division (H)(1) of this section, the clerk of the 5137  
court shall pay the remaining amount of the forfeited bail 5138  
pursuant to divisions (H)(2) and (3) of this section, as if that 5139  
remaining amount was a fine imposed under division (H)(1) of 5140  
this section. 5141

(2) If the offender is a professionally licensed person, 5142  
the court immediately shall comply with section 2925.38 of the 5143  
Revised Code. 5144

(E) When a person is charged with the sale of or offer to 5145  
sell a bulk amount or a multiple of a bulk amount of a 5146  
controlled substance, the jury, or the court trying the accused, 5147  
shall determine the amount of the controlled substance involved 5148  
at the time of the offense and, if a guilty verdict is returned, 5149  
shall return the findings as part of the verdict. In any such 5150

case, it is unnecessary to find and return the exact amount of 5151  
the controlled substance involved, and it is sufficient if the 5152  
finding and return is to the effect that the amount of the 5153  
controlled substance involved is the requisite amount, or that 5154  
the amount of the controlled substance involved is less than the 5155  
requisite amount. 5156

(F) (1) Notwithstanding any contrary provision of section 5157  
3719.21 of the Revised Code and except as provided in division 5158  
(H) of this section, the clerk of the court shall pay any 5159  
mandatory fine imposed pursuant to division (D) (1) of this 5160  
section and any fine other than a mandatory fine that is imposed 5161  
for a violation of this section pursuant to division (A) or (B) 5162  
(5) of section 2929.18 of the Revised Code to the county, 5163  
township, municipal corporation, park district, as created 5164  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 5165  
state law enforcement agencies in this state that primarily were 5166  
responsible for or involved in making the arrest of, and in 5167  
prosecuting, the offender. However, the clerk shall not pay a 5168  
mandatory fine so imposed to a law enforcement agency unless the 5169  
agency has adopted a written internal control policy under 5170  
division (F) (2) of this section that addresses the use of the 5171  
fine moneys that it receives. Each agency shall use the 5172  
mandatory fines so paid to subsidize the agency's law 5173  
enforcement efforts that pertain to drug offenses, in accordance 5174  
with the written internal control policy adopted by the 5175  
recipient agency under division (F) (2) of this section. 5176

(2) Prior to receiving any fine moneys under division (F) 5177  
(1) of this section or division (B) of section 2925.42 of the 5178  
Revised Code, a law enforcement agency shall adopt a written 5179  
internal control policy that addresses the agency's use and 5180  
disposition of all fine moneys so received and that provides for 5181

the keeping of detailed financial records of the receipts of 5182  
those fine moneys, the general types of expenditures made out of 5183  
those fine moneys, and the specific amount of each general type 5184  
of expenditure. The policy shall not provide for or permit the 5185  
identification of any specific expenditure that is made in an 5186  
ongoing investigation. All financial records of the receipts of 5187  
those fine moneys, the general types of expenditures made out of 5188  
those fine moneys, and the specific amount of each general type 5189  
of expenditure by an agency are public records open for 5190  
inspection under section 149.43 of the Revised Code. 5191  
Additionally, a written internal control policy adopted under 5192  
this division is such a public record, and the agency that 5193  
adopted it shall comply with it. 5194

(3) As used in division (F) of this section: 5195

(a) "Law enforcement agencies" includes, but is not 5196  
limited to, the state board of pharmacy and the office of a 5197  
prosecutor. 5198

(b) "Prosecutor" has the same meaning as in section 5199  
2935.01 of the Revised Code. 5200

(G)(1) If the sentencing court suspends the offender's 5201  
driver's or commercial driver's license or permit under division 5202  
(D) of this section or any other provision of this chapter, the 5203  
court shall suspend the license, by order, for not more than 5204  
five years. If an offender's driver's or commercial driver's 5205  
license or permit is suspended pursuant to this division, the 5206  
offender, at any time after the expiration of two years from the 5207  
day on which the offender's sentence was imposed or from the day 5208  
on which the offender finally was released from a prison term 5209  
under the sentence, whichever is later, may file a motion with 5210  
the sentencing court requesting termination of the suspension; 5211

upon the filing of such a motion and the court's finding of good 5212  
cause for the termination, the court may terminate the 5213  
suspension. 5214

(2) Any offender who received a mandatory suspension of 5215  
the offender's driver's or commercial driver's license or permit 5216  
under this section prior to ~~the effective date of this amendment~~ 5217  
September 13, 2016, may file a motion with the sentencing court 5218  
requesting the termination of the suspension. However, an 5219  
offender who pleaded guilty to or was convicted of a violation 5220  
of section 4511.19 of the Revised Code or a substantially 5221  
similar municipal ordinance or law of another state or the 5222  
United States that arose out of the same set of circumstances as 5223  
the violation for which the offender's license or permit was 5224  
suspended under this section shall not file such a motion. 5225

Upon the filing of a motion under division (G) (2) of this 5226  
section, the sentencing court, in its discretion, may terminate 5227  
the suspension. 5228

(H) (1) In addition to any prison term authorized or 5229  
required by division (C) of this section and sections 2929.13 5230  
and 2929.14 of the Revised Code, in addition to any other 5231  
penalty or sanction imposed for the offense under this section 5232  
or sections 2929.11 to 2929.18 of the Revised Code, and in 5233  
addition to the forfeiture of property in connection with the 5234  
offense as prescribed in Chapter 2981. of the Revised Code, the 5235  
court that sentences an offender who is convicted of or pleads 5236  
guilty to a violation of division (A) of this section may impose 5237  
upon the offender an additional fine specified for the offense 5238  
in division (B) (4) of section 2929.18 of the Revised Code. A 5239  
fine imposed under division (H) (1) of this section is not 5240  
subject to division (F) of this section and shall be used solely 5241

for the support of one or more eligible community addiction 5242  
services providers in accordance with divisions (H) (2) and (3) 5243  
of this section. 5244

(2) The court that imposes a fine under division (H) (1) of 5245  
this section shall specify in the judgment that imposes the fine 5246  
one or more eligible community addiction services providers for 5247  
the support of which the fine money is to be used. No community 5248  
addiction services provider shall receive or use money paid or 5249  
collected in satisfaction of a fine imposed under division (H) 5250  
(1) of this section unless the services provider is specified in 5251  
the judgment that imposes the fine. No community addiction 5252  
services provider shall be specified in the judgment unless the 5253  
services provider is an eligible community addiction services 5254  
provider and, except as otherwise provided in division (H) (2) of 5255  
this section, unless the services provider is located in the 5256  
county in which the court that imposes the fine is located or in 5257  
a county that is immediately contiguous to the county in which 5258  
that court is located. If no eligible community addiction 5259  
services provider is located in any of those counties, the 5260  
judgment may specify an eligible community addiction services 5261  
provider that is located anywhere within this state. 5262

(3) Notwithstanding any contrary provision of section 5263  
3719.21 of the Revised Code, the clerk of the court shall pay 5264  
any fine imposed under division (H) (1) of this section to the 5265  
eligible community addiction services provider specified 5266  
pursuant to division (H) (2) of this section in the judgment. The 5267  
eligible community addiction services provider that receives the 5268  
fine moneys shall use the moneys only for the alcohol and drug 5269  
addiction services identified in the application for 5270  
certification of services under section 5119.36 of the Revised 5271  
Code or in the application for a license under section 5119.391 5272

of the Revised Code filed with the department of mental health 5273  
and addiction services by the community addiction services 5274  
provider specified in the judgment. 5275

(4) Each community addiction services provider that 5276  
receives in a calendar year any fine moneys under division (H) 5277  
(3) of this section shall file an annual report covering that 5278  
calendar year with the court of common pleas and the board of 5279  
county commissioners of the county in which the services 5280  
provider is located, with the court of common pleas and the 5281  
board of county commissioners of each county from which the 5282  
services provider received the moneys if that county is 5283  
different from the county in which the services provider is 5284  
located, and with the attorney general. The community addiction 5285  
services provider shall file the report no later than the first 5286  
day of March in the calendar year following the calendar year in 5287  
which the services provider received the fine moneys. The report 5288  
shall include statistics on the number of persons served by the 5289  
community addiction services provider, identify the types of 5290  
alcohol and drug addiction services provided to those persons, 5291  
and include a specific accounting of the purposes for which the 5292  
fine moneys received were used. No information contained in the 5293  
report shall identify, or enable a person to determine the 5294  
identity of, any person served by the community addiction 5295  
services provider. Each report received by a court of common 5296  
pleas, a board of county commissioners, or the attorney general 5297  
is a public record open for inspection under section 149.43 of 5298  
the Revised Code. 5299

(5) As used in divisions (H)(1) to (5) of this section: 5300

(a) "Community addiction services provider" and "alcohol 5301  
and drug addiction services" have the same meanings as in 5302

section 5119.01 of the Revised Code. 5303

(b) "Eligible community addiction services provider" means 5304  
a community addiction services provider, as defined in section 5305  
5119.01 of the Revised Code, or a community addiction services 5306  
provider that maintains a methadone treatment program licensed 5307  
under section 5119.391 of the Revised Code. 5308

(I) As used in this section, "drug" includes any substance 5309  
that is represented to be a drug. 5310

(J) It is an affirmative defense to a charge of 5311  
trafficking in a controlled substance analog under division (C) 5312  
(8) of this section that the person charged with violating that 5313  
offense sold or offered to sell, or prepared for shipment, 5314  
shipped, transported, delivered, prepared for distribution, or 5315  
distributed an item described in division (HH) (2) (a), (b), or 5316  
(c) of section 3719.01 of the Revised Code. 5317

**Sec. 2925.04.** (A) No person shall knowingly cultivate 5318  
marihuana or knowingly manufacture or otherwise engage in any 5319  
part of the production of a controlled substance. 5320

(B) This section does not apply to any person listed in 5321  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5322  
Code to the extent and under the circumstances described in 5323  
those divisions. 5324

(C) (1) Whoever commits a violation of division (A) of this 5325  
section that involves any drug other than marihuana is guilty of 5326  
illegal manufacture of drugs, and whoever commits a violation of 5327  
division (A) of this section that involves marihuana is guilty 5328  
of illegal cultivation of marihuana. 5329

(2) Except as otherwise provided in this division, if the 5330  
drug involved in the violation of division (A) of this section 5331

is any compound, mixture, preparation, or substance included in 5332  
schedule I or II, with the exception of methamphetamine or 5333  
marihuana, illegal manufacture of drugs is a felony of the 5334  
second degree, and, subject to division (E) of this section, the 5335  
court shall impose as a mandatory prison term ~~one of the prison~~ 5336  
~~terms prescribed for a felony of the second degree~~ a second 5337  
degree felony mandatory prison term. 5338

If the drug involved in the violation is any compound, 5339  
mixture, preparation, or substance included in schedule I or II, 5340  
with the exception of methamphetamine or marihuana, and if the 5341  
offense was committed in the vicinity of a juvenile or in the 5342  
vicinity of a school, illegal manufacture of drugs is a felony 5343  
of the first degree, and, subject to division (E) of this 5344  
section, the court shall impose as a mandatory prison term ~~one~~ 5345  
~~of the prison terms prescribed for a felony of the first degree~~ 5346  
a first degree felony mandatory prison term. 5347

(3) If the drug involved in the violation of division (A) 5348  
of this section is methamphetamine, the penalty for the 5349  
violation shall be determined as follows: 5350

(a) Except as otherwise provided in division (C) (3) (b) of 5351  
this section, if the drug involved in the violation is 5352  
methamphetamine, illegal manufacture of drugs is a felony of the 5353  
second degree, and, subject to division (E) of this section, the 5354  
court shall impose a mandatory prison term on the offender 5355  
determined in accordance with this division. Except as otherwise 5356  
provided in this division, the court shall impose as a mandatory 5357  
prison term ~~one of the prison terms prescribed for a felony of~~ 5358  
~~the second degree~~ a second degree felony mandatory prison term 5359  
that is not less than three years. If the offender previously 5360  
has been convicted of or pleaded guilty to a violation of 5361

division (A) of this section, a violation of division (B) (6) of 5362  
section 2919.22 of the Revised Code, or a violation of division 5363  
(A) of section 2925.041 of the Revised Code, the court shall 5364  
impose as a mandatory prison term ~~one of the prison terms~~ 5365  
~~prescribed for a felony of the second degree~~ a second degree 5366  
felony mandatory prison term that is not less than five years. 5367

(b) If the drug involved in the violation is 5368  
methamphetamine and if the offense was committed in the vicinity 5369  
of a juvenile, in the vicinity of a school, or on public 5370  
premises, illegal manufacture of drugs is a felony of the first 5371  
degree, and, subject to division (E) of this section, the court 5372  
shall impose a mandatory prison term on the offender determined 5373  
in accordance with this division. Except as otherwise provided 5374  
in this division, the court shall impose as a mandatory prison 5375  
term ~~one of the prison terms prescribed for a felony of the~~ 5376  
~~first degree~~ a first degree felony mandatory prison term that is 5377  
not less than four years. If the offender previously has been 5378  
convicted of or pleaded guilty to a violation of division (A) of 5379  
this section, a violation of division (B) (6) of section 2919.22 5380  
of the Revised Code, or a violation of division (A) of section 5381  
2925.041 of the Revised Code, the court shall impose as a 5382  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5383  
~~felony of the first degree~~ a first degree felony mandatory 5384  
prison term that is not less than five years. 5385

(4) If the drug involved in the violation of division (A) 5386  
of this section is any compound, mixture, preparation, or 5387  
substance included in schedule III, IV, or V, illegal 5388  
manufacture of drugs is a felony of the third degree or, if the 5389  
offense was committed in the vicinity of a school or in the 5390  
vicinity of a juvenile, a felony of the second degree, and there 5391  
is a presumption for a prison term for the offense. 5392

(5) If the drug involved in the violation is marihuana, 5393  
the penalty for the offense shall be determined as follows: 5394

(a) Except as otherwise provided in division (C) (5) (b), 5395  
(c), (d), (e), or (f) of this section, illegal cultivation of 5396  
marihuana is a minor misdemeanor or, if the offense was 5397  
committed in the vicinity of a school or in the vicinity of a 5398  
juvenile, a misdemeanor of the fourth degree. 5399

(b) If the amount of marihuana involved equals or exceeds 5400  
one hundred grams but is less than two hundred grams, illegal 5401  
cultivation of marihuana is a misdemeanor of the fourth degree 5402  
or, if the offense was committed in the vicinity of a school or 5403  
in the vicinity of a juvenile, a misdemeanor of the third 5404  
degree. 5405

(c) If the amount of marihuana involved equals or exceeds 5406  
two hundred grams but is less than one thousand grams, illegal 5407  
cultivation of marihuana is a felony of the fifth degree or, if 5408  
the offense was committed in the vicinity of a school or in the 5409  
vicinity of a juvenile, a felony of the fourth degree, and 5410  
division (B) of section 2929.13 of the Revised Code applies in 5411  
determining whether to impose a prison term on the offender. 5412

(d) If the amount of marihuana involved equals or exceeds 5413  
one thousand grams but is less than five thousand grams, illegal 5414  
cultivation of marihuana is a felony of the third degree or, if 5415  
the offense was committed in the vicinity of a school or in the 5416  
vicinity of a juvenile, a felony of the second degree, and 5417  
division (C) of section 2929.13 of the Revised Code applies in 5418  
determining whether to impose a prison term on the offender. 5419

(e) If the amount of marihuana involved equals or exceeds 5420  
five thousand grams but is less than twenty thousand grams, 5421

illegal cultivation of marihuana is a felony of the third degree 5422  
or, if the offense was committed in the vicinity of a school or 5423  
in the vicinity of a juvenile, a felony of the second degree, 5424  
and there is a presumption for a prison term for the offense. 5425

(f) Except as otherwise provided in this division, if the 5426  
amount of marihuana involved equals or exceeds twenty thousand 5427  
grams, illegal cultivation of marihuana is a felony of the 5428  
second degree, and the court shall impose as a mandatory prison 5429  
~~term the maximum prison term prescribed for a felony of the~~ 5430  
~~second degree~~ a maximum second degree felony mandatory prison 5431  
term. If the amount of the drug involved equals or exceeds 5432  
twenty thousand grams and if the offense was committed in the 5433  
vicinity of a school or in the vicinity of a juvenile, illegal 5434  
cultivation of marihuana is a felony of the first degree, and 5435  
the court shall impose as a mandatory prison term ~~the maximum~~ 5436  
~~prison term prescribed for a felony of the first degree~~ a 5437  
maximum first degree felony mandatory prison term. 5438

(D) In addition to any prison term authorized or required 5439  
by division (C) or (E) of this section and sections 2929.13 and 5440  
2929.14 of the Revised Code and in addition to any other 5441  
sanction imposed for the offense under this section or sections 5442  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5443  
an offender who is convicted of or pleads guilty to a violation 5444  
of division (A) of this section may suspend the offender's 5445  
driver's or commercial driver's license or permit in accordance 5446  
with division (G) of section 2925.03 of the Revised Code. 5447  
However, if the offender pleaded guilty to or was convicted of a 5448  
violation of section 4511.19 of the Revised Code or a 5449  
substantially similar municipal ordinance or the law of another 5450  
state or the United States arising out of the same set of 5451  
circumstances as the violation, the court shall suspend the 5452

offender's driver's or commercial driver's license or permit in 5453  
accordance with division (G) of section 2925.03 of the Revised 5454  
Code. If applicable, the court also shall do the following: 5455

(1) If the violation of division (A) of this section is a 5456  
felony of the first, second, or third degree, the court shall 5457  
impose upon the offender the mandatory fine specified for the 5458  
offense under division (B)(1) of section 2929.18 of the Revised 5459  
Code unless, as specified in that division, the court determines 5460  
that the offender is indigent. The clerk of the court shall pay 5461  
a mandatory fine or other fine imposed for a violation of this 5462  
section pursuant to division (A) of section 2929.18 of the 5463  
Revised Code in accordance with and subject to the requirements 5464  
of division (F) of section 2925.03 of the Revised Code. The 5465  
agency that receives the fine shall use the fine as specified in 5466  
division (F) of section 2925.03 of the Revised Code. If a person 5467  
is charged with a violation of this section that is a felony of 5468  
the first, second, or third degree, posts bail, and forfeits the 5469  
bail, the clerk shall pay the forfeited bail as if the forfeited 5470  
bail were a fine imposed for a violation of this section. 5471

(2) If the offender is a professionally licensed person, 5472  
the court immediately shall comply with section 2925.38 of the 5473  
Revised Code. 5474

(E) Notwithstanding the prison term otherwise authorized 5475  
or required for the offense under division (C) of this section 5476  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5477  
violation of division (A) of this section involves the sale, 5478  
offer to sell, or possession of a schedule I or II controlled 5479  
substance, with the exception of marihuana, and if the court 5480  
imposing sentence upon the offender finds that the offender as a 5481  
result of the violation is a major drug offender and is guilty 5482

of a specification of the type described in section 2941.1410 of 5483  
the Revised Code, the court, in lieu of the prison term 5484  
otherwise authorized or required, shall impose upon the offender 5485  
the mandatory prison term specified in division (B) (3) of 5486  
section 2929.14 of the Revised Code. 5487

(F) It is an affirmative defense, as provided in section 5488  
2901.05 of the Revised Code, to a charge under this section for 5489  
a fifth degree felony violation of illegal cultivation of 5490  
marihuana that the marihuana that gave rise to the charge is in 5491  
an amount, is in a form, is prepared, compounded, or mixed with 5492  
substances that are not controlled substances in a manner, or is 5493  
possessed or cultivated under any other circumstances that 5494  
indicate that the marihuana was solely for personal use. 5495

Notwithstanding any contrary provision of division (F) of 5496  
this section, if, in accordance with section 2901.05 of the 5497  
Revised Code, a person who is charged with a violation of 5498  
illegal cultivation of marihuana that is a felony of the fifth 5499  
degree sustains the burden of going forward with evidence of and 5500  
establishes by a preponderance of the evidence the affirmative 5501  
defense described in this division, the person may be prosecuted 5502  
for and may be convicted of or plead guilty to a misdemeanor 5503  
violation of illegal cultivation of marihuana. 5504

(G) Arrest or conviction for a minor misdemeanor violation 5505  
of this section does not constitute a criminal record and need 5506  
not be reported by the person so arrested or convicted in 5507  
response to any inquiries about the person's criminal record, 5508  
including any inquiries contained in an application for 5509  
employment, a license, or any other right or privilege or made 5510  
in connection with the person's appearance as a witness. 5511

(H) (1) If the sentencing court suspends the offender's 5512

driver's or commercial driver's license or permit under this 5513  
section in accordance with division (G) of section 2925.03 of 5514  
the Revised Code, the offender may request termination of, and 5515  
the court may terminate, the suspension of the offender in 5516  
accordance with that division. 5517

(2) Any offender who received a mandatory suspension of 5518  
the offender's driver's or commercial driver's license or permit 5519  
under this section prior to ~~the effective date of this amendment~~ 5520  
September 13, 2016, may file a motion with the sentencing court 5521  
requesting the termination of the suspension. However, an 5522  
offender who pleaded guilty to or was convicted of a violation 5523  
of section 4511.19 of the Revised Code or a substantially 5524  
similar municipal ordinance or law of another state or the 5525  
United States that arose out of the same set of circumstances as 5526  
the violation for which the offender's license or permit was 5527  
suspended under this section shall not file such a motion. 5528

Upon the filing of a motion under division (H) (2) of this 5529  
section, the sentencing court, in its discretion, may terminate 5530  
the suspension. 5531

**Sec. 2925.041.** (A) No person shall knowingly assemble or 5532  
possess one or more chemicals that may be used to manufacture a 5533  
controlled substance in schedule I or II with the intent to 5534  
manufacture a controlled substance in schedule I or II in 5535  
violation of section 2925.04 of the Revised Code. 5536

(B) In a prosecution under this section, it is not 5537  
necessary to allege or prove that the offender assembled or 5538  
possessed all chemicals necessary to manufacture a controlled 5539  
substance in schedule I or II. The assembly or possession of a 5540  
single chemical that may be used in the manufacture of a 5541  
controlled substance in schedule I or II, with the intent to 5542

manufacture a controlled substance in either schedule, is 5543  
sufficient to violate this section. 5544

(C) Whoever violates this section is guilty of illegal 5545  
assembly or possession of chemicals for the manufacture of 5546  
drugs. Except as otherwise provided in this division, illegal 5547  
assembly or possession of chemicals for the manufacture of drugs 5548  
is a felony of the third degree, and, except as otherwise 5549  
provided in division (C)(1) or (2) of this section, division (C) 5550  
of section 2929.13 of the Revised Code applies in determining 5551  
whether to impose a prison term on the offender. If the offense 5552  
was committed in the vicinity of a juvenile or in the vicinity 5553  
of a school, illegal assembly or possession of chemicals for the 5554  
manufacture of drugs is a felony of the second degree, and, 5555  
except as otherwise provided in division (C)(1) or (2) of this 5556  
section, division (C) of section 2929.13 of the Revised Code 5557  
applies in determining whether to impose a prison term on the 5558  
offender. If the violation of division (A) of this section is a 5559  
felony of the third degree under this division and if the 5560  
chemical or chemicals assembled or possessed in violation of 5561  
division (A) of this section may be used to manufacture 5562  
methamphetamine, there either is a presumption for a prison term 5563  
for the offense or the court shall impose a mandatory prison 5564  
term on the offender, determined as follows: 5565

(1) Except as otherwise provided in this division, there 5566  
is a presumption for a prison term for the offense. If the 5567  
offender two or more times previously has been convicted of or 5568  
pleaded guilty to a felony drug abuse offense, except as 5569  
otherwise provided in this division, the court shall impose as a 5570  
mandatory prison term one of the prison terms prescribed for a 5571  
felony of the third degree that is not less than two years. If 5572  
the offender two or more times previously has been convicted of 5573

or pleaded guilty to a felony drug abuse offense and if at least 5574  
one of those previous convictions or guilty pleas was to a 5575  
violation of division (A) of this section, a violation of 5576  
division (B) (6) of section 2919.22 of the Revised Code, or a 5577  
violation of division (A) of section 2925.04 of the Revised 5578  
Code, the court shall impose as a mandatory prison term one of 5579  
the prison terms prescribed for a felony of the third degree 5580  
that is not less than five years. 5581

(2) If the violation of division (A) of this section is a 5582  
felony of the second degree under division (C) of this section 5583  
and the chemical or chemicals assembled or possessed in 5584  
committing the violation may be used to manufacture 5585  
methamphetamine, the court shall impose as a mandatory prison 5586  
term ~~one of the prison terms prescribed for a felony of the~~ 5587  
~~second degree~~ a second degree felony mandatory prison term that 5588  
is not less than three years. If the violation of division (A) 5589  
of this section is a felony of the second degree under division 5590  
(C) of this section, if the chemical or chemicals assembled or 5591  
possessed in committing the violation may be used to manufacture 5592  
methamphetamine, and if the offender previously has been 5593  
convicted of or pleaded guilty to a violation of division (A) of 5594  
this section, a violation of division (B) (6) of section 2919.22 5595  
of the Revised Code, or a violation of division (A) of section 5596  
2925.04 of the Revised Code, the court shall impose as a 5597  
mandatory prison term ~~one of the prison terms prescribed for a~~ 5598  
~~felony of the second degree~~ a second degree felony mandatory 5599  
prison term that is not less than five years. 5600

(D) In addition to any prison term authorized by division 5601  
(C) of this section and sections 2929.13 and 2929.14 of the 5602  
Revised Code and in addition to any other sanction imposed for 5603  
the offense under this section or sections 2929.11 to 2929.18 of 5604

the Revised Code, the court that sentences an offender who is 5605  
convicted of or pleads guilty to a violation of this section may 5606  
suspend the offender's driver's or commercial driver's license 5607  
or permit in accordance with division (G) of section 2925.03 of 5608  
the Revised Code. However, if the offender pleaded guilty to or 5609  
was convicted of a violation of section 4511.19 of the Revised 5610  
Code or a substantially similar municipal ordinance or the law 5611  
of another state or the United States arising out of the same 5612  
set of circumstances as the violation, the court shall suspend 5613  
the offender's driver's or commercial driver's license or permit 5614  
in accordance with division (G) of section 2925.03 of the 5615  
Revised Code. If applicable, the court also shall do the 5616  
following: 5617

(1) The court shall impose upon the offender the mandatory 5618  
fine specified for the offense under division (B)(1) of section 5619  
2929.18 of the Revised Code unless, as specified in that 5620  
division, the court determines that the offender is indigent. 5621  
The clerk of the court shall pay a mandatory fine or other fine 5622  
imposed for a violation of this section under division (A) of 5623  
section 2929.18 of the Revised Code in accordance with and 5624  
subject to the requirements of division (F) of section 2925.03 5625  
of the Revised Code. The agency that receives the fine shall use 5626  
the fine as specified in division (F) of section 2925.03 of the 5627  
Revised Code. If a person charged with a violation of this 5628  
section posts bail and forfeits the bail, the clerk shall pay 5629  
the forfeited bail as if the forfeited bail were a fine imposed 5630  
for a violation of this section. 5631

(2) If the offender is a professionally licensed person or 5632  
a person who has been admitted to the bar by order of the 5633  
supreme court in compliance with its prescribed and published 5634  
rules, the court shall comply with section 2925.38 of the 5635

Revised Code. 5636

(E) (1) If the sentencing court suspends the offender's 5637  
driver's or commercial driver's license or permit under this 5638  
section in accordance with division (G) of section 2925.03 of 5639  
the Revised Code, the offender may request termination of, and 5640  
the court may terminate, the suspension of the offender in 5641  
accordance with that division. 5642

(2) Any offender who received a mandatory suspension of 5643  
the offender's driver's or commercial driver's license or permit 5644  
under this section prior to ~~the effective date of this amendment~~ 5645  
September 13, 2016, may file a motion with the sentencing court 5646  
requesting the termination of the suspension. However, an 5647  
offender who pleaded guilty to or was convicted of a violation 5648  
of section 4511.19 of the Revised Code or a substantially 5649  
similar municipal ordinance or law of another state or the 5650  
United States that arose out of the same set of circumstances as 5651  
the violation for which the offender's license or permit was 5652  
suspended under this section shall not file such a motion. 5653

Upon the filing of a motion under division (E) (2) of this 5654  
section, the sentencing court, in its discretion, may terminate 5655  
the suspension. 5656

**Sec. 2925.05.** (A) No person shall knowingly provide money 5657  
or other items of value to another person with the purpose that 5658  
the recipient of the money or items of value use them to obtain 5659  
any controlled substance for the purpose of violating section 5660  
2925.04 of the Revised Code or for the purpose of selling or 5661  
offering to sell the controlled substance in the following 5662  
amount: 5663

(1) If the drug to be sold or offered for sale is any 5664

compound, mixture, preparation, or substance included in 5665  
schedule I or II, with the exception of marihuana, cocaine, 5666  
L.S.D., heroin, and hashish, or schedule III, IV, or V, an 5667  
amount of the drug that equals or exceeds the bulk amount of the 5668  
drug; 5669

(2) If the drug to be sold or offered for sale is 5670  
marihuana or a compound, mixture, preparation, or substance 5671  
other than hashish containing marihuana, an amount of the 5672  
marihuana that equals or exceeds two hundred grams; 5673

(3) If the drug to be sold or offered for sale is cocaine 5674  
or a compound, mixture, preparation, or substance containing 5675  
cocaine, an amount of the cocaine that equals or exceeds five 5676  
grams; 5677

(4) If the drug to be sold or offered for sale is L.S.D. 5678  
or a compound, mixture, preparation, or substance containing 5679  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 5680  
doses if the L.S.D. is in a solid form or equals or exceeds one 5681  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 5682  
or liquid distillate form; 5683

(5) If the drug to be sold or offered for sale is heroin 5684  
or a compound, mixture, preparation, or substance containing 5685  
heroin, an amount of the heroin that equals or exceeds ten unit 5686  
doses or equals or exceeds one gram; 5687

(6) If the drug to be sold or offered for sale is hashish 5688  
or a compound, mixture, preparation, or substance containing 5689  
hashish, an amount of the hashish that equals or exceeds ten 5690  
grams if the hashish is in a solid form or equals or exceeds two 5691  
grams if the hashish is in a liquid concentrate, liquid extract, 5692  
or liquid distillate form. 5693

(B) This section does not apply to any person listed in 5694  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 5695  
Code to the extent and under the circumstances described in 5696  
those divisions. 5697

(C) (1) If the drug involved in the violation is any 5698  
compound, mixture, preparation, or substance included in 5699  
schedule I or II, with the exception of marihuana, whoever 5700  
violates division (A) of this section is guilty of aggravated 5701  
funding of drug trafficking, a felony of the first degree, and, 5702  
subject to division (E) of this section, the court shall impose 5703  
as a mandatory prison term ~~one of the prison terms prescribed~~ 5704  
~~for a felony of the first degree~~ a first degree felony mandatory 5705  
prison term. 5706

(2) If the drug involved in the violation is any compound, 5707  
mixture, preparation, or substance included in schedule III, IV, 5708  
or V, whoever violates division (A) of this section is guilty of 5709  
funding of drug trafficking, a felony of the second degree, and 5710  
the court shall impose as a mandatory prison term ~~one of the~~ 5711  
~~prison terms prescribed for a felony of the second degree~~ a 5712  
second degree felony mandatory prison term. 5713

(3) If the drug involved in the violation is marihuana, 5714  
whoever violates division (A) of this section is guilty of 5715  
funding of marihuana trafficking, a felony of the third degree, 5716  
and, except as otherwise provided in this division, there is a 5717  
presumption for a prison term for the offense. If funding of 5718  
marihuana trafficking is a felony of the third degree under this 5719  
division and if the offender two or more times previously has 5720  
been convicted of or pleaded guilty to a felony drug abuse 5721  
offense, the court shall impose as a mandatory prison term one 5722  
of the prison terms prescribed for a felony of the third degree. 5723

(D) In addition to any prison term authorized or required 5724  
by division (C) or (E) of this section and sections 2929.13 and 5725  
2929.14 of the Revised Code and in addition to any other 5726  
sanction imposed for the offense under this section or sections 5727  
2929.11 to 2929.18 of the Revised Code, the court that sentences 5728  
an offender who is convicted of or pleads guilty to a violation 5729  
of division (A) of this section may suspend the offender's 5730  
driver's or commercial driver's license or permit in accordance 5731  
with division (G) of section 2925.03 of the Revised Code. 5732  
However, if the offender pleaded guilty to or was convicted of a 5733  
violation of section 4511.19 of the Revised Code or a 5734  
substantially similar municipal ordinance or the law of another 5735  
state or the United States arising out of the same set of 5736  
circumstances as the violation, the court shall suspend the 5737  
offender's driver's or commercial driver's license or permit in 5738  
accordance with division (G) of section 2925.03 of the Revised 5739  
Code. If applicable, the court also shall do the following: 5740

(1) The court shall impose the mandatory fine specified 5741  
for the offense under division (B)(1) of section 2929.18 of the 5742  
Revised Code unless, as specified in that division, the court 5743  
determines that the offender is indigent. The clerk of the court 5744  
shall pay a mandatory fine or other fine imposed for a violation 5745  
of this section pursuant to division (A) of section 2929.18 of 5746  
the Revised Code in accordance with and subject to the 5747  
requirements of division (F) of section 2925.03 of the Revised 5748  
Code. The agency that receives the fine shall use the fine in 5749  
accordance with division (F) of section 2925.03 of the Revised 5750  
Code. If a person is charged with a violation of this section, 5751  
posts bail, and forfeits the bail, the forfeited bail shall be 5752  
paid as if the forfeited bail were a fine imposed for a 5753  
violation of this section. 5754

(2) If the offender is a professionally licensed person, 5755  
the court immediately shall comply with section 2925.38 of the 5756  
Revised Code. 5757

(E) Notwithstanding the prison term otherwise authorized 5758  
or required for the offense under division (C) of this section 5759  
and sections 2929.13 and 2929.14 of the Revised Code, if the 5760  
violation of division (A) of this section involves the sale, 5761  
offer to sell, or possession of a schedule I or II controlled 5762  
substance, with the exception of marihuana, and if the court 5763  
imposing sentence upon the offender finds that the offender as a 5764  
result of the violation is a major drug offender and is guilty 5765  
of a specification of the type described in section 2941.1410 of 5766  
the Revised Code, the court, in lieu of the prison term 5767  
otherwise authorized or required, shall impose upon the offender 5768  
the mandatory prison term specified in division (B) (3) of 5769  
section 2929.14 of the Revised Code. 5770

(F) (1) If the sentencing court suspends the offender's 5771  
driver's or commercial driver's license or permit under this 5772  
section in accordance with division (G) of section 2925.03 of 5773  
the Revised Code, the offender may request termination of, and 5774  
the court may terminate, the suspension in accordance with that 5775  
division. 5776

(2) Any offender who received a mandatory suspension of 5777  
the offender's driver's or commercial driver's license or permit 5778  
under this section prior to ~~the effective date of this amendment~~ 5779  
September 13, 2016, may file a motion with the sentencing court 5780  
requesting the termination of the suspension. However, an 5781  
offender who pleaded guilty to or was convicted of a violation 5782  
of section 4511.19 of the Revised Code or a substantially 5783  
similar municipal ordinance or law of another state or the 5784

United States that arose out of the same set of circumstances as 5785  
the violation for which the offender's license or permit was 5786  
suspended under this section shall not file such a motion. 5787

Upon the filing of a motion under division (F) (2) of this 5788  
section, the sentencing court, in its discretion, may terminate 5789  
the suspension. 5790

**Sec. 2925.11.** (A) No person shall knowingly obtain, 5791  
possess, or use a controlled substance or a controlled substance 5792  
analog. 5793

(B) (1) This section does not apply to any of the 5794  
following: 5795

(a) Manufacturers, licensed health professionals 5796  
authorized to prescribe drugs, pharmacists, owners of 5797  
pharmacies, and other persons whose conduct was in accordance 5798  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 5799  
4741. of the Revised Code; 5800

(b) If the offense involves an anabolic steroid, any 5801  
person who is conducting or participating in a research project 5802  
involving the use of an anabolic steroid if the project has been 5803  
approved by the United States food and drug administration; 5804

(c) Any person who sells, offers for sale, prescribes, 5805  
dispenses, or administers for livestock or other nonhuman 5806  
species an anabolic steroid that is expressly intended for 5807  
administration through implants to livestock or other nonhuman 5808  
species and approved for that purpose under the "Federal Food, 5809  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 5810  
as amended, and is sold, offered for sale, prescribed, 5811  
dispensed, or administered for that purpose in accordance with 5812  
that act; 5813

(d) Any person who obtained the controlled substance 5814  
pursuant to a lawful prescription issued by a licensed health 5815  
professional authorized to prescribe drugs. 5816

(2) (a) As used in division (B) (2) of this section: 5817

(i) "Community addiction services provider" has the same 5818  
meaning as in section 5119.01 of the Revised Code. 5819

(ii) "Community control sanction" and "drug treatment 5820  
program" have the same meanings as in section 2929.01 of the 5821  
Revised Code. 5822

(iii) "Health care facility" has the same meaning as in 5823  
section 2919.16 of the Revised Code. 5824

(iv) "Minor drug possession offense" means a violation of 5825  
this section that is a misdemeanor or a felony of the fifth 5826  
degree. 5827

(v) "Post-release control sanction" has the same meaning 5828  
as in section 2967.28 of the Revised Code. 5829

(vi) "Peace officer" has the same meaning as in section 5830  
2935.01 of the Revised Code. 5831

(vii) "Public agency" has the same meaning as in section 5832  
2930.01 of the Revised Code. 5833

(viii) "Qualified individual" means a person who is not on 5834  
community control or post-release control and is a person acting 5835  
in good faith who seeks or obtains medical assistance for 5836  
another person who is experiencing a drug overdose, a person who 5837  
experiences a drug overdose and who seeks medical assistance for 5838  
that overdose, or a person who is the subject of another person 5839  
seeking or obtaining medical assistance for that overdose as 5840  
described in division (B) (2) (b) of this section. 5841

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility.

(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply:

(i) The evidence of the obtaining, possession, or use of the controlled substance or controlled substance analog that would be the basis of the offense was obtained as a result of the qualified individual seeking the medical assistance or experiencing an overdose and needing medical assistance.

(ii) Subject to division (B) (2) (g) of this section, within thirty days after seeking or obtaining the medical assistance, the qualified individual seeks and obtains a screening and receives a referral for treatment from a community addiction services provider or a properly credentialed addiction treatment professional.

(iii) Subject to division (B) (2) (g) of this section, the qualified individual who obtains a screening and receives a referral for treatment under division (B) (2) (b) (ii) of this section, upon the request of any prosecuting attorney, submits documentation to the prosecuting attorney that verifies that the qualified individual satisfied the requirements of that division. The documentation shall be limited to the date and time of the screening obtained and referral received.

(c) If a person is found to be in violation of any community control sanction and if the violation is a result of

either of the following, the court shall first consider ordering 5871  
the person's participation or continued participation in a drug 5872  
treatment program or mitigating the penalty specified in section 5873  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 5874  
applicable, after which the court has the discretion either to 5875  
order the person's participation or continued participation in a 5876  
drug treatment program or to impose the penalty with the 5877  
mitigating factor specified in any of those applicable sections: 5878

(i) Seeking or obtaining medical assistance in good faith 5879  
for another person who is experiencing a drug overdose; 5880

(ii) Experiencing a drug overdose and seeking medical 5881  
assistance for that overdose or being the subject of another 5882  
person seeking or obtaining medical assistance for that overdose 5883  
as described in division (B) (2) (b) of this section. 5884

(d) If a person is found to be in violation of any post- 5885  
release control sanction and if the violation is a result of 5886  
either of the following, the court or the parole board shall 5887  
first consider ordering the person's participation or continued 5888  
participation in a drug treatment program or mitigating the 5889  
penalty specified in section 2929.141 or 2967.28 of the Revised 5890  
Code, whichever is applicable, after which the court or the 5891  
parole board has the discretion either to order the person's 5892  
participation or continued participation in a drug treatment 5893  
program or to impose the penalty with the mitigating factor 5894  
specified in either of those applicable sections: 5895

(i) Seeking or obtaining medical assistance in good faith 5896  
for another person who is experiencing a drug overdose; 5897

(ii) Experiencing a drug overdose and seeking medical 5898  
assistance for that emergency or being the subject of another 5899

person seeking or obtaining medical assistance for that overdose 5900  
as described in division (B) (2) (b) of this section. 5901

(e) Nothing in division (B) (2) (b) of this section shall be 5902  
construed to do any of the following: 5903

(i) Limit the admissibility of any evidence in connection 5904  
with the investigation or prosecution of a crime with regards to 5905  
a defendant who does not qualify for the protections of division 5906  
(B) (2) (b) of this section or with regards to any crime other 5907  
than a minor drug possession offense committed by a person who 5908  
qualifies for protection pursuant to division (B) (2) (b) of this 5909  
section for a minor drug possession offense; 5910

(ii) Limit any seizure of evidence or contraband otherwise 5911  
permitted by law; 5912

(iii) Limit or abridge the authority of a peace officer to 5913  
detain or take into custody a person in the course of an 5914  
investigation or to effectuate an arrest for any offense except 5915  
as provided in that division; 5916

(iv) Limit, modify, or remove any immunity from liability 5917  
available pursuant to law in effect prior to ~~the effective date~~ 5918  
~~of this amendment~~ September 13, 2016, to any public agency or to 5919  
an employee of any public agency. 5920

(f) Division (B) (2) (b) of this section does not apply to 5921  
any person who twice previously has been granted an immunity 5922  
under division (B) (2) (b) of this section. No person shall be 5923  
granted an immunity under division (B) (2) (b) of this section 5924  
more than two times. 5925

(g) Nothing in this section shall compel any qualified 5926  
individual to disclose protected health information in a way 5927  
that conflicts with the requirements of the "Health Insurance 5928

Portability and Accountability Act of 1996," 104 Pub. L. No. 5929  
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 5930  
regulations promulgated by the United States department of 5931  
health and human services to implement the act or the 5932  
requirements of 42 C.F.R. Part 2. 5933

(C) Whoever violates division (A) of this section is 5934  
guilty of one of the following: 5935

(1) If the drug involved in the violation is a compound, 5936  
mixture, preparation, or substance included in schedule I or II, 5937  
with the exception of marihuana, cocaine, L.S.D., heroin, 5938  
hashish, and controlled substance analogs, whoever violates 5939  
division (A) of this section is guilty of aggravated possession 5940  
of drugs. The penalty for the offense shall be determined as 5941  
follows: 5942

(a) Except as otherwise provided in division (C) (1) (b), 5943  
(c), (d), or (e) of this section, aggravated possession of drugs 5944  
is a felony of the fifth degree, and division (B) of section 5945  
2929.13 of the Revised Code applies in determining whether to 5946  
impose a prison term on the offender. 5947

(b) If the amount of the drug involved equals or exceeds 5948  
the bulk amount but is less than five times the bulk amount, 5949  
aggravated possession of drugs is a felony of the third degree, 5950  
and there is a presumption for a prison term for the offense. 5951

(c) If the amount of the drug involved equals or exceeds 5952  
five times the bulk amount but is less than fifty times the bulk 5953  
amount, aggravated possession of drugs is a felony of the second 5954  
degree, and the court shall impose as a mandatory prison term 5955  
~~one of the prison terms prescribed for a felony of the second-~~ 5956  
degree a second degree felony mandatory prison term. 5957

(d) If the amount of the drug involved equals or exceeds 5958  
fifty times the bulk amount but is less than one hundred times 5959  
the bulk amount, aggravated possession of drugs is a felony of 5960  
the first degree, and the court shall impose as a mandatory 5961  
prison term ~~one of the prison terms prescribed for a felony of~~ 5962  
~~the first degree~~ a first degree felony mandatory prison term. 5963

(e) If the amount of the drug involved equals or exceeds 5964  
one hundred times the bulk amount, aggravated possession of 5965  
drugs is a felony of the first degree, the offender is a major 5966  
drug offender, and the court shall impose as a mandatory prison 5967  
term ~~the maximum prison term prescribed for a felony of the~~ 5968  
~~first degree~~ a maximum first degree felony mandatory prison 5969  
term. 5970

(2) If the drug involved in the violation is a compound, 5971  
mixture, preparation, or substance included in schedule III, IV, 5972  
or V, whoever violates division (A) of this section is guilty of 5973  
possession of drugs. The penalty for the offense shall be 5974  
determined as follows: 5975

(a) Except as otherwise provided in division (C) (2) (b), 5976  
(c), or (d) of this section, possession of drugs is a 5977  
misdemeanor of the first degree or, if the offender previously 5978  
has been convicted of a drug abuse offense, a felony of the 5979  
fifth degree. 5980

(b) If the amount of the drug involved equals or exceeds 5981  
the bulk amount but is less than five times the bulk amount, 5982  
possession of drugs is a felony of the fourth degree, and 5983  
division (C) of section 2929.13 of the Revised Code applies in 5984  
determining whether to impose a prison term on the offender. 5985

(c) If the amount of the drug involved equals or exceeds 5986

five times the bulk amount but is less than fifty times the bulk amount, possession of drugs is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of the drug involved equals or exceeds fifty times the bulk amount, possession of drugs is a felony of the second degree, and the court shall impose upon the offender 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.

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

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), or (g) of this section, possession of marihuana is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds one hundred grams but is less than two hundred grams, possession of marihuana is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds two hundred grams but is less than one thousand grams, possession of marihuana 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.

(d) If the amount of the drug involved equals or exceeds one thousand grams but is less than five thousand grams, possession of marihuana is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in

determining whether to impose a prison term on the offender. 6016

(e) If the amount of the drug involved equals or exceeds 6017  
five thousand grams but is less than twenty thousand grams, 6018  
possession of marihuana is a felony of the third degree, and 6019  
there is a presumption that a prison term shall be imposed for 6020  
the offense. 6021

(f) If the amount of the drug involved equals or exceeds 6022  
twenty thousand grams but is less than forty thousand grams, 6023  
possession of marihuana is a felony of the second degree, and 6024  
the court shall impose as a mandatory prison term a second 6025  
degree felony mandatory prison term of five, six, seven, or 6026  
eight years. 6027

(g) If the amount of the drug involved equals or exceeds 6028  
forty thousand grams, possession of marihuana is a felony of the 6029  
second degree, and the court shall impose as a mandatory prison 6030  
~~term the maximum prison term prescribed for a felony of the~~ 6031  
~~second degree~~ a maximum second degree felony mandatory prison 6032  
term. 6033

(4) If the drug involved in the violation is cocaine or a 6034  
compound, mixture, preparation, or substance containing cocaine, 6035  
whoever violates division (A) of this section is guilty of 6036  
possession of cocaine. The penalty for the offense shall be 6037  
determined as follows: 6038

(a) Except as otherwise provided in division (C) (4) (b), 6039  
(c), (d), (e), or (f) of this section, possession of cocaine is 6040  
a felony of the fifth degree, and division (B) of section 6041  
2929.13 of the Revised Code applies in determining whether to 6042  
impose a prison term on the offender. 6043

(b) If the amount of the drug involved equals or exceeds 6044

five grams but is less than ten grams of cocaine, possession of 6045  
cocaine is a felony of the fourth degree, and division (B) of 6046  
section 2929.13 of the Revised Code applies in determining 6047  
whether to impose a prison term on the offender. 6048

(c) If the amount of the drug involved equals or exceeds 6049  
ten grams but is less than twenty grams of cocaine, possession 6050  
of cocaine is a felony of the third degree, and, except as 6051  
otherwise provided in this division, there is a presumption for 6052  
a prison term for the offense. If possession of cocaine is a 6053  
felony of the third degree under this division and if the 6054  
offender two or more times previously has been convicted of or 6055  
pleaded guilty to a felony drug abuse offense, the court shall 6056  
impose as a mandatory prison term one of the prison terms 6057  
prescribed for a felony of the third degree. 6058

(d) If the amount of the drug involved equals or exceeds 6059  
twenty grams but is less than twenty-seven grams of cocaine, 6060  
possession of cocaine is a felony of the second degree, and the 6061  
court shall impose as a mandatory prison term ~~one of the prison~~ 6062  
~~terms prescribed for a felony of the second degree~~ a second 6063  
degree felony mandatory prison term. 6064

(e) If the amount of the drug involved equals or exceeds 6065  
twenty-seven grams but is less than one hundred grams of 6066  
cocaine, possession of cocaine is a felony of the first degree, 6067  
and the court shall impose as a mandatory prison term ~~one of the~~ 6068  
~~prison terms prescribed for a felony of the first degree~~ a first 6069  
degree felony mandatory prison term. 6070

(f) If the amount of the drug involved equals or exceeds 6071  
one hundred grams of cocaine, possession of cocaine is a felony 6072  
of the first degree, the offender is a major drug offender, and 6073  
the court shall impose as a mandatory prison term ~~the maximum~~ 6074

~~prison term prescribed for a felony of the first degree, a~~ 6075  
maximum first degree felony mandatory prison term. 6076

(5) If the drug involved in the violation is L.S.D., 6077  
whoever violates division (A) of this section is guilty of 6078  
possession of L.S.D. The penalty for the offense shall be 6079  
determined as follows: 6080

(a) Except as otherwise provided in division (C) (5) (b), 6081  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 6082  
felony of the fifth degree, and division (B) of section 2929.13 6083  
of the Revised Code applies in determining whether to impose a 6084  
prison term on the offender. 6085

(b) If the amount of L.S.D. involved equals or exceeds ten 6086  
unit doses but is less than fifty unit doses of L.S.D. in a 6087  
solid form or equals or exceeds one gram but is less than five 6088  
grams of L.S.D. in a liquid concentrate, liquid extract, or 6089  
liquid distillate form, possession of L.S.D. is a felony of the 6090  
fourth degree, and division (C) of section 2929.13 of the 6091  
Revised Code applies in determining whether to impose a prison 6092  
term on the offender. 6093

(c) If the amount of L.S.D. involved equals or exceeds 6094  
fifty unit doses, but is less than two hundred fifty unit doses 6095  
of L.S.D. in a solid form or equals or exceeds five grams but is 6096  
less than twenty-five grams of L.S.D. in a liquid concentrate, 6097  
liquid extract, or liquid distillate form, possession of L.S.D. 6098  
is a felony of the third degree, and there is a presumption for 6099  
a prison term for the offense. 6100

(d) If the amount of L.S.D. involved equals or exceeds two 6101  
hundred fifty unit doses but is less than one thousand unit 6102  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 6103

grams but is less than one hundred grams of L.S.D. in a liquid 6104  
concentrate, liquid extract, or liquid distillate form, 6105  
possession of L.S.D. is a felony of the second degree, and the 6106  
court shall impose as a mandatory prison term ~~one of the prison~~ 6107  
~~terms prescribed for a felony of the second degree~~ a second 6108  
degree felony mandatory prison term. 6109

(e) If the amount of L.S.D. involved equals or exceeds one 6110  
thousand unit doses but is less than five thousand unit doses of 6111  
L.S.D. in a solid form or equals or exceeds one hundred grams 6112  
but is less than five hundred grams of L.S.D. in a liquid 6113  
concentrate, liquid extract, or liquid distillate form, 6114  
possession of L.S.D. is a felony of the first degree, and the 6115  
court shall impose as a mandatory prison term ~~one of the prison~~ 6116  
~~terms prescribed for a felony of the first degree~~ a first degree 6117  
felony mandatory prison term. 6118

(f) If the amount of L.S.D. involved equals or exceeds 6119  
five thousand unit doses of L.S.D. in a solid form or equals or 6120  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 6121  
liquid extract, or liquid distillate form, possession of L.S.D. 6122  
is a felony of the first degree, the offender is a major drug 6123  
offender, and the court shall impose as a mandatory prison term 6124  
~~the maximum prison term prescribed for a felony of the first~~ 6125  
~~degree~~ a maximum first degree felony mandatory prison term. 6126

(6) If the drug involved in the violation is heroin or a 6127  
compound, mixture, preparation, or substance containing heroin, 6128  
whoever violates division (A) of this section is guilty of 6129  
possession of heroin. The penalty for the offense shall be 6130  
determined as follows: 6131

(a) Except as otherwise provided in division (C) (6) (b), 6132  
(c), (d), (e), or (f) of this section, possession of heroin is a 6133

felony of the fifth degree, and division (B) of section 2929.13 6134  
of the Revised Code applies in determining whether to impose a 6135  
prison term on the offender. 6136

(b) If the amount of the drug involved equals or exceeds 6137  
ten unit doses but is less than fifty unit doses or equals or 6138  
exceeds one gram but is less than five grams, possession of 6139  
heroin is a felony of the fourth degree, and division (C) of 6140  
section 2929.13 of the Revised Code applies in determining 6141  
whether to impose a prison term on the offender. 6142

(c) If the amount of the drug involved equals or exceeds 6143  
fifty unit doses but is less than one hundred unit doses or 6144  
equals or exceeds five grams but is less than ten grams, 6145  
possession of heroin is a felony of the third degree, and there 6146  
is a presumption for a prison term for the offense. 6147

(d) If the amount of the drug involved equals or exceeds 6148  
one hundred unit doses but is less than five hundred unit doses 6149  
or equals or exceeds ten grams but is less than fifty grams, 6150  
possession of heroin is a felony of the second degree, and the 6151  
court shall impose as a mandatory prison term ~~one of the prison~~ 6152  
~~terms prescribed for a felony of the second degree~~ a second 6153  
degree felony mandatory prison term. 6154

(e) If the amount of the drug involved equals or exceeds 6155  
five hundred unit doses but is less than one thousand unit doses 6156  
or equals or exceeds fifty grams but is less than one hundred 6157  
grams, possession of heroin is a felony of the first degree, and 6158  
the court shall impose as a mandatory prison term ~~one of the~~ 6159  
~~prison terms prescribed for a felony of the first degree~~ a first 6160  
degree felony mandatory prison term. 6161

(f) If the amount of the drug involved equals or exceeds 6162

one thousand unit doses or equals or exceeds one hundred grams, 6163  
possession of heroin is a felony of the first degree, the 6164  
offender is a major drug offender, and the court shall impose as 6165  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6166  
~~felony of the first degree~~ a maximum first degree felony 6167  
mandatory prison term. 6168

(7) If the drug involved in the violation is hashish or a 6169  
compound, mixture, preparation, or substance containing hashish, 6170  
whoever violates division (A) of this section is guilty of 6171  
possession of hashish. The penalty for the offense shall be 6172  
determined as follows: 6173

(a) Except as otherwise provided in division (C) (7) (b), 6174  
(c), (d), (e), (f), or (g) of this section, possession of 6175  
hashish is a minor misdemeanor. 6176

(b) If the amount of the drug involved equals or exceeds 6177  
five grams but is less than ten grams of hashish in a solid form 6178  
or equals or exceeds one gram but is less than two grams of 6179  
hashish in a liquid concentrate, liquid extract, or liquid 6180  
distillate form, possession of hashish is a misdemeanor of the 6181  
fourth degree. 6182

(c) If the amount of the drug involved equals or exceeds 6183  
ten grams but is less than fifty grams of hashish in a solid 6184  
form or equals or exceeds two grams but is less than ten grams 6185  
of hashish in a liquid concentrate, liquid extract, or liquid 6186  
distillate form, possession of hashish is a felony of the fifth 6187  
degree, and division (B) of section 2929.13 of the Revised Code 6188  
applies in determining whether to impose a prison term on the 6189  
offender. 6190

(d) If the amount of the drug involved equals or exceeds 6191

fifty grams but is less than two hundred fifty grams of hashish 6192  
in a solid form or equals or exceeds ten grams but is less than 6193  
fifty grams of hashish in a liquid concentrate, liquid extract, 6194  
or liquid distillate form, possession of hashish is a felony of 6195  
the third degree, and division (C) of section 2929.13 of the 6196  
Revised Code applies in determining whether to impose a prison 6197  
term on the offender. 6198

(e) If the amount of the drug involved equals or exceeds 6199  
two hundred fifty grams but is less than one thousand grams of 6200  
hashish in a solid form or equals or exceeds fifty grams but is 6201  
less than two hundred grams of hashish in a liquid concentrate, 6202  
liquid extract, or liquid distillate form, possession of hashish 6203  
is a felony of the third degree, and there is a presumption that 6204  
a prison term shall be imposed for the offense. 6205

(f) If the amount of the drug involved equals or exceeds 6206  
one thousand grams but is less than two thousand grams of 6207  
hashish in a solid form or equals or exceeds two hundred grams 6208  
but is less than four hundred grams of hashish in a liquid 6209  
concentrate, liquid extract, or liquid distillate form, 6210  
possession of hashish is a felony of the second degree, and the 6211  
court shall impose as a mandatory prison term a second degree 6212  
felony mandatory prison term of five, six, seven, or eight 6213  
years. 6214

(g) If the amount of the drug involved equals or exceeds 6215  
two thousand grams of hashish in a solid form or equals or 6216  
exceeds four hundred grams of hashish in a liquid concentrate, 6217  
liquid extract, or liquid distillate form, possession of hashish 6218  
is a felony of the second degree, and the court shall impose as 6219  
a mandatory prison term ~~the maximum prison term prescribed for a~~ 6220  
~~felony of the second degree~~ a maximum second degree felony 6221

mandatory prison term.

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(8) If the drug involved is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of possession of a controlled substance analog. The penalty for the offense shall be determined as follows:

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(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), or (f) of this section, possession of a controlled substance analog 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.

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(b) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, possession of a controlled substance analog is a felony of the fourth degree, and there is a presumption for a prison term for the offense.

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(c) If the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, possession of a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense.

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(d) If the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, possession of 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 prescribed for a felony of the second degree~~ a second degree felony mandatory prison term.

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(e) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams, possession of a controlled substance analog is a felony of the first degree, and

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the court shall impose as a mandatory prison term ~~one of the~~ 6251  
~~prison terms prescribed for a felony of the first degree~~ a first 6252  
degree felony mandatory prison term. 6253

(f) If the amount of the drug involved equals or exceeds 6254  
fifty grams, possession of a controlled substance analog is a 6255  
felony of the first degree, the offender is a major drug 6256  
offender, and the court shall impose as a mandatory prison term 6257  
~~the maximum prison term prescribed for a felony of the first~~ 6258  
~~degree~~ a maximum first degree felony mandatory prison term. 6259

(D) Arrest or conviction for a minor misdemeanor violation 6260  
of this section does not constitute a criminal record and need 6261  
not be reported by the person so arrested or convicted in 6262  
response to any inquiries about the person's criminal record, 6263  
including any inquiries contained in any application for 6264  
employment, license, or other right or privilege, or made in 6265  
connection with the person's appearance as a witness. 6266

(E) In addition to any prison term or jail term authorized 6267  
or required by division (C) of this section and sections 6268  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 6269  
Code and in addition to any other sanction that is imposed for 6270  
the offense under this section, sections 2929.11 to 2929.18, or 6271  
sections 2929.21 to 2929.28 of the Revised Code, the court that 6272  
sentences an offender who is convicted of or pleads guilty to a 6273  
violation of division (A) of this section may suspend the 6274  
offender's driver's or commercial driver's license or permit for 6275  
not more than five years. However, if the offender pleaded 6276  
guilty to or was convicted of a violation of section 4511.19 of 6277  
the Revised Code or a substantially similar municipal ordinance 6278  
or the law of another state or the United States arising out of 6279  
the same set of circumstances as the violation, the court shall 6280

suspend the offender's driver's or commercial driver's license 6281  
or permit for not more than five years. If applicable, the court 6282  
also shall do the following: 6283

(1) (a) If the violation is a felony of the first, second, 6284  
or third degree, the court shall impose upon the offender the 6285  
mandatory fine specified for the offense under division (B) (1) 6286  
of section 2929.18 of the Revised Code unless, as specified in 6287  
that division, the court determines that the offender is 6288  
indigent. 6289

(b) Notwithstanding any contrary provision of section 6290  
3719.21 of the Revised Code, the clerk of the court shall pay a 6291  
mandatory fine or other fine imposed for a violation of this 6292  
section pursuant to division (A) of section 2929.18 of the 6293  
Revised Code in accordance with and subject to the requirements 6294  
of division (F) of section 2925.03 of the Revised Code. The 6295  
agency that receives the fine shall use the fine as specified in 6296  
division (F) of section 2925.03 of the Revised Code. 6297

(c) If a person is charged with a violation of this 6298  
section that is a felony of the first, second, or third degree, 6299  
posts bail, and forfeits the bail, the clerk shall pay the 6300  
forfeited bail pursuant to division (E) (1) (b) of this section as 6301  
if it were a mandatory fine imposed under division (E) (1) (a) of 6302  
this section. 6303

(2) If the offender is a professionally licensed person, 6304  
in addition to any other sanction imposed for a violation of 6305  
this section, the court immediately shall comply with section 6306  
2925.38 of the Revised Code. 6307

(F) It is an affirmative defense, as provided in section 6308  
2901.05 of the Revised Code, to a charge of a fourth degree 6309

felony violation under this section that the controlled 6310  
substance that gave rise to the charge is in an amount, is in a 6311  
form, is prepared, compounded, or mixed with substances that are 6312  
not controlled substances in a manner, or is possessed under any 6313  
other circumstances, that indicate that the substance was 6314  
possessed solely for personal use. Notwithstanding any contrary 6315  
provision of this section, if, in accordance with section 6316  
2901.05 of the Revised Code, an accused who is charged with a 6317  
fourth degree felony violation of division (C) (2), (4), (5), or 6318  
(6) of this section sustains the burden of going forward with 6319  
evidence of and establishes by a preponderance of the evidence 6320  
the affirmative defense described in this division, the accused 6321  
may be prosecuted for and may plead guilty to or be convicted of 6322  
a misdemeanor violation of division (C) (2) of this section or a 6323  
fifth degree felony violation of division (C) (4), (5), or (6) of 6324  
this section respectively. 6325

(G) When a person is charged with possessing a bulk amount 6326  
or multiple of a bulk amount, division (E) of section 2925.03 of 6327  
the Revised Code applies regarding the determination of the 6328  
amount of the controlled substance involved at the time of the 6329  
offense. 6330

(H) It is an affirmative defense to a charge of possession 6331  
of a controlled substance analog under division (C) (8) of this 6332  
section that the person charged with violating that offense 6333  
obtained, possessed, or used an item described in division (HH) 6334  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 6335

(I) Any offender who received a mandatory suspension of 6336  
the offender's driver's or commercial driver's license or permit 6337  
under this section prior to ~~the effective date of this amendment~~ 6338  
September 13, 2016, may file a motion with the sentencing court 6339

requesting the termination of the suspension. However, an 6340  
offender who pleaded guilty to or was convicted of a violation 6341  
of section 4511.19 of the Revised Code or a substantially 6342  
similar municipal ordinance or law of another state or the 6343  
United States that arose out of the same set of circumstances as 6344  
the violation for which the offender's license or permit was 6345  
suspended under this section shall not file such a motion. 6346

Upon the filing of a motion under division (I) of this 6347  
section, the sentencing court, in its discretion, may terminate 6348  
the suspension. 6349

**Sec. 2929.01.** As used in this chapter: 6350

(A) (1) "Alternative residential facility" means, subject 6351  
to division (A) (2) of this section, any facility other than an 6352  
offender's home or residence in which an offender is assigned to 6353  
live and that satisfies all of the following criteria: 6354

(a) It provides programs through which the offender may 6355  
seek or maintain employment or may receive education, training, 6356  
treatment, or habilitation. 6357

(b) It has received the appropriate license or certificate 6358  
for any specialized education, training, treatment, 6359  
habilitation, or other service that it provides from the 6360  
government agency that is responsible for licensing or 6361  
certifying that type of education, training, treatment, 6362  
habilitation, or service. 6363

(2) "Alternative residential facility" does not include a 6364  
community-based correctional facility, jail, halfway house, or 6365  
prison. 6366

(B) "Basic probation supervision" means a requirement that 6367  
the offender maintain contact with a person appointed to 6368

supervise the offender in accordance with sanctions imposed by 6369  
the court or imposed by the parole board pursuant to section 6370  
2967.28 of the Revised Code. "Basic probation supervision" 6371  
includes basic parole supervision and basic post-release control 6372  
supervision. 6373

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have 6374  
the same meanings as in section 2925.01 of the Revised Code. 6375

(D) "Community-based correctional facility" means a 6376  
community-based correctional facility and program or district 6377  
community-based correctional facility and program developed 6378  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 6379

(E) "Community control sanction" means a sanction that is 6380  
not a prison term and that is described in section 2929.15, 6381  
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 6382  
that is not a jail term and that is described in section 6383  
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 6384  
control sanction" includes probation if the sentence involved 6385  
was imposed for a felony that was committed prior to July 1, 6386  
1996, or if the sentence involved was imposed for a misdemeanor 6387  
that was committed prior to January 1, 2004. 6388

(F) "Controlled substance," "marihuana," "schedule I," and 6389  
"schedule II" have the same meanings as in section 3719.01 of 6390  
the Revised Code. 6391

(G) "Curfew" means a requirement that an offender during a 6392  
specified period of time be at a designated place. 6393

(H) "Day reporting" means a sanction pursuant to which an 6394  
offender is required each day to report to and leave a center or 6395  
other approved reporting location at specified times in order to 6396  
participate in work, education or training, treatment, and other 6397

approved programs at the center or outside the center. 6398

(I) "Deadly weapon" has the same meaning as in section 6399  
2923.11 of the Revised Code. 6400

(J) "Drug and alcohol use monitoring" means a program 6401  
under which an offender agrees to submit to random chemical 6402  
analysis of the offender's blood, breath, or urine to determine 6403  
whether the offender has ingested any alcohol or other drugs. 6404

(K) "Drug treatment program" means any program under which 6405  
a person undergoes assessment and treatment designed to reduce 6406  
or completely eliminate the person's physical or emotional 6407  
reliance upon alcohol, another drug, or alcohol and another drug 6408  
and under which the person may be required to receive assessment 6409  
and treatment on an outpatient basis or may be required to 6410  
reside at a facility other than the person's home or residence 6411  
while undergoing assessment and treatment. 6412

(L) "Economic loss" means any economic detriment suffered 6413  
by a victim as a direct and proximate result of the commission 6414  
of an offense and includes any loss of income due to lost time 6415  
at work because of any injury caused to the victim, and any 6416  
property loss, medical cost, or funeral expense incurred as a 6417  
result of the commission of the offense. "Economic loss" does 6418  
not include non-economic loss or any punitive or exemplary 6419  
damages. 6420

(M) "Education or training" includes study at, or in 6421  
conjunction with a program offered by, a university, college, or 6422  
technical college or vocational study and also includes the 6423  
completion of primary school, secondary school, and literacy 6424  
curricula or their equivalent. 6425

(N) "Firearm" has the same meaning as in section 2923.11 6426

of the Revised Code. 6427

(O) "Halfway house" means a facility licensed by the 6428  
division of parole and community services of the department of 6429  
rehabilitation and correction pursuant to section 2967.14 of the 6430  
Revised Code as a suitable facility for the care and treatment 6431  
of adult offenders. 6432

(P) "House arrest" means a period of confinement of an 6433  
offender that is in the offender's home or in other premises 6434  
specified by the sentencing court or by the parole board 6435  
pursuant to section 2967.28 of the Revised Code and during which 6436  
all of the following apply: 6437

(1) The offender is required to remain in the offender's 6438  
home or other specified premises for the specified period of 6439  
confinement, except for periods of time during which the 6440  
offender is at the offender's place of employment or at other 6441  
premises as authorized by the sentencing court or by the parole 6442  
board. 6443

(2) The offender is required to report periodically to a 6444  
person designated by the court or parole board. 6445

(3) The offender is subject to any other restrictions and 6446  
requirements that may be imposed by the sentencing court or by 6447  
the parole board. 6448

(Q) "Intensive probation supervision" means a requirement 6449  
that an offender maintain frequent contact with a person 6450  
appointed by the court, or by the parole board pursuant to 6451  
section 2967.28 of the Revised Code, to supervise the offender 6452  
while the offender is seeking or maintaining necessary 6453  
employment and participating in training, education, and 6454  
treatment programs as required in the court's or parole board's 6455

order. "Intensive probation supervision" includes intensive 6456  
parole supervision and intensive post-release control 6457  
supervision. 6458

(R) "Jail" means a jail, workhouse, minimum security jail, 6459  
or other residential facility used for the confinement of 6460  
alleged or convicted offenders that is operated by a political 6461  
subdivision or a combination of political subdivisions of this 6462  
state. 6463

(S) "Jail term" means the term in a jail that a sentencing 6464  
court imposes or is authorized to impose pursuant to section 6465  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 6466  
provision of the Revised Code that authorizes a term in a jail 6467  
for a misdemeanor conviction. 6468

(T) "Mandatory jail term" means the term in a jail that a 6469  
sentencing court is required to impose pursuant to division (G) 6470  
of section 1547.99 of the Revised Code, division (E) of section 6471  
2903.06 or division (D) of section 2903.08 of the Revised Code, 6472  
division (E) or (G) of section 2929.24 of the Revised Code, 6473  
division (B) of section 4510.14 of the Revised Code, or division 6474  
(G) of section 4511.19 of the Revised Code or pursuant to any 6475  
other provision of the Revised Code that requires a term in a 6476  
jail for a misdemeanor conviction. 6477

(U) "Delinquent child" has the same meaning as in section 6478  
2152.02 of the Revised Code. 6479

(V) "License violation report" means a report that is made 6480  
by a sentencing court, or by the parole board pursuant to 6481  
section 2967.28 of the Revised Code, to the regulatory or 6482  
licensing board or agency that issued an offender a professional 6483  
license or a license or permit to do business in this state and 6484

that specifies that the offender has been convicted of or 6485  
pleaded guilty to an offense that may violate the conditions 6486  
under which the offender's professional license or license or 6487  
permit to do business in this state was granted or an offense 6488  
for which the offender's professional license or license or 6489  
permit to do business in this state may be revoked or suspended. 6490

(W) "Major drug offender" means an offender who is 6491  
convicted of or pleads guilty to the possession of, sale of, or 6492  
offer to sell any drug, compound, mixture, preparation, or 6493  
substance that consists of or contains at least one thousand 6494  
grams of hashish; at least one hundred grams of cocaine; at 6495  
least one thousand unit doses or one hundred grams of heroin; at 6496  
least five thousand unit doses of L.S.D. or five hundred grams 6497  
of L.S.D. in a liquid concentrate, liquid extract, or liquid 6498  
distillate form; at least fifty grams of a controlled substance 6499  
analog; or at least one hundred times the amount of any other 6500  
schedule I or II controlled substance other than marihuana that 6501  
is necessary to commit a felony of the third degree pursuant to 6502  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised 6503  
Code that is based on the possession of, sale of, or offer to 6504  
sell the controlled substance. 6505

(X) "Mandatory prison term" means any of the following: 6506

(1) Subject to division (X)(2) of this section, the term 6507  
in prison that must be imposed for the offenses or circumstances 6508  
set forth in divisions (F)(1) to (8) or (F)(12) to (18) of 6509  
section 2929.13 and division (B) of section 2929.14 of the 6510  
Revised Code. Except as provided in sections 2925.02, 2925.03, 6511  
2925.04, 2925.05, and 2925.11 of the Revised Code, unless the 6512  
maximum or another specific term is required under section 6513  
2929.14 or 2929.142 of the Revised Code, a mandatory prison term 6514

described in this division may be any prison term authorized for 6515  
the level of offense except that if the offense is a felony of 6516  
the first or second degree committed on or after the effective 6517  
date of this amendment, a mandatory prison term described in 6518  
this division may be one of the terms prescribed in division (A) 6519  
(1)(a) or (2)(a) of section 2929.14 of the Revised Code, 6520  
whichever is applicable, that is authorized as the minimum term 6521  
for the offense. 6522

(2) The term of sixty or one hundred twenty days in prison 6523  
that a sentencing court is required to impose for a third or 6524  
fourth degree felony OVI offense pursuant to division (G) (2) of 6525  
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 6526  
of the Revised Code or the term of one, two, three, four, or 6527  
five years in prison that a sentencing court is required to 6528  
impose pursuant to division (G) (2) of section 2929.13 of the 6529  
Revised Code. 6530

(3) The term in prison imposed pursuant to division (A) of 6531  
section 2971.03 of the Revised Code for the offenses and in the 6532  
circumstances described in division (F) (11) of section 2929.13 6533  
of the Revised Code or pursuant to division (B) (1) (a), (b), or 6534  
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 6535  
section 2971.03 of the Revised Code and that term as modified or 6536  
terminated pursuant to section 2971.05 of the Revised Code. 6537

(Y) "Monitored time" means a period of time during which 6538  
an offender continues to be under the control of the sentencing 6539  
court or parole board, subject to no conditions other than 6540  
leading a law-abiding life. 6541

(Z) "Offender" means a person who, in this state, is 6542  
convicted of or pleads guilty to a felony or a misdemeanor. 6543

(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

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

~~(1)~~ (a) A stated prison term;

~~(2)~~ (b) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20, 2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.

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

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

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

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

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division

(CC) (1) (a) of this section. 6572

(2) The person previously was convicted of or pleaded 6573  
guilty to an offense described in division (CC) (1) (a) or (b) of 6574  
this section. 6575

(DD) "Sanction" means any penalty imposed upon an offender 6576  
who is convicted of or pleads guilty to an offense, as 6577  
punishment for the offense. "Sanction" includes any sanction 6578  
imposed pursuant to any provision of sections 2929.14 to 2929.18 6579  
or 2929.24 to 2929.28 of the Revised Code. 6580

(EE) "Sentence" means the sanction or combination of 6581  
sanctions imposed by the sentencing court on an offender who is 6582  
convicted of or pleads guilty to an offense. 6583

(FF) (1) "Stated prison term" means the prison term, 6584  
mandatory prison term, or combination of all prison terms and 6585  
mandatory prison terms imposed by the sentencing court pursuant 6586  
to section 2929.14, 2929.142, or 2971.03 of the Revised Code or 6587  
under section 2919.25 of the Revised Code. "Stated prison term" 6588  
includes any credit received by the offender for time spent in 6589  
jail awaiting trial, sentencing, or transfer to prison for the 6590  
offense and any time spent under house arrest or house arrest 6591  
with electronic monitoring imposed after earning credits 6592  
pursuant to section 2967.193 of the Revised Code. If an offender 6593  
is serving a prison term as a risk reduction sentence under 6594  
sections 2929.143 and 5120.036 of the Revised Code, "stated 6595  
prison term" includes any period of time by which the prison 6596  
term imposed upon the offender is shortened by the offender's 6597  
successful completion of all assessment and treatment or 6598  
programming pursuant to those sections. 6599

(2) As used in the definition of "stated prison term" set 6600

forth in division (FF) (1) of this section, a prison term is a 6601  
definite prison term imposed under section 2929.14 of the 6602  
Revised Code or any other provision of law, is the minimum and 6603  
maximum prison terms under a non-life felony indefinite prison 6604  
term, or is a term of life imprisonment except to the extent 6605  
that the use of that definition in a section of the Revised Code 6606  
clearly is not intended to include a term of life imprisonment. 6607  
With respect to an offender sentenced to a non-life felony 6608  
indefinite prison term, references in section 2967.191 or 6609  
2967.193 of the Revised Code or any other provision of law to a 6610  
reduction of, or deduction from, the offender's stated prison 6611  
term or to release of the offender before the expiration of the 6612  
offender's stated prison term mean a reduction in, or deduction 6613  
from, the minimum term imposed as part of the indefinite term or 6614  
a release of the offender before the expiration of that minimum 6615  
term, references in section 2929.19 or 2967.28 of the Revised 6616  
Code to a stated prison term with respect to a prison term 6617  
imposed for a violation of a post-release control sanction mean 6618  
the minimum term so imposed, and references in any provision of 6619  
law to an offender's service of the offender's stated prison 6620  
term or the expiration of the offender's stated prison term mean 6621  
service or expiration of the minimum term so imposed plus any 6622  
additional period of incarceration under the sentence that is 6623  
required under section 2967.271 of the Revised Code. 6624

(GG) "Victim-offender mediation" means a reconciliation or 6625  
mediation program that involves an offender and the victim of 6626  
the offense committed by the offender and that includes a 6627  
meeting in which the offender and the victim may discuss the 6628  
offense, discuss restitution, and consider other sanctions for 6629  
the offense. 6630

(HH) "Fourth degree felony OVI offense" means a violation 6631

of division (A) of section 4511.19 of the Revised Code that, 6632  
under division (G) of that section, is a felony of the fourth 6633  
degree. 6634

(II) "Mandatory term of local incarceration" means the 6635  
term of sixty or one hundred twenty days in a jail, a community- 6636  
based correctional facility, a halfway house, or an alternative 6637  
residential facility that a sentencing court may impose upon a 6638  
person who is convicted of or pleads guilty to a fourth degree 6639  
felony OVI offense pursuant to division (G) (1) of section 6640  
2929.13 of the Revised Code and division (G) (1) (d) or (e) of 6641  
section 4511.19 of the Revised Code. 6642

(JJ) "Designated homicide, assault, or kidnapping 6643  
offense," "violent sex offense," "sexual motivation 6644  
specification," "sexually violent offense," "sexually violent 6645  
predator," and "sexually violent predator specification" have 6646  
the same meanings as in section 2971.01 of the Revised Code. 6647

(KK) "Sexually oriented offense," "child-victim oriented 6648  
offense," and "tier III sex offender/child-victim offender" have 6649  
the same meanings as in section 2950.01 of the Revised Code. 6650

(LL) An offense is "committed in the vicinity of a child" 6651  
if the offender commits the offense within thirty feet of or 6652  
within the same residential unit as a child who is under 6653  
eighteen years of age, regardless of whether the offender knows 6654  
the age of the child or whether the offender knows the offense 6655  
is being committed within thirty feet of or within the same 6656  
residential unit as the child and regardless of whether the 6657  
child actually views the commission of the offense. 6658

(MM) "Family or household member" has the same meaning as 6659  
in section 2919.25 of the Revised Code. 6660

(NN) "Motor vehicle" and "manufactured home" have the same 6661  
meanings as in section 4501.01 of the Revised Code. 6662

(OO) "Detention" and "detention facility" have the same 6663  
meanings as in section 2921.01 of the Revised Code. 6664

(PP) "Third degree felony OVI offense" means a violation 6665  
of division (A) of section 4511.19 of the Revised Code that, 6666  
under division (G) of that section, is a felony of the third 6667  
degree. 6668

(QQ) "Random drug testing" has the same meaning as in 6669  
section 5120.63 of the Revised Code. 6670

(RR) "Felony sex offense" has the same meaning as in 6671  
section 2967.28 of the Revised Code. 6672

(SS) "Body armor" has the same meaning as in section 6673  
2941.1411 of the Revised Code. 6674

(TT) "Electronic monitoring" means monitoring through the 6675  
use of an electronic monitoring device. 6676

(UU) "Electronic monitoring device" means any of the 6677  
following: 6678

(1) Any device that can be operated by electrical or 6679  
battery power and that conforms with all of the following: 6680

(a) The device has a transmitter that can be attached to a 6681  
person, that will transmit a specified signal to a receiver of 6682  
the type described in division (UU) (1) (b) of this section if the 6683  
transmitter is removed from the person, turned off, or altered 6684  
in any manner without prior court approval in relation to 6685  
electronic monitoring or without prior approval of the 6686  
department of rehabilitation and correction in relation to the 6687  
use of an electronic monitoring device for an inmate on 6688

transitional control or otherwise is tampered with, that can 6689  
transmit continuously and periodically a signal to that receiver 6690  
when the person is within a specified distance from the 6691  
receiver, and that can transmit an appropriate signal to that 6692  
receiver if the person to whom it is attached travels a 6693  
specified distance from that receiver. 6694

(b) The device has a receiver that can receive 6695  
continuously the signals transmitted by a transmitter of the 6696  
type described in division (UU) (1) (a) of this section, can 6697  
transmit continuously those signals by a wireless or landline 6698  
telephone connection to a central monitoring computer of the 6699  
type described in division (UU) (1) (c) of this section, and can 6700  
transmit continuously an appropriate signal to that central 6701  
monitoring computer if the device has been turned off or altered 6702  
without prior court approval or otherwise tampered with. The 6703  
device is designed specifically for use in electronic 6704  
monitoring, is not a converted wireless phone or another 6705  
tracking device that is clearly not designed for electronic 6706  
monitoring, and provides a means of text-based or voice 6707  
communication with the person. 6708

(c) The device has a central monitoring computer that can 6709  
receive continuously the signals transmitted by a wireless or 6710  
landline telephone connection by a receiver of the type 6711  
described in division (UU) (1) (b) of this section and can monitor 6712  
continuously the person to whom an electronic monitoring device 6713  
of the type described in division (UU) (1) (a) of this section is 6714  
attached. 6715

(2) Any device that is not a device of the type described 6716  
in division (UU) (1) of this section and that conforms with all 6717  
of the following: 6718

(a) The device includes a transmitter and receiver that 6719  
can monitor and determine the location of a subject person at 6720  
any time, or at a designated point in time, through the use of a 6721  
central monitoring computer or through other electronic means. 6722

(b) The device includes a transmitter and receiver that 6723  
can determine at any time, or at a designated point in time, 6724  
through the use of a central monitoring computer or other 6725  
electronic means the fact that the transmitter is turned off or 6726  
altered in any manner without prior approval of the court in 6727  
relation to the electronic monitoring or without prior approval 6728  
of the department of rehabilitation and correction in relation 6729  
to the use of an electronic monitoring device for an inmate on 6730  
transitional control or otherwise is tampered with. 6731

(3) Any type of technology that can adequately track or 6732  
determine the location of a subject person at any time and that 6733  
is approved by the director of rehabilitation and correction, 6734  
including, but not limited to, any satellite technology, voice 6735  
tracking system, or retinal scanning system that is so approved. 6736

(VV) "Non-economic loss" means nonpecuniary harm suffered 6737  
by a victim of an offense as a result of or related to the 6738  
commission of the offense, including, but not limited to, pain 6739  
and suffering; loss of society, consortium, companionship, care, 6740  
assistance, attention, protection, advice, guidance, counsel, 6741  
instruction, training, or education; mental anguish; and any 6742  
other intangible loss. 6743

(WW) "Prosecutor" has the same meaning as in section 6744  
2935.01 of the Revised Code. 6745

(XX) "Continuous alcohol monitoring" means the ability to 6746  
automatically test and periodically transmit alcohol consumption 6747

levels and tamper attempts at least every hour, regardless of 6748  
the location of the person who is being monitored. 6749

(YY) A person is "adjudicated a sexually violent predator" 6750  
if the person is convicted of or pleads guilty to a violent sex 6751  
offense and also is convicted of or pleads guilty to a sexually 6752  
violent predator specification that was included in the 6753  
indictment, count in the indictment, or information charging 6754  
that violent sex offense or if the person is convicted of or 6755  
pleads guilty to a designated homicide, assault, or kidnapping 6756  
offense and also is convicted of or pleads guilty to both a 6757  
sexual motivation specification and a sexually violent predator 6758  
specification that were included in the indictment, count in the 6759  
indictment, or information charging that designated homicide, 6760  
assault, or kidnapping offense. 6761

(ZZ) An offense is "committed in proximity to a school" if 6762  
the offender commits the offense in a school safety zone or 6763  
within five hundred feet of any school building or the 6764  
boundaries of any school premises, regardless of whether the 6765  
offender knows the offense is being committed in a school safety 6766  
zone or within five hundred feet of any school building or the 6767  
boundaries of any school premises. 6768

(AAA) "Human trafficking" means a scheme or plan to which 6769  
all of the following apply: 6770

(1) Its object is one or more of the following: 6771

(a) To subject a victim or victims to involuntary 6772  
servitude, as defined in section 2905.31 of the Revised Code or 6773  
to compel a victim or victims to engage in sexual activity for 6774  
hire, to engage in a performance that is obscene, sexually 6775  
oriented, or nudity oriented, or to be a model or participant in 6776

the production of material that is obscene, sexually oriented, 6777  
or nudity oriented; 6778

(b) To facilitate, encourage, or recruit a victim who is 6779  
less than sixteen years of age or is a person with a 6780  
developmental disability, or victims who are less than sixteen 6781  
years of age or are persons with developmental disabilities, for 6782  
any purpose listed in divisions (A) (2) (a) to (c) of section 6783  
2905.32 of the Revised Code; 6784

(c) To facilitate, encourage, or recruit a victim who is 6785  
sixteen or seventeen years of age, or victims who are sixteen or 6786  
seventeen years of age, for any purpose listed in divisions (A) 6787  
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 6788  
circumstances described in division (A) (5), (6), (7), (8), (9), 6789  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 6790  
apply with respect to the person engaging in the conduct and the 6791  
victim or victims. 6792

(2) It involves at least two felony offenses, whether or 6793  
not there has been a prior conviction for any of the felony 6794  
offenses, to which all of the following apply: 6795

(a) Each of the felony offenses is a violation of section 6796  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 6797  
division (A) (1) or (2) of section 2907.323, or division (B) (1), 6798  
(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 6799  
is a violation of a law of any state other than this state that 6800  
is substantially similar to any of the sections or divisions of 6801  
the Revised Code identified in this division. 6802

(b) At least one of the felony offenses was committed in 6803  
this state. 6804

(c) The felony offenses are related to the same scheme or 6805

plan and are not isolated instances. 6806

(BBB) "Material," "nudity," "obscene," "performance," and 6807  
"sexual activity" have the same meanings as in section 2907.01 6808  
of the Revised Code. 6809

(CCC) "Material that is obscene, sexually oriented, or 6810  
nudity oriented" means any material that is obscene, that shows 6811  
a person participating or engaging in sexual activity, 6812  
masturbation, or bestiality, or that shows a person in a state 6813  
of nudity. 6814

(DDD) "Performance that is obscene, sexually oriented, or 6815  
nudity oriented" means any performance that is obscene, that 6816  
shows a person participating or engaging in sexual activity, 6817  
masturbation, or bestiality, or that shows a person in a state 6818  
of nudity. 6819

(EEE) "Accelerant" means a fuel or oxidizing agent, such 6820  
as an ignitable liquid, used to initiate a fire or increase the 6821  
rate of growth or spread of a fire. 6822

(FFF) "Non-life felony indefinite prison term" means a 6823  
prison term imposed under division (A)(1)(a) or (2)(a) of 6824  
section 2929.14 and section 2929.144 of the Revised Code for a 6825  
felony of the first or second degree committed on or after the 6826  
effective date of this amendment. 6827

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 6828  
or (G) of this section and unless a specific sanction is 6829  
required to be imposed or is precluded from being imposed 6830  
pursuant to law, a court that imposes a sentence upon an 6831  
offender for a felony may impose any sanction or combination of 6832  
sanctions on the offender that are provided in sections 2929.14 6833  
to 2929.18 of the Revised Code. 6834

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G) (1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B) (3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G) (1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for 6866  
which sentence is imposed under division (G) (2) of this section, 6867  
an additional prison term as described in division (B) (4) of 6868  
section 2929.14 of the Revised Code or a community control 6869  
sanction as described in division (G) (2) of this section. 6870

(B) (1) (a) Except as provided in division (B) (1) (b) of this 6871  
section, if an offender is convicted of or pleads guilty to a 6872  
felony of the fourth or fifth degree that is not an offense of 6873  
violence or that is a qualifying assault offense, the court 6874  
shall sentence the offender to a community control sanction or 6875  
combination of community control sanctions if all of the 6876  
following apply: 6877

(i) The offender previously has not been convicted of or 6878  
pleaded guilty to a felony offense. 6879

(ii) The most serious charge against the offender at the 6880  
time of sentencing is a felony of the fourth or fifth degree. 6881

(iii) If the court made a request of the department of 6882  
rehabilitation and correction pursuant to division (B) (1) (c) of 6883  
this section, the department, within the forty-five-day period 6884  
specified in that division, provided the court with the names 6885  
of, contact information for, and program details of one or more 6886  
community control sanctions that are available for persons 6887  
sentenced by the court. 6888

(iv) The offender previously has not been convicted of or 6889  
pleaded guilty to a misdemeanor offense of violence that the 6890  
offender committed within two years prior to the offense for 6891  
which sentence is being imposed. 6892

(b) The court has discretion to impose a prison term upon 6893  
an offender who is convicted of or pleads guilty to a felony of 6894

the fourth or fifth degree that is not an offense of violence or 6895  
that is a qualifying assault offense if any of the following 6896  
apply: 6897

(i) The offender committed the offense while having a 6898  
firearm on or about the offender's person or under the 6899  
offender's control. 6900

(ii) If the offense is a qualifying assault offense, the 6901  
offender caused serious physical harm to another person while 6902  
committing the offense, and, if the offense is not a qualifying 6903  
assault offense, the offender caused physical harm to another 6904  
person while committing the offense. 6905

(iii) The offender violated a term of the conditions of 6906  
bond as set by the court. 6907

(iv) The court made a request of the department of 6908  
rehabilitation and correction pursuant to division (B)(1)(c) of 6909  
this section, and the department, within the forty-five-day 6910  
period specified in that division, did not provide the court 6911  
with the name of, contact information for, and program details 6912  
of any community control sanction that is available for persons 6913  
sentenced by the court. 6914

(v) The offense is a sex offense that is a fourth or fifth 6915  
degree felony violation of any provision of Chapter 2907. of the 6916  
Revised Code. 6917

(vi) In committing the offense, the offender attempted to 6918  
cause or made an actual threat of physical harm to a person with 6919  
a deadly weapon. 6920

(vii) In committing the offense, the offender attempted to 6921  
cause or made an actual threat of physical harm to a person, and 6922  
the offender previously was convicted of an offense that caused 6923

physical harm to a person. 6924

(viii) The offender held a public office or position of 6925  
trust, and the offense related to that office or position; the 6926  
offender's position obliged the offender to prevent the offense 6927  
or to bring those committing it to justice; or the offender's 6928  
professional reputation or position facilitated the offense or 6929  
was likely to influence the future conduct of others. 6930

(ix) The offender committed the offense for hire or as 6931  
part of an organized criminal activity. 6932

(x) The offender at the time of the offense was serving, 6933  
or the offender previously had served, a prison term. 6934

(xi) The offender committed the offense while under a 6935  
community control sanction, while on probation, or while 6936  
released from custody on a bond or personal recognizance. 6937

(c) If a court that is sentencing an offender who is 6938  
convicted of or pleads guilty to a felony of the fourth or fifth 6939  
degree that is not an offense of violence or that is a 6940  
qualifying assault offense believes that no community control 6941  
sanctions are available for its use that, if imposed on the 6942  
offender, will adequately fulfill the overriding principles and 6943  
purposes of sentencing, the court shall contact the department 6944  
of rehabilitation and correction and ask the department to 6945  
provide the court with the names of, contact information for, 6946  
and program details of one or more community control sanctions 6947  
that are available for persons sentenced by the court. Not later 6948  
than forty-five days after receipt of a request from a court 6949  
under this division, the department shall provide the court with 6950  
the names of, contact information for, and program details of 6951  
one or more community control sanctions that are available for 6952

persons sentenced by the court, if any. Upon making a request 6953  
under this division that relates to a particular offender, a 6954  
court shall defer sentencing of that offender until it receives 6955  
from the department the names of, contact information for, and 6956  
program details of one or more community control sanctions that 6957  
are available for persons sentenced by the court or for forty- 6958  
five days, whichever is the earlier. 6959

If the department provides the court with the names of, 6960  
contact information for, and program details of one or more 6961  
community control sanctions that are available for persons 6962  
sentenced by the court within the forty-five-day period 6963  
specified in this division, the court shall impose upon the 6964  
offender a community control sanction under division (B) (1) (a) 6965  
of this section, except that the court may impose a prison term 6966  
under division (B) (1) (b) of this section if a factor described 6967  
in division (B) (1) (b) (i) or (ii) of this section applies. If the 6968  
department does not provide the court with the names of, contact 6969  
information for, and program details of one or more community 6970  
control sanctions that are available for persons sentenced by 6971  
the court within the forty-five-day period specified in this 6972  
division, the court may impose upon the offender a prison term 6973  
under division (B) (1) (b) (iv) of this section. 6974

(d) A sentencing court may impose an additional penalty 6975  
under division (B) of section 2929.15 of the Revised Code upon 6976  
an offender sentenced to a community control sanction under 6977  
division (B) (1) (a) of this section if the offender violates the 6978  
conditions of the community control sanction, violates a law, or 6979  
leaves the state without the permission of the court or the 6980  
offender's probation officer. 6981

(2) If division (B) (1) of this section does not apply, 6982

except as provided in division (E), (F), or (G) of this section, 6983  
in determining whether to impose a prison term as a sanction for 6984  
a felony of the fourth or fifth degree, the sentencing court 6985  
shall comply with the purposes and principles of sentencing 6986  
under section 2929.11 of the Revised Code and with section 6987  
2929.12 of the Revised Code. 6988

(C) Except as provided in division (D), (E), (F), or (G) 6989  
of this section, in determining whether to impose a prison term 6990  
as a sanction for a felony of the third degree or a felony drug 6991  
offense that is a violation of a provision of Chapter 2925. of 6992  
the Revised Code and that is specified as being subject to this 6993  
division for purposes of sentencing, the sentencing court shall 6994  
comply with the purposes and principles of sentencing under 6995  
section 2929.11 of the Revised Code and with section 2929.12 of 6996  
the Revised Code. 6997

(D) (1) Except as provided in division (E) or (F) of this 6998  
section, for a felony of the first or second degree, for a 6999  
felony drug offense that is a violation of any provision of 7000  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 7001  
presumption in favor of a prison term is specified as being 7002  
applicable, and for a violation of division (A) (4) or (B) of 7003  
section 2907.05 of the Revised Code for which a presumption in 7004  
favor of a prison term is specified as being applicable, it is 7005  
presumed that a prison term is necessary in order to comply with 7006  
the purposes and principles of sentencing under section 2929.11 7007  
of the Revised Code. Division (D) (2) of this section does not 7008  
apply to a presumption established under this division for a 7009  
violation of division (A) (4) of section 2907.05 of the Revised 7010  
Code. 7011

(2) Notwithstanding the presumption established under 7012

division (D) (1) of this section for the offenses listed in that 7013  
division other than a violation of division (A) (4) or (B) of 7014  
section 2907.05 of the Revised Code, the sentencing court may 7015  
impose a community control sanction or a combination of 7016  
community control sanctions instead of a prison term on an 7017  
offender for a felony of the first or second degree or for a 7018  
felony drug offense that is a violation of any provision of 7019  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 7020  
presumption in favor of a prison term is specified as being 7021  
applicable if it makes both of the following findings: 7022

(a) A community control sanction or a combination of 7023  
community control sanctions would adequately punish the offender 7024  
and protect the public from future crime, because the applicable 7025  
factors under section 2929.12 of the Revised Code indicating a 7026  
lesser likelihood of recidivism outweigh the applicable factors 7027  
under that section indicating a greater likelihood of 7028  
recidivism. 7029

(b) A community control sanction or a combination of 7030  
community control sanctions would not demean the seriousness of 7031  
the offense, because one or more factors under section 2929.12 7032  
of the Revised Code that indicate that the offender's conduct 7033  
was less serious than conduct normally constituting the offense 7034  
are applicable, and they outweigh the applicable factors under 7035  
that section that indicate that the offender's conduct was more 7036  
serious than conduct normally constituting the offense. 7037

(E) (1) Except as provided in division (F) of this section, 7038  
for any drug offense that is a violation of any provision of 7039  
Chapter 2925. of the Revised Code and that is a felony of the 7040  
third, fourth, or fifth degree, the applicability of a 7041  
presumption under division (D) of this section in favor of a 7042

prison term or of division (B) or (C) of this section in 7043  
determining whether to impose a prison term for the offense 7044  
shall be determined as specified in section 2925.02, 2925.03, 7045  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 7046  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 7047  
regarding the violation. 7048

(2) If an offender who was convicted of or pleaded guilty 7049  
to a felony violates the conditions of a community control 7050  
sanction imposed for the offense solely by reason of producing 7051  
positive results on a drug test or by acting pursuant to 7052  
division (B) (2) (b) of section 2925.11 of the Revised Code with 7053  
respect to a minor drug possession offense, the court, as 7054  
punishment for the violation of the sanction, shall not order 7055  
that the offender be imprisoned unless the court determines on 7056  
the record either of the following: 7057

(a) The offender had been ordered as a sanction for the 7058  
felony to participate in a drug treatment program, in a drug 7059  
education program, or in narcotics anonymous or a similar 7060  
program, and the offender continued to use illegal drugs after a 7061  
reasonable period of participation in the program. 7062

(b) The imprisonment of the offender for the violation is 7063  
consistent with the purposes and principles of sentencing set 7064  
forth in section 2929.11 of the Revised Code. 7065

(3) A court that sentences an offender for a drug abuse 7066  
offense that is a felony of the third, fourth, or fifth degree 7067  
may require that the offender be assessed by a properly 7068  
credentialed professional within a specified period of time. The 7069  
court shall require the professional to file a written 7070  
assessment of the offender with the court. If the offender is 7071  
eligible for a community control sanction and after considering 7072

the written assessment, the court may impose a community control 7073  
sanction that includes addiction services and recovery supports 7074  
included in a community-based continuum of care established 7075  
under section 340.032 of the Revised Code. If the court imposes 7076  
addiction services and recovery supports as a community control 7077  
sanction, the court shall direct the level and type of addiction 7078  
services and recovery supports after considering the assessment 7079  
and recommendation of community addiction services providers. 7080

(F) Notwithstanding divisions (A) to (E) of this section, 7081  
the court shall impose a prison term or terms under sections 7082  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 7083  
section 2971.03 of the Revised Code and except as specifically 7084  
provided in section 2929.20, divisions (C) to (I) of section 7085  
2967.19, or section 2967.191 of the Revised Code or when parole 7086  
is authorized for the offense under section 2967.13 of the 7087  
Revised Code shall not reduce the term or terms pursuant to 7088  
section 2929.20, section 2967.19, section 2967.193, or any other 7089  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 7090  
for any of the following offenses: 7091

(1) Aggravated murder when death is not imposed or murder; 7092

(2) Any rape, regardless of whether force was involved and 7093  
regardless of the age of the victim, or an attempt to commit 7094  
rape if, had the offender completed the rape that was attempted, 7095  
the offender would have been guilty of a violation of division 7096  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 7097  
sentenced under section 2971.03 of the Revised Code; 7098

(3) Gross sexual imposition or sexual battery, if the 7099  
victim is less than thirteen years of age and if any of the 7100  
following applies: 7101

(a) Regarding gross sexual imposition, the offender 7102  
previously was convicted of or pleaded guilty to rape, the 7103  
former offense of felonious sexual penetration, gross sexual 7104  
imposition, or sexual battery, and the victim of the previous 7105  
offense was less than thirteen years of age; 7106

(b) Regarding gross sexual imposition, the offense was 7107  
committed on or after August 3, 2006, and evidence other than 7108  
the testimony of the victim was admitted in the case 7109  
corroborating the violation. 7110

(c) Regarding sexual battery, either of the following 7111  
applies: 7112

(i) The offense was committed prior to August 3, 2006, the 7113  
offender previously was convicted of or pleaded guilty to rape, 7114  
the former offense of felonious sexual penetration, or sexual 7115  
battery, and the victim of the previous offense was less than 7116  
thirteen years of age. 7117

(ii) The offense was committed on or after August 3, 2006. 7118

(4) A felony violation of section 2903.04, 2903.06, 7119  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 7120  
or 2923.132 of the Revised Code if the section requires the 7121  
imposition of a prison term; 7122

(5) A first, second, or third degree felony drug offense 7123  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 7124  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 7125  
or 4729.99 of the Revised Code, whichever is applicable 7126  
regarding the violation, requires the imposition of a mandatory 7127  
prison term; 7128

(6) Any offense that is a first or second degree felony 7129  
and that is not set forth in division (F) (1), (2), (3), or (4) 7130

of this section, if the offender previously was convicted of or 7131  
pleaded guilty to aggravated murder, murder, any first or second 7132  
degree felony, or an offense under an existing or former law of 7133  
this state, another state, or the United States that is or was 7134  
substantially equivalent to one of those offenses; 7135

(7) Any offense that is a third degree felony and either 7136  
is a violation of section 2903.04 of the Revised Code or an 7137  
attempt to commit a felony of the second degree that is an 7138  
offense of violence and involved an attempt to cause serious 7139  
physical harm to a person or that resulted in serious physical 7140  
harm to a person if the offender previously was convicted of or 7141  
pleaded guilty to any of the following offenses: 7142

(a) Aggravated murder, murder, involuntary manslaughter, 7143  
rape, felonious sexual penetration as it existed under section 7144  
2907.12 of the Revised Code prior to September 3, 1996, a felony 7145  
of the first or second degree that resulted in the death of a 7146  
person or in physical harm to a person, or complicity in or an 7147  
attempt to commit any of those offenses; 7148

(b) An offense under an existing or former law of this 7149  
state, another state, or the United States that is or was 7150  
substantially equivalent to an offense listed in division (F) (7) 7151  
(a) of this section that resulted in the death of a person or in 7152  
physical harm to a person. 7153

(8) Any offense, other than a violation of section 2923.12 7154  
of the Revised Code, that is a felony, if the offender had a 7155  
firearm on or about the offender's person or under the 7156  
offender's control while committing the felony, with respect to 7157  
a portion of the sentence imposed pursuant to division (B) (1) (a) 7158  
of section 2929.14 of the Revised Code for having the firearm; 7159

(9) Any offense of violence that is a felony, if the 7160  
offender wore or carried body armor while committing the felony 7161  
offense of violence, with respect to the portion of the sentence 7162  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 7163  
Revised Code for wearing or carrying the body armor; 7164

(10) Corrupt activity in violation of section 2923.32 of 7165  
the Revised Code when the most serious offense in the pattern of 7166  
corrupt activity that is the basis of the offense is a felony of 7167  
the first degree; 7168

(11) Any violent sex offense or designated homicide, 7169  
assault, or kidnapping offense if, in relation to that offense, 7170  
the offender is adjudicated a sexually violent predator; 7171

(12) A violation of division (A) (1) or (2) of section 7172  
2921.36 of the Revised Code, or a violation of division (C) of 7173  
that section involving an item listed in division (A) (1) or (2) 7174  
of that section, if the offender is an officer or employee of 7175  
the department of rehabilitation and correction; 7176

(13) A violation of division (A) (1) or (2) of section 7177  
2903.06 of the Revised Code if the victim of the offense is a 7178  
peace officer, as defined in section 2935.01 of the Revised 7179  
Code, or an investigator of the bureau of criminal 7180  
identification and investigation, as defined in section 2903.11 7181  
of the Revised Code, with respect to the portion of the sentence 7182  
imposed pursuant to division (B) (5) of section 2929.14 of the 7183  
Revised Code; 7184

(14) A violation of division (A) (1) or (2) of section 7185  
2903.06 of the Revised Code if the offender has been convicted 7186  
of or pleaded guilty to three or more violations of division (A) 7187  
or (B) of section 4511.19 of the Revised Code or an equivalent 7188

offense, as defined in section 2941.1415 of the Revised Code, or 7189  
three or more violations of any combination of those divisions 7190  
and offenses, with respect to the portion of the sentence 7191  
imposed pursuant to division (B) (6) of section 2929.14 of the 7192  
Revised Code; 7193

(15) Kidnapping, in the circumstances specified in section 7194  
2971.03 of the Revised Code and when no other provision of 7195  
division (F) of this section applies; 7196

(16) Kidnapping, abduction, compelling prostitution, 7197  
promoting prostitution, engaging in a pattern of corrupt 7198  
activity, ~~illegal use of a minor in a nudity-oriented material-~~ 7199  
~~or performance in a~~ violation of division (A) (1) or (2) of 7200  
section 2907.323 of the Revised Code that involves a minor, or 7201  
endangering children in violation of division (B) (1), (2), (3), 7202  
(4), or (5) of section 2919.22 of the Revised Code, if the 7203  
offender is convicted of or pleads guilty to a specification as 7204  
described in section 2941.1422 of the Revised Code that was 7205  
included in the indictment, count in the indictment, or 7206  
information charging the offense; 7207

(17) A felony violation of division (A) or (B) of section 7208  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 7209  
that section, and division (D) (6) of that section, require the 7210  
imposition of a prison term; 7211

(18) A felony violation of section 2903.11, 2903.12, or 7212  
2903.13 of the Revised Code, if the victim of the offense was a 7213  
woman that the offender knew was pregnant at the time of the 7214  
violation, with respect to a portion of the sentence imposed 7215  
pursuant to division (B) (8) of section 2929.14 of the Revised 7216  
Code; 7217

(19) (a) Any violent felony offense if the offender is a 7218  
violent career criminal and had a firearm on or about the 7219  
offender's person or under the offender's control during the 7220  
commission of the violent felony offense and displayed or 7221  
brandished the firearm, indicated that the offender possessed a 7222  
firearm, or used the firearm to facilitate the offense, with 7223  
respect to the portion of the sentence imposed under division 7224  
(K) of section 2929.14 of the Revised Code. 7225

(b) As used in division (F) (19) (a) of this section, 7226  
"violent career criminal" and "violent felony offense" have the 7227  
same meanings as in section 2923.132 of the Revised Code; 7228

(20) Any violation of division (A) (1) of section 2903.11 7229  
of the Revised Code if the offender used an accelerant in 7230  
committing the violation and the serious physical harm to 7231  
another or another's unborn caused by the violation resulted in 7232  
a permanent, serious disfigurement or permanent, substantial 7233  
incapacity or any violation of division (A) (2) of that section 7234  
if the offender used an accelerant in committing the violation, 7235  
the violation caused physical harm to another or another's 7236  
unborn, and the physical harm resulted in a permanent, serious 7237  
disfigurement or permanent, substantial incapacity, with respect 7238  
to a portion of the sentence imposed pursuant to division (B) (9) 7239  
of section 2929.14 of the Revised Code. The provisions of this 7240  
division and of division (D) (2) of section 2903.11, divisions 7241  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 7242  
the Revised Code shall be known as "Judy's Law." 7243

(21) A felony violation of section 2925.03, 2925.05, or 7244  
2925.11 of the Revised Code, if the drug involved in the 7245  
violation is a fentanyl-related compound or a compound, mixture, 7246  
preparation, or substance containing a fentanyl-related compound 7247

and the offender is convicted of or pleads guilty to a 7248  
specification of the type described in division (B) of section 7249  
2941.1410 of the Revised Code that was included in the 7250  
indictment, count in the indictment, or information charging the 7251  
offense, with respect to the portion of the sentence imposed 7252  
under division (B) (9) of section 2929.14 of the Revised Code. 7253

(G) Notwithstanding divisions (A) to (E) of this section, 7254  
if an offender is being sentenced for a fourth degree felony OVI 7255  
offense or for a third degree felony OVI offense, the court 7256  
shall impose upon the offender a mandatory term of local 7257  
incarceration or a mandatory prison term in accordance with the 7258  
following: 7259

(1) If the offender is being sentenced for a fourth degree 7260  
felony OVI offense and if the offender has not been convicted of 7261  
and has not pleaded guilty to a specification of the type 7262  
described in section 2941.1413 of the Revised Code, the court 7263  
may impose upon the offender a mandatory term of local 7264  
incarceration of sixty days or one hundred twenty days as 7265  
specified in division (G) (1) (d) of section 4511.19 of the 7266  
Revised Code. The court shall not reduce the term pursuant to 7267  
section 2929.20, 2967.193, or any other provision of the Revised 7268  
Code. The court that imposes a mandatory term of local 7269  
incarceration under this division shall specify whether the term 7270  
is to be served in a jail, a community-based correctional 7271  
facility, a halfway house, or an alternative residential 7272  
facility, and the offender shall serve the term in the type of 7273  
facility specified by the court. A mandatory term of local 7274  
incarceration imposed under division (G) (1) of this section is 7275  
not subject to any other Revised Code provision that pertains to 7276  
a prison term except as provided in division (A) (1) of this 7277  
section. 7278

(2) If the offender is being sentenced for a third degree 7279  
felony OVI offense, or if the offender is being sentenced for a 7280  
fourth degree felony OVI offense and the court does not impose a 7281  
mandatory term of local incarceration under division (G) (1) of 7282  
this section, the court shall impose upon the offender a 7283  
mandatory prison term of one, two, three, four, or five years if 7284  
the offender also is convicted of or also pleads guilty to a 7285  
specification of the type described in section 2941.1413 of the 7286  
Revised Code or shall impose upon the offender a mandatory 7287  
prison term of sixty days or one hundred twenty days as 7288  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 7289  
Revised Code if the offender has not been convicted of and has 7290  
not pleaded guilty to a specification of that type. Subject to 7291  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 7292  
court shall not reduce the term pursuant to section 2929.20, 7293  
2967.19, 2967.193, or any other provision of the Revised Code. 7294  
The offender shall serve the one-, two-, three-, four-, or five- 7295  
year mandatory prison term consecutively to and prior to the 7296  
prison term imposed for the underlying offense and consecutively 7297  
to any other mandatory prison term imposed in relation to the 7298  
offense. In no case shall an offender who once has been 7299  
sentenced to a mandatory term of local incarceration pursuant to 7300  
division (G) (1) of this section for a fourth degree felony OVI 7301  
offense be sentenced to another mandatory term of local 7302  
incarceration under that division for any violation of division 7303  
(A) of section 4511.19 of the Revised Code. In addition to the 7304  
mandatory prison term described in division (G) (2) of this 7305  
section, the court may sentence the offender to a community 7306  
control sanction under section 2929.16 or 2929.17 of the Revised 7307  
Code, but the offender shall serve the prison term prior to 7308  
serving the community control sanction. The department of 7309  
rehabilitation and correction may place an offender sentenced to 7310

a mandatory prison term under this division in an intensive program prison established pursuant to section 5120.033 of the Revised Code if the department gave the sentencing judge prior notice of its intent to place the offender in an intensive program prison established under that section and if the judge did not notify the department that the judge disapproved the placement. Upon the establishment of the initial intensive program prison pursuant to section 5120.033 of the Revised Code that is privately operated and managed by a contractor pursuant to a contract entered into under section 9.06 of the Revised Code, both of the following apply:

(a) The department of rehabilitation and correction shall make a reasonable effort to ensure that a sufficient number of offenders sentenced to a mandatory prison term under this division are placed in the privately operated and managed prison so that the privately operated and managed prison has full occupancy.

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on

or after January 1, 1997, the judge shall include in the 7341  
sentence a summary of the offender's duties imposed under 7342  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 7343  
Code and the duration of the duties. The judge shall inform the 7344  
offender, at the time of sentencing, of those duties and of 7345  
their duration. If required under division (A)(2) of section 7346  
2950.03 of the Revised Code, the judge shall perform the duties 7347  
specified in that section, or, if required under division (A)(6) 7348  
of section 2950.03 of the Revised Code, the judge shall perform 7349  
the duties specified in that division. 7350

(J)(1) Except as provided in division (J)(2) of this 7351  
section, when considering sentencing factors under this section 7352  
in relation to an offender who is convicted of or pleads guilty 7353  
to an attempt to commit an offense in violation of section 7354  
2923.02 of the Revised Code, the sentencing court shall consider 7355  
the factors applicable to the felony category of the violation 7356  
of section 2923.02 of the Revised Code instead of the factors 7357  
applicable to the felony category of the offense attempted. 7358

(2) When considering sentencing factors under this section 7359  
in relation to an offender who is convicted of or pleads guilty 7360  
to an attempt to commit a drug abuse offense for which the 7361  
penalty is determined by the amount or number of unit doses of 7362  
the controlled substance involved in the drug abuse offense, the 7363  
sentencing court shall consider the factors applicable to the 7364  
felony category that the drug abuse offense attempted would be 7365  
if that drug abuse offense had been committed and had involved 7366  
an amount or number of unit doses of the controlled substance 7367  
that is within the next lower range of controlled substance 7368  
amounts than was involved in the attempt. 7369

(K) As used in this section: 7370

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 7371  
7372

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code. 7373  
7374

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code. 7375  
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(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies. 7377  
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(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund. 7381  
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**Sec. 2929.14.** (A) Except as provided in division (B) (1), (B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), (E), (G), (H), (J), or (K) of this section or in division (D) (6) of section 2919.25 of the Revised Code and except in relation to an offense for which a sentence of death or life imprisonment is to be imposed, if the court imposing a sentence upon an offender for a felony elects or is required to impose a prison term on the offender pursuant to this chapter, the court shall impose a ~~definite~~ prison term that shall be one of the following: 7390  
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(1) (a) For a felony of the first degree committed on or 7399

after the effective date of this amendment, the prison term 7400  
shall be an indefinite prison term with a stated minimum term 7401  
selected by the court of three, four, five, six, seven, eight, 7402  
nine, ten, or eleven years and a maximum term that is determined 7403  
pursuant to section 2929.144 of the Revised Code, except that if 7404  
the section that criminalizes the conduct constituting the 7405  
felony specifies a different minimum term or penalty for the 7406  
offense, the specific language of that section shall control in 7407  
determining the minimum term or otherwise sentencing the 7408  
offender but the minimum term or sentence imposed under that 7409  
specific language shall be considered for purposes of the 7410  
Revised Code as if it had been imposed under this division. 7411

(b) For a felony of the first degree committed prior to 7412  
the effective date of this amendment, the prison term shall be a 7413  
definite prison term of three, four, five, six, seven, eight, 7414  
nine, ten, or eleven years. 7415

(2)(a) For a felony of the second degree committed on or 7416  
after the effective date of this amendment, the prison term 7417  
shall be an indefinite prison term with a stated minimum term 7418  
selected by the court of two, three, four, five, six, seven, or 7419  
eight years and a maximum term that is determined pursuant to 7420  
section 2929.144 of the Revised Code, except that if the section 7421  
that criminalizes the conduct constituting the felony specifies 7422  
a different minimum term or penalty for the offense, the 7423  
specific language of that section shall control in determining 7424  
the minimum term or otherwise sentencing the offender but the 7425  
minimum term or sentence imposed under that specific language 7426  
shall be considered for purposes of the Revised Code as if it 7427  
had been imposed under this division. 7428

(b) For a felony of the second degree committed prior to 7429

the effective date of this amendment, the prison term shall be a 7430  
definite term of two, three, four, five, six, seven, or eight 7431  
years. 7432

(3) (a) For a felony of the third degree that is a 7433  
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 7434  
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 7435  
Code or that is a violation of section 2911.02 or 2911.12 of the 7436  
Revised Code if the offender previously has been convicted of or 7437  
pleaded guilty in two or more separate proceedings to two or 7438  
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 7439  
of the Revised Code, the prison term shall be a definite term of 7440  
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 7441  
forty-eight, fifty-four, or sixty months. 7442

(b) For a felony of the third degree that is not an 7443  
offense for which division (A) (3) (a) of this section applies, 7444  
the prison term shall be a definite term of nine, twelve, 7445  
eighteen, twenty-four, thirty, or thirty-six months. 7446

(4) For a felony of the fourth degree, the prison term 7447  
shall be a definite term of six, seven, eight, nine, ten, 7448  
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 7449  
or eighteen months. 7450

(5) For a felony of the fifth degree, the prison term 7451  
shall be a definite term of six, seven, eight, nine, ten, 7452  
eleven, or twelve months. 7453

(B) (1) (a) Except as provided in division (B) (1) (e) of this 7454  
section, if an offender who is convicted of or pleads guilty to 7455  
a felony also is convicted of or pleads guilty to a 7456  
specification of the type described in section 2941.141, 7457  
2941.144, or 2941.145 of the Revised Code, the court shall 7458

impose on the offender one of the following prison terms: 7459

(i) A prison term of six years if the specification is of 7460  
the type described in division (A) of section 2941.144 of the 7461  
Revised Code that charges the offender with having a firearm 7462  
that is an automatic firearm or that was equipped with a firearm 7463  
muffler or suppressor on or about the offender's person or under 7464  
the offender's control while committing the offense; 7465

(ii) A prison term of three years if the specification is 7466  
of the type described in division (A) of section 2941.145 of the 7467  
Revised Code that charges the offender with having a firearm on 7468  
or about the offender's person or under the offender's control 7469  
while committing the offense and displaying the firearm, 7470  
brandishing the firearm, indicating that the offender possessed 7471  
the firearm, or using it to facilitate the offense; 7472

(iii) A prison term of one year if the specification is of 7473  
the type described in division (A) of section 2941.141 of the 7474  
Revised Code that charges the offender with having a firearm on 7475  
or about the offender's person or under the offender's control 7476  
while committing the offense; 7477

(iv) A prison term of nine years if the specification is 7478  
of the type described in division (D) of section 2941.144 of the 7479  
Revised Code that charges the offender with having a firearm 7480  
that is an automatic firearm or that was equipped with a firearm 7481  
muffler or suppressor on or about the offender's person or under 7482  
the offender's control while committing the offense and 7483  
specifies that the offender previously has been convicted of or 7484  
pleaded guilty to a specification of the type described in 7485  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7486  
the Revised Code; 7487

(v) A prison term of fifty-four months if the 7488  
specification is of the type described in division (D) of 7489  
section 2941.145 of the Revised Code that charges the offender 7490  
with having a firearm on or about the offender's person or under 7491  
the offender's control while committing the offense and 7492  
displaying the firearm, brandishing the firearm, indicating that 7493  
the offender possessed the firearm, or using the firearm to 7494  
facilitate the offense and that the offender previously has been 7495  
convicted of or pleaded guilty to a specification of the type 7496  
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 7497  
2941.1412 of the Revised Code; 7498

(vi) A prison term of eighteen months if the specification 7499  
is of the type described in division (D) of section 2941.141 of 7500  
the Revised Code that charges the offender with having a firearm 7501  
on or about the offender's person or under the offender's 7502  
control while committing the offense and that the offender 7503  
previously has been convicted of or pleaded guilty to a 7504  
specification of the type described in section 2941.141, 7505  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 7506

(b) If a court imposes a prison term on an offender under 7507  
division (B)(1)(a) of this section, the prison term shall not be 7508  
reduced pursuant to section 2967.19, section 2929.20, section 7509  
2967.193, or any other provision of Chapter 2967. or Chapter 7510  
5120. of the Revised Code. Except as provided in division (B)(1) 7511  
(g) of this section, a court shall not impose more than one 7512  
prison term on an offender under division (B)(1)(a) of this 7513  
section for felonies committed as part of the same act or 7514  
transaction. 7515

(c)(i) Except as provided in division (B)(1)(e) of this 7516  
section, if an offender who is convicted of or pleads guilty to 7517

a violation of section 2923.161 of the Revised Code or to a 7518  
felony that includes, as an essential element, purposely or 7519  
knowingly causing or attempting to cause the death of or 7520  
physical harm to another, also is convicted of or pleads guilty 7521  
to a specification of the type described in division (A) of 7522  
section 2941.146 of the Revised Code that charges the offender 7523  
with committing the offense by discharging a firearm from a 7524  
motor vehicle other than a manufactured home, the court, after 7525  
imposing a prison term on the offender for the violation of 7526  
section 2923.161 of the Revised Code or for the other felony 7527  
offense under division (A), (B) (2), or (B) (3) of this section, 7528  
shall impose an additional prison term of five years upon the 7529  
offender that shall not be reduced pursuant to section 2929.20, 7530  
section 2967.19, section 2967.193, or any other provision of 7531  
Chapter 2967. or Chapter 5120. of the Revised Code. 7532

(ii) Except as provided in division (B) (1) (e) of this 7533  
section, if an offender who is convicted of or pleads guilty to 7534  
a violation of section 2923.161 of the Revised Code or to a 7535  
felony that includes, as an essential element, purposely or 7536  
knowingly causing or attempting to cause the death of or 7537  
physical harm to another, also is convicted of or pleads guilty 7538  
to a specification of the type described in division (C) of 7539  
section 2941.146 of the Revised Code that charges the offender 7540  
with committing the offense by discharging a firearm from a 7541  
motor vehicle other than a manufactured home and that the 7542  
offender previously has been convicted of or pleaded guilty to a 7543  
specification of the type described in section 2941.141, 7544  
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 7545  
the court, after imposing a prison term on the offender for the 7546  
violation of section 2923.161 of the Revised Code or for the 7547  
other felony offense under division (A), (B) (2), or (3) of this 7548

section, shall impose an additional prison term of ninety months 7549  
upon the offender that shall not be reduced pursuant to section 7550  
2929.20, 2967.19, 2967.193, or any other provision of Chapter 7551  
2967. or Chapter 5120. of the Revised Code. 7552

(iii) A court shall not impose more than one additional 7553  
prison term on an offender under division (B) (1) (c) of this 7554  
section for felonies committed as part of the same act or 7555  
transaction. If a court imposes an additional prison term on an 7556  
offender under division (B) (1) (c) of this section relative to an 7557  
offense, the court also shall impose a prison term under 7558  
division (B) (1) (a) of this section relative to the same offense, 7559  
provided the criteria specified in that division for imposing an 7560  
additional prison term are satisfied relative to the offender 7561  
and the offense. 7562

(d) If an offender who is convicted of or pleads guilty to 7563  
an offense of violence that is a felony also is convicted of or 7564  
pleads guilty to a specification of the type described in 7565  
section 2941.1411 of the Revised Code that charges the offender 7566  
with wearing or carrying body armor while committing the felony 7567  
offense of violence, the court shall impose on the offender ~~a~~an 7568  
additional prison term of two years. The prison term so imposed, 7569  
subject to divisions (C) to (I) of section 2967.19 of the 7570  
Revised Code, shall not be reduced pursuant to section 2929.20, 7571  
section 2967.19, section 2967.193, or any other provision of 7572  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7573  
shall not impose more than one prison term on an offender under 7574  
division (B) (1) (d) of this section for felonies committed as 7575  
part of the same act or transaction. If a court imposes an 7576  
additional prison term under division (B) (1) (a) or (c) of this 7577  
section, the court is not precluded from imposing an additional 7578  
prison term under division (B) (1) (d) of this section. 7579

(e) The court shall not impose any of the prison terms 7580  
described in division (B) (1) (a) of this section or any of the 7581  
additional prison terms described in division (B) (1) (c) of this 7582  
section upon an offender for a violation of section 2923.12 or 7583  
2923.123 of the Revised Code. The court shall not impose any of 7584  
the prison terms described in division (B) (1) (a) or (b) of this 7585  
section upon an offender for a violation of section 2923.122 7586  
that involves a deadly weapon that is a firearm other than a 7587  
dangerous ordnance, section 2923.16, or section 2923.121 of the 7588  
Revised Code. The court shall not impose any of the prison terms 7589  
described in division (B) (1) (a) of this section or any of the 7590  
additional prison terms described in division (B) (1) (c) of this 7591  
section upon an offender for a violation of section 2923.13 of 7592  
the Revised Code unless all of the following apply: 7593

(i) The offender previously has been convicted of 7594  
aggravated murder, murder, or any felony of the first or second 7595  
degree. 7596

(ii) Less than five years have passed since the offender 7597  
was released from prison or post-release control, whichever is 7598  
later, for the prior offense. 7599

(f) (i) If an offender is convicted of or pleads guilty to 7600  
a felony that includes, as an essential element, causing or 7601  
attempting to cause the death of or physical harm to another and 7602  
also is convicted of or pleads guilty to a specification of the 7603  
type described in division (A) of section 2941.1412 of the 7604  
Revised Code that charges the offender with committing the 7605  
offense by discharging a firearm at a peace officer as defined 7606  
in section 2935.01 of the Revised Code or a corrections officer, 7607  
as defined in section 2941.1412 of the Revised Code, the court, 7608  
after imposing a prison term on the offender for the felony 7609

offense under division (A), (B) (2), or (B) (3) of this section, 7610  
shall impose an additional prison term of seven years upon the 7611  
offender that shall not be reduced pursuant to section 2929.20, 7612  
section 2967.19, section 2967.193, or any other provision of 7613  
Chapter 2967. or Chapter 5120. of the Revised Code. 7614

(ii) If an offender is convicted of or pleads guilty to a 7615  
felony that includes, as an essential element, causing or 7616  
attempting to cause the death of or physical harm to another and 7617  
also is convicted of or pleads guilty to a specification of the 7618  
type described in division (B) of section 2941.1412 of the 7619  
Revised Code that charges the offender with committing the 7620  
offense by discharging a firearm at a peace officer, as defined 7621  
in section 2935.01 of the Revised Code, or a corrections 7622  
officer, as defined in section 2941.1412 of the Revised Code, 7623  
and that the offender previously has been convicted of or 7624  
pleaded guilty to a specification of the type described in 7625  
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 7626  
the Revised Code, the court, after imposing a prison term on the 7627  
offender for the felony offense under division (A), (B) (2), or 7628  
(3) of this section, shall impose an additional prison term of 7629  
one hundred twenty-six months upon the offender that shall not 7630  
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 7631  
any other provision of Chapter 2967. or 5120. of the Revised 7632  
Code. 7633

(iii) If an offender is convicted of or pleads guilty to 7634  
two or more felonies that include, as an essential element, 7635  
causing or attempting to cause the death or physical harm to 7636  
another and also is convicted of or pleads guilty to a 7637  
specification of the type described under division (B) (1) (f) of 7638  
this section in connection with two or more of the felonies of 7639  
which the offender is convicted or to which the offender pleads 7640

guilty, the sentencing court shall impose on the offender the 7641  
prison term specified under division (B) (1) (f) of this section 7642  
for each of two of the specifications of which the offender is 7643  
convicted or to which the offender pleads guilty and, in its 7644  
discretion, also may impose on the offender the prison term 7645  
specified under that division for any or all of the remaining 7646  
specifications. If a court imposes an additional prison term on 7647  
an offender under division (B) (1) (f) of this section relative to 7648  
an offense, the court shall not impose a prison term under 7649  
division (B) (1) (a) or (c) of this section relative to the same 7650  
offense. 7651

(g) If an offender is convicted of or pleads guilty to two 7652  
or more felonies, if one or more of those felonies are 7653  
aggravated murder, murder, attempted aggravated murder, 7654  
attempted murder, aggravated robbery, felonious assault, or 7655  
rape, and if the offender is convicted of or pleads guilty to a 7656  
specification of the type described under division (B) (1) (a) of 7657  
this section in connection with two or more of the felonies, the 7658  
sentencing court shall impose on the offender the prison term 7659  
specified under division (B) (1) (a) of this section for each of 7660  
the two most serious specifications of which the offender is 7661  
convicted or to which the offender pleads guilty and, in its 7662  
discretion, also may impose on the offender the prison term 7663  
specified under that division for any or all of the remaining 7664  
specifications. 7665

(2) (a) If division (B) (2) (b) of this section does not 7666  
apply, the court may impose on an offender, in addition to the 7667  
longest prison term authorized or required for the offense or, 7668  
for offenses for which division (A) (1) (a) or (2) (a) of this 7669  
section applies, in addition to the longest minimum prison term 7670  
authorized or required for the offense, an additional definite 7671

prison term of one, two, three, four, five, six, seven, eight, 7672  
nine, or ten years if all of the following criteria are met: 7673

(i) The offender is convicted of or pleads guilty to a 7674  
specification of the type described in section 2941.149 of the 7675  
Revised Code that the offender is a repeat violent offender. 7676

(ii) The offense of which the offender currently is 7677  
convicted or to which the offender currently pleads guilty is 7678  
aggravated murder and the court does not impose a sentence of 7679  
death or life imprisonment without parole, murder, terrorism and 7680  
the court does not impose a sentence of life imprisonment 7681  
without parole, any felony of the first degree that is an 7682  
offense of violence and the court does not impose a sentence of 7683  
life imprisonment without parole, or any felony of the second 7684  
degree that is an offense of violence and the trier of fact 7685  
finds that the offense involved an attempt to cause or a threat 7686  
to cause serious physical harm to a person or resulted in 7687  
serious physical harm to a person. 7688

(iii) The court imposes the longest prison term for the 7689  
offense or the longest minimum prison term for the offense, 7690  
whichever is applicable, that is not life imprisonment without 7691  
parole. 7692

(iv) The court finds that the prison terms imposed 7693  
pursuant to division (B) (2) (a) (iii) of this section and, if 7694  
applicable, division (B) (1) or (3) of this section are 7695  
inadequate to punish the offender and protect the public from 7696  
future crime, because the applicable factors under section 7697  
2929.12 of the Revised Code indicating a greater likelihood of 7698  
recidivism outweigh the applicable factors under that section 7699  
indicating a lesser likelihood of recidivism. 7700

(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) or (2) (a) 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 7731  
currently is convicted or to which the offender currently pleads 7732  
guilty is aggravated murder and the court does not impose a 7733  
sentence of death or life imprisonment without parole, murder, 7734  
terrorism and the court does not impose a sentence of life 7735  
imprisonment without parole, any felony of the first degree that 7736  
is an offense of violence and the court does not impose a 7737  
sentence of life imprisonment without parole, or any felony of 7738  
the second degree that is an offense of violence and the trier 7739  
of fact finds that the offense involved an attempt to cause or a 7740  
threat to cause serious physical harm to a person or resulted in 7741  
serious physical harm to a person. 7742

(c) For purposes of division (B) (2) (b) of this section, 7743  
two or more offenses committed at the same time or as part of 7744  
the same act or event shall be considered one offense, and that 7745  
one offense shall be the offense with the greatest penalty. 7746

(d) A sentence imposed under division (B) (2) (a) or (b) of 7747  
this section shall not be reduced pursuant to section 2929.20, 7748  
section 2967.19, or section 2967.193, or any other provision of 7749  
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 7750  
shall serve an additional prison term imposed under division (B) 7751  
(2) (a) or (b) of this section consecutively to and prior to the 7752  
prison term imposed for the underlying offense. 7753

(e) When imposing a sentence pursuant to division (B) (2) 7754  
(a) or (b) of this section, the court shall state its findings 7755  
explaining the imposed sentence. 7756

(3) Except when an offender commits a violation of section 7757  
2903.01 or 2907.02 of the Revised Code and the penalty imposed 7758  
for the violation is life imprisonment or commits a violation of 7759  
section 2903.02 of the Revised Code, if the offender commits a 7760

violation of section 2925.03 or 2925.11 of the Revised Code and 7761  
that section classifies the offender as a major drug offender, 7762  
if the offender commits a felony violation of section 2925.02, 7763  
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 7764  
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 7765  
division (E) of section 4729.51, or division (J) of section 7766  
4729.54 of the Revised Code that includes the sale, offer to 7767  
sell, or possession of a schedule I or II controlled substance, 7768  
with the exception of marihuana, and the court imposing sentence 7769  
upon the offender finds that the offender is guilty of a 7770  
specification of the type described in section 2941.1410 of the 7771  
Revised Code charging that the offender is a major drug 7772  
offender, if the court imposing sentence upon an offender for a 7773  
felony finds that the offender is guilty of corrupt activity 7774  
with the most serious offense in the pattern of corrupt activity 7775  
being a felony of the first degree, or if the offender is guilty 7776  
of an attempted violation of section 2907.02 of the Revised Code 7777  
and, had the offender completed the violation of section 2907.02 7778  
of the Revised Code that was attempted, the offender would have 7779  
been subject to a sentence of life imprisonment or life 7780  
imprisonment without parole for the violation of section 2907.02 7781  
of the Revised Code, the court shall impose upon the offender 7782  
for the felony violation a mandatory prison term ~~of the maximum~~ 7783  
~~prison term prescribed for a felony of the first degree~~ 7784  
determined as described in this division that, subject to 7785  
divisions (C) to (I) of section 2967.19 of the Revised Code, 7786  
cannot be reduced pursuant to section 2929.20, section 2967.19, 7787  
or any other provision of Chapter 2967. or 5120. of the Revised 7788  
Code. The mandatory prison term shall be the maximum definite 7789  
prison term prescribed in division (A) (1) (b) of this section for 7790  
a felony of the first degree, except that for offenses for which 7791  
division (A) (1) (a) of this section applies, the mandatory prison 7792

term shall be the longest minimum prison term prescribed in that 7793  
division for the offense. 7794

(4) If the offender is being sentenced for a third or 7795  
fourth degree felony OVI offense under division (G) (2) of 7796  
section 2929.13 of the Revised Code, the sentencing court shall 7797  
impose upon the offender a mandatory prison term in accordance 7798  
with that division. In addition to the mandatory prison term, if 7799  
the offender is being sentenced for a fourth degree felony OVI 7800  
offense, the court, notwithstanding division (A) (4) of this 7801  
section, may sentence the offender to a definite prison term of 7802  
not less than six months and not more than thirty months, and if 7803  
the offender is being sentenced for a third degree felony OVI 7804  
offense, the sentencing court may sentence the offender to an 7805  
additional prison term of any duration specified in division (A) 7806  
(3) of this section. In either case, the additional prison term 7807  
imposed shall be reduced by the sixty or one hundred twenty days 7808  
imposed upon the offender as the mandatory prison term. The 7809  
total of the additional prison term imposed under division (B) 7810  
(4) of this section plus the sixty or one hundred twenty days 7811  
imposed as the mandatory prison term shall equal a definite term 7812  
in the range of six months to thirty months for a fourth degree 7813  
felony OVI offense and shall equal one of the authorized prison 7814  
terms specified in division (A) (3) of this section for a third 7815  
degree felony OVI offense. If the court imposes an additional 7816  
prison term under division (B) (4) of this section, the offender 7817  
shall serve the additional prison term after the offender has 7818  
served the mandatory prison term required for the offense. In 7819  
addition to the mandatory prison term or mandatory and 7820  
additional prison term imposed as described in division (B) (4) 7821  
of this section, the court also may sentence the offender to a 7822  
community control sanction under section 2929.16 or 2929.17 of 7823

the Revised Code, but the offender shall serve all of the prison 7824  
terms so imposed prior to serving the community control 7825  
sanction. 7826

If the offender is being sentenced for a fourth degree 7827  
felony OVI offense under division (G) (1) of section 2929.13 of 7828  
the Revised Code and the court imposes a mandatory term of local 7829  
incarceration, the court may impose a prison term as described 7830  
in division (A) (1) of that section. 7831

(5) If an offender is convicted of or pleads guilty to a 7832  
violation of division (A) (1) or (2) of section 2903.06 of the 7833  
Revised Code and also is convicted of or pleads guilty to a 7834  
specification of the type described in section 2941.1414 of the 7835  
Revised Code that charges that the victim of the offense is a 7836  
peace officer, as defined in section 2935.01 of the Revised 7837  
Code, or an investigator of the bureau of criminal 7838  
identification and investigation, as defined in section 2903.11 7839  
of the Revised Code, the court shall impose on the offender a 7840  
prison term of five years. If a court imposes a prison term on 7841  
an offender under division (B) (5) of this section, the prison 7842  
term, subject to divisions (C) to (I) of section 2967.19 of the 7843  
Revised Code, shall not be reduced pursuant to section 2929.20, 7844  
section 2967.19, section 2967.193, or any other provision of 7845  
Chapter 2967. or Chapter 5120. of the Revised Code. A court 7846  
shall not impose more than one prison term on an offender under 7847  
division (B) (5) of this section for felonies committed as part 7848  
of the same act. 7849

(6) If an offender is convicted of or pleads guilty to a 7850  
violation of division (A) (1) or (2) of section 2903.06 of the 7851  
Revised Code and also is convicted of or pleads guilty to a 7852  
specification of the type described in section 2941.1415 of the 7853

Revised Code that charges that the offender previously has been 7854  
convicted of or pleaded guilty to three or more violations of 7855  
division (A) or (B) of section 4511.19 of the Revised Code or an 7856  
equivalent offense, as defined in section 2941.1415 of the 7857  
Revised Code, or three or more violations of any combination of 7858  
those divisions and offenses, the court shall impose on the 7859  
offender a prison term of three years. If a court imposes a 7860  
prison term on an offender under division (B) (6) of this 7861  
section, the prison term, subject to divisions (C) to (I) of 7862  
section 2967.19 of the Revised Code, shall not be reduced 7863  
pursuant to section 2929.20, section 2967.19, section 2967.193, 7864  
or any other provision of Chapter 2967. or Chapter 5120. of the 7865  
Revised Code. A court shall not impose more than one prison term 7866  
on an offender under division (B) (6) of this section for 7867  
felonies committed as part of the same act. 7868

(7) (a) If an offender is convicted of or pleads guilty to 7869  
a felony violation of section 2905.01, 2905.02, 2907.21, 7870  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 7871  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 7872  
section 2919.22 of the Revised Code and also is convicted of or 7873  
pleads guilty to a specification of the type described in 7874  
section 2941.1422 of the Revised Code that charges that the 7875  
offender knowingly committed the offense in furtherance of human 7876  
trafficking, the court shall impose on the offender a mandatory 7877  
prison term that is one of the following: 7878

(i) If the offense is a felony of the first degree, a 7879  
definite prison term of not less than five years and not greater 7880  
than ~~ten~~ eleven years, except that if the offense is a felony of 7881  
the first degree committed on or after the effective date of 7882  
this amendment, the court shall impose as the minimum prison 7883  
term a mandatory term of not less than five years and not 7884

greater than eleven years; 7885

(ii) If the offense is a felony of the second or third 7886  
degree, a definite prison term of not less than three years and 7887  
not greater than the maximum prison term allowed for the offense 7888  
by division (A) (2) (b) or (3) of this section ~~2929.14 of the~~ 7889  
Revised Code, except that if the offense is a felony of the 7890  
second degree committed on or after the effective date of this 7891  
amendment, the court shall impose as the minimum prison term a 7892  
mandatory term of not less than three years and not greater than 7893  
eight years; 7894

(iii) If the offense is a felony of the fourth or fifth 7895  
degree, a definite prison term that is the maximum prison term 7896  
allowed for the offense by division (A) of section 2929.14 of 7897  
the Revised Code. 7898

(b) Subject to divisions (C) to (I) of section 2967.19 of 7899  
the Revised Code, the prison term imposed under division (B) (7) 7900  
(a) of this section shall not be reduced pursuant to section 7901  
2929.20, section 2967.19, section 2967.193, or any other 7902  
provision of Chapter 2967. of the Revised Code. A court shall 7903  
not impose more than one prison term on an offender under 7904  
division (B) (7) (a) of this section for felonies committed as 7905  
part of the same act, scheme, or plan. 7906

(8) If an offender is convicted of or pleads guilty to a 7907  
felony violation of section 2903.11, 2903.12, or 2903.13 of the 7908  
Revised Code and also is convicted of or pleads guilty to a 7909  
specification of the type described in section 2941.1423 of the 7910  
Revised Code that charges that the victim of the violation was a 7911  
woman whom the offender knew was pregnant at the time of the 7912  
violation, notwithstanding the range ~~of prison terms~~ prescribed 7913  
in division (A) of this section as the definite prison term or 7914

minimum prison term for felonies of the same degree as the 7915  
violation, the court shall impose on the offender a mandatory 7916  
prison term that is either a definite prison term of six months 7917  
or one of the prison terms prescribed in division (A) of this 7918  
section ~~2929.14~~ of the Revised Code for felonies of the same 7919  
degree as the violation, except that if the violation is a 7920  
felony of the first or second degree committed on or after the 7921  
effective date of this amendment, the court shall impose as the 7922  
minimum prison term under division (A) (1) (a) or (2) (a) of this 7923  
section a mandatory term that is one of the terms prescribed in 7924  
that division, whichever is applicable, for the offense. 7925

(9) (a) If an offender is convicted of or pleads guilty to 7926  
a violation of division (A) (1) or (2) of section 2903.11 of the 7927  
Revised Code and also is convicted of or pleads guilty to a 7928  
specification of the type described in section 2941.1425 of the 7929  
Revised Code, the court shall impose on the offender a mandatory 7930  
prison term of six years if either of the following applies: 7931

(i) The violation is a violation of division (A) (1) of 7932  
section 2903.11 of the Revised Code and the specification 7933  
charges that the offender used an accelerant in committing the 7934  
violation and the serious physical harm to another or to 7935  
another's unborn caused by the violation resulted in a 7936  
permanent, serious disfigurement or permanent, substantial 7937  
incapacity; 7938

(ii) The violation is a violation of division (A) (2) of 7939  
section 2903.11 of the Revised Code and the specification 7940  
charges that the offender used an accelerant in committing the 7941  
violation, that the violation caused physical harm to another or 7942  
to another's unborn, and that the physical harm resulted in a 7943  
permanent, serious disfigurement or permanent, substantial 7944

incapacity. 7945

(b) If a court imposes a prison term on an offender under 7946  
division (B) (9) (a) of this section, the prison term shall not be 7947  
reduced pursuant to section 2929.20, section 2967.19, section 7948  
2967.193, or any other provision of Chapter 2967. or Chapter 7949  
5120. of the Revised Code. A court shall not impose more than 7950  
one prison term on an offender under division (B) (9) of this 7951  
section for felonies committed as part of the same act. 7952

(c) The provisions of divisions (B) (9) and (C) (6) of this 7953  
section and of division (D) (2) of section 2903.11, division (F) 7954  
(20) of section 2929.13, and section 2941.1425 of the Revised 7955  
Code shall be known as "Judy's Law." 7956

(C) (1) (a) Subject to division (C) (1) (b) of this section, 7957  
if a mandatory prison term is imposed upon an offender pursuant 7958  
to division (B) (1) (a) of this section for having a firearm on or 7959  
about the offender's person or under the offender's control 7960  
while committing a felony, if a mandatory prison term is imposed 7961  
upon an offender pursuant to division (B) (1) (c) of this section 7962  
for committing a felony specified in that division by 7963  
discharging a firearm from a motor vehicle, or if both types of 7964  
mandatory prison terms are imposed, the offender shall serve any 7965  
mandatory prison term imposed under either division 7966  
consecutively to any other mandatory prison term imposed under 7967  
either division or under division (B) (1) (d) of this section, 7968  
consecutively to and prior to any prison term imposed for the 7969  
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 7970  
this section or any other section of the Revised Code, and 7971  
consecutively to any other prison term or mandatory prison term 7972  
previously or subsequently imposed upon the offender. 7973

(b) If a mandatory prison term is imposed upon an offender 7974

pursuant to division (B)(1)(d) of this section for wearing or 7975  
carrying body armor while committing an offense of violence that 7976  
is a felony, the offender shall serve the mandatory term so 7977  
imposed consecutively to any other mandatory prison term imposed 7978  
under that division or under division (B)(1)(a) or (c) of this 7979  
section, consecutively to and prior to any prison term imposed 7980  
for the underlying felony under division (A), (B)(2), or (B)(3) 7981  
of this section or any other section of the Revised Code, and 7982  
consecutively to any other prison term or mandatory prison term 7983  
previously or subsequently imposed upon the offender. 7984

(c) If a mandatory prison term is imposed upon an offender 7985  
pursuant to division (B)(1)(f) of this section, the offender 7986  
shall serve the mandatory prison term so imposed consecutively 7987  
to and prior to any prison term imposed for the underlying 7988  
felony under division (A), (B)(2), or (B)(3) of this section or 7989  
any other section of the Revised Code, and consecutively to any 7990  
other prison term or mandatory prison term previously or 7991  
subsequently imposed upon the offender. 7992

(d) If a mandatory prison term is imposed upon an offender 7993  
pursuant to division (B)(7) or (8) of this section, the offender 7994  
shall serve the mandatory prison term so imposed consecutively 7995  
to any other mandatory prison term imposed under that division 7996  
or under any other provision of law and consecutively to any 7997  
other prison term or mandatory prison term previously or 7998  
subsequently imposed upon the offender. 7999

(2) If an offender who is an inmate in a jail, prison, or 8000  
other residential detention facility violates section 2917.02, 8001  
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 8002  
(2) of section 2921.34 of the Revised Code, if an offender who 8003  
is under detention at a detention facility commits a felony 8004

violation of section 2923.131 of the Revised Code, or if an 8005  
offender who is an inmate in a jail, prison, or other 8006  
residential detention facility or is under detention at a 8007  
detention facility commits another felony while the offender is 8008  
an escapee in violation of division (A) (1) or (2) of section 8009  
2921.34 of the Revised Code, any prison term imposed upon the 8010  
offender for one of those violations shall be served by the 8011  
offender consecutively to the prison term or term of 8012  
imprisonment the offender was serving when the offender 8013  
committed that offense and to any other prison term previously 8014  
or subsequently imposed upon the offender. 8015

(3) If a prison term is imposed for a violation of 8016  
division (B) of section 2911.01 of the Revised Code, a violation 8017  
of division (A) of section 2913.02 of the Revised Code in which 8018  
the stolen property is a firearm or dangerous ordnance, or a 8019  
felony violation of division (B) of section 2921.331 of the 8020  
Revised Code, the offender shall serve that prison term 8021  
consecutively to any other prison term or mandatory prison term 8022  
previously or subsequently imposed upon the offender. 8023

(4) If multiple prison terms are imposed on an offender 8024  
for convictions of multiple offenses, the court may require the 8025  
offender to serve the prison terms consecutively if the court 8026  
finds that the consecutive service is necessary to protect the 8027  
public from future crime or to punish the offender and that 8028  
consecutive sentences are not disproportionate to the 8029  
seriousness of the offender's conduct and to the danger the 8030  
offender poses to the public, and if the court also finds any of 8031  
the following: 8032

(a) The offender committed one or more of the multiple 8033  
offenses while the offender was awaiting trial or sentencing, 8034

was under a sanction imposed pursuant to section 2929.16, 8035  
2929.17, or 2929.18 of the Revised Code, or was under post- 8036  
release control for a prior offense. 8037

(b) At least two of the multiple offenses were committed 8038  
as part of one or more courses of conduct, and the harm caused 8039  
by two or more of the multiple offenses so committed was so 8040  
great or unusual that no single prison term for any of the 8041  
offenses committed as part of any of the courses of conduct 8042  
adequately reflects the seriousness of the offender's conduct. 8043

(c) The offender's history of criminal conduct 8044  
demonstrates that consecutive sentences are necessary to protect 8045  
the public from future crime by the offender. 8046

(5) If a mandatory prison term is imposed upon an offender 8047  
pursuant to division (B) (5) or (6) of this section, the offender 8048  
shall serve the mandatory prison term consecutively to and prior 8049  
to any prison term imposed for the underlying violation of 8050  
division (A) (1) or (2) of section 2903.06 of the Revised Code 8051  
pursuant to division (A) of this section or section 2929.142 of 8052  
the Revised Code. If a mandatory prison term is imposed upon an 8053  
offender pursuant to division (B) (5) of this section, and if a 8054  
mandatory prison term also is imposed upon the offender pursuant 8055  
to division (B) (6) of this section in relation to the same 8056  
violation, the offender shall serve the mandatory prison term 8057  
imposed pursuant to division (B) (5) of this section 8058  
consecutively to and prior to the mandatory prison term imposed 8059  
pursuant to division (B) (6) of this section and consecutively to 8060  
and prior to any prison term imposed for the underlying 8061  
violation of division (A) (1) or (2) of section 2903.06 of the 8062  
Revised Code pursuant to division (A) of this section or section 8063  
2929.142 of the Revised Code. 8064

(6) If a mandatory prison term is imposed on an offender 8065  
pursuant to division (B) (9) of this section, the offender shall 8066  
serve the mandatory prison term consecutively to and prior to 8067  
any prison term imposed for the underlying violation of division 8068  
(A) (1) or (2) of section 2903.11 of the Revised Code and 8069  
consecutively to and prior to any other prison term or mandatory 8070  
prison term previously or subsequently imposed on the offender. 8071

(7) When consecutive prison terms are imposed pursuant to 8072  
division (C) (1), (2), (3), (4), (5), or (6) or division (H) (1) 8073  
or (2) of this section, subject to division (C) (8) of this 8074  
section, the term to be served is the aggregate of all of the 8075  
terms so imposed. 8076

(8) When a court sentences an offender to a non-life 8077  
felony indefinite prison term, any definite prison term or 8078  
mandatory definite prison term previously or subsequently 8079  
imposed on the offender in addition to that indefinite sentence 8080  
that is required to be served consecutively to that indefinite 8081  
sentence shall be served prior to the indefinite sentence. 8082

(9) If a court is sentencing an offender for a felony of 8083  
the first or second degree, if division (A) (1) (a) or (2) (a) of 8084  
this section applies with respect to the sentencing for the 8085  
offense, and if the court is required under the Revised Code 8086  
section that sets forth the offense or any other Revised Code 8087  
provision to impose a mandatory prison term for the offense, the 8088  
court shall impose the required mandatory prison term as the 8089  
minimum term imposed under division (A) (1) (a) or (2) (a) of this 8090  
section, whichever is applicable. 8091

(D) (1) If a court imposes a prison term, other than a term 8092  
of life imprisonment, for a felony of the first degree, for a 8093  
felony of the second degree, for a felony sex offense, or for a 8094

felony of the third degree that is an offense of violence and 8095  
that is not a felony sex offense ~~and in the commission of which~~ 8096  
~~the offender caused or threatened to cause physical harm to a~~ 8097  
~~person,~~ it shall include in the sentence a requirement that the 8098  
offender be subject to a period of post-release control after 8099  
the offender's release from imprisonment, in accordance with 8100  
~~that division~~ section 2967.28 of the Revised Code. If a court 8101  
imposes a sentence including a prison term of a type described 8102  
in this division on or after July 11, 2006, the failure of a 8103  
court to include a post-release control requirement in the 8104  
sentence pursuant to this division does not negate, limit, or 8105  
otherwise affect the mandatory period of post-release control 8106  
that is required for the offender under division (B) of section 8107  
2967.28 of the Revised Code. Section 2929.191 of the Revised 8108  
Code applies if, prior to July 11, 2006, a court imposed a 8109  
sentence including a prison term of a type described in this 8110  
division and failed to include in the sentence pursuant to this 8111  
division a statement regarding post-release control. 8112

(2) If a court imposes a prison term for a felony of the 8113  
third, fourth, or fifth degree that is not subject to division 8114  
(D)(1) of this section, it shall include in the sentence a 8115  
requirement that the offender be subject to a period of post- 8116  
release control after the offender's release from imprisonment, 8117  
in accordance with that division, if the parole board determines 8118  
that a period of post-release control is necessary. Section 8119  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 8120  
a court imposed a sentence including a prison term of a type 8121  
described in this division and failed to include in the sentence 8122  
pursuant to this division a statement regarding post-release 8123  
control. 8124

(E) The court shall impose sentence upon the offender in 8125

accordance with section 2971.03 of the Revised Code, and Chapter 8126  
2971. of the Revised Code applies regarding the prison term or 8127  
term of life imprisonment without parole imposed upon the 8128  
offender and the service of that term of imprisonment if any of 8129  
the following apply: 8130

(1) A person is convicted of or pleads guilty to a violent 8131  
sex offense or a designated homicide, assault, or kidnapping 8132  
offense, and, in relation to that offense, the offender is 8133  
adjudicated a sexually violent predator. 8134

(2) A person is convicted of or pleads guilty to a 8135  
violation of division (A) (1) (b) of section 2907.02 of the 8136  
Revised Code committed on or after January 2, 2007, and either 8137  
the court does not impose a sentence of life without parole when 8138  
authorized pursuant to division (B) of section 2907.02 of the 8139  
Revised Code, or division (B) of section 2907.02 of the Revised 8140  
Code provides that the court shall not sentence the offender 8141  
pursuant to section 2971.03 of the Revised Code. 8142

(3) A person is convicted of or pleads guilty to attempted 8143  
rape committed on or after January 2, 2007, and a specification 8144  
of the type described in section 2941.1418, 2941.1419, or 8145  
2941.1420 of the Revised Code. 8146

(4) A person is convicted of or pleads guilty to a 8147  
violation of section 2905.01 of the Revised Code committed on or 8148  
after January 1, 2008, and that section requires the court to 8149  
sentence the offender pursuant to section 2971.03 of the Revised 8150  
Code. 8151

(5) A person is convicted of or pleads guilty to 8152  
aggravated murder committed on or after January 1, 2008, and 8153  
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 8154

(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 8155  
(d) of section 2929.03, or division (A) or (B) of section 8156  
2929.06 of the Revised Code requires the court to sentence the 8157  
offender pursuant to division (B) (3) of section 2971.03 of the 8158  
Revised Code. 8159

(6) A person is convicted of or pleads guilty to murder 8160  
committed on or after January 1, 2008, and division (B) (2) of 8161  
section 2929.02 of the Revised Code requires the court to 8162  
sentence the offender pursuant to section 2971.03 of the Revised 8163  
Code. 8164

(F) If a person who has been convicted of or pleaded 8165  
guilty to a felony is sentenced to a prison term or term of 8166  
imprisonment under this section, sections 2929.02 to 2929.06 of 8167  
the Revised Code, section 2929.142 of the Revised Code, section 8168  
2971.03 of the Revised Code, or any other provision of law, 8169  
section 5120.163 of the Revised Code applies regarding the 8170  
person while the person is confined in a state correctional 8171  
institution. 8172

(G) If an offender who is convicted of or pleads guilty to 8173  
a felony that is an offense of violence also is convicted of or 8174  
pleads guilty to a specification of the type described in 8175  
section 2941.142 of the Revised Code that charges the offender 8176  
with having committed the felony while participating in a 8177  
criminal gang, the court shall impose upon the offender an 8178  
additional prison term of one, two, or three years. 8179

(H) (1) If an offender who is convicted of or pleads guilty 8180  
to aggravated murder, murder, or a felony of the first, second, 8181  
or third degree that is an offense of violence also is convicted 8182  
of or pleads guilty to a specification of the type described in 8183  
section 2941.143 of the Revised Code that charges the offender 8184

with having committed the offense in a school safety zone or 8185  
towards a person in a school safety zone, the court shall impose 8186  
upon the offender an additional prison term of two years. The 8187  
offender shall serve the additional two years consecutively to 8188  
and prior to the prison term imposed for the underlying offense. 8189

(2) (a) If an offender is convicted of or pleads guilty to 8190  
a felony violation of section 2907.22, 2907.24, 2907.241, or 8191  
2907.25 of the Revised Code and to a specification of the type 8192  
described in section 2941.1421 of the Revised Code and if the 8193  
court imposes a prison term on the offender for the felony 8194  
violation, the court may impose upon the offender an additional 8195  
prison term as follows: 8196

(i) Subject to division (H) (2) (a) (ii) of this section, an 8197  
additional prison term of one, two, three, four, five, or six 8198  
months; 8199

(ii) If the offender previously has been convicted of or 8200  
pleaded guilty to one or more felony or misdemeanor violations 8201  
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 8202  
the Revised Code and also was convicted of or pleaded guilty to 8203  
a specification of the type described in section 2941.1421 of 8204  
the Revised Code regarding one or more of those violations, an 8205  
additional prison term of one, two, three, four, five, six, 8206  
seven, eight, nine, ten, eleven, or twelve months. 8207

(b) In lieu of imposing an additional prison term under 8208  
division (H) (2) (a) of this section, the court may directly 8209  
impose on the offender a sanction that requires the offender to 8210  
wear a real-time processing, continual tracking electronic 8211  
monitoring device during the period of time specified by the 8212  
court. The period of time specified by the court shall equal the 8213  
duration of an additional prison term that the court could have 8214

imposed upon the offender under division (H) (2) (a) of this 8215  
section. A sanction imposed under this division shall commence 8216  
on the date specified by the court, provided that the sanction 8217  
shall not commence until after the offender has served the 8218  
prison term imposed for the felony violation of section 2907.22, 8219  
2907.24, 2907.241, or 2907.25 of the Revised Code and any 8220  
residential sanction imposed for the violation under section 8221  
2929.16 of the Revised Code. A sanction imposed under this 8222  
division shall be considered to be a community control sanction 8223  
for purposes of section 2929.15 of the Revised Code, and all 8224  
provisions of the Revised Code that pertain to community control 8225  
sanctions shall apply to a sanction imposed under this division, 8226  
except to the extent that they would by their nature be clearly 8227  
inapplicable. The offender shall pay all costs associated with a 8228  
sanction imposed under this division, including the cost of the 8229  
use of the monitoring device. 8230

(I) At the time of sentencing, the court may recommend the 8231  
offender for placement in a program of shock incarceration under 8232  
section 5120.031 of the Revised Code or for placement in an 8233  
intensive program prison under section 5120.032 of the Revised 8234  
Code, disapprove placement of the offender in a program of shock 8235  
incarceration or an intensive program prison of that nature, or 8236  
make no recommendation on placement of the offender. In no case 8237  
shall the department of rehabilitation and correction place the 8238  
offender in a program or prison of that nature unless the 8239  
department determines as specified in section 5120.031 or 8240  
5120.032 of the Revised Code, whichever is applicable, that the 8241  
offender is eligible for the placement. 8242

If the court disapproves placement of the offender in a 8243  
program or prison of that nature, the department of 8244  
rehabilitation and correction shall not place the offender in 8245

any program of shock incarceration or intensive program prison. 8246

If the court recommends placement of the offender in a 8247  
program of shock incarceration or in an intensive program 8248  
prison, and if the offender is subsequently placed in the 8249  
recommended program or prison, the department shall notify the 8250  
court of the placement and shall include with the notice a brief 8251  
description of the placement. 8252

If the court recommends placement of the offender in a 8253  
program of shock incarceration or in an intensive program prison 8254  
and the department does not subsequently place the offender in 8255  
the recommended program or prison, the department shall send a 8256  
notice to the court indicating why the offender was not placed 8257  
in the recommended program or prison. 8258

If the court does not make a recommendation under this 8259  
division with respect to an offender and if the department 8260  
determines as specified in section 5120.031 or 5120.032 of the 8261  
Revised Code, whichever is applicable, that the offender is 8262  
eligible for placement in a program or prison of that nature, 8263  
the department shall screen the offender and determine if there 8264  
is an available program of shock incarceration or an intensive 8265  
program prison for which the offender is suited. If there is an 8266  
available program of shock incarceration or an intensive program 8267  
prison for which the offender is suited, the department shall 8268  
notify the court of the proposed placement of the offender as 8269  
specified in section 5120.031 or 5120.032 of the Revised Code 8270  
and shall include with the notice a brief description of the 8271  
placement. The court shall have ten days from receipt of the 8272  
notice to disapprove the placement. 8273

(J) If a person is convicted of or pleads guilty to 8274  
aggravated vehicular homicide in violation of division (A) (1) of 8275

section 2903.06 of the Revised Code and division (B) (2) (c) of 8276  
that section applies, the person shall be sentenced pursuant to 8277  
section 2929.142 of the Revised Code. 8278

(K) (1) The court shall impose an additional mandatory 8279  
prison term of two, three, four, five, six, seven, eight, nine, 8280  
ten, or eleven years on an offender who is convicted of or 8281  
pleads guilty to a violent felony offense if the offender also 8282  
is convicted of or pleads guilty to a specification of the type 8283  
described in section 2941.1424 of the Revised Code that charges 8284  
that the offender is a violent career criminal and had a firearm 8285  
on or about the offender's person or under the offender's 8286  
control while committing the presently charged violent felony 8287  
offense and displayed or brandished the firearm, indicated that 8288  
the offender possessed a firearm, or used the firearm to 8289  
facilitate the offense. The offender shall serve the prison term 8290  
imposed under this division consecutively to and prior to the 8291  
prison term imposed for the underlying offense. The prison term 8292  
shall not be reduced pursuant to section 2929.20 or 2967.19 or 8293  
any other provision of Chapter 2967. or 5120. of the Revised 8294  
Code. A court may not impose more than one sentence under 8295  
division (B) (2) (a) of this section and this division for acts 8296  
committed as part of the same act or transaction. 8297

(2) As used in division (K) (1) of this section, "violent 8298  
career criminal" and "violent felony offense" have the same 8299  
meanings as in section 2923.132 of the Revised Code. 8300

**Sec. 2929.142.** (A) Notwithstanding the definite prison 8301  
~~term terms and minimum prison terms specified in division~~ 8302  
divisions (A) (1) (a) and (b) of section 2929.14 of the Revised 8303  
Code for a felony of the first degree, if an offender is 8304  
convicted of or pleads guilty to aggravated vehicular homicide 8305

in violation of division (A) (1) of section 2903.06 of the Revised Code, the court shall impose upon the offender a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years, determined as specified in division (B) of this section, if any of the following apply:

~~(A)~~ (1) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.

~~(B)~~ (2) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.

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

~~(D)~~ (4) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.06 of the Revised Code.

~~(E)~~ (5) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.08 of the Revised Code.

~~(F)~~ (6) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applied regarding the violations.

~~(G)~~ (7) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of

the offenses listed in division (A), ~~(B), (C), (D), (E), or (F)~~ 8335  
(1), (2), (3), (4), (5), or (6) of this section. 8336

~~(H)~~ (8) The offender previously has been convicted of or 8337  
pleaded guilty to a second or subsequent felony violation of 8338  
division (A) of section 4511.19 of the Revised Code. 8339

(B) The mandatory prison term required under division (A) 8340  
of this section shall be a definite term of ten, eleven, twelve, 8341  
thirteen, fourteen, or fifteen years, except that if the 8342  
aggravated vehicular homicide is committed on or after the 8343  
effective date of this amendment, the court shall impose as the 8344  
minimum prison term for the offense under division (A)(1)(a) of 8345  
section 2929.14 of the Revised Code a mandatory prison term that 8346  
is ten, eleven, twelve, thirteen, fourteen, or fifteen years. 8347

**Sec. 2929.144.** (A) As used in this section, "qualifying 8348  
felony of the first or second degree" means a felony of the 8349  
first or second degree committed on or after the effective date 8350  
of this section. 8351

(B) The court imposing a prison term on an offender under 8352  
division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised 8353  
Code for a qualifying felony of the first or second degree shall 8354  
determine the maximum prison term that is part of the sentence 8355  
in accordance with the following: 8356

(1) If the offender is being sentenced for one felony and 8357  
the felony is a qualifying felony of the first or second degree, 8358  
the maximum prison term shall be equal to the minimum term 8359  
imposed on the offender under division (A)(1)(a) or (2)(a) of 8360  
section 2929.14 of the Revised Code plus fifty per cent of that 8361  
term. 8362

(2) If the offender is being sentenced for more than one 8363

felony, if one or more of the felonies is a qualifying felony of 8364  
the first or second degree, and if the court orders that some or 8365  
all of the prison terms imposed are to be served consecutively, 8366  
the court shall add all of the minimum terms imposed on the 8367  
offender under division (A)(1)(a) or (2)(a) of section 2929.14 8368  
of the Revised Code for a qualifying felony of the first or 8369  
second degree that are to be served consecutively and all of the 8370  
definite terms of the felonies that are not qualifying felonies 8371  
of the first or second degree that are to be served 8372  
consecutively, and the maximum term shall be equal to the total 8373  
of those terms so added by the court plus fifty per cent of the 8374  
longest minimum term or definite term for the most serious 8375  
felony being sentenced. 8376

(3) If the offender is being sentenced for more than one 8377  
felony, if one or more of the felonies is a qualifying felony of 8378  
the first or second degree, and if the court orders that all of 8379  
the prison terms imposed are to run concurrently, the maximum 8380  
term shall be equal to the longest of the minimum terms imposed 8381  
on the offender under division (A)(1)(a) or (2)(a) of section 8382  
2929.14 of the Revised Code for a qualifying felony of the first 8383  
or second degree for which the sentence is being imposed plus 8384  
fifty per cent of the longest minimum term for the most serious 8385  
qualifying felony being sentenced. 8386

(4) Any mandatory prison term, or portion of a mandatory 8387  
prison term, that is imposed or to be imposed on the offender 8388  
under division (B), (G), or (H) of section 2929.14 of the 8389  
Revised Code or under any other provision of the Revised Code, 8390  
with respect to a conviction of or plea of guilty to a 8391  
specification, and that is in addition to the sentence imposed 8392  
for the underlying offense is separate from the sentence being 8393  
imposed for the qualifying first or second degree felony 8394

committed on or after the effective date of this section and 8395  
shall not be considered or included in determining a maximum 8396  
prison term for the offender under divisions (B)(1) to (3) of 8397  
this section. 8398

(C) The court imposing a prison term on an offender 8399  
pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of 8400  
the Revised Code for a qualifying felony of the first or second 8401  
degree shall sentence the offender, as part of the sentence, to 8402  
the maximum prison term determined under division (B) of this 8403  
section. The court shall impose this maximum term at sentencing 8404  
as part of the sentence it imposes under section 2929.14 of the 8405  
Revised Code, and shall state the minimum term it imposes under 8406  
division (A)(1)(a) or (2)(a) of that section, and this maximum 8407  
term, in the sentencing entry. 8408

(D) If a court imposes a prison term on an offender 8409  
pursuant to division (A)(1)(a) or (2)(a) of section 2929.14 of 8410  
the Revised Code for a qualifying felony of the first or second 8411  
degree, section 2967.271 of the Revised Code applies with 8412  
respect to the offender's service of the prison term. 8413

**Sec. 2929.15.** (A)(1) If in sentencing an offender for a 8414  
felony the court is not required to impose a prison term, a 8415  
mandatory prison term, or a term of life imprisonment upon the 8416  
offender, the court may directly impose a sentence that consists 8417  
of one or more community control sanctions authorized pursuant 8418  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 8419  
the court is sentencing an offender for a fourth degree felony 8420  
OVI offense under division (G)(1) of section 2929.13 of the 8421  
Revised Code, in addition to the mandatory term of local 8422  
incarceration imposed under that division and the mandatory fine 8423  
required by division (B)(3) of section 2929.18 of the Revised 8424

Code, the court may impose upon the offender a community control 8425  
sanction or combination of community control sanctions in 8426  
accordance with sections 2929.16 and 2929.17 of the Revised 8427  
Code. If the court is sentencing an offender for a third or 8428  
fourth degree felony OVI offense under division (G) (2) of 8429  
section 2929.13 of the Revised Code, in addition to the 8430  
mandatory prison term or mandatory prison term and additional 8431  
prison term imposed under that division, the court also may 8432  
impose upon the offender a community control sanction or 8433  
combination of community control sanctions under section 2929.16 8434  
or 2929.17 of the Revised Code, but the offender shall serve all 8435  
of the prison terms so imposed prior to serving the community 8436  
control sanction. 8437

The duration of all community control sanctions imposed 8438  
upon an offender under this division shall not exceed five 8439  
years. If the offender absconds or otherwise leaves the 8440  
jurisdiction of the court in which the offender resides without 8441  
obtaining permission from the court or the offender's probation 8442  
officer to leave the jurisdiction of the court, or if the 8443  
offender is confined in any institution for the commission of 8444  
any offense while under a community control sanction, the period 8445  
of the community control sanction ceases to run until the 8446  
offender is brought before the court for its further action. If 8447  
the court sentences the offender to one or more nonresidential 8448  
sanctions under section 2929.17 of the Revised Code, the court 8449  
shall impose as a condition of the nonresidential sanctions 8450  
that, during the period of the sanctions, the offender must 8451  
abide by the law and must not leave the state without the 8452  
permission of the court or the offender's probation officer. The 8453  
court may impose any other conditions of release under a 8454  
community control sanction that the court considers appropriate, 8455

including, but not limited to, requiring that the offender not 8456  
ingest or be injected with a drug of abuse and submit to random 8457  
drug testing as provided in division (D) of this section to 8458  
determine whether the offender ingested or was injected with a 8459  
drug of abuse and requiring that the results of the drug test 8460  
indicate that the offender did not ingest or was not injected 8461  
with a drug of abuse. 8462

(2) (a) If a court sentences an offender to any community 8463  
control sanction or combination of community control sanctions 8464  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 8465  
the Revised Code, the court shall place the offender under the 8466  
general control and supervision of a department of probation in 8467  
the county that serves the court for purposes of reporting to 8468  
the court a violation of any condition of the sanctions, any 8469  
condition of release under a community control sanction imposed 8470  
by the court, a violation of law, or the departure of the 8471  
offender from this state without the permission of the court or 8472  
the offender's probation officer. Alternatively, if the offender 8473  
resides in another county and a county department of probation 8474  
has been established in that county or that county is served by 8475  
a multicounty probation department established under section 8476  
2301.27 of the Revised Code, the court may request the court of 8477  
common pleas of that county to receive the offender into the 8478  
general control and supervision of that county or multicounty 8479  
department of probation for purposes of reporting to the court a 8480  
violation of any condition of the sanctions, any condition of 8481  
release under a community control sanction imposed by the court, 8482  
a violation of law, or the departure of the offender from this 8483  
state without the permission of the court or the offender's 8484  
probation officer, subject to the jurisdiction of the trial 8485  
judge over and with respect to the person of the offender, and 8486

to the rules governing that department of probation. 8487

If there is no department of probation in the county that 8488  
serves the court, the court shall place the offender, regardless 8489  
of the offender's county of residence, under the general control 8490  
and supervision of the adult parole authority for purposes of 8491  
reporting to the court a violation of any of the sanctions, any 8492  
condition of release under a community control sanction imposed 8493  
by the court, a violation of law, or the departure of the 8494  
offender from this state without the permission of the court or 8495  
the offender's probation officer. 8496

(b) If the court imposing sentence upon an offender 8497  
sentences the offender to any community control sanction or 8498  
combination of community control sanctions authorized pursuant 8499  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 8500  
if the offender violates any condition of the sanctions, any 8501  
condition of release under a community control sanction imposed 8502  
by the court, violates any law, or departs the state without the 8503  
permission of the court or the offender's probation officer, the 8504  
public or private person or entity that operates or administers 8505  
the sanction or the program or activity that comprises the 8506  
sanction shall report the violation or departure directly to the 8507  
sentencing court, or shall report the violation or departure to 8508  
the county or multicounty department of probation with general 8509  
control and supervision over the offender under division (A)(2) 8510  
(a) of this section or the officer of that department who 8511  
supervises the offender, or, if there is no such department with 8512  
general control and supervision over the offender under that 8513  
division, to the adult parole authority. If the public or 8514  
private person or entity that operates or administers the 8515  
sanction or the program or activity that comprises the sanction 8516  
reports the violation or departure to the county or multicounty 8517

department of probation or the adult parole authority, the 8518  
department's or authority's officers may treat the offender as 8519  
if the offender were on probation and in violation of the 8520  
probation, and shall report the violation of the condition of 8521  
the sanction, any condition of release under a community control 8522  
sanction imposed by the court, the violation of law, or the 8523  
departure from the state without the required permission to the 8524  
sentencing court. 8525

(3) If an offender who is eligible for community control 8526  
sanctions under this section admits to being drug addicted or 8527  
the court has reason to believe that the offender is drug 8528  
addicted, and if the offense for which the offender is being 8529  
sentenced was related to the addiction, the court may require 8530  
that the offender be assessed by a properly credentialed 8531  
professional within a specified period of time and shall require 8532  
the professional to file a written assessment of the offender 8533  
with the court. If a court imposes treatment and recovery 8534  
support services as a community control sanction, the court 8535  
shall direct the level and type of treatment and recovery 8536  
support services after consideration of the written assessment, 8537  
if available at the time of sentencing, and recommendations of 8538  
the professional and other treatment and recovery support 8539  
services providers. 8540

(4) If an assessment completed pursuant to division (A) (3) 8541  
of this section indicates that the offender is addicted to drugs 8542  
or alcohol, the court may include in any community control 8543  
sanction imposed for a violation of section 2925.02, 2925.03, 8544  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 8545  
2925.36, or 2925.37 of the Revised Code a requirement that the 8546  
offender participate in alcohol and drug addiction services and 8547  
recovery supports certified under section 5119.36 of the Revised 8548

Code or offered by a properly credentialed community addiction 8549  
services provider. 8550

(B) (1) If the conditions of a community control sanction 8551  
are violated or if the offender violates a law or leaves the 8552  
state without the permission of the court or the offender's 8553  
probation officer, the sentencing court may impose upon the 8554  
violator one or more of the following penalties: 8555

(a) A longer time under the same sanction if the total 8556  
time under the sanctions does not exceed the five-year limit 8557  
specified in division (A) of this section; 8558

(b) A more restrictive sanction under section 2929.16, 8559  
2929.17, or 2929.18 of the Revised Code; 8560

(c) A prison term on the offender pursuant to section 8561  
2929.14 of the Revised Code and division (B) (3) of this section, 8562  
provided that a prison term imposed under this division is 8563  
subject to the following limitations, as applicable: 8564

(i) If the prison term is imposed for any technical 8565  
violation of the conditions of a community control sanction 8566  
imposed for a felony of the fifth degree or for any violation of 8567  
law committed while under a community control sanction imposed 8568  
for such a felony that consists of a new criminal offense and 8569  
that is not a felony, the prison term shall not exceed ninety 8570  
days. 8571

(ii) If the prison term is imposed for any technical 8572  
violation of the conditions of a community control sanction 8573  
imposed for a felony of the fourth degree that is not an offense 8574  
of violence and is not a sexually oriented offense or for any 8575  
violation of law committed while under a community control 8576  
sanction imposed for such a felony that consists of a new 8577

criminal offense and that is not a felony, the prison term shall 8578  
not exceed one hundred eighty days. 8579

(2) If an offender was acting pursuant to division (B) (2) 8580  
(b) of section 2925.11 of the Revised Code and in so doing 8581  
violated the conditions of a community control sanction based on 8582  
a minor drug possession offense, as defined in section 2925.11 8583  
of the Revised Code, the sentencing court may consider the 8584  
offender's conduct in seeking or obtaining medical assistance 8585  
for another in good faith or for self or may consider the 8586  
offender being the subject of another person seeking or 8587  
obtaining medical assistance in accordance with that division as 8588  
a mitigating factor before imposing any of the penalties 8589  
described in division (B) (1) of this section. 8590

(3) The prison term, if any, imposed upon a violator 8591  
pursuant to this division and division (B) (1) of this section 8592  
shall be within the range of prison terms ~~available for the~~ 8593  
~~offense for which the sanction that was violated was imposed~~ 8594  
described in this division and shall not exceed the prison term 8595  
specified in the notice provided to the offender at the 8596  
sentencing hearing pursuant to division (B) (2) of section 8597  
2929.19 of the Revised Code. The court may reduce the longer 8598  
period of time that the offender is required to spend under the 8599  
longer sanction, the more restrictive sanction, or a prison term 8600  
imposed pursuant to division (B) (1) of this section by the time 8601  
the offender successfully spent under the sanction that was 8602  
initially imposed. Except as otherwise specified in this 8603  
division, the prison term imposed under this division and 8604  
division (B) (1) of this section shall be within the range of 8605  
prison terms available as a definite term for the offense for 8606  
which the sanction that was violated was imposed. If the offense 8607  
for which the sanction that was violated was imposed is a felony 8608

of the first or second degree committed on or after the 8609  
effective date of this amendment, the prison term so imposed 8610  
under this division shall be within the range of prison terms 8611  
available as a minimum term for the offense under division (A) 8612  
(1) (a) or (2) (a) of section 2929.14 of the Revised Code. 8613

(C) If an offender, for a significant period of time, 8614  
fulfills the conditions of a sanction imposed pursuant to 8615  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 8616  
exemplary manner, the court may reduce the period of time under 8617  
the sanction or impose a less restrictive sanction, but the 8618  
court shall not permit the offender to violate any law or permit 8619  
the offender to leave the state without the permission of the 8620  
court or the offender's probation officer. 8621

(D) (1) If a court under division (A) (1) of this section 8622  
imposes a condition of release under a community control 8623  
sanction that requires the offender to submit to random drug 8624  
testing, the department of probation or the adult parole 8625  
authority that has general control and supervision of the 8626  
offender under division (A) (2) (a) of this section may cause the 8627  
offender to submit to random drug testing performed by a 8628  
laboratory or entity that has entered into a contract with any 8629  
of the governmental entities or officers authorized to enter 8630  
into a contract with that laboratory or entity under section 8631  
341.26, 753.33, or 5120.63 of the Revised Code. 8632

(2) If no laboratory or entity described in division (D) 8633  
(1) of this section has entered into a contract as specified in 8634  
that division, the department of probation or the adult parole 8635  
authority that has general control and supervision of the 8636  
offender under division (A) (2) (a) of this section shall cause 8637  
the offender to submit to random drug testing performed by a 8638

reputable public laboratory to determine whether the individual 8639  
who is the subject of the drug test ingested or was injected 8640  
with a drug of abuse. 8641

(3) A laboratory or entity that has entered into a 8642  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 8643  
Revised Code shall perform the random drug tests under division 8644  
(D) (1) of this section in accordance with the applicable 8645  
standards that are included in the terms of that contract. A 8646  
public laboratory shall perform the random drug tests under 8647  
division (D) (2) of this section in accordance with the standards 8648  
set forth in the policies and procedures established by the 8649  
department of rehabilitation and correction pursuant to section 8650  
5120.63 of the Revised Code. An offender who is required under 8651  
division (A) (1) of this section to submit to random drug testing 8652  
as a condition of release under a community control sanction and 8653  
whose test results indicate that the offender ingested or was 8654  
injected with a drug of abuse shall pay the fee for the drug 8655  
test if the department of probation or the adult parole 8656  
authority that has general control and supervision of the 8657  
offender requires payment of a fee. A laboratory or entity that 8658  
performs the random drug testing on an offender under division 8659  
(D) (1) or (2) of this section shall transmit the results of the 8660  
drug test to the appropriate department of probation or the 8661  
adult parole authority that has general control and supervision 8662  
of the offender under division (A) (2) (a) of this section. 8663

**Sec. 2929.18.** (A) Except as otherwise provided in this 8664  
division and in addition to imposing court costs pursuant to 8665  
section 2947.23 of the Revised Code, the court imposing a 8666  
sentence upon an offender for a felony may sentence the offender 8667  
to any financial sanction or combination of financial sanctions 8668  
authorized under this section or, in the circumstances specified 8669

in section 2929.32 of the Revised Code, may impose upon the 8670  
offender a fine in accordance with that section. Financial 8671  
sanctions that may be imposed pursuant to this section include, 8672  
but are not limited to, the following: 8673

(1) Restitution by the offender to the victim of the 8674  
offender's crime or any survivor of the victim, in an amount 8675  
based on the victim's economic loss. If the court imposes 8676  
restitution, the court shall order that the restitution be made 8677  
to the victim in open court, to the adult probation department 8678  
that serves the county on behalf of the victim, to the clerk of 8679  
courts, or to another agency designated by the court. If the 8680  
court imposes restitution, at sentencing, the court shall 8681  
determine the amount of restitution to be made by the offender. 8682  
If the court imposes restitution, the court may base the amount 8683  
of restitution it orders on an amount recommended by the victim, 8684  
the offender, a presentence investigation report, estimates or 8685  
receipts indicating the cost of repairing or replacing property, 8686  
and other information, provided that the amount the court orders 8687  
as restitution shall not exceed the amount of the economic loss 8688  
suffered by the victim as a direct and proximate result of the 8689  
commission of the offense. If the court decides to impose 8690  
restitution, the court shall hold a hearing on restitution if 8691  
the offender, victim, or survivor disputes the amount. All 8692  
restitution payments shall be credited against any recovery of 8693  
economic loss in a civil action brought by the victim or any 8694  
survivor of the victim against the offender. 8695

If the court imposes restitution, the court may order that 8696  
the offender pay a surcharge of not more than five per cent of 8697  
the amount of the restitution otherwise ordered to the entity 8698  
responsible for collecting and processing restitution payments. 8699

The victim or survivor may request that the prosecutor in 8700  
the case file a motion, or the offender may file a motion, for 8701  
modification of the payment terms of any restitution ordered. If 8702  
the court grants the motion, it may modify the payment terms as 8703  
it determines appropriate. 8704

(2) Except as provided in division (B) (1), (3), or (4) of 8705  
this section, a fine payable by the offender to the state, to a 8706  
political subdivision, or as described in division (B) (2) of 8707  
this section to one or more law enforcement agencies, with the 8708  
amount of the fine based on a standard percentage of the 8709  
offender's daily income over a period of time determined by the 8710  
court and based upon the seriousness of the offense. A fine 8711  
ordered under this division shall not exceed the maximum 8712  
conventional fine amount authorized for the level of the offense 8713  
under division (A) (3) of this section. 8714

(3) Except as provided in division (B) (1), (3), or (4) of 8715  
this section, a fine payable by the offender to the state, to a 8716  
political subdivision when appropriate for a felony, or as 8717  
described in division (B) (2) of this section to one or more law 8718  
enforcement agencies, in the following amount: 8719

(a) For a felony of the first degree, not more than twenty 8720  
thousand dollars; 8721

(b) For a felony of the second degree, not more than 8722  
fifteen thousand dollars; 8723

(c) For a felony of the third degree, not more than ten 8724  
thousand dollars; 8725

(d) For a felony of the fourth degree, not more than five 8726  
thousand dollars; 8727

(e) For a felony of the fifth degree, not more than two 8728

thousand five hundred dollars. 8729

(4) A state fine or costs as defined in section 2949.111 8730  
of the Revised Code. 8731

(5) (a) Reimbursement by the offender of any or all of the 8732  
costs of sanctions incurred by the government, including the 8733  
following: 8734

(i) All or part of the costs of implementing any community 8735  
control sanction, including a supervision fee under section 8736  
2951.021 of the Revised Code; 8737

(ii) All or part of the costs of confinement under a 8738  
sanction imposed pursuant to section 2929.14, 2929.142, or 8739  
2929.16 of the Revised Code, provided that the amount of 8740  
reimbursement ordered under this division shall not exceed the 8741  
total amount of reimbursement the offender is able to pay as 8742  
determined at a hearing and shall not exceed the actual cost of 8743  
the confinement; 8744

(iii) All or part of the cost of purchasing and using an 8745  
immobilizing or disabling device, including a certified ignition 8746  
interlock device, or a remote alcohol monitoring device that a 8747  
court orders an offender to use under section 4510.13 of the 8748  
Revised Code. 8749

(b) If the offender is sentenced to a sanction of 8750  
confinement pursuant to section 2929.14 or 2929.16 of the 8751  
Revised Code that is to be served in a facility operated by a 8752  
board of county commissioners, a legislative authority of a 8753  
municipal corporation, or another local governmental entity, if, 8754  
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 8755  
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 8756  
section 2929.37 of the Revised Code, the board, legislative 8757

authority, or other local governmental entity requires prisoners 8758  
to reimburse the county, municipal corporation, or other entity 8759  
for its expenses incurred by reason of the prisoner's 8760  
confinement, and if the court does not impose a financial 8761  
sanction under division (A)(5)(a)(ii) of this section, 8762  
confinement costs may be assessed pursuant to section 2929.37 of 8763  
the Revised Code. In addition, the offender may be required to 8764  
pay the fees specified in section 2929.38 of the Revised Code in 8765  
accordance with that section. 8766

(c) Reimbursement by the offender for costs pursuant to 8767  
section 2929.71 of the Revised Code. 8768

(B)(1) For a first, second, or third degree felony 8769  
violation of any provision of Chapter 2925., 3719., or 4729. of 8770  
the Revised Code, the sentencing court shall impose upon the 8771  
offender a mandatory fine of at least one-half of, but not more 8772  
than, the maximum statutory fine amount authorized for the level 8773  
of the offense pursuant to division (A)(3) of this section. If 8774  
an offender alleges in an affidavit filed with the court prior 8775  
to sentencing that the offender is indigent and unable to pay 8776  
the mandatory fine and if the court determines the offender is 8777  
an indigent person and is unable to pay the mandatory fine 8778  
described in this division, the court shall not impose the 8779  
mandatory fine upon the offender. 8780

(2) Any mandatory fine imposed upon an offender under 8781  
division (B)(1) of this section and any fine imposed upon an 8782  
offender under division (A)(2) or (3) of this section for any 8783  
fourth or fifth degree felony violation of any provision of 8784  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 8785  
to law enforcement agencies pursuant to division (F) of section 8786  
2925.03 of the Revised Code. 8787

(3) For a fourth degree felony OVI offense and for a third 8788  
degree felony OVI offense, the sentencing court shall impose 8789  
upon the offender a mandatory fine in the amount specified in 8790  
division (G) (1) (d) or (e) of section 4511.19 of the Revised 8791  
Code, whichever is applicable. The mandatory fine so imposed 8792  
shall be disbursed as provided in the division pursuant to which 8793  
it is imposed. 8794

(4) Notwithstanding any fine otherwise authorized or 8795  
required to be imposed under division (A) (2) or (3) or (B) (1) of 8796  
this section or section 2929.31 of the Revised Code for a 8797  
violation of section 2925.03 of the Revised Code, in addition to 8798  
any penalty or sanction imposed for that offense under section 8799  
2925.03 or sections 2929.11 to 2929.18 of the Revised Code and 8800  
in addition to the forfeiture of property in connection with the 8801  
offense as prescribed in Chapter 2981. of the Revised Code, the 8802  
court that sentences an offender for a violation of section 8803  
2925.03 of the Revised Code may impose upon the offender a fine 8804  
in addition to any fine imposed under division (A) (2) or (3) of 8805  
this section and in addition to any mandatory fine imposed under 8806  
division (B) (1) of this section. The fine imposed under division 8807  
(B) (4) of this section shall be used as provided in division (H) 8808  
of section 2925.03 of the Revised Code. A fine imposed under 8809  
division (B) (4) of this section shall not exceed whichever of 8810  
the following is applicable: 8811

(a) The total value of any personal or real property in 8812  
which the offender has an interest and that was used in the 8813  
course of, intended for use in the course of, derived from, or 8814  
realized through conduct in violation of section 2925.03 of the 8815  
Revised Code, including any property that constitutes proceeds 8816  
derived from that offense; 8817

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

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

(6) If the sum total of a mandatory fine amount imposed for a first, second, or third degree felony violation of section 2925.03 of the Revised Code under division (B) (1) of this section plus the amount of any fine imposed under division (B) (4) of this section does not exceed the maximum statutory fine amount authorized for the level of the offense under division (A) (3) of this section or section 2929.31 of the Revised Code, the court may impose a fine for the offense in addition to the mandatory fine and the fine imposed under division (B) (4) of this section. The sum total of the amounts of the mandatory

fine, the fine imposed under division (B) (4) of this section, 8849  
and the additional fine imposed under division (B) (6) of this 8850  
section shall not exceed the maximum statutory fine amount 8851  
authorized for the level of the offense under division (A) (3) of 8852  
this section or section 2929.31 of the Revised Code. The clerk 8853  
of the court shall pay any fine that is imposed under division 8854  
(B) (6) of this section to the county, township, municipal 8855  
corporation, park district as created pursuant to section 511.18 8856  
or 1545.04 of the Revised Code, or state law enforcement 8857  
agencies in this state that primarily were responsible for or 8858  
involved in making the arrest of, and in prosecuting, the 8859  
offender pursuant to division (F) of section 2925.03 of the 8860  
Revised Code. 8861

(7) If the sum total of the amount of a mandatory fine 8862  
imposed for a first, second, or third degree felony violation of 8863  
section 2925.03 of the Revised Code plus the amount of any fine 8864  
imposed under division (B) (4) of this section exceeds the 8865  
maximum statutory fine amount authorized for the level of the 8866  
offense under division (A) (3) of this section or section 2929.31 8867  
of the Revised Code, the court shall not impose a fine under 8868  
division (B) (6) of this section. 8869

(8) (a) If an offender who is convicted of or pleads guilty 8870  
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 8871  
2923.32, division (A) (1) or (2) of section 2907.323 involving a 8872  
minor, or division (B) (1), (2), (3), (4), or (5) of section 8873  
2919.22 of the Revised Code also is convicted of or pleads 8874  
guilty to a specification of the type described in section 8875  
2941.1422 of the Revised Code that charges that the offender 8876  
knowingly committed the offense in furtherance of human 8877  
trafficking, the sentencing court shall sentence the offender to 8878  
a financial sanction of restitution by the offender to the 8879

victim or any survivor of the victim, with the restitution 8880  
including the costs of housing, counseling, and medical and 8881  
legal assistance incurred by the victim as a direct result of 8882  
the offense and the greater of the following: 8883

(i) The gross income or value to the offender of the 8884  
victim's labor or services; 8885

(ii) The value of the victim's labor as guaranteed under 8886  
the minimum wage and overtime provisions of the "Federal Fair 8887  
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 8888  
state labor laws. 8889

(b) If a court imposing sentence upon an offender for a 8890  
felony is required to impose upon the offender a financial 8891  
sanction of restitution under division (B) (8) (a) of this 8892  
section, in addition to that financial sanction of restitution, 8893  
the court may sentence the offender to any other financial 8894  
sanction or combination of financial sanctions authorized under 8895  
this section, including a restitution sanction under division 8896  
(A) (1) of this section. 8897

(9) In addition to any other fine that is or may be 8898  
imposed under this section, the court imposing sentence upon an 8899  
offender for a felony that is a sexually oriented offense or a 8900  
child-victim oriented offense, as those terms are defined in 8901  
section 2950.01 of the Revised Code, may impose a fine of not 8902  
less than fifty nor more than five hundred dollars. 8903

(10) For a felony violation of division (A) of section 8904  
2921.321 of the Revised Code that results in the death of the 8905  
police dog or horse that is the subject of the violation, the 8906  
sentencing court shall impose upon the offender a mandatory fine 8907  
from the range of fines provided under division (A) (3) of this 8908

section for a felony of the third degree. A mandatory fine 8909  
imposed upon an offender under division (B) (10) of this section 8910  
shall be paid to the law enforcement agency that was served by 8911  
the police dog or horse that was killed in the felony violation 8912  
of division (A) of section 2921.321 of the Revised Code to be 8913  
used as provided in division (E) (1) (b) of that section. 8914

(11) In addition to any other fine that is or may be 8915  
imposed under this section, the court imposing sentence upon an 8916  
offender for any of the following offenses that is a felony may 8917  
impose a fine of not less than seventy nor more than five 8918  
hundred dollars, which shall be transmitted to the treasurer of 8919  
state to be credited to the address confidentiality program fund 8920  
created by section 111.48 of the Revised Code: 8921

(a) Domestic violence; 8922

(b) Menacing by stalking; 8923

(c) Rape; 8924

(d) Sexual battery; 8925

(e) Trafficking in persons; 8926

(f) A violation of section 2905.01, 2905.02, 2907.21, 8927  
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 8928  
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 8929  
section 2919.22 of the Revised Code, if the offender also is 8930  
convicted of a specification of the type described in section 8931  
2941.1422 of the Revised Code that charges that the offender 8932  
knowingly committed the offense in furtherance of human 8933  
trafficking. 8934

(C) (1) Except as provided in section 2951.021 of the 8935  
Revised Code, the offender shall pay reimbursements imposed upon 8936

the offender pursuant to division (A) (5) (a) of this section to 8937  
pay the costs incurred by a county pursuant to any sanction 8938  
imposed under this section or section 2929.16 or 2929.17 of the 8939  
Revised Code or in operating a facility used to confine 8940  
offenders pursuant to a sanction imposed under section 2929.16 8941  
of the Revised Code to the county treasurer. The county 8942  
treasurer shall deposit the reimbursements in the sanction cost 8943  
reimbursement fund that each board of county commissioners shall 8944  
create in its county treasury. The county shall use the amounts 8945  
deposited in the fund to pay the costs incurred by the county 8946  
pursuant to any sanction imposed under this section or section 8947  
2929.16 or 2929.17 of the Revised Code or in operating a 8948  
facility used to confine offenders pursuant to a sanction 8949  
imposed under section 2929.16 of the Revised Code. 8950

(2) Except as provided in section 2951.021 of the Revised 8951  
Code, the offender shall pay reimbursements imposed upon the 8952  
offender pursuant to division (A) (5) (a) of this section to pay 8953  
the costs incurred by a municipal corporation pursuant to any 8954  
sanction imposed under this section or section 2929.16 or 8955  
2929.17 of the Revised Code or in operating a facility used to 8956  
confine offenders pursuant to a sanction imposed under section 8957  
2929.16 of the Revised Code to the treasurer of the municipal 8958  
corporation. The treasurer shall deposit the reimbursements in a 8959  
special fund that shall be established in the treasury of each 8960  
municipal corporation. The municipal corporation shall use the 8961  
amounts deposited in the fund to pay the costs incurred by the 8962  
municipal corporation pursuant to any sanction imposed under 8963  
this section or section 2929.16 or 2929.17 of the Revised Code 8964  
or in operating a facility used to confine offenders pursuant to 8965  
a sanction imposed under section 2929.16 of the Revised Code. 8966

(3) Except as provided in section 2951.021 of the Revised 8967

Code, the offender shall pay reimbursements imposed pursuant to 8968  
division (A) (5) (a) of this section for the costs incurred by a 8969  
private provider pursuant to a sanction imposed under this 8970  
section or section 2929.16 or 2929.17 of the Revised Code to the 8971  
provider. 8972

(D) Except as otherwise provided in this division, a 8973  
financial sanction imposed pursuant to division (A) or (B) of 8974  
this section is a judgment in favor of the state or a political 8975  
subdivision in which the court that imposed the financial 8976  
sanction is located, and the offender subject to the financial 8977  
sanction is the judgment debtor. A financial sanction of 8978  
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 8979  
section upon an offender who is incarcerated in a state facility 8980  
or a municipal jail is a judgment in favor of the state or the 8981  
municipal corporation, and the offender subject to the financial 8982  
sanction is the judgment debtor. A financial sanction of 8983  
reimbursement imposed upon an offender pursuant to this section 8984  
for costs incurred by a private provider of sanctions is a 8985  
judgment in favor of the private provider, and the offender 8986  
subject to the financial sanction is the judgment debtor. A 8987  
financial sanction of a mandatory fine imposed under division 8988  
(B) (10) of this section that is required under that division to 8989  
be paid to a law enforcement agency is a judgment in favor of 8990  
the specified law enforcement agency, and the offender subject 8991  
to the financial sanction is the judgment debtor. A financial 8992  
sanction of restitution imposed pursuant to division (A) (1) or 8993  
(B) (8) of this section is an order in favor of the victim of the 8994  
offender's criminal act that can be collected through a 8995  
certificate of judgment as described in division (D) (1) of this 8996  
section, through execution as described in division (D) (2) of 8997  
this section, or through an order as described in division (D) 8998

(3) of this section, and the offender shall be considered for 8999  
purposes of the collection as the judgment debtor. Imposition of 9000  
a financial sanction and execution on the judgment does not 9001  
preclude any other power of the court to impose or enforce 9002  
sanctions on the offender. Once the financial sanction is 9003  
imposed as a judgment or order under this division, the victim, 9004  
private provider, state, or political subdivision may do any of 9005  
the following: 9006

(1) Obtain from the clerk of the court in which the 9007  
judgment was entered a certificate of judgment that shall be in 9008  
the same manner and form as a certificate of judgment issued in 9009  
a civil action; 9010

(2) Obtain execution of the judgment or order through any 9011  
available procedure, including: 9012

(a) An execution against the property of the judgment 9013  
debtor under Chapter 2329. of the Revised Code; 9014

(b) An execution against the person of the judgment debtor 9015  
under Chapter 2331. of the Revised Code; 9016

(c) A proceeding in aid of execution under Chapter 2333. 9017  
of the Revised Code, including: 9018

(i) A proceeding for the examination of the judgment 9019  
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 9020  
2333.27 of the Revised Code; 9021

(ii) A proceeding for attachment of the person of the 9022  
judgment debtor under section 2333.28 of the Revised Code; 9023

(iii) A creditor's suit under section 2333.01 of the 9024  
Revised Code. 9025

(d) The attachment of the property of the judgment debtor 9026

under Chapter 2715. of the Revised Code; 9027

(e) The garnishment of the property of the judgment debtor 9028  
under Chapter 2716. of the Revised Code. 9029

(3) Obtain an order for the assignment of wages of the 9030  
judgment debtor under section 1321.33 of the Revised Code. 9031

(E) A court that imposes a financial sanction upon an 9032  
offender may hold a hearing if necessary to determine whether 9033  
the offender is able to pay the sanction or is likely in the 9034  
future to be able to pay it. 9035

(F) Each court imposing a financial sanction upon an 9036  
offender under this section or under section 2929.32 of the 9037  
Revised Code may designate the clerk of the court or another 9038  
person to collect the financial sanction. The clerk or other 9039  
person authorized by law or the court to collect the financial 9040  
sanction may enter into contracts with one or more public 9041  
agencies or private vendors for the collection of, amounts due 9042  
under the financial sanction imposed pursuant to this section or 9043  
section 2929.32 of the Revised Code. Before entering into a 9044  
contract for the collection of amounts due from an offender 9045  
pursuant to any financial sanction imposed pursuant to this 9046  
section or section 2929.32 of the Revised Code, a court shall 9047  
comply with sections 307.86 to 307.92 of the Revised Code. 9048

(G) If a court that imposes a financial sanction under 9049  
division (A) or (B) of this section finds that an offender 9050  
satisfactorily has completed all other sanctions imposed upon 9051  
the offender and that all restitution that has been ordered has 9052  
been paid as ordered, the court may suspend any financial 9053  
sanctions imposed pursuant to this section or section 2929.32 of 9054  
the Revised Code that have not been paid. 9055

(H) No financial sanction imposed under this section or 9056  
section 2929.32 of the Revised Code shall preclude a victim from 9057  
bringing a civil action against the offender. 9058

**Sec. 2929.19.** (A) The court shall hold a sentencing 9059  
hearing before imposing a sentence under this chapter upon an 9060  
offender who was convicted of or pleaded guilty to a felony and 9061  
before resentencing an offender who was convicted of or pleaded 9062  
guilty to a felony and whose case was remanded pursuant to 9063  
section 2953.07 or 2953.08 of the Revised Code. At the hearing, 9064  
the offender, the prosecuting attorney, the victim or the 9065  
victim's representative in accordance with section 2930.14 of 9066  
the Revised Code, and, with the approval of the court, any other 9067  
person may present information relevant to the imposition of 9068  
sentence in the case. The court shall inform the offender of the 9069  
verdict of the jury or finding of the court and ask the offender 9070  
whether the offender has anything to say as to why sentence 9071  
should not be imposed upon the offender. 9072

(B) (1) At the sentencing hearing, the court, before 9073  
imposing sentence, shall consider the record, any information 9074  
presented at the hearing by any person pursuant to division (A) 9075  
of this section, and, if one was prepared, the presentence 9076  
investigation report made pursuant to section 2951.03 of the 9077  
Revised Code or Criminal Rule 32.2, and any victim impact 9078  
statement made pursuant to section 2947.051 of the Revised Code. 9079

(2) Subject to division (B) (3) of this section, if the 9080  
sentencing court determines at the sentencing hearing that a 9081  
prison term is necessary or required, the court shall do all of 9082  
the following: 9083

(a) Impose a stated prison term and, if the court imposes 9084  
a mandatory prison term, notify the offender that the prison 9085

term is a mandatory prison term; 9086

(b) In addition to any other information, include in the 9087  
sentencing entry the name and section reference to the offense 9088  
or offenses, the sentence or sentences imposed and whether the 9089  
sentence or sentences contain mandatory prison terms, if 9090  
sentences are imposed for multiple counts whether the sentences 9091  
are to be served concurrently or consecutively, and the name and 9092  
section reference of any specification or specifications for 9093  
which sentence is imposed and the sentence or sentences imposed 9094  
for the specification or specifications; 9095

(c) If the prison term is a non-life felony indefinite 9096  
prison term, notify the offender of all of the following: 9097

(i) That it is rebuttably presumed that the offender will 9098  
be released from service of the sentence on the expiration of 9099  
the minimum prison term imposed as part of the sentence or on 9100  
the offender's presumptive earned early release date, as defined 9101  
in section 2967.271 of the Revised Code, whichever is earlier; 9102

(ii) That the department of rehabilitation and correction 9103  
may rebut the presumption described in division (B)(2)(c)(i) of 9104  
this section if, at a hearing held under section 2967.271 of the 9105  
Revised Code, the department makes specified determinations 9106  
regarding the offender's conduct while confined, the offender's 9107  
rehabilitation, the offender's threat to society, the offender's 9108  
restrictive housing, if any, while confined, and the offender's 9109  
security classification; 9110

(iii) That if, as described in division (B)(2)(c)(ii) of 9111  
this section, the department at the hearing makes the specified 9112  
determinations and rebuts the presumption, the department may 9113  
maintain the offender's incarceration after the expiration of 9114

that minimum term or after that presumptive earned early release 9115  
date for the length of time the department determines to be 9116  
reasonable, subject to the limitation specified in section 9117  
2967.271 of the Revised Code; 9118

(iv) That the department may make the specified 9119  
determinations and maintain the offender's incarceration under 9120  
the provisions described in divisions (B) (2) (c) (i) and (ii) of 9121  
this section more than one time, subject to the limitation 9122  
specified in section 2967.271 of the Revised Code; 9123

(v) That if the offender has not been released prior to 9124  
the expiration of the offender's maximum prison term imposed as 9125  
part of the sentence, the offender must be released upon the 9126  
expiration of that term. 9127

(d) Notify the offender that the offender will be 9128  
supervised under section 2967.28 of the Revised Code after the 9129  
offender leaves prison if the offender is being sentenced, other 9130  
than to a sentence of life imprisonment, for a felony of the 9131  
first degree or second degree, for a felony sex offense, or for 9132  
a felony of the third degree that is an offense of violence and 9133  
is not a felony sex offense and in the commission of which the 9134  
offender caused or threatened to cause physical harm to a 9135  
person. This division applies with respect to all prison terms 9136  
imposed for an offense of a type described in this division, 9137  
including a non-life felony indefinite prison term and including 9138  
a term imposed for any such offense of a type described in this 9139  
division that is a risk reduction sentence, as defined in 9140  
section 2967.28 of the Revised Code. If a court imposes a 9141  
sentence including a prison term of a type described in division 9142  
(B) (2) ~~(e)~~ (d) of this section on or after July 11, 2006, the 9143  
failure of a court to notify the offender pursuant to division 9144

(B) (2) ~~(e)~~ (d) of this section that the offender will be 9145  
supervised under section 2967.28 of the Revised Code after the 9146  
offender leaves prison or to include in the judgment of 9147  
conviction entered on the journal a statement to that effect 9148  
does not negate, limit, or otherwise affect the mandatory period 9149  
of supervision that is required for the offender under division 9150  
(B) of section 2967.28 of the Revised Code. Section 2929.191 of 9151  
the Revised Code applies if, prior to July 11, 2006, a court 9152  
imposed a sentence including a prison term of a type described 9153  
in division (B) (2) ~~(e)~~ (d) of this section and failed to notify 9154  
the offender pursuant to division (B) (2) ~~(e)~~ (d) of this section 9155  
regarding post-release control or to include in the judgment of 9156  
conviction entered on the journal or in the sentence a statement 9157  
regarding post-release control. 9158

~~(d)~~ (e) Notify the offender that the offender may be 9159  
supervised under section 2967.28 of the Revised Code after the 9160  
offender leaves prison if the offender is being sentenced for a 9161  
felony of the third, fourth, or fifth degree that is not subject 9162  
to division (B) (2) ~~(e)~~ (d) of this section. This division applies 9163  
with respect to all prison terms imposed for an offense of a 9164  
type described in this division, including a term imposed for 9165  
any such offense that is a risk reduction sentence, as defined 9166  
in section 2967.28 of the Revised Code. Section 2929.191 of the 9167  
Revised Code applies if, prior to July 11, 2006, a court imposed 9168  
a sentence including a prison term of a type described in 9169  
division (B) (2) ~~(d)~~ (e) of this section and failed to notify the 9170  
offender pursuant to division (B) (2) ~~(d)~~ (e) of this section 9171  
regarding post-release control or to include in the judgment of 9172  
conviction entered on the journal or in the sentence a statement 9173  
regarding post-release control. 9174

~~(e)~~ (f) Notify the offender that, if a period of 9175

supervision is imposed following the offender's release from 9176  
prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of this 9177  
section, and if the offender violates that supervision or a 9178  
condition of post-release control imposed under division (B) of 9179  
section 2967.131 of the Revised Code, the parole board may 9180  
impose a prison term, as part of the sentence, of up to one-half 9181  
of the ~~stated~~ definite prison term originally imposed upon the 9182  
offender as the offender's stated prison term or up to one-half 9183  
of the minimum prison term originally imposed upon the offender 9184  
as part of the offender's stated non-life felony indefinite 9185  
prison term. If a court imposes a sentence including a prison 9186  
term on or after July 11, 2006, the failure of a court to notify 9187  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9188  
that the parole board may impose a prison term as described in 9189  
division (B) (2) ~~(e)~~ (f) of this section for a violation of that 9190  
supervision or a condition of post-release control imposed under 9191  
division (B) of section 2967.131 of the Revised Code or to 9192  
include in the judgment of conviction entered on the journal a 9193  
statement to that effect does not negate, limit, or otherwise 9194  
affect the authority of the parole board to so impose a prison 9195  
term for a violation of that nature if, pursuant to division (D) 9196  
(1) of section 2967.28 of the Revised Code, the parole board 9197  
notifies the offender prior to the offender's release of the 9198  
board's authority to so impose a prison term. Section 2929.191 9199  
of the Revised Code applies if, prior to July 11, 2006, a court 9200  
imposed a sentence including a prison term and failed to notify 9201  
the offender pursuant to division (B) (2) ~~(e)~~ (f) of this section 9202  
regarding the possibility of the parole board imposing a prison 9203  
term for a violation of supervision or a condition of post- 9204  
release control. 9205

~~(f)~~ (g) Require that the offender not ingest or be injected 9206

with a drug of abuse and submit to random drug testing as 9207  
provided in section 341.26, 753.33, or 5120.63 of the Revised 9208  
Code, whichever is applicable to the offender who is serving a 9209  
prison term, and require that the results of the drug test 9210  
administered under any of those sections indicate that the 9211  
offender did not ingest or was not injected with a drug of 9212  
abuse. 9213

~~(g)~~(h)(i) Determine, notify the offender of, and include 9214  
in the sentencing entry the number of days that the offender has 9215  
been confined for any reason arising out of the offense for 9216  
which the offender is being sentenced and by which the 9217  
department of rehabilitation and correction must reduce the 9218  
stated definite prison term imposed on the offender as the 9219  
offender's stated prison term or, if the offense is an offense 9220  
for which a non-life felony indefinite prison term is imposed 9221  
under division (A) (1) (a) or (2) (a) of section 2929.14 of the 9222  
Revised Code, the minimum and maximum prison terms imposed on 9223  
the offender as part of that non-life felony indefinite prison 9224  
term, under section 2967.191 of the Revised Code. The court's 9225  
calculation shall not include the number of days, if any, that 9226  
the offender previously served in the custody of the department 9227  
of rehabilitation and correction arising out of the offense for 9228  
which the prisoner was convicted and sentenced. 9229

(ii) In making a determination under division (B) (2) ~~(g)~~(h) 9230  
(i) of this section, the court shall consider the arguments of 9231  
the parties and conduct a hearing if one is requested. 9232

(iii) The sentencing court retains continuing jurisdiction 9233  
to correct any error not previously raised at sentencing in 9234  
making a determination under division (B) (2) ~~(g)~~(h) (i) of this 9235  
section. The offender may, at any time after sentencing, file a 9236

motion in the sentencing court to correct any error made in 9237  
making a determination under division (B) (2) ~~(g)~~ (h) (i) of this 9238  
section, and the court may in its discretion grant or deny that 9239  
motion. If the court changes the number of days in its 9240  
determination or redetermination, the court shall cause the 9241  
entry granting that change to be delivered to the department of 9242  
rehabilitation and correction without delay. Sections 2931.15 9243  
and 2953.21 of the Revised Code do not apply to a motion made 9244  
under this section. 9245

(iv) An inaccurate determination under division (B) (2) ~~(g)~~ 9246  
(h) (i) of this section is not grounds for setting aside the 9247  
offender's conviction or sentence and does not otherwise render 9248  
the sentence void or voidable. 9249

(3) (a) The court shall include in the offender's sentence 9250  
a statement that the offender is a tier III sex offender/child- 9251  
victim offender, and the court shall comply with the 9252  
requirements of section 2950.03 of the Revised Code if any of 9253  
the following apply: 9254

(i) The offender is being sentenced for a violent sex 9255  
offense or designated homicide, assault, or kidnapping offense 9256  
that the offender committed on or after January 1, 1997, and the 9257  
offender is adjudicated a sexually violent predator in relation 9258  
to that offense. 9259

(ii) The offender is being sentenced for a sexually 9260  
oriented offense that the offender committed on or after January 9261  
1, 1997, and the offender is a tier III sex offender/child- 9262  
victim offender relative to that offense. 9263

(iii) The offender is being sentenced on or after July 31, 9264  
2003, for a child-victim oriented offense, and the offender is a 9265

tier III sex offender/child-victim offender relative to that offense. 9266  
9267

(iv) The offender is being sentenced under section 2971.03 of the Revised Code for a violation of division (A)(1)(b) of section 2907.02 of the Revised Code committed on or after January 2, 2007. 9268  
9269  
9270  
9271

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code. 9272  
9273  
9274

(vi) The offender is being sentenced for 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. 9275  
9276  
9277  
9278

(vii) The offender is being sentenced under division (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code for an offense described in those divisions committed on or after January 1, 2008. 9279  
9280  
9281  
9282

(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division. 9283  
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(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the 9288  
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9294

permission of the court or the offender's probation officer, the 9295  
court may impose a longer time under the same sanction, may 9296  
impose a more restrictive sanction, or may impose a prison term 9297  
on the offender and shall indicate the specific prison term that 9298  
may be imposed as a sanction for the violation, as selected by 9299  
the court from the range of prison terms for the offense 9300  
pursuant to section 2929.14 of the Revised Code and as described 9301  
in section 2929.15 of the Revised Code. 9302

(5) Before imposing a financial sanction under section 9303  
2929.18 of the Revised Code or a fine under section 2929.32 of 9304  
the Revised Code, the court shall consider the offender's 9305  
present and future ability to pay the amount of the sanction or 9306  
fine. 9307

(6) If the sentencing court sentences the offender to a 9308  
sanction of confinement pursuant to section 2929.14 or 2929.16 9309  
of the Revised Code that is to be served in a local detention 9310  
facility, as defined in section 2929.36 of the Revised Code, and 9311  
if the local detention facility is covered by a policy adopted 9312  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 9313  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 9314  
and section 2929.37 of the Revised Code, both of the following 9315  
apply: 9316

(a) The court shall specify both of the following as part 9317  
of the sentence: 9318

(i) If the offender is presented with an itemized bill 9319  
pursuant to section 2929.37 of the Revised Code for payment of 9320  
the costs of confinement, the offender is required to pay the 9321  
bill in accordance with that section. 9322

(ii) If the offender does not dispute the bill described 9323

in division (B) (6) (a) (i) of this section and does not pay the 9324  
bill by the times specified in section 2929.37 of the Revised 9325  
Code, the clerk of the court may issue a certificate of judgment 9326  
against the offender as described in that section. 9327

(b) The sentence automatically includes any certificate of 9328  
judgment issued as described in division (B) (6) (a) (ii) of this 9329  
section. 9330

(7) The failure of the court to notify the offender that a 9331  
prison term is a mandatory prison term pursuant to division (B) 9332  
(2) (a) of this section or to include in the sentencing entry any 9333  
information required by division (B) (2) (b) of this section does 9334  
not affect the validity of the imposed sentence or sentences. If 9335  
the sentencing court notifies the offender at the sentencing 9336  
hearing that a prison term is mandatory but the sentencing entry 9337  
does not specify that the prison term is mandatory, the court 9338  
may complete a corrected journal entry and send copies of the 9339  
corrected entry to the offender and the department of 9340  
rehabilitation and correction, or, at the request of the state, 9341  
the court shall complete a corrected journal entry and send 9342  
copies of the corrected entry to the offender and department of 9343  
rehabilitation and correction. 9344

(C) (1) If the offender is being sentenced for a fourth 9345  
degree felony OVI offense under division (G) (1) of section 9346  
2929.13 of the Revised Code, the court shall impose the 9347  
mandatory term of local incarceration in accordance with that 9348  
division, shall impose a mandatory fine in accordance with 9349  
division (B) (3) of section 2929.18 of the Revised Code, and, in 9350  
addition, may impose additional sanctions as specified in 9351  
sections 2929.15, 2929.16, 2929.17, and 2929.18 of the Revised 9352  
Code. The court shall not impose a prison term on the offender 9353

except that the court may impose a prison term upon the offender 9354  
as provided in division (A) (1) of section 2929.13 of the Revised 9355  
Code. 9356

(2) If the offender is being sentenced for a third or 9357  
fourth degree felony OVI offense under division (G) (2) of 9358  
section 2929.13 of the Revised Code, the court shall impose the 9359  
mandatory prison term in accordance with that division, shall 9360  
impose a mandatory fine in accordance with division (B) (3) of 9361  
section 2929.18 of the Revised Code, and, in addition, may 9362  
impose an additional prison term as specified in section 2929.14 9363  
of the Revised Code. In addition to the mandatory prison term or 9364  
mandatory prison term and additional prison term the court 9365  
imposes, the court also may impose a community control sanction 9366  
on the offender, but the offender shall serve all of the prison 9367  
terms so imposed prior to serving the community control 9368  
sanction. 9369

(D) The sentencing court, pursuant to division (I) (1) of 9370  
section 2929.14 of the Revised Code, may recommend placement of 9371  
the offender in a program of shock incarceration under section 9372  
5120.031 of the Revised Code or an intensive program prison 9373  
under section 5120.032 of the Revised Code, disapprove placement 9374  
of the offender in a program or prison of that nature, or make 9375  
no recommendation. If the court recommends or disapproves 9376  
placement, it shall make a finding that gives its reasons for 9377  
its recommendation or disapproval. 9378

**Sec. 2929.191.** (A) (1) If, prior to July 11, 2006, a court 9379  
imposed a sentence including a prison term of a type described 9380  
in division (B) (2) ~~(e)~~ (d) of section 2929.19 of the Revised Code 9381  
and failed to notify the offender pursuant to that division that 9382  
the offender will be supervised under section 2967.28 of the 9383

Revised Code after the offender leaves prison or to include a 9384  
statement to that effect in the judgment of conviction entered 9385  
on the journal or in the sentence pursuant to division (D) (1) of 9386  
section 2929.14 of the Revised Code, at any time before the 9387  
offender is released from imprisonment under that term and at a 9388  
hearing conducted in accordance with division (C) of this 9389  
section, the court may prepare and issue a correction to the 9390  
judgment of conviction that includes in the judgment of 9391  
conviction the statement that the offender will be supervised 9392  
under section 2967.28 of the Revised Code after the offender 9393  
leaves prison. 9394

If, prior to July 11, 2006, a court imposed a sentence 9395  
including a prison term of a type described in division (B) (2) 9396  
~~(d)~~ (e) of section 2929.19 of the Revised Code and failed to 9397  
notify the offender pursuant to that division that the offender 9398  
may be supervised under section 2967.28 of the Revised Code 9399  
after the offender leaves prison or to include a statement to 9400  
that effect in the judgment of conviction entered on the journal 9401  
or in the sentence pursuant to division (D) (2) of section 9402  
2929.14 of the Revised Code, at any time before the offender is 9403  
released from imprisonment under that term and at a hearing 9404  
conducted in accordance with division (C) of this section, the 9405  
court may prepare and issue a correction to the judgment of 9406  
conviction that includes in the judgment of conviction the 9407  
statement that the offender may be supervised under section 9408  
2967.28 of the Revised Code after the offender leaves prison. 9409

(2) If a court prepares and issues a correction to a 9410  
judgment of conviction as described in division (A) (1) of this 9411  
section before the offender is released from imprisonment under 9412  
the prison term the court imposed prior to July 11, 2006, the 9413  
court shall place upon the journal of the court an entry nunc 9414

pro tunc to record the correction to the judgment of conviction 9415  
and shall provide a copy of the entry to the offender or, if the 9416  
offender is not physically present at the hearing, shall send a 9417  
copy of the entry to the department of rehabilitation and 9418  
correction for delivery to the offender. If the court sends a 9419  
copy of the entry to the department, the department promptly 9420  
shall deliver a copy of the entry to the offender. The court's 9421  
placement upon the journal of the entry nunc pro tunc before the 9422  
offender is released from imprisonment under the term shall be 9423  
considered, and shall have the same effect, as if the court at 9424  
the time of original sentencing had included the statement in 9425  
the sentence and the judgment of conviction entered on the 9426  
journal and had notified the offender that the offender will be 9427  
so supervised regarding a sentence including a prison term of a 9428  
type described in division (B) (2) ~~(e)~~ (d) of section 2929.19 of 9429  
the Revised Code or that the offender may be so supervised 9430  
regarding a sentence including a prison term of a type described 9431  
in division (B) (2) ~~(d)~~ (e) of that section. 9432

(B) (1) If, prior to July 11, 2006, a court imposed a 9433  
sentence including a prison term and failed to notify the 9434  
offender pursuant to division (B) (2) ~~(e)~~ (f) of section 2929.19 of 9435  
the Revised Code regarding the possibility of the parole board 9436  
imposing a prison term for a violation of supervision or a 9437  
condition of post-release control or to include in the judgment 9438  
of conviction entered on the journal a statement to that effect, 9439  
at any time before the offender is released from imprisonment 9440  
under that term and at a hearing conducted in accordance with 9441  
division (C) of this section, the court may prepare and issue a 9442  
correction to the judgment of conviction that includes in the 9443  
judgment of conviction the statement that if a period of 9444  
supervision is imposed following the offender's release from 9445

prison, as described in division (B) (2) ~~(e)~~ (d) or ~~(d)~~ (e) of 9446  
section 2929.19 of the Revised Code, and if the offender 9447  
violates that supervision or a condition of post-release control 9448  
imposed under division (B) of section 2967.131 of the Revised 9449  
Code the parole board may impose as part of the sentence a 9450  
prison term of up to one-half of the stated prison term 9451  
originally imposed upon the offender. 9452

(2) If the court prepares and issues a correction to a 9453  
judgment of conviction as described in division (B) (1) of this 9454  
section before the offender is released from imprisonment under 9455  
the term, the court shall place upon the journal of the court an 9456  
entry nunc pro tunc to record the correction to the judgment of 9457  
conviction and shall provide a copy of the entry to the offender 9458  
or, if the offender is not physically present at the hearing, 9459  
shall send a copy of the entry to the department of 9460  
rehabilitation and correction for delivery to the offender. If 9461  
the court sends a copy of the entry to the department, the 9462  
department promptly shall deliver a copy of the entry to the 9463  
offender. The court's placement upon the journal of the entry 9464  
nunc pro tunc before the offender is released from imprisonment 9465  
under the term shall be considered, and shall have the same 9466  
effect, as if the court at the time of original sentencing had 9467  
included the statement in the judgment of conviction entered on 9468  
the journal and had notified the offender pursuant to division 9469  
(B) (2) ~~(e)~~ (f) of section 2929.19 of the Revised Code regarding 9470  
the possibility of the parole board imposing a prison term for a 9471  
violation of supervision or a condition of post-release control. 9472

(C) On and after July 11, 2006, a court that wishes to 9473  
prepare and issue a correction to a judgment of conviction of a 9474  
type described in division (A) (1) or (B) (1) of this section 9475  
shall not issue the correction until after the court has 9476

conducted a hearing in accordance with this division. Before a 9477  
court holds a hearing pursuant to this division, the court shall 9478  
provide notice of the date, time, place, and purpose of the 9479  
hearing to the offender who is the subject of the hearing, the 9480  
prosecuting attorney of the county, and the department of 9481  
rehabilitation and correction. The offender has the right to be 9482  
physically present at the hearing, except that, upon the court's 9483  
own motion or the motion of the offender or the prosecuting 9484  
attorney, the court may permit the offender to appear at the 9485  
hearing by video conferencing equipment if available and 9486  
compatible. An appearance by video conferencing equipment 9487  
pursuant to this division has the same force and effect as if 9488  
the offender were physically present at the hearing. At the 9489  
hearing, the offender and the prosecuting attorney may make a 9490  
statement as to whether the court should issue a correction to 9491  
the judgment of conviction. 9492

**Sec. 2929.20.** (A) As used in this section: 9493

(1) (a) Except as provided in division (A) (1) (b) of this 9494  
section, "eligible offender" means any person who, on or after 9495  
April 7, 2009, is serving a stated prison term that includes one 9496  
or more nonmandatory prison terms. 9497

(b) "Eligible offender" does not include any person who, 9498  
on or after April 7, 2009, is serving a stated prison term for 9499  
any of the following criminal offenses that was a felony and was 9500  
committed while the person held a public office in this state: 9501

(i) A violation of section 2921.02, 2921.03, 2921.05, 9502  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 9503  
Code; 9504

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 9505

2921.12 of the Revised Code, when the conduct constituting the 9506  
violation was related to the duties of the offender's public 9507  
office or to the offender's actions as a public official holding 9508  
that public office; 9509

(iii) A violation of an existing or former municipal 9510  
ordinance or law of this or any other state or the United States 9511  
that is substantially equivalent to any violation listed in 9512  
division (A) (1) (b) (i) of this section; 9513

(iv) A violation of an existing or former municipal 9514  
ordinance or law of this or any other state or the United States 9515  
that is substantially equivalent to any violation listed in 9516  
division (A) (1) (b) (ii) of this section, when the conduct 9517  
constituting the violation was related to the duties of the 9518  
offender's public office or to the offender's actions as a 9519  
public official holding that public office; 9520

(v) A conspiracy to commit, attempt to commit, or 9521  
complicity in committing any offense listed in division (A) (1) 9522  
(b) (i) or described in division (A) (1) (b) (iii) of this section; 9523

(vi) A conspiracy to commit, attempt to commit, or 9524  
complicity in committing any offense listed in division (A) (1) 9525  
(b) (ii) or described in division (A) (1) (b) (iv) of this section, 9526  
if the conduct constituting the offense that was the subject of 9527  
the conspiracy, that would have constituted the offense 9528  
attempted, or constituting the offense in which the offender was 9529  
complicit was or would have been related to the duties of the 9530  
offender's public office or to the offender's actions as a 9531  
public official holding that public office. 9532

(2) "Nonmandatory prison term" means a prison term that is 9533  
not a mandatory prison term. 9534

(3) "Public office" means any elected federal, state, or local government office in this state. 9535  
9536

(4) "Victim's representative" has the same meaning as in section 2930.01 of the Revised Code. 9537  
9538

(5) "Imminent danger of death," "medically incapacitated," and "terminal illness" have the same meanings as in section 2967.05 of the Revised Code. 9539  
9540  
9541

(6) "Aggregated nonmandatory prison term or terms" means the aggregate of the following: 9542  
9543

(a) All nonmandatory definite prison terms; 9544

(b) With respect to any non-life felony indefinite prison term, all nonmandatory minimum prison terms imposed as part of the non-life felony indefinite prison term or terms. 9545  
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(B) On the motion of an eligible offender or upon its own motion, the sentencing court may reduce the eligible offender's aggregated nonmandatory prison term or terms through a judicial release under this section. 9548  
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(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable periods: 9552  
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(1) If the aggregated nonmandatory prison term or terms is less than two years, the eligible offender may file the motion at any time after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, at any time after the expiration of all mandatory prison terms. 9555  
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(2) If the aggregated nonmandatory prison term or terms is at least two years but less than five years, the eligible 9561  
9562

offender may file the motion not earlier than one hundred eighty 9563  
days after the offender is delivered to a state correctional 9564  
institution or, if the prison term includes a mandatory prison 9565  
term or terms, not earlier than one hundred eighty days after 9566  
the expiration of all mandatory prison terms. 9567

(3) If the aggregated nonmandatory prison term or terms is 9568  
five years, the eligible offender may file the motion not 9569  
earlier than the date on which the eligible offender has served 9570  
four years of the offender's stated prison term or, if the 9571  
prison term includes a mandatory prison term or terms, not 9572  
earlier than four years after the expiration of all mandatory 9573  
prison terms. 9574

(4) If the aggregated nonmandatory prison term or terms is 9575  
more than five years but not more than ten years, the eligible 9576  
offender may file the motion not earlier than the date on which 9577  
the eligible offender has served five years of the offender's 9578  
stated prison term or, if the prison term includes a mandatory 9579  
prison term or terms, not earlier than five years after the 9580  
expiration of all mandatory prison terms. 9581

(5) If the aggregated nonmandatory prison term or terms is 9582  
more than ten years, the eligible offender may file the motion 9583  
not earlier than the later of the date on which the offender has 9584  
served one-half of the offender's stated prison term or the date 9585  
specified in division (C) (4) of this section. 9586

(D) Upon receipt of a timely motion for judicial release 9587  
filed by an eligible offender under division (C) of this section 9588  
or upon the sentencing court's own motion made within the 9589  
appropriate time specified in that division, the court may deny 9590  
the motion without a hearing or schedule a hearing on the 9591  
motion. The court shall not grant the motion without a hearing. 9592

If a court denies a motion without a hearing, the court later 9593  
may consider judicial release for that eligible offender on a 9594  
subsequent motion filed by that eligible offender unless the 9595  
court denies the motion with prejudice. If a court denies a 9596  
motion with prejudice, the court may later consider judicial 9597  
release on its own motion. If a court denies a motion after a 9598  
hearing, the court shall not consider a subsequent motion for 9599  
that eligible offender. The court shall hold only one hearing 9600  
for any eligible offender. 9601

A hearing under this section shall be conducted in open 9602  
court not less than thirty or more than sixty days after the 9603  
motion is filed, provided that the court may delay the hearing 9604  
for one hundred eighty additional days. If the court holds a 9605  
hearing, the court shall enter a ruling on the motion within ten 9606  
days after the hearing. If the court denies the motion without a 9607  
hearing, the court shall enter its ruling on the motion within 9608  
sixty days after the motion is filed. 9609

(E) If a court schedules a hearing under division (D) of 9610  
this section, the court shall notify the eligible offender and 9611  
the head of the state correctional institution in which the 9612  
eligible offender is confined prior to the hearing. The head of 9613  
the state correctional institution immediately shall notify the 9614  
appropriate person at the department of rehabilitation and 9615  
correction of the hearing, and the department within twenty-four 9616  
hours after receipt of the notice, shall post on the database it 9617  
maintains pursuant to section 5120.66 of the Revised Code the 9618  
offender's name and all of the information specified in division 9619  
(A) (1) (c) (i) of that section. If the court schedules a hearing 9620  
for judicial release, the court promptly shall give notice of 9621  
the hearing to the prosecuting attorney of the county in which 9622  
the eligible offender was indicted. Upon receipt of the notice 9623

from the court, the prosecuting attorney shall do whichever of 9624  
the following is applicable: 9625

(1) Subject to division (E) (2) of this section, notify the 9626  
victim of the offense or the victim's representative pursuant to 9627  
division (B) of section 2930.16 of the Revised Code; 9628

(2) If the offense was an offense of violence that is a 9629  
felony of the first, second, or third degree, except as 9630  
otherwise provided in this division, notify the victim or the 9631  
victim's representative of the hearing regardless of whether the 9632  
victim or victim's representative has requested the 9633  
notification. The notice of the hearing shall not be given under 9634  
this division to a victim or victim's representative if the 9635  
victim or victim's representative has requested pursuant to 9636  
division (B) (2) of section 2930.03 of the Revised Code that the 9637  
victim or the victim's representative not be provided the 9638  
notice. If notice is to be provided to a victim or victim's 9639  
representative under this division, the prosecuting attorney may 9640  
give the notice by any reasonable means, including regular mail, 9641  
telephone, and electronic mail, in accordance with division (D) 9642  
(1) of section 2930.16 of the Revised Code. If the notice is 9643  
based on an offense committed prior to March 22, 2013, the 9644  
notice also shall include the opt-out information described in 9645  
division (D) (1) of section 2930.16 of the Revised Code. The 9646  
prosecuting attorney, in accordance with division (D) (2) of 9647  
section 2930.16 of the Revised Code, shall keep a record of all 9648  
attempts to provide the notice, and of all notices provided, 9649  
under this division. Division (E) (2) of this section, and the 9650  
notice-related provisions of division (K) of this section, 9651  
division (D) (1) of section 2930.16, division (H) of section 9652  
2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) 9653  
(b) of section 2967.26, division (D) (1) of section 2967.28, and 9654

division (A) (2) of section 5149.101 of the Revised Code enacted 9655  
in the act in which division (E) (2) of this section was enacted, 9656  
shall be known as "Roberta's Law." 9657

(F) Upon an offender's successful completion of 9658  
rehabilitative activities, the head of the state correctional 9659  
institution may notify the sentencing court of the successful 9660  
completion of the activities. 9661

(G) Prior to the date of the hearing on a motion for 9662  
judicial release under this section, the head of the state 9663  
correctional institution in which the eligible offender is 9664  
confined shall send to the court an institutional summary report 9665  
on the eligible offender's conduct in the institution and in any 9666  
institution from which the eligible offender may have been 9667  
transferred. Upon the request of the prosecuting attorney of the 9668  
county in which the eligible offender was indicted or of any law 9669  
enforcement agency, the head of the state correctional 9670  
institution, at the same time the person sends the institutional 9671  
summary report to the court, also shall send a copy of the 9672  
report to the requesting prosecuting attorney and law 9673  
enforcement agencies. The institutional summary report shall 9674  
cover the eligible offender's participation in school, 9675  
vocational training, work, treatment, and other rehabilitative 9676  
activities and any disciplinary action taken against the 9677  
eligible offender. The report shall be made part of the record 9678  
of the hearing. A presentence investigation report is not 9679  
required for judicial release. 9680

(H) If the court grants a hearing on a motion for judicial 9681  
release under this section, the eligible offender shall attend 9682  
the hearing if ordered to do so by the court. Upon receipt of a 9683  
copy of the journal entry containing the order, the head of the 9684

state correctional institution in which the eligible offender is 9685  
incarcerated shall deliver the eligible offender to the sheriff 9686  
of the county in which the hearing is to be held. The sheriff 9687  
shall convey the eligible offender to and from the hearing. 9688

(I) At the hearing on a motion for judicial release under 9689  
this section, the court shall afford the eligible offender and 9690  
the eligible offender's attorney an opportunity to present 9691  
written and, if present, oral information relevant to the 9692  
motion. The court shall afford a similar opportunity to the 9693  
prosecuting attorney, the victim or the victim's representative, 9694  
and any other person the court determines is likely to present 9695  
additional relevant information. The court shall consider any 9696  
statement of a victim made pursuant to section 2930.14 or 9697  
2930.17 of the Revised Code, any victim impact statement 9698  
prepared pursuant to section 2947.051 of the Revised Code, and 9699  
any report made under division (G) of this section. The court 9700  
may consider any written statement of any person submitted to 9701  
the court pursuant to division (L) of this section. After ruling 9702  
on the motion, the court shall notify the victim of the ruling 9703  
in accordance with sections 2930.03 and 2930.16 of the Revised 9704  
Code. 9705

(J) (1) A court shall not grant a judicial release under 9706  
this section to an eligible offender who is imprisoned for a 9707  
felony of the first or second degree, or to an eligible offender 9708  
who committed an offense under Chapter 2925. or 3719. of the 9709  
Revised Code and for whom there was a presumption under section 9710  
2929.13 of the Revised Code in favor of a prison term, unless 9711  
the court, with reference to factors under section 2929.12 of 9712  
the Revised Code, finds both of the following: 9713

(a) That a sanction other than a prison term would 9714

adequately punish the offender and protect the public from 9715  
future criminal violations by the eligible offender because the 9716  
applicable factors indicating a lesser likelihood of recidivism 9717  
outweigh the applicable factors indicating a greater likelihood 9718  
of recidivism; 9719

(b) That a sanction other than a prison term would not 9720  
demean the seriousness of the offense because factors indicating 9721  
that the eligible offender's conduct in committing the offense 9722  
was less serious than conduct normally constituting the offense 9723  
outweigh factors indicating that the eligible offender's conduct 9724  
was more serious than conduct normally constituting the offense. 9725

(2) A court that grants a judicial release to an eligible 9726  
offender under division (J) (1) of this section shall specify on 9727  
the record both findings required in that division and also 9728  
shall list all the factors described in that division that were 9729  
presented at the hearing. 9730

(K) If the court grants a motion for judicial release 9731  
under this section, the court shall order the release of the 9732  
eligible offender, shall place the eligible offender under an 9733  
appropriate community control sanction, under appropriate 9734  
conditions, and under the supervision of the department of 9735  
probation serving the court and shall reserve the right to 9736  
reimpose the sentence that it reduced if the offender violates 9737  
the sanction. If the court reimposes the reduced sentence, it 9738  
may do so either concurrently with, or consecutive to, any new 9739  
sentence imposed upon the eligible offender as a result of the 9740  
violation that is a new offense. Except as provided in division 9741  
(R) (2) of this section, the period of community control shall be 9742  
no longer than five years. The court, in its discretion, may 9743  
reduce the period of community control by the amount of time the 9744

eligible offender spent in jail or prison for the offense and in 9745  
prison. If the court made any findings pursuant to division (J) 9746  
(1) of this section, the court shall serve a copy of the 9747  
findings upon counsel for the parties within fifteen days after 9748  
the date on which the court grants the motion for judicial 9749  
release. 9750

If the court grants a motion for judicial release, the 9751  
court shall notify the appropriate person at the department of 9752  
rehabilitation and correction, and the department shall post 9753  
notice of the release on the database it maintains pursuant to 9754  
section 5120.66 of the Revised Code. The court also shall notify 9755  
the prosecuting attorney of the county in which the eligible 9756  
offender was indicted that the motion has been granted. Unless 9757  
the victim or the victim's representative has requested pursuant 9758  
to division (B) (2) of section 2930.03 of the Revised Code that 9759  
the victim or victim's representative not be provided the 9760  
notice, the prosecuting attorney shall notify the victim or the 9761  
victim's representative of the judicial release in any manner, 9762  
and in accordance with the same procedures, pursuant to which 9763  
the prosecuting attorney is authorized to provide notice of the 9764  
hearing pursuant to division (E) (2) of this section. If the 9765  
notice is based on an offense committed prior to March 22, 2013, 9766  
the notice to the victim or victim's representative also shall 9767  
include the opt-out information described in division (D) (1) of 9768  
section 2930.16 of the Revised Code. 9769

(L) In addition to and independent of the right of a 9770  
victim to make a statement pursuant to section 2930.14, 2930.17, 9771  
or 2946.051 of the Revised Code and any right of a person to 9772  
present written information or make a statement pursuant to 9773  
division (I) of this section, any person may submit to the 9774  
court, at any time prior to the hearing on the offender's motion 9775

for judicial release, a written statement concerning the effects 9776  
of the offender's crime or crimes, the circumstances surrounding 9777  
the crime or crimes, the manner in which the crime or crimes 9778  
were perpetrated, and the person's opinion as to whether the 9779  
offender should be released. 9780

(M) The changes to this section that are made on September 9781  
30, 2011, apply to any judicial release decision made on or 9782  
after September 30, 2011, for any eligible offender. 9783

(N) Notwithstanding the eligibility requirements specified 9784  
in division (A) of this section and the filing time frames 9785  
specified in division (C) of this section and notwithstanding 9786  
the findings required under division (J) of this section, the 9787  
sentencing court, upon the court's own motion and after 9788  
considering whether the release of the offender into society 9789  
would create undue risk to public safety, may grant a judicial 9790  
release to an offender who is not serving a life sentence at any 9791  
time during the offender's imposed sentence when the director of 9792  
rehabilitation and correction certifies to the sentencing court 9793  
through the chief medical officer for the department of 9794  
rehabilitation and correction that the offender is in imminent 9795  
danger of death, is medically incapacitated, or is suffering 9796  
from a terminal illness. 9797

(O) The director of rehabilitation and correction shall 9798  
not certify any offender under division (N) of this section who 9799  
is serving a death sentence. 9800

(P) A motion made by the court under division (N) of this 9801  
section is subject to the notice, hearing, and other procedural 9802  
requirements specified in divisions (D), (E), (G), (H), (I), 9803  
(K), and (L) of this section, except for the following: 9804

(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding.

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

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

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

(a) Order the release of the offender;

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

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

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

(S) If the health of an offender who is released under 9833  
division (N) of this section improves so that the offender is no 9834  
longer terminally ill, medically incapacitated, or in imminent 9835  
danger of death, the court shall, upon the court's own motion, 9836  
revoke the judicial release. The court shall not grant the 9837  
motion without a hearing unless the offender waives a hearing. 9838  
If a hearing is held, the court shall afford the offender and 9839  
the offender's attorney an opportunity to present written and, 9840  
if the offender or the offender's attorney is present, oral 9841  
information relevant to the motion. The court shall afford a 9842  
similar opportunity to the prosecuting attorney, the victim or 9843  
the victim's representative, and any other person the court 9844  
determines is likely to present additional relevant information. 9845  
A court that grants a motion under this division shall specify 9846  
its findings on the record. 9847

**Sec. 2929.61.** (A) Persons charged with a capital offense 9848  
committed prior to January 1, 1974, shall be prosecuted under 9849  
the law as it existed at the time the offense was committed, 9850  
and, if convicted, shall be imprisoned for life, except that 9851  
whenever the statute under which any such person is prosecuted 9852  
provides for a lesser penalty under the circumstances of the 9853  
particular case, such lesser penalty shall be imposed. 9854

(B) Persons charged with an offense, other than a capital 9855  
offense, committed prior to January 1, 1974, shall be prosecuted 9856  
under the law as it existed at the time the offense was 9857  
committed. Persons convicted or sentenced on or after January 1, 9858  
1974, for an offense committed prior to January 1, 1974, shall 9859  
be sentenced according to the penalty for commission of the 9860  
substantially equivalent offense under Amended Substitute House 9861  
Bill 511 of the 109th General Assembly. If the offense for which 9862  
sentence is being imposed does not have a substantial equivalent 9863

under that act, or if that act provides a more severe penalty 9864  
than that originally prescribed for the offense of which the 9865  
person is convicted, then sentence shall be imposed under the 9866  
law as it existed prior to January 1, 1974. 9867

(C) Persons charged with an offense that is a felony of 9868  
the third or fourth degree and that was committed on or after 9869  
January 1, 1974, and before July 1, 1983, shall be prosecuted 9870  
under the law as it existed at the time the offense was 9871  
committed. Persons convicted or sentenced on or after July 1, 9872  
1983, for an offense that is a felony of the third or fourth 9873  
degree and that was committed on or after January 1, 1974, and 9874  
before July 1, 1983, shall be notified by the court sufficiently 9875  
in advance of sentencing that they may choose to be sentenced 9876  
pursuant to either the law in effect at the time of the 9877  
commission of the offense or the law in effect at the time of 9878  
sentencing. This notice shall be written and shall include the 9879  
differences between and possible effects of the alternative 9880  
sentence forms and the effect of the person's refusal to choose. 9881  
The person to be sentenced shall then inform the court in 9882  
writing of ~~his~~ the person's choice, and shall be sentenced 9883  
accordingly. Any person choosing to be sentenced pursuant to the 9884  
law in effect at the time of the commission of an offense that 9885  
is a felony of the third or fourth degree shall then be eligible 9886  
for parole, and this person cannot at a later date have ~~his~~ the 9887  
person's sentence converted to a definite sentence. If the 9888  
person refuses to choose between the two possible sentences, the 9889  
person shall be sentenced pursuant to the law in effect at the 9890  
time of the commission of the offense. 9891

(D) Persons charged with an offense that was a felony of 9892  
the first or second degree at the time it was committed, that 9893  
was committed on or after January 1, 1974, and that was 9894

committed prior to July 1, 1983, shall be prosecuted for that 9895  
offense and, if convicted, shall be sentenced under the law as 9896  
it existed at the time the offense was committed. 9897

(E) Persons charged with an offense that is a felony of 9898  
the first or second degree that was committed prior to the 9899  
effective date of this amendment shall be prosecuted for that 9900  
offense and, if convicted, shall be sentenced under the law as 9901  
it existed at the time the offense was committed. 9902

**Sec. 2930.16.** (A) If a defendant is incarcerated, a victim 9903  
in a case who has requested to receive notice under this section 9904  
shall be given notice of the incarceration of the defendant. If 9905  
an alleged juvenile offender is committed to the temporary 9906  
custody of a school, camp, institution, or other facility 9907  
operated for the care of delinquent children or to the legal 9908  
custody of the department of youth services, a victim in a case 9909  
who has requested to receive notice under this section shall be 9910  
given notice of the commitment. Promptly after sentence is 9911  
imposed upon the defendant or the commitment of the alleged 9912  
juvenile offender is ordered, the prosecutor in the case shall 9913  
notify the victim of the date on which the defendant will be 9914  
released, or initially will be eligible for release, from 9915  
confinement or the prosecutor's reasonable estimate of that date 9916  
or the date on which the alleged juvenile offender will have 9917  
served the minimum period of commitment or the prosecutor's 9918  
reasonable estimate of that date. The prosecutor also shall 9919  
notify the victim of the name of the custodial agency of the 9920  
defendant or alleged juvenile offender and tell the victim how 9921  
to contact that custodial agency. If the custodial agency is the 9922  
department of rehabilitation and correction, the prosecutor 9923  
shall notify the victim of the services offered by the office of 9924  
victims' services pursuant to section 5120.60 of the Revised 9925

Code. If the custodial agency is the department of youth 9926  
services, the prosecutor shall notify the victim of the services 9927  
provided by the office of victims' services within the release 9928  
authority of the department pursuant to section 5139.55 of the 9929  
Revised Code and the victim's right pursuant to section 5139.56 9930  
of the Revised Code to submit a written request to the release 9931  
authority to be notified of actions the release authority takes 9932  
with respect to the alleged juvenile offender. The victim shall 9933  
keep the custodial agency informed of the victim's current 9934  
address and telephone number. 9935

(B) (1) Upon the victim's request or in accordance with 9936  
division (D) of this section, the prosecutor promptly shall 9937  
notify the victim of any hearing for judicial release of the 9938  
defendant pursuant to section 2929.20 of the Revised Code, of 9939  
any hearing for release of the defendant pursuant to section 9940  
2967.19 of the Revised Code, or of any hearing for judicial 9941  
release or early release of the alleged juvenile offender 9942  
pursuant to section 2151.38 of the Revised Code and of the 9943  
victim's right to make a statement under those sections. The 9944  
court shall notify the victim of its ruling in each of those 9945  
hearings and on each of those applications. 9946

(2) If an offender is sentenced to a prison term pursuant 9947  
to division (A) (3) or (B) of section 2971.03 of the Revised 9948  
Code, upon the request of the victim of the crime or in 9949  
accordance with division (D) of this section, the prosecutor 9950  
promptly shall notify the victim of any hearing to be conducted 9951  
pursuant to section 2971.05 of the Revised Code to determine 9952  
whether to modify the requirement that the offender serve the 9953  
entire prison term in a state correctional facility in 9954  
accordance with division (C) of that section, whether to 9955  
continue, revise, or revoke any existing modification of that 9956

requirement, or whether to terminate the prison term in 9957  
accordance with division (D) of that section. The court shall 9958  
notify the victim of any order issued at the conclusion of the 9959  
hearing. 9960

(C) Upon the victim's request made at any time before the 9961  
particular notice would be due or in accordance with division 9962  
(D) of this section, the custodial agency of a defendant or 9963  
alleged juvenile offender shall give the victim any of the 9964  
following notices that is applicable: 9965

(1) At least sixty days before the adult parole authority 9966  
recommends a pardon or commutation of sentence for the defendant 9967  
or at least sixty days prior to a hearing before the adult 9968  
parole authority regarding a grant of parole to the defendant, 9969  
notice of the victim's right to submit a statement regarding the 9970  
impact of the defendant's release in accordance with section 9971  
2967.12 of the Revised Code and, if applicable, of the victim's 9972  
right to appear at a full board hearing of the parole board to 9973  
give testimony as authorized by section 5149.101 of the Revised 9974  
Code; and at least sixty days prior to a hearing before the 9975  
department regarding a determination of whether the inmate must 9976  
be released under division (C) or (D) (2) of section 2967.271 of 9977  
the Revised Code if the inmate is serving a non-life felony 9978  
indefinite prison term, notice of the fact that the inmate will 9979  
be having a hearing regarding a possible grant of release, the 9980  
date of any hearing regarding a possible grant of release, and 9981  
the right of any person to submit a written statement regarding 9982  
the pending action; 9983

(2) At least sixty days before the defendant is 9984  
transferred to transitional control under section 2967.26 of the 9985  
Revised Code, notice of the pendency of the transfer and of the 9986

victim's right under that section to submit a statement 9987  
regarding the impact of the transfer; 9988

(3) At least sixty days before the release authority of 9989  
the department of youth services holds a release review, release 9990  
hearing, or discharge review for the alleged juvenile offender, 9991  
notice of the pendency of the review or hearing, of the victim's 9992  
right to make an oral or written statement regarding the impact 9993  
of the crime upon the victim or regarding the possible release 9994  
or discharge, and, if the notice pertains to a hearing, of the 9995  
victim's right to attend and make statements or comments at the 9996  
hearing as authorized by section 5139.56 of the Revised Code; 9997

(4) Prompt notice of the defendant's or alleged juvenile 9998  
offender's escape from a facility of the custodial agency in 9999  
which the defendant was incarcerated or in which the alleged 10000  
juvenile offender was placed after commitment, of the 10001  
defendant's or alleged juvenile offender's absence without leave 10002  
from a mental health or developmental disabilities facility or 10003  
from other custody, and of the capture of the defendant or 10004  
alleged juvenile offender after an escape or absence; 10005

(5) Notice of the defendant's or alleged juvenile 10006  
offender's death while in confinement or custody; 10007

(6) Notice of the filing of a petition by the director of 10008  
rehabilitation and correction pursuant to section 2967.19 of the 10009  
Revised Code requesting the early release under that section of 10010  
the defendant; 10011

(7) Notice of the defendant's or alleged juvenile 10012  
offender's release from confinement or custody and the terms and 10013  
conditions of the release. 10014

(D) (1) If a defendant is incarcerated for the commission 10015

of aggravated murder, murder, or an offense of violence that is 10016  
a felony of the first, second, or third degree or is under a 10017  
sentence of life imprisonment or if an alleged juvenile offender 10018  
has been charged with the commission of an act that would be 10019  
aggravated murder, murder, or an offense of violence that is a 10020  
felony of the first, second, or third degree or be subject to a 10021  
sentence of life imprisonment if committed by an adult, except 10022  
as otherwise provided in this division, the notices described in 10023  
divisions (B) and (C) of this section shall be given regardless 10024  
of whether the victim has requested the notification. The 10025  
notices described in divisions (B) and (C) of this section shall 10026  
not be given under this division to a victim if the victim has 10027  
requested pursuant to division (B) (2) of section 2930.03 of the 10028  
Revised Code that the victim not be provided the notice. 10029  
Regardless of whether the victim has requested that the notices 10030  
described in division (C) of this section be provided or not be 10031  
provided, the custodial agency shall give notice similar to 10032  
those notices to the prosecutor in the case, to the sentencing 10033  
court, to the law enforcement agency that arrested the defendant 10034  
or alleged juvenile offender if any officer of that agency was a 10035  
victim of the offense, and to any member of the victim's 10036  
immediate family who requests notification. If the notice given 10037  
under this division to the victim is based on an offense 10038  
committed prior to March 22, 2013, and if the prosecutor or 10039  
custodial agency has not previously successfully provided any 10040  
notice to the victim under this division or division (B) or (C) 10041  
of this section with respect to that offense and the offender 10042  
who committed it, the notice also shall inform the victim that 10043  
the victim may request that the victim not be provided any 10044  
further notices with respect to that offense and the offender 10045  
who committed it and shall describe the procedure for making 10046  
that request. If the notice given under this division to the 10047

victim pertains to a hearing regarding a grant of a parole to the defendant, the notice also shall inform the victim that the victim, a member of the victim's immediate family, or the victim's representative may request a victim conference, as described in division (E) of this section, and shall provide an explanation of a victim conference.

The prosecutor or custodial agency may give the notices to which this division applies by any reasonable means, including regular mail, telephone, and electronic mail. If the prosecutor or custodial agency attempts to provide notice to a victim under this division but the attempt is unsuccessful because the prosecutor or custodial agency is unable to locate the victim, is unable to provide the notice by its chosen method because it cannot determine the mailing address, telephone number, or electronic mail address at which to provide the notice, or, if the notice is sent by mail, the notice is returned, the prosecutor or custodial agency shall make another attempt to provide the notice to the victim. If the second attempt is unsuccessful, the prosecutor or custodial agency shall make at least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D)(2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D)(1) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19, division (A)(3)(b) of section 2967.26, division (D)(1)

of section 2967.28, and division (A)(2) of section 5149.101 of 10079  
the Revised Code enacted in the act in which division (D)(1) of 10080  
this section was enacted, shall be known as "Roberta's Law." 10081

(2) Each prosecutor and custodial agency that attempts to 10082  
give any notice to which division (D)(1) of this section applies 10083  
shall keep a record of all attempts to give the notice. The 10084  
record shall indicate the person who was to be the recipient of 10085  
the notice, the date on which the attempt was made, the manner 10086  
in which the attempt was made, and the person who made the 10087  
attempt. If the attempt is successful and the notice is given, 10088  
the record shall indicate that fact. The record shall be kept in 10089  
a manner that allows public inspection of attempts and notices 10090  
given to persons other than victims without revealing the names, 10091  
addresses, or other identifying information relating to victims. 10092  
The record of attempts and notices given to victims is not a 10093  
public record, but the prosecutor or custodial agency shall 10094  
provide upon request a copy of that record to a prosecuting 10095  
attorney, judge, law enforcement agency, or member of the 10096  
general assembly. The record of attempts and notices given to 10097  
persons other than victims is a public record. A record kept 10098  
under this division may be indexed by offender name, or in any 10099  
other manner determined by the prosecutor or the custodial 10100  
agency. Each prosecutor or custodial agency that is required to 10101  
keep a record under this division shall determine the procedures 10102  
for keeping the record and the manner in which it is to be kept, 10103  
subject to the requirements of this division. 10104

(E) The adult parole authority shall adopt rules under 10105  
Chapter 119. of the Revised Code providing for a victim 10106  
conference, upon request of the victim, a member of the victim's 10107  
immediate family, or the victim's representative, prior to a 10108  
parole hearing in the case of a prisoner who is incarcerated for 10109

the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment. The rules shall provide for, but not be limited to, all of the following:

(1) Subject to division (E)(3) of this section, attendance by the victim, members of the victim's immediate family, the victim's representative, and, if practicable, other individuals;

(2) Allotment of up to one hour for the conference;

(3) A specification of the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, if limited by the department pursuant to division (F) of this section.

(F) The department may limit the number of persons specified in division (E)(1) of this section who may be present at any single victim conference, provided that the department shall not limit the number of persons who may be present at any single conference to fewer than three. If the department limits the number of persons who may be present at any single victim conference, the department shall permit and schedule, upon request of the victim, a member of the victim's immediate family, or the victim's representative, multiple victim conferences for the persons specified in division (E)(1) of this section.

(G) As used in this section, "victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.

**Sec. 2943.032.** (A) Prior to accepting a guilty plea or a plea of no contest to an indictment, information, or complaint that charges a felony, the court shall inform the defendant personally that, if the defendant pleads guilty or no contest to

the felony so charged or any other felony, if the court imposes 10139  
a prison term upon the defendant for the felony, and if the 10140  
offender violates the conditions of a post-release control 10141  
sanction imposed by the parole board upon the completion of the 10142  
stated prison term, the parole board may impose upon the 10143  
offender a residential sanction that includes a new prison term 10144  
of up to nine months, subject to a maximum cumulative prison 10145  
term for all violations that does not exceed one-half of the 10146  
definite prison term that is the stated prison term originally 10147  
imposed upon the offender or, with respect to a non-life felony 10148  
indefinite prison term, one-half of the minimum prison term 10149  
included as part of the stated non-life felony indefinite prison 10150  
term originally imposed on the offender. 10151

(B) As used in this section, "non-life felony indefinite 10152  
prison term" has the same meaning as in section 2929.01 of the 10153  
Revised Code. 10154

**Sec. 2953.08.** (A) In addition to any other right to appeal 10155  
and except as provided in division (D) of this section, a 10156  
defendant who is convicted of or pleads guilty to a felony may 10157  
appeal as a matter of right the sentence imposed upon the 10158  
defendant on one of the following grounds: 10159

(1) The sentence consisted of or included the maximum 10160  
definite prison term allowed for the offense by division (A) of 10161  
section 2929.14 or section 2929.142 of the Revised Code or, with 10162  
respect to a non-life felony indefinite prison term, the longest 10163  
minimum prison term allowed for the offense by division (A) (1) 10164  
(a) or (2) (a) of section 2929.14 of the Revised Code, the 10165  
maximum definite prison term or longest minimum prison term was 10166  
not required for the offense pursuant to Chapter 2925. or any 10167  
other provision of the Revised Code, and the court imposed the 10168

sentence under one of the following circumstances: 10169

(a) The sentence was imposed for only one offense. 10170

(b) The sentence was imposed for two or more offenses 10171  
arising out of a single incident, and the court imposed the 10172  
maximum definite prison term or longest minimum prison term for 10173  
the offense of the highest degree. 10174

(2) The sentence consisted of or included a prison term 10175  
and the offense for which it was imposed is a felony of the 10176  
fourth or fifth degree or is a felony drug offense that is a 10177  
violation of a provision of Chapter 2925. of the Revised Code 10178  
and that is specified as being subject to division (B) of 10179  
section 2929.13 of the Revised Code for purposes of sentencing. 10180  
If the court specifies that it found one or more of the factors 10181  
in division (B) (1) (b) of section 2929.13 of the Revised Code to 10182  
apply relative to the defendant, the defendant is not entitled 10183  
under this division to appeal as a matter of right the sentence 10184  
imposed upon the offender. 10185

(3) The person was convicted of or pleaded guilty to a 10186  
violent sex offense or a designated homicide, assault, or 10187  
kidnapping offense, was adjudicated a sexually violent predator 10188  
in relation to that offense, and was sentenced pursuant to 10189  
division (A) (3) of section 2971.03 of the Revised Code, if the 10190  
minimum term of the indefinite term imposed pursuant to division 10191  
(A) (3) of section 2971.03 of the Revised Code is the longest 10192  
term available for the offense from among the range of definite 10193  
terms listed in section 2929.14 of the Revised Code or, with 10194  
respect to a non-life felony indefinite prison term, the longest 10195  
minimum prison term allowed for the offense by division (A) (1) 10196  
(a) or (2) (a) of section 2929.14 of the Revised Code. As used in 10197  
this division, "designated homicide, assault, or kidnapping 10198

offense" and "violent sex offense" have the same meanings as in 10199  
section 2971.01 of the Revised Code. As used in this division, 10200  
"adjudicated a sexually violent predator" has the same meaning 10201  
as in section 2929.01 of the Revised Code, and a person is 10202  
"adjudicated a sexually violent predator" in the same manner and 10203  
the same circumstances as are described in that section. 10204

(4) The sentence is contrary to law. 10205

(5) The sentence consisted of an additional prison term of 10206  
ten years imposed pursuant to division (B)(2)(a) of section 10207  
2929.14 of the Revised Code. 10208

(B) In addition to any other right to appeal and except as 10209  
provided in division (D) of this section, a prosecuting 10210  
attorney, a city director of law, village solicitor, or similar 10211  
chief legal officer of a municipal corporation, or the attorney 10212  
general, if one of those persons prosecuted the case, may appeal 10213  
as a matter of right a sentence imposed upon a defendant who is 10214  
convicted of or pleads guilty to a felony or, in the 10215  
circumstances described in division (B)(3) of this section the 10216  
modification of a sentence imposed upon such a defendant, on any 10217  
of the following grounds: 10218

(1) The sentence did not include a prison term despite a 10219  
presumption favoring a prison term for the offense for which it 10220  
was imposed, as set forth in section 2929.13 or Chapter 2925. of 10221  
the Revised Code. 10222

(2) The sentence is contrary to law. 10223

(3) The sentence is a modification under section 2929.20 10224  
of the Revised Code of a sentence that was imposed for a felony 10225  
of the first or second degree. 10226

(C)(1) In addition to the right to appeal a sentence 10227

granted under division (A) or (B) of this section, a defendant 10228  
who is convicted of or pleads guilty to a felony may seek leave 10229  
to appeal a sentence imposed upon the defendant on the basis 10230  
that the sentencing judge has imposed consecutive sentences 10231  
under division (C) (3) of section 2929.14 of the Revised Code and 10232  
that the consecutive sentences exceed the maximum definite 10233  
prison term allowed by division (A) of that section for the most 10234  
serious offense of which the defendant was convicted or, with 10235  
respect to a non-life felony indefinite prison term, exceed the 10236  
longest minimum prison term allowed by division (A) (1) (a) or (2) 10237  
(a) of that section for the most serious such offense. Upon the 10238  
filing of a motion under this division, the court of appeals may 10239  
grant leave to appeal the sentence if the court determines that 10240  
the allegation included as the basis of the motion is true. 10241

(2) A defendant may seek leave to appeal an additional 10242  
sentence imposed upon the defendant pursuant to division (B) (2) 10243  
(a) or (b) of section 2929.14 of the Revised Code if the 10244  
additional sentence is for a definite prison term that is longer 10245  
than five years. 10246

(D) (1) A sentence imposed upon a defendant is not subject 10247  
to review under this section if the sentence is authorized by 10248  
law, has been recommended jointly by the defendant and the 10249  
prosecution in the case, and is imposed by a sentencing judge. 10250

(2) Except as provided in division (C) (2) of this section, 10251  
a sentence imposed upon a defendant is not subject to review 10252  
under this section if the sentence is imposed pursuant to 10253  
division (B) (2) (b) of section 2929.14 of the Revised Code. 10254  
Except as otherwise provided in this division, a defendant 10255  
retains all rights to appeal as provided under this chapter or 10256  
any other provision of the Revised Code. A defendant has the 10257

right to appeal under this chapter or any other provision of the 10258  
Revised Code the court's application of division (B) (2) (c) of 10259  
section 2929.14 of the Revised Code. 10260

(3) A sentence imposed for aggravated murder or murder 10261  
pursuant to sections 2929.02 to 2929.06 of the Revised Code is 10262  
not subject to review under this section. 10263

(E) A defendant, prosecuting attorney, city director of 10264  
law, village solicitor, or chief municipal legal officer shall 10265  
file an appeal of a sentence under this section to a court of 10266  
appeals within the time limits specified in Rule 4(B) of the 10267  
Rules of Appellate Procedure, provided that if the appeal is 10268  
pursuant to division (B) (3) of this section, the time limits 10269  
specified in that rule shall not commence running until the 10270  
court grants the motion that makes the sentence modification in 10271  
question. A sentence appeal under this section shall be 10272  
consolidated with any other appeal in the case. If no other 10273  
appeal is filed, the court of appeals may review only the 10274  
portions of the trial record that pertain to sentencing. 10275

(F) On the appeal of a sentence under this section, the 10276  
record to be reviewed shall include all of the following, as 10277  
applicable: 10278

(1) Any presentence, psychiatric, or other investigative 10279  
report that was submitted to the court in writing before the 10280  
sentence was imposed. An appellate court that reviews a 10281  
presentence investigation report prepared pursuant to section 10282  
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 10283  
connection with the appeal of a sentence under this section 10284  
shall comply with division (D) (3) of section 2951.03 of the 10285  
Revised Code when the appellate court is not using the 10286  
presentence investigation report, and the appellate court's use 10287

of a presentence investigation report of that nature in 10288  
connection with the appeal of a sentence under this section does 10289  
not affect the otherwise confidential character of the contents 10290  
of that report as described in division (D) (1) of section 10291  
2951.03 of the Revised Code and does not cause that report to 10292  
become a public record, as defined in section 149.43 of the 10293  
Revised Code, following the appellate court's use of the report. 10294

(2) The trial record in the case in which the sentence was 10295  
imposed; 10296

(3) Any oral or written statements made to or by the court 10297  
at the sentencing hearing at which the sentence was imposed; 10298

(4) Any written findings that the court was required to 10299  
make in connection with the modification of the sentence 10300  
pursuant to a judicial release under division (I) of section 10301  
2929.20 of the Revised Code. 10302

(G) (1) If the sentencing court was required to make the 10303  
findings required by division (B) or (D) of section 2929.13 or 10304  
division (I) of section 2929.20 of the Revised Code, or to state 10305  
the findings of the trier of fact required by division (B) (2) (e) 10306  
of section 2929.14 of the Revised Code, relative to the 10307  
imposition or modification of the sentence, and if the 10308  
sentencing court failed to state the required findings on the 10309  
record, the court hearing an appeal under division (A), (B), or 10310  
(C) of this section shall remand the case to the sentencing 10311  
court and instruct the sentencing court to state, on the record, 10312  
the required findings. 10313

(2) The court hearing an appeal under division (A), (B), 10314  
or (C) of this section shall review the record, including the 10315  
findings underlying the sentence or modification given by the 10316

sentencing court. 10317

The appellate court may increase, reduce, or otherwise 10318  
modify a sentence that is appealed under this section or may 10319  
vacate the sentence and remand the matter to the sentencing 10320  
court for resentencing. The appellate court's standard for 10321  
review is not whether the sentencing court abused its 10322  
discretion. The appellate court may take any action authorized 10323  
by this division if it clearly and convincingly finds either of 10324  
the following: 10325

(a) That the record does not support the sentencing 10326  
court's findings under division (B) or (D) of section 2929.13, 10327  
division (B) (2) (e) or (C) (4) of section 2929.14, or division (I) 10328  
of section 2929.20 of the Revised Code, whichever, if any, is 10329  
relevant; 10330

(b) That the sentence is otherwise contrary to law. 10331

(H) A judgment or final order of a court of appeals under 10332  
this section may be appealed, by leave of court, to the supreme 10333  
court. 10334

(I) As used in this section, "non-life felony indefinite 10335  
prison term" has the same meaning as in section 2929.01 of the 10336  
Revised Code. 10337

**Sec. 2967.01.** As used in this chapter: 10338

(A) "State correctional institution" includes any 10339  
institution or facility that is operated by the department of 10340  
rehabilitation and correction and that is used for the custody, 10341  
care, or treatment of criminal, delinquent, or psychologically 10342  
or psychiatrically disturbed offenders. 10343

(B) "Pardon" means the remission of penalty by the 10344

governor in accordance with the power vested in the governor by 10345  
the constitution. 10346

(C) "Commutation" or "commutation of sentence" means the 10347  
substitution by the governor of a lesser for a greater 10348  
punishment. A stated prison term may be commuted without the 10349  
consent of the convict, except when granted upon the acceptance 10350  
and performance by the convict of conditions precedent. After 10351  
commutation, the commuted prison term shall be the only one in 10352  
existence. The commutation may be stated in terms of commuting 10353  
from a named offense to a lesser included offense with a shorter 10354  
prison term, in terms of commuting from a stated prison term in 10355  
months and years to a shorter prison term in months and years, 10356  
or in terms of commuting from any other stated prison term to a 10357  
shorter prison term. 10358

(D) "Reprieve" means the temporary suspension by the 10359  
governor of the execution of a sentence or prison term. The 10360  
governor may grant a reprieve without the consent of and against 10361  
the will of the convict. 10362

(E) "Parole" means, regarding a prisoner who is serving a 10363  
prison term for aggravated murder or murder, who is serving a 10364  
prison term of life imprisonment for rape or for felonious 10365  
sexual penetration as it existed under section 2907.12 of the 10366  
Revised Code prior to September 3, 1996, or who was sentenced 10367  
prior to July 1, 1996, a release of the prisoner from 10368  
confinement in any state correctional institution by the adult 10369  
parole authority that is subject to the eligibility criteria 10370  
specified in this chapter and that is under the terms and 10371  
conditions, and for the period of time, prescribed by the 10372  
authority in its published rules and official minutes or 10373  
required by division (A) of section 2967.131 of the Revised Code 10374

or another provision of this chapter. 10375

(F) "Head of a state correctional institution" or "head of the institution" means the resident head of the institution and the person immediately in charge of the institution, whether designated warden, superintendent, or any other name by which the head is known. 10376  
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(G) "Convict" means a person who has been convicted of a felony under the laws of this state, whether or not actually confined in a state correctional institution, unless the person has been pardoned or has served the person's sentence or prison term. 10381  
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(H) "Prisoner" means a person who is in actual confinement in a state correctional institution. 10386  
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(I) "Parolee" means any inmate who has been released from confinement on parole by order of the adult parole authority or conditionally pardoned, who is under supervision of the adult parole authority and has not been granted a final release, and who has not been declared in violation of the inmate's parole by the authority or is performing the prescribed conditions of a conditional pardon. 10388  
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(J) "Releasee" means an inmate who has been released from confinement pursuant to section 2967.28 of the Revised Code under a period of post-release control that includes one or more post-release control sanctions. 10395  
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(K) "Final release" means a remission by the adult parole authority of the balance of the sentence or prison term of a parolee or prisoner or the termination by the authority of a term of post-release control of a releasee. 10399  
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(L) "Parole violator" or "release violator" means any 10403

parolee or releasee who has been declared to be in violation of 10404  
the condition of parole or post-release control specified in 10405  
division (A) or (B) of section 2967.131 of the Revised Code or 10406  
in violation of any other term, condition, or rule of the 10407  
parolee's or releasee's parole or of the parolee's or releasee's 10408  
post-release control sanctions, the determination of which has 10409  
been made by the adult parole authority and recorded in its 10410  
official minutes. 10411

(M) "Administrative release" means a termination of 10412  
jurisdiction over a particular sentence or prison term by the 10413  
adult parole authority for administrative convenience. 10414

(N) "Post-release control" means a period of supervision 10415  
by the adult parole authority after a prisoner's release from 10416  
imprisonment, other than under a term of life imprisonment, that 10417  
includes one or more post-release control sanctions imposed 10418  
under section 2967.28 of the Revised Code. 10419

(O) "Post-release control sanction" means a sanction that 10420  
is authorized under sections 2929.16 to 2929.18 of the Revised 10421  
Code and that is imposed upon a prisoner upon the prisoner's 10422  
release from a prison term other than a term of life 10423  
imprisonment. 10424

(P) "Community control sanction," "prison term," 10425  
"mandatory prison term," and "stated prison term" have the same 10426  
meanings as in section 2929.01 of the Revised Code. 10427

(Q) "Transitional control" means control of a prisoner 10428  
under the transitional control program established by the 10429  
department of rehabilitation and correction under section 10430  
2967.26 of the Revised Code, if the department establishes a 10431  
program of that nature under that section. 10432

(R) "Random drug testing" has the same meaning as in 10433  
section 5120.63 of the Revised Code. 10434

(S) "Non-life felony indefinite prison term" has the same 10435  
meaning as in section 2929.01 of the Revised Code. 10436

**Sec. 2967.021.** (A) Chapter 2967. of the Revised Code, as 10437  
it existed prior to July 1, 1996, applies to a person upon whom 10438  
a court imposed a term of imprisonment prior to July 1, 1996, 10439  
and a person upon whom a court, on or after July 1, 1996, and in 10440  
accordance with law existing prior to July 1, 1996, imposed a 10441  
term of imprisonment for an offense that was committed prior to 10442  
July 1, 1996. 10443

(B) Chapter 2967. of the Revised Code, as it exists on and 10444  
after July 1, 1996, applies to a person upon whom a court 10445  
imposed a stated prison term for an offense committed on or 10446  
after July 1, 1996, subject to division (C) of this section. 10447

(C) Section 2967.271 of the Revised Code, and other 10448  
provisions of Chapter 2967. of the Revised Code, as they exist 10449  
on and after the effective date of this amendment, apply to a 10450  
person who is sentenced to a non-life felony indefinite prison 10451  
term. 10452

**Sec. 2967.03.** The adult parole authority may exercise its 10453  
functions and duties in relation to the pardon, commutation of 10454  
sentence, or reprieve of a convict upon direction of the 10455  
governor or upon its own initiative. It may exercise its 10456  
functions and duties in relation to the parole of a prisoner who 10457  
is eligible for parole upon the initiative of the head of the 10458  
institution in which the prisoner is confined or upon its own 10459  
initiative. When a prisoner becomes eligible for parole, the 10460  
head of the institution in which the prisoner is confined shall 10461

notify the authority in the manner prescribed by the authority. 10462  
The authority may investigate and examine, or cause the 10463  
investigation and examination of, prisoners confined in state 10464  
correctional institutions concerning their conduct in the 10465  
institutions, their mental and moral qualities and 10466  
characteristics, their knowledge of a trade or profession, their 10467  
former means of livelihood, their family relationships, and any 10468  
other matters affecting their fitness to be at liberty without 10469  
being a threat to society. 10470

The authority may recommend to the governor the pardon, 10471  
commutation of sentence, or reprieve of any convict or prisoner 10472  
or grant a parole to any prisoner for whom parole is authorized, 10473  
if in its judgment there is reasonable ground to believe that 10474  
granting a pardon, commutation, or reprieve to the convict or 10475  
paroling the prisoner would further the interests of justice and 10476  
be consistent with the welfare and security of society. However, 10477  
the authority shall not recommend a pardon or commutation of 10478  
sentence, or grant a parole to, any convict or prisoner until 10479  
the authority has complied with the applicable notice 10480  
requirements of sections 2930.16 and 2967.12 of the Revised Code 10481  
and until it has considered any statement made by a victim or a 10482  
victim's representative that is relevant to the convict's or 10483  
prisoner's case and that was sent to the authority pursuant to 10484  
section 2930.17 of the Revised Code, any other statement made by 10485  
a victim or a victim's representative that is relevant to the 10486  
convict's or prisoner's case and that was received by the 10487  
authority after it provided notice of the pendency of the action 10488  
under sections 2930.16 and 2967.12 of the Revised Code, and any 10489  
written statement of any person submitted to the court pursuant 10490  
to division (I) of section 2967.12 of the Revised Code. If a 10491  
victim, victim's representative, or the victim's spouse, parent, 10492

sibling, or child appears at a full board hearing of the parole board and gives testimony as authorized by section 5149.101 of the Revised Code, the authority shall consider the testimony in determining whether to grant a parole. The trial judge and prosecuting attorney of the trial court in which a person was convicted shall furnish to the authority, at the request of the authority, a summarized statement of the facts proved at the trial and of all other facts having reference to the propriety of recommending a pardon or commutation or granting a parole, together with a recommendation for or against a pardon, commutation, or parole, and the reasons for the recommendation. The trial judge, the prosecuting attorney, specified law enforcement agency members, and a representative of the prisoner may appear at a full board hearing of the parole board and give testimony in regard to the grant of a parole to the prisoner as authorized by section 5149.101 of the Revised Code. All state and local officials shall furnish information to the authority, when so requested by it in the performance of its duties.

The adult parole authority shall exercise its functions and duties in relation to the release of prisoners who are serving a ~~stated definite~~ stated prison term as a stated prison term in accordance with section 2967.28 of the Revised Code, and the authority and the department of rehabilitation and correction shall exercise their functions and duties in relation to the release of prisoners who are serving a non-life felony indefinite prison term as a stated prison term in accordance with sections 2967.271 and 2967.28 of the Revised Code.

**Sec. 2967.13.** (A) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life for an offense committed on or after July 1, 1996, is not entitled to any earned credit under section 2967.193 of the

Revised Code and becomes eligible for parole as follows:	10524
(1) If a sentence of imprisonment for life was imposed for the offense of murder, at the expiration of the prisoner's minimum term;	10525 10526 10527
(2) If a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty years;	10528 10529 10530 10531
(3) If a sentence of imprisonment for life with parole eligibility after serving twenty-five full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of twenty-five full years;	10532 10533 10534 10535
(4) If a sentence of imprisonment for life with parole eligibility after serving thirty full years of imprisonment was imposed pursuant to section 2929.022 or 2929.03 of the Revised Code, after serving a term of thirty full years;	10536 10537 10538 10539
(5) If a sentence of imprisonment for life was imposed for rape, after serving a term of ten full years' imprisonment;	10540 10541
(6) If a sentence of imprisonment for life with parole eligibility after serving fifteen years of imprisonment was imposed for a violation of section 2927.24 of the Revised Code, after serving a term of fifteen years.	10542 10543 10544 10545
(B) Except as provided in division (G) of this section, a prisoner serving a sentence of imprisonment for life with parole eligibility after serving twenty years of imprisonment or a sentence of imprisonment for life with parole eligibility after serving twenty-five full years or thirty full years of imprisonment imposed pursuant to section 2929.022 or 2929.03 of the Revised Code for an offense committed on or after July 1,	10546 10547 10548 10549 10550 10551 10552

1996, consecutively to any other term of imprisonment, becomes 10553  
eligible for parole after serving twenty years, twenty full 10554  
years, or thirty full years, as applicable, as to each such 10555  
sentence of life imprisonment, which shall not be reduced for 10556  
earned credits under section 2967.193 of the Revised Code, plus 10557  
the term or terms of the other sentences consecutively imposed 10558  
or, if one of the other sentences is another type of life 10559  
sentence with parole eligibility, the number of years before 10560  
parole eligibility for that sentence. 10561

(C) Except as provided in division (G) of this section, a 10562  
prisoner serving consecutively two or more sentences in which an 10563  
indefinite term of imprisonment is imposed becomes eligible for 10564  
parole upon the expiration of the aggregate of the minimum terms 10565  
of the sentences. 10566

(D) Except as provided in division (G) of this section, a 10567  
prisoner serving a term of imprisonment who is described in 10568  
division (A) of section 2967.021 of the Revised Code becomes 10569  
eligible for parole as described in that division or, if the 10570  
prisoner is serving a definite term of imprisonment, shall be 10571  
released as described in that division. 10572

(E) A prisoner serving a sentence of life imprisonment 10573  
without parole imposed pursuant to section 2907.02 or section 10574  
2929.03 or 2929.06 of the Revised Code is not eligible for 10575  
parole and shall be imprisoned until death. 10576

(F) A prisoner serving a stated prison term that is a non- 10577  
life felony indefinite prison term shall be released in 10578  
accordance with sections 2967.271 and 2967.28 of the Revised 10579  
Code. A prisoner serving a stated prison term of any other 10580  
nature shall be released in accordance with section 2967.28 of 10581  
the Revised Code. 10582

(G) A prisoner serving a prison term or term of life imprisonment without parole imposed pursuant to section 2971.03 of the Revised Code never becomes eligible for parole during that term of imprisonment.

**Sec. 2967.19.** (A) As used in this section:

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

(2) "Disqualifying prison term" means any of the following:

(a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery;

(b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A) (2) (a) of this section;

(c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;

(d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;

(e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;

(f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;

(g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 10611  
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(h) A prison term imposed for any sexually oriented offense. 10613  
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(3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 10615  
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(4) "Restricting prison term" means any of the following: 10618

(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; 10619  
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(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; 10623  
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(c) A prison term imposed for trafficking in persons; 10629

(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: 10630  
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(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 10633  
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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 10700  
is not automatically ineligible as a result of the offender's 10701  
service of that mandatory term for release from prison under 10702  
this section, and the offender's eligibility for release from 10703  
prison under this section is determined in accordance with this 10704  
division. 10705

(2) If an offender confined in a state correctional 10706  
institution under a stated prison term is eligible for release 10707  
under this section as described in division (C) (1) of this 10708  
section, the director of the department of rehabilitation and 10709  
correction may recommend in writing that the sentencing court 10710  
consider releasing the offender from prison under this section 10711  
by submitting to the sentencing court the written notice 10712  
described in division (B) of this section. 10713

(D) The director shall include with any notice submitted 10714  
to the sentencing court under division (B) of this section an 10715  
institutional summary report that covers the offender's 10716  
participation while confined in a state correctional institution 10717  
in school, training, work, treatment, and other rehabilitative 10718  
activities and any disciplinary action taken against the 10719  
offender while so confined. The director shall include with the 10720  
notice any other documentation requested by the court, if 10721  
available. 10722

(E) (1) When the director submits a written notice to a 10723  
sentencing court that an offender is eligible to be considered 10724  
for early release under this section, the department promptly 10725  
shall provide to the prosecuting attorney of the county in which 10726  
the offender was indicted a copy of the written notice, a copy 10727  
of the institutional summary report, and any other information 10728  
provided to the court and shall provide a copy of the 10729

institutional summary report to any law enforcement agency that 10730  
requests the report. The department also promptly shall do 10731  
whichever of the following is applicable: 10732

(a) Subject to division (E) (1) (b) of this section, give 10733  
written notice of the submission to any victim of the offender 10734  
or victim's representative of any victim of the offender who is 10735  
registered with the office of victim's services. 10736

(b) If the offense was aggravated murder, murder, an 10737  
offense of violence that is a felony of the first, second, or 10738  
third degree, or an offense punished by a sentence of life 10739  
imprisonment, except as otherwise provided in this division, 10740  
notify the victim or the victim's representative of the filing 10741  
of the petition regardless of whether the victim or victim's 10742  
representative has registered with the office of victim's 10743  
services. The notice of the filing of the petition shall not be 10744  
given under this division to a victim or victim's representative 10745  
if the victim or victim's representative has requested pursuant 10746  
to division (B) (2) of section 2930.03 of the Revised Code that 10747  
the victim or the victim's representative not be provided the 10748  
notice. If notice is to be provided to a victim or victim's 10749  
representative under this division, the department may give the 10750  
notice by any reasonable means, including regular mail, 10751  
telephone, and electronic mail, in accordance with division (D) 10752  
(1) of section 2930.16 of the Revised Code. If the notice is 10753  
based on an offense committed prior to ~~the effective date of~~ 10754  
~~this amendment~~ March 22, 2013, the notice also shall include the 10755  
opt-out information described in division (D) (1) of section 10756  
2930.16 of the Revised Code. The department, in accordance with 10757  
division (D) (2) of section 2930.16 of the Revised Code, shall 10758  
keep a record of all attempts to provide the notice, and of all 10759  
notices provided, under this division. 10760

Division (E) (1) (b) of this section, and the notice-related 10761  
provisions of divisions (E) (2) and (K) of section 2929.20, 10762  
division (D) (1) of section 2930.16, division (H) of section 10763  
2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) 10764  
of section 2967.28, and division (A) (2) of section 5149.101 of 10765  
the Revised Code enacted in the act in which division (E) (2) of 10766  
this section was enacted, shall be known as "Roberta's Law." 10767

(2) When the director submits a petition under this 10768  
section, the department also promptly shall post a copy of the 10769  
written notice on the database it maintains under section 10770  
5120.66 of the Revised Code and include information on where a 10771  
person may send comments regarding the recommendation of early 10772  
release. 10773

The information provided to the court, the prosecutor, and 10774  
the victim or victim's representative under divisions (D) and 10775  
(E) of this section shall include the name and contact 10776  
information of a specific department of rehabilitation and 10777  
correction employee who is available to answer questions about 10778  
the offender who is the subject of the written notice submitted 10779  
by the director, including, but not limited to, the offender's 10780  
institutional conduct and rehabilitative activities while 10781  
incarcerated. 10782

(F) Upon receipt of a written notice submitted by the 10783  
director under division (B) of this section, the court either 10784  
shall, on its own motion, schedule a hearing to consider 10785  
releasing the offender who is the subject of the notice or shall 10786  
inform the department that it will not be conducting a hearing 10787  
relative to the offender. The court shall not grant an early 10788  
release to an offender without holding a hearing. If a court 10789  
declines to hold a hearing relative to an offender with respect 10790

to a written notice submitted by the director, the court may 10791  
later consider release of that offender under this section on 10792  
its own motion by scheduling a hearing for that purpose. Within 10793  
thirty days after the written notice is submitted, the court 10794  
shall inform the department whether or not the court is 10795  
scheduling a hearing on the offender who is the subject of the 10796  
notice. 10797

(G) If the court schedules a hearing upon receiving a 10798  
written notice submitted under division (B) of this section or 10799  
upon its own motion under division (F) of this section, the 10800  
court shall notify the head of the state correctional 10801  
institution in which the offender is confined of the hearing 10802  
prior to the hearing. If the court makes a journal entry 10803  
ordering the offender to be conveyed to the hearing, except as 10804  
otherwise provided in this division, the head of the 10805  
correctional institution shall deliver the offender to the 10806  
sheriff of the county in which the hearing is to be held, and 10807  
the sheriff shall convey the offender to and from the hearing. 10808  
Upon the court's own motion or the motion of the offender or the 10809  
prosecuting attorney of the county in which the offender was 10810  
indicted, the court may permit the offender to appear at the 10811  
hearing by video conferencing equipment if equipment of that 10812  
nature is available and compatible. 10813

Upon receipt of notice from a court of a hearing on the 10814  
release of an offender under this division, the head of the 10815  
state correctional institution in which the offender is confined 10816  
immediately shall notify the appropriate person at the 10817  
department of rehabilitation and correction of the hearing, and 10818  
the department within twenty-four hours after receipt of the 10819  
notice shall post on the database it maintains pursuant to 10820  
section 5120.66 of the Revised Code the offender's name and all 10821

of the information specified in division (A) (1) (c) (i) of that 10822  
section. If the court schedules a hearing under this section, 10823  
the court promptly shall give notice of the hearing to the 10824  
prosecuting attorney of the county in which the offender was 10825  
indicted. Upon receipt of the notice from the court, the 10826  
prosecuting attorney shall notify pursuant to section 2930.16 of 10827  
the Revised Code any victim of the offender or the victim's 10828  
representative of the hearing. 10829

(H) If the court schedules a hearing under this section, 10830  
at the hearing, the court shall afford the offender and the 10831  
offender's attorney an opportunity to present written 10832  
information and, if present, oral information relevant to the 10833  
offender's early release. The court shall afford a similar 10834  
opportunity to the prosecuting attorney, victim or victim's 10835  
representative, as defined in section 2930.01 of the Revised 10836  
Code, and any other person the court determines is likely to 10837  
present additional relevant information. If the court pursuant 10838  
to division (G) of this section permits the offender to appear 10839  
at the hearing by video conferencing equipment, the offender's 10840  
opportunity to present oral information shall be as a part of 10841  
the video conferencing. The court shall consider any statement 10842  
of a victim made under section 2930.14 or 2930.17 of the Revised 10843  
Code, any victim impact statement prepared under section 10844  
2947.051 of the Revised Code, and any report and other 10845  
documentation submitted by the director under division (D) of 10846  
this section. After ruling on whether to grant the offender 10847  
early release, the court shall notify the victim in accordance 10848  
with sections 2930.03 and 2930.16 of the Revised Code. 10849

(I) If the court grants an offender early release under 10850  
this section, it shall order the release of the offender, shall 10851  
place the offender under one or more appropriate community 10852

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,~~ 10883  
~~if the prisoner is serving a term for which there is parole~~ 10884  
~~eligibility, the minimum and maximum term or the parole~~ 10885  
~~eligibility date of the prisoner,~~ as described in division (B) 10886  
of this section, by the total number of days that the prisoner 10887  
was confined for any reason arising out of the offense for which 10888  
the prisoner was convicted and sentenced, including confinement 10889  
in lieu of bail while awaiting trial, confinement for 10890  
examination to determine the prisoner's competence to stand 10891  
trial or sanity, confinement while awaiting transportation to 10892  
the place where the prisoner is to serve the prisoner's prison 10893  
term, as determined by the sentencing court under division (B) 10894  
(2) ~~(g)~~ (h) (i) of section 2929.19 of the Revised Code, and 10895  
confinement in a juvenile facility. The department of 10896  
rehabilitation and correction also shall reduce the stated 10897  
prison term of a prisoner or, if the prisoner is serving a term 10898  
for which there is parole eligibility, the minimum and maximum 10899  
term or the parole eligibility date of the prisoner by the total 10900  
number of days, if any, that the prisoner previously served in 10901  
the custody of the department of rehabilitation and correction 10902  
arising out of the offense for which the prisoner was convicted 10903  
and sentenced. 10904

(B) The reductions described in division (A) of this 10905  
section shall be made to the following prison terms, as 10906  
applicable: 10907

(1) The definite prison term of a prisoner serving a 10908  
definite prison term as a stated prison term; 10909

(2) The minimum and maximum term of a prisoner serving a 10910  
non-life felony indefinite prison term as a stated prison term; 10911

(3) The minimum and maximum term or the parole eligibility 10912

date of a prisoner serving a term for which there is parole 10913  
eligibility. 10914

**Sec. 2967.193.** (A) (1) Except as provided in division (C) 10915  
of this section and subject to the maximum aggregate total 10916  
specified in division (A) (3) of this section, a person confined 10917  
in a state correctional institution or placed in the substance 10918  
use disorder treatment program may provisionally earn one day or 10919  
five days of credit, based on the category set forth in division 10920  
(D) (1), (2), (3), (4), or (5) of this section in which the 10921  
person is included, toward satisfaction of the person's stated 10922  
prison term, as described in division (F) of this section, for 10923  
each completed month during which the person, if confined in a 10924  
state correctional institution, productively participates in an 10925  
education program, vocational training, employment in prison 10926  
industries, treatment for substance abuse, or any other 10927  
constructive program developed by the department with specific 10928  
standards for performance by prisoners or during which the 10929  
person, if placed in the substance use disorder treatment 10930  
program, productively participates in the program. Except as 10931  
provided in division (C) of this section and subject to the 10932  
maximum aggregate total specified in division (A) (3) of this 10933  
section, a person so confined in a state correctional 10934  
institution who successfully completes two programs or 10935  
activities of that type may, in addition, provisionally earn up 10936  
to five days of credit toward satisfaction of the person's 10937  
stated prison term, as described in division (F) of this 10938  
section, for the successful completion of the second program or 10939  
activity. The person shall not be awarded any provisional days 10940  
of credit for the successful completion of the first program or 10941  
activity or for the successful completion of any program or 10942  
activity that is completed after the second program or activity. 10943

At the end of each calendar month in which a person productively 10944  
participates in a program or activity listed in this division or 10945  
successfully completes a program or activity listed in this 10946  
division, the department of rehabilitation and correction shall 10947  
determine and record the total number of days credit that the 10948  
person provisionally earned in that calendar month. If the 10949  
person in a state correctional institution violates prison rules 10950  
or the person in the substance use disorder treatment program 10951  
violates program or department rules, the department may deny 10952  
the person a credit that otherwise could have been provisionally 10953  
awarded to the person or may withdraw one or more credits 10954  
previously provisionally earned by the person. Days of credit 10955  
provisionally earned by a person shall be finalized and awarded 10956  
by the department subject to administrative review by the 10957  
department of the person's conduct. 10958

(2) Unless a person is serving a mandatory prison term or 10959  
a prison term for an offense of violence or a sexually oriented 10960  
offense, and notwithstanding the maximum aggregate total 10961  
specified in division (A) (3) of this section, a person who 10962  
successfully completes any of the following shall earn ninety 10963  
days of credit toward satisfaction of the person's stated prison 10964  
term or a ten per cent reduction of the person's stated prison 10965  
term, whichever is less: 10966

(a) An Ohio high school diploma or Ohio certificate of 10967  
high school equivalence certified by the Ohio central school 10968  
system; 10969

(b) A therapeutic drug community program; 10970

(c) All three phases of the department of rehabilitation 10971  
and correction's intensive outpatient drug treatment program; 10972

(d) A career technical vocational school program;	10973
(e) A college certification program;	10974
(f) The criteria for a certificate of achievement and employability as specified in division (A) (1) of section 2961.22 of the Revised Code.	10975 10976 10977
(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.	10978 10979 10980 10981 10982 10983 10984
(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.	10985 10986 10987 10988 10989 10990 10991 10992 10993 10994
(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:	10995 10996 10997 10998
(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	10999 11000 11001

serving a sentence for which section 2967.13 or division (B) of 11002  
section 2929.143 of the Revised Code specifies that the person 11003  
is not entitled to any earned credit under this section. 11004

(2) The person is sentenced to death or is serving a 11005  
prison term or a term of life imprisonment for aggravated 11006  
murder, murder, or a conspiracy or attempt to commit, or 11007  
complicity in committing, aggravated murder or murder. 11008

(3) The person is serving a sentence of life imprisonment 11009  
without parole imposed pursuant to section 2929.03 or 2929.06 of 11010  
the Revised Code, a prison term or a term of life imprisonment 11011  
without parole imposed pursuant to section 2971.03 of the 11012  
Revised Code, or a sentence for a sexually oriented offense that 11013  
was committed on or after September 30, 2011. 11014

(D) This division does not apply to a determination of 11015  
whether a person confined in a state correctional institution or 11016  
placed in a substance use disorder treatment program may earn 11017  
any days of credit under division (A) of this section for 11018  
successful completion of a second program or activity. The 11019  
determination of whether a person confined in a state 11020  
correctional institution may earn one day of credit or five days 11021  
of credit under division (A) of this section for each completed 11022  
month during which the person productively participates in a 11023  
program or activity specified under that division shall be made 11024  
in accordance with the following: 11025

(1) The offender may earn one day of credit under division 11026  
(A) of this section, except as provided in division (C) of this 11027  
section, if the most serious offense for which the offender is 11028  
confined is any of the following that is a felony of the first 11029  
or second degree: 11030

(a) A violation of division (A) of section 2903.04 or of 11031  
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 11032  
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 11033  
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 11034  
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 11035  
2927.24 of the Revised Code; 11036

(b) A conspiracy or attempt to commit, or complicity in 11037  
committing, any other offense for which the maximum penalty is 11038  
imprisonment for life or any offense listed in division (D) (1) 11039  
(a) of this section. 11040

(2) The offender may earn one day of credit under division 11041  
(A) of this section, except as provided in division (C) of this 11042  
section, if the offender is serving a stated prison term that 11043  
includes a prison term imposed for a sexually oriented offense 11044  
that the offender committed prior to September 30, 2011. 11045

(3) The offender may earn one day of credit under division 11046  
(A) of this section, except as provided in division (C) of this 11047  
section, if the offender is serving a stated prison term that 11048  
includes a prison term imposed for a felony other than carrying 11049  
a concealed weapon an essential element of which is any conduct 11050  
or failure to act expressly involving any deadly weapon or 11051  
dangerous ordnance. 11052

(4) Except as provided in division (C) of this section, if 11053  
the most serious offense for which the offender is confined is a 11054  
felony of the first or second degree and divisions (D) (1), (2), 11055  
and (3) of this section do not apply to the offender, the 11056  
offender may earn one day of credit under division (A) of this 11057  
section if the offender committed that offense prior to 11058  
September 30, 2011, and the offender may earn five days of 11059  
credit under division (A) of this section if the offender 11060

committed that offense on or after September 30, 2011. 11061

(5) Except as provided in division (C) of this section, if 11062  
the most serious offense for which the offender is confined is a 11063  
felony of the third, fourth, or fifth degree or an unclassified 11064  
felony and neither division (D) (2) nor (3) of this section 11065  
applies to the offender, the offender may earn one day of credit 11066  
under division (A) of this section if the offender committed 11067  
that offense prior to September 30, 2011, and the offender may 11068  
earn five days of credit under division (A) of this section if 11069  
the offender committed that offense on or after September 30, 11070  
2011. 11071

(E) The department annually shall seek and consider the 11072  
written feedback of the Ohio prosecuting attorneys association, 11073  
the Ohio judicial conference, the Ohio public defender, the Ohio 11074  
association of criminal defense lawyers, and other organizations 11075  
and associations that have an interest in the operation of the 11076  
corrections system and the earned credits program under this 11077  
section as part of its evaluation of the program and in 11078  
determining whether to modify the program. 11079

(F) Days of credit awarded under this section shall be 11080  
applied toward satisfaction of a person's stated prison term as 11081  
follows: 11082

(1) Toward the definite prison term of a prisoner serving 11083  
a definite prison term as a stated prison term; 11084

(2) Toward the minimum and maximum terms of a prisoner 11085  
serving an indefinite prison term imposed under division (A) (1) 11086  
(a) or (2) (a) of section 2929.14 of the Revised Code for a 11087  
felony of the first or second degree committed on or after the 11088  
effective date of this amendment. 11089

(G) As used in this section: 11090

(1) "Sexually oriented offense" has the same meaning as in 11091  
section 2950.01 of the Revised Code. 11092

(2) "Substance use disorder treatment program" means the 11093  
substance use disorder treatment program established by the 11094  
department of rehabilitation and correction under section 11095  
5120.035 of the Revised Code. 11096

**Sec. 2967.26.** (A) (1) The department of rehabilitation and 11097  
correction, by rule, may establish a transitional control 11098  
program for the purpose of closely monitoring a prisoner's 11099  
adjustment to community supervision during the final one hundred 11100  
eighty days of the prisoner's confinement. If the department 11101  
establishes a transitional control program under this division, 11102  
the division of parole and community services of the department 11103  
of rehabilitation and correction may transfer eligible prisoners 11104  
to transitional control status under the program during the 11105  
final one hundred eighty days of their confinement and under the 11106  
terms and conditions established by the department, shall 11107  
provide for the confinement as provided in this division of each 11108  
eligible prisoner so transferred, and shall supervise each 11109  
eligible prisoner so transferred in one or more community 11110  
control sanctions. Each eligible prisoner who is transferred to 11111  
transitional control status under the program shall be confined 11112  
in a suitable facility that is licensed pursuant to division (C) 11113  
of section 2967.14 of the Revised Code, or shall be confined in 11114  
a residence the department has approved for this purpose and be 11115  
monitored pursuant to an electronic monitoring device, as 11116  
defined in section 2929.01 of the Revised Code. If the 11117  
department establishes a transitional control program under this 11118  
division, the rules establishing the program shall include 11119

criteria that define which prisoners are eligible for the 11120  
program, criteria that must be satisfied to be approved as a 11121  
residence that may be used for confinement under the program of 11122  
a prisoner that is transferred to it and procedures for the 11123  
department to approve residences that satisfy those criteria, 11124  
and provisions of the type described in division (C) of this 11125  
section. At a minimum, the criteria that define which prisoners 11126  
are eligible for the program shall provide all of the following: 11127

(a) That a prisoner is eligible for the program if the 11128  
prisoner is serving a prison term or term of imprisonment for an 11129  
offense committed prior to March 17, 1998, and if, at the time 11130  
at which eligibility is being determined, the prisoner would 11131  
have been eligible for a furlough under this section as it 11132  
existed immediately prior to March 17, 1998, or would have been 11133  
eligible for conditional release under former section 2967.23 of 11134  
the Revised Code as that section existed immediately prior to 11135  
March 17, 1998; 11136

(b) That no prisoner who is serving a mandatory prison 11137  
term is eligible for the program until after expiration of the 11138  
mandatory term; 11139

(c) That no prisoner who is serving a prison term or term 11140  
of life imprisonment without parole imposed pursuant to section 11141  
2971.03 of the Revised Code is eligible for the program. 11142

(2) At least sixty days prior to transferring to 11143  
transitional control under this section a prisoner who is 11144  
serving a definite term of imprisonment or definite prison term 11145  
of two years or less for an offense committed on or after July 11146  
1, 1996, or who is serving a minimum term of two years or less 11147  
under a non-life felony indefinite prison term, the division of 11148  
parole and community services of the department of 11149

rehabilitation and correction shall give notice of the pendency 11150  
of the transfer to transitional control to the court of common 11151  
pleas of the county in which the indictment against the prisoner 11152  
was found and of the fact that the court may disapprove the 11153  
transfer of the prisoner to transitional control and shall 11154  
include the institutional summary report prepared by the head of 11155  
the state correctional institution in which the prisoner is 11156  
confined. The head of the state correctional institution in 11157  
which the prisoner is confined, upon the request of the division 11158  
of parole and community services, shall provide to the division 11159  
for inclusion in the notice sent to the court under this 11160  
division an institutional summary report on the prisoner's 11161  
conduct in the institution and in any institution from which the 11162  
prisoner may have been transferred. The institutional summary 11163  
report shall cover the prisoner's participation in school, 11164  
vocational training, work, treatment, and other rehabilitative 11165  
activities and any disciplinary action taken against the 11166  
prisoner. If the court disapproves of the transfer of the 11167  
prisoner to transitional control, the court shall notify the 11168  
division of the disapproval within thirty days after receipt of 11169  
the notice. If the court timely disapproves the transfer of the 11170  
prisoner to transitional control, the division shall not proceed 11171  
with the transfer. If the court does not timely disapprove the 11172  
transfer of the prisoner to transitional control, the division 11173  
may transfer the prisoner to transitional control. 11174

(3) (a) If the victim of an offense for which a prisoner 11175  
was sentenced to a prison term or term of imprisonment has 11176  
requested notification under section 2930.16 of the Revised Code 11177  
and has provided the department of rehabilitation and correction 11178  
with the victim's name and address or if division (A) (3) (b) of 11179  
this section applies, the division of parole and community 11180

services, at least sixty days prior to transferring the prisoner 11181  
to transitional control pursuant to this section, shall notify 11182  
the victim of the pendency of the transfer and of the victim's 11183  
right to submit a statement to the division regarding the impact 11184  
of the transfer of the prisoner to transitional control. If the 11185  
victim subsequently submits a statement of that nature to the 11186  
division, the division shall consider the statement in deciding 11187  
whether to transfer the prisoner to transitional control. 11188

(b) If a prisoner is incarcerated for the commission of 11189  
aggravated murder, murder, or an offense of violence that is a 11190  
felony of the first, second, or third degree or under a sentence 11191  
of life imprisonment, except as otherwise provided in this 11192  
division, the notice described in division (A) (3) (a) of this 11193  
section shall be given regardless of whether the victim has 11194  
requested the notification. The notice described in division (A) 11195  
(3) (a) of this section shall not be given under this division to 11196  
a victim if the victim has requested pursuant to division (B) (2) 11197  
of section 2930.03 of the Revised Code that the victim not be 11198  
provided the notice. If notice is to be provided to a victim 11199  
under this division, the authority may give the notice by any 11200  
reasonable means, including regular mail, telephone, and 11201  
electronic mail, in accordance with division (D) (1) of section 11202  
2930.16 of the Revised Code. If the notice is based on an 11203  
offense committed prior to March 22, 2013, the notice also shall 11204  
include the opt-out information described in division (D) (1) of 11205  
section 2930.16 of the Revised Code. The authority, in 11206  
accordance with division (D) (2) of section 2930.16 of the 11207  
Revised Code, shall keep a record of all attempts to provide the 11208  
notice, and of all notices provided, under this division. 11209

Division (A) (3) (b) of this section, and the notice-related 11210  
provisions of divisions (E) (2) and (K) of section 2929.20, 11211

division (D) (1) of section 2930.16, division (H) of section 11212  
2967.12, division (E) (1) (b) of section 2967.19, division (D) (1) 11213  
of section 2967.28, and division (A) (2) of section 5149.101 of 11214  
the Revised Code enacted in the act in which division (A) (3) (b) 11215  
of this section was enacted, shall be known as "Roberta's Law." 11216

(4) The department of rehabilitation and correction, at 11217  
least sixty days prior to transferring a prisoner to 11218  
transitional control pursuant to this section, shall post on the 11219  
database it maintains pursuant to section 5120.66 of the Revised 11220  
Code the prisoner's name and all of the information specified in 11221  
division (A) (1) (c) (iv) of that section. In addition to and 11222  
independent of the right of a victim to submit a statement as 11223  
described in division (A) (3) of this section or to otherwise 11224  
make a statement and in addition to and independent of any other 11225  
right or duty of a person to present information or make a 11226  
statement, any person may send to the division of parole and 11227  
community services at any time prior to the division's transfer 11228  
of the prisoner to transitional control a written statement 11229  
regarding the transfer of the prisoner to transitional control. 11230  
In addition to the information, reports, and statements it 11231  
considers under divisions (A) (2) and (3) of this section or that 11232  
it otherwise considers, the division shall consider each 11233  
statement submitted in accordance with this division in deciding 11234  
whether to transfer the prisoner to transitional control. 11235

(B) Each prisoner transferred to transitional control 11236  
under this section shall be confined in the manner described in 11237  
division (A) of this section during any period of time that the 11238  
prisoner is not actually working at the prisoner's approved 11239  
employment, engaged in a vocational training or another 11240  
educational program, engaged in another program designated by 11241  
the director, or engaged in other activities approved by the 11242

department. 11243

(C) The department of rehabilitation and correction shall 11244  
adopt rules for transferring eligible prisoners to transitional 11245  
control, supervising and confining prisoners so transferred, 11246  
administering the transitional control program in accordance 11247  
with this section, and using the moneys deposited into the 11248  
transitional control fund established under division (E) of this 11249  
section. 11250

(D) The department of rehabilitation and correction may 11251  
adopt rules for the issuance of passes for the limited purposes 11252  
described in this division to prisoners who are transferred to 11253  
transitional control under this section. If the department 11254  
adopts rules of that nature, the rules shall govern the granting 11255  
of the passes and shall provide for the supervision of prisoners 11256  
who are temporarily released pursuant to one of those passes. 11257  
Upon the adoption of rules under this division, the department 11258  
may issue passes to prisoners who are transferred to 11259  
transitional control status under this section in accordance 11260  
with the rules and the provisions of this division. All passes 11261  
issued under this division shall be for a maximum of forty-eight 11262  
hours and may be issued only for the following purposes: 11263

(1) To visit a relative in imminent danger of death; 11264

(2) To have a private viewing of the body of a deceased 11265  
relative; 11266

(3) To visit with family; 11267

(4) To otherwise aid in the rehabilitation of the 11268  
prisoner. 11269

(E) The division of parole and community services may 11270  
require a prisoner who is transferred to transitional control to 11271

pay to the division the reasonable expenses incurred by the 11272  
division in supervising or confining the prisoner while under 11273  
transitional control. Inability to pay those reasonable expenses 11274  
shall not be grounds for refusing to transfer an otherwise 11275  
eligible prisoner to transitional control. Amounts received by 11276  
the division of parole and community services under this 11277  
division shall be deposited into the transitional control fund, 11278  
which is hereby created in the state treasury and which hereby 11279  
replaces and succeeds the furlough services fund that formerly 11280  
existed in the state treasury. All moneys that remain in the 11281  
furlough services fund on March 17, 1998, shall be transferred 11282  
on that date to the transitional control fund. The transitional 11283  
control fund shall be used solely to pay costs related to the 11284  
operation of the transitional control program established under 11285  
this section. The director of rehabilitation and correction 11286  
shall adopt rules in accordance with section 111.15 of the 11287  
Revised Code for the use of the fund. 11288

(F) A prisoner who violates any rule established by the 11289  
department of rehabilitation and correction under division (A), 11290  
(C), or (D) of this section may be transferred to a state 11291  
correctional institution pursuant to rules adopted under 11292  
division (A), (C), or (D) of this section, but the prisoner 11293  
shall receive credit towards completing the prisoner's sentence 11294  
for the time spent under transitional control. 11295

If a prisoner is transferred to transitional control under 11296  
this section, upon successful completion of the period of 11297  
transitional control, the prisoner may be released on parole or 11298  
under post-release control pursuant to section 2967.13 or 11299  
2967.28 of the Revised Code and rules adopted by the department 11300  
of rehabilitation and correction. If the prisoner is released 11301  
under post-release control, the duration of the post-release 11302

control, the type of post-release control sanctions that may be 11303  
imposed, the enforcement of the sanctions, and the treatment of 11304  
prisoners who violate any sanction applicable to the prisoner 11305  
are governed by section 2967.28 of the Revised Code. 11306

**Sec. 2967.271.** (A) As used in this section: 11307

(1) "Offender's minimum prison term" means the minimum 11308  
prison term imposed on an offender under a non-life felony 11309  
indefinite prison term, diminished as provided in section 11310  
2967.191 or 2967.193 of the Revised Code or in any other 11311  
provision of the Revised Code, other than division (F) of this 11312  
section, that provides for diminution or reduction of an 11313  
offender's sentence. 11314

(2) "Offender's presumptive earned early release date" 11315  
means the date that is determined under the procedures described 11316  
in division (F) of this section by the reduction, if any, of an 11317  
offender's minimum prison term by the sentencing court and the 11318  
crediting of that reduction toward the satisfaction of the 11319  
minimum term. 11320

(3) "Rehabilitative programs and activities" means 11321  
education programs, vocational training, employment in prison 11322  
industries, treatment for substance abuse, or other constructive 11323  
programs developed by the department of rehabilitation and 11324  
correction with specific standards for performance by prisoners. 11325

(4) "Security level" means the security level in which an 11326  
offender is classified under the inmate classification level 11327  
system of the department of rehabilitation and correction that 11328  
then is in effect. 11329

(5) "Sexually oriented offense" has the same meaning as in 11330  
section 2950.01 of the Revised Code. 11331

(B) When an offender is sentenced to a non-life felony 11332  
indefinite prison term, there shall be a presumption that the 11333  
person shall be released from service of the sentence on the 11334  
expiration of the offender's minimum prison term or on the 11335  
offender's presumptive earned early release date, whichever is 11336  
earlier. 11337

(C) The presumption established under division (B) of this 11338  
section is a rebuttable presumption that the department of 11339  
rehabilitation and correction may rebut as provided in this 11340  
division. Unless the department rebuts the presumption, the 11341  
offender shall be released from service of the sentence on the 11342  
expiration of the offender's minimum prison term or on the 11343  
offender's presumptive earned early release date, whichever is 11344  
earlier. The department may rebut the presumption only if the 11345  
department determines, at a hearing, that one or more of the 11346  
following applies: 11347

(1) Regardless of the security level in which the offender 11348  
is classified at the time of the hearing, both of the following 11349  
apply: 11350

(a) During the offender's incarceration, the offender 11351  
committed institutional rule infractions that involved 11352  
compromising the security of a state correctional institution, 11353  
compromising the safety of the staff of a state correctional 11354  
institution or its inmates, or physical harm or the threat of 11355  
physical harm to the staff of a state correctional institution 11356  
or its inmates, or committed a violation of law that was not 11357  
prosecuted, and the infractions or violations demonstrate that 11358  
the offender has not been rehabilitated. 11359

(b) The offender's behavior while incarcerated, including, 11360  
but not limited to the infractions and violations specified in 11361

division (C) (1) (a) of this section, demonstrate that the 11362  
offender continues to pose a threat to society. 11363

(2) Regardless of the security level in which the offender 11364  
is classified at the time of the hearing, the offender has been 11365  
placed by the department in extended restrictive housing at any 11366  
time within the year preceding the date of the hearing. 11367

(3) At the time of the hearing, the offender is classified 11368  
by the department as a security level three, four, or five, or 11369  
at a higher security level. 11370

(D) (1) If the department of rehabilitation and correction, 11371  
pursuant to division (C) of this section, rebuts the presumption 11372  
established under division (B) of this section, the department 11373  
may maintain the offender's incarceration in a state 11374  
correctional institution under the sentence after the expiration 11375  
of the offender's minimum prison term or, for offenders who have 11376  
a presumptive earned early release date, after the offender's 11377  
presumptive earned early release date. The department may 11378  
maintain the offender's incarceration under this division for an 11379  
additional period of incarceration determined by the department. 11380  
The additional period of incarceration shall be a reasonable 11381  
period determined by the department, shall be specified by the 11382  
department, and shall not exceed the offender's maximum prison 11383  
term. 11384

(2) If the department maintains an offender's 11385  
incarceration for an additional period under division (D) (1) of 11386  
this section, there shall be a presumption that the offender 11387  
shall be released on the expiration of the offender's minimum 11388  
prison term plus the additional period of incarceration 11389  
specified by the department as provided under that division or, 11390  
for offenders who have a presumptive earned early release date, 11391

on the expiration of the additional period of incarceration to 11392  
be served after the offender's presumptive earned early release 11393  
date that is specified by the department as provided under that 11394  
division. The presumption is a rebuttable presumption that the 11395  
department may rebut, but only if it conducts a hearing and 11396  
makes the determinations specified in division (C) of this 11397  
section, and if the department rebuts the presumption, it may 11398  
maintain the offender's incarceration in a state correctional 11399  
institution for an additional period determined as specified in 11400  
division (D) (1) of this section. Unless the department rebuts 11401  
the presumption at the hearing, the offender shall be released 11402  
from service of the sentence on the expiration of the offender's 11403  
minimum prison term plus the additional period of incarceration 11404  
specified by the department or, for offenders who have a 11405  
presumptive earned early release date, on the expiration of the 11406  
additional period of incarceration to be served after the 11407  
offender's presumptive earned early release date as specified by 11408  
the department. 11409

The provisions of this division regarding the 11410  
establishment of a rebuttable presumption, the department's 11411  
rebuttal of the presumption, and the department's maintenance of 11412  
an offender's incarceration for an additional period of 11413  
incarceration apply, and may be utilized more than one time, 11414  
during the remainder of the offender's incarceration. If the 11415  
offender has not been released under division (C) of this 11416  
section or this division prior to the expiration of the 11417  
offender's maximum prison term imposed as part of the offender's 11418  
non-life felony indefinite prison term, the offender shall be 11419  
released upon the expiration of that maximum term. 11420

(E) The department shall provide notices of hearings to be 11421  
conducted under division (C) or (D) of this section in the same 11422

manner, and to the same persons, as specified in section 2967.12 11423  
and Chapter 2930. of the Revised Code with respect to hearings 11424  
to be conducted regarding the possible release on parole of an 11425  
inmate. 11426

(F)(1) The director of the department of rehabilitation 11427  
and correction may notify the sentencing court in writing that 11428  
the director is recommending that the court grant a reduction in 11429  
the minimum prison term imposed on a specified offender who is 11430  
serving a non-life felony indefinite prison term and who is 11431  
eligible under division (F)(8) of this section for such a 11432  
reduction, due to the offender's exceptional conduct while 11433  
incarcerated or the offender's adjustment to incarceration. If 11434  
the director wishes to recommend such a reduction for an 11435  
offender, the director shall send the notice to the court not 11436  
earlier than ninety days prior to the date on which the director 11437  
wishes to credit the reduction toward the satisfaction of the 11438  
offender's minimum prison term. If the director recommends such 11439  
a reduction for an offender, there shall be a presumption that 11440  
the court shall grant the recommended reduction to the offender. 11441  
The presumption established under this division is a rebuttable 11442  
presumption that may be rebutted as provided in division (F)(4) 11443  
of this section. 11444

The director shall include with the notice sent to a court 11445  
under this division an institutional summary report that covers 11446  
the offender's participation while confined in a state 11447  
correctional institution in rehabilitative programs and 11448  
activities and any disciplinary action taken against the 11449  
offender while so confined, and any other documentation 11450  
requested by the court, if available. 11451

The notice the director sends to a court under this 11452

division shall do all of the following: 11453

(a) Identify the offender; 11454

(b) Specify the length of the recommended reduction, which shall be for five to fifteen per cent of the offender's minimum term determined in accordance with rules adopted by the department under division (F)(7) of this section; 11455  
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(c) Specify the reason or reasons that qualify the offender for the recommended reduction; 11459  
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(d) Inform the court of the rebuttable presumption and that the court must either approve or, if the court finds that the presumption has been rebutted, disapprove of the recommended reduction, and that if it approves of the recommended reduction, it must grant the reduction; 11461  
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(e) Inform the court that it must notify the department of its decision as to approval or disapproval not later than sixty days after receipt of the notice from the director. 11466  
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(2) When the director, under division (F)(1) of this section, submits a notice to a sentencing court that the director is recommending that the court grant a reduction in the minimum prison term imposed on an offender serving a non-life felony indefinite prison term, the department promptly shall provide to the prosecuting attorney of the county in which the offender was indicted a copy of the written notice, a copy of the institutional summary report described in that division, and any other information provided to the court. 11469  
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(3) Upon receipt of a notice submitted by the director under division (F)(1) of this section, the court shall schedule a hearing to consider whether to grant the reduction in the minimum prison term imposed on the specified offender that was 11478  
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recommended by the director or to find that the presumption has 11482  
been rebutted and disapprove the recommended reduction. Upon 11483  
scheduling the hearing, the court promptly shall give notice of 11484  
the hearing to the prosecuting attorney of the county in which 11485  
the offender was indicted and to the department. The notice 11486  
shall inform the prosecuting attorney that the prosecuting 11487  
attorney may submit to the court, prior to the date of the 11488  
hearing, written information relevant to the recommendation and 11489  
may present at the hearing written information and oral 11490  
information relevant to the recommendation. 11491

Upon receipt of the notice from the court, the prosecuting 11492  
attorney shall notify the victim of the offender or the victim's 11493  
representative of the recommendation by the director, the date, 11494  
time, and place of the hearing, the fact that the victim may 11495  
submit to the court, prior to the date of the hearing, written 11496  
information relevant to the recommendation, and the address and 11497  
procedure for submitting the information. 11498

(4) At the hearing scheduled under division (F) (3) of this 11499  
section, the court shall afford the prosecuting attorney an 11500  
opportunity to present written information and oral information 11501  
relevant to the director's recommendation. In making its 11502  
determination as to whether to grant or disapprove the reduction 11503  
in the minimum prison term imposed on the specified offender 11504  
that was recommended by the director, the court shall consider 11505  
any report and other documentation submitted by the director, 11506  
any information submitted by a victim, any information submitted 11507  
or presented at the hearing by the prosecuting attorney, and all 11508  
of the factors set forth in divisions (B) to (D) of section 11509  
2929.12 of the Revised Code that are relevant to the offender's 11510  
offense and to the offender. 11511

Unless the court, after considering at the hearing the 11512  
specified reports, documentation, information, and relevant 11513  
factors, finds that the presumption that the recommended 11514  
reduction shall be granted has been rebutted and disapproves the 11515  
recommended reduction, the court shall grant the recommended 11516  
reduction. The court may disapprove the recommended reduction 11517  
only if, after considering at the hearing the specified reports, 11518  
documentation, information, and relevant factors, it finds that 11519  
the presumption that the reduction shall be granted has been 11520  
rebutted. The court may find that the presumption has been 11521  
rebutted and disapprove the recommended reduction only if it 11522  
determines at the hearing that one or more of the following 11523  
applies: 11524

(a) Regardless of the security level in which the offender 11525  
is classified at the time of the hearing, during the offender's 11526  
incarceration, the offender committed institutional rule 11527  
infractions that involved compromising the security of a state 11528  
correctional institution, compromising the safety of the staff 11529  
of a state correctional institution or its inmates, or physical 11530  
harm or the threat of physical harm to the staff of a state 11531  
correctional institution or its inmates, or committed a 11532  
violation of law that was not prosecuted, and the infractions or 11533  
violations demonstrate that the offender has not been 11534  
rehabilitated. 11535

(b) The offender's behavior while incarcerated, including, 11536  
but not limited to, the infractions and violations specified in 11537  
division (F) (4) (a) of this section, demonstrates that the 11538  
offender continues to pose a threat to society. 11539

(c) At the time of the hearing, the offender is classified 11540  
by the department as a security level three, four, or five, or 11541

at a higher security level. 11542

(d) During the offender's incarceration, the offender did 11543  
not productively participate in a majority of the rehabilitative 11544  
programs and activities recommended by the department for the 11545  
offender, or the offender participated in a majority of such 11546  
recommended programs or activities but did not successfully 11547  
complete a reasonable number of the programs or activities in 11548  
which the offender participated. 11549

(e) After release, the offender will not be residing in a 11550  
halfway house, reentry center, or community residential center 11551  
licensed under division (C) of section 2967.14 of the Revised 11552  
Code and, after release, does not have any other place to reside 11553  
at a fixed residence address. 11554

(5) If the court pursuant to division (F)(4) of this 11555  
section finds that the presumption that the recommended 11556  
reduction in the offender's minimum prison term has been 11557  
rebutted and disapproves the recommended reduction, the court 11558  
shall notify the department of the disapproval not later than 11559  
sixty days after receipt of the notice from the director. The 11560  
court shall specify in the notification the reason or reasons 11561  
for which it found that the presumption was rebutted and 11562  
disapproved the recommended reduction. The court shall not 11563  
reduce the offender's minimum prison term, and the department 11564  
shall not credit the amount of the disapproved reduction toward 11565  
satisfaction of the offender's minimum prison term. 11566

If the court pursuant to division (F)(4) of this section 11567  
grants the recommended reduction of the offender's minimum 11568  
prison term, the court shall notify the department of the grant 11569  
of the reduction not later than sixty days after receipt of the 11570  
notice from the director, the court shall reduce the offender's 11571

minimum prison term in accordance with the recommendation 11572  
submitted by the director, and the department shall credit the 11573  
amount of the reduction toward satisfaction of the offender's 11574  
minimum prison term. 11575

Upon deciding whether to disapprove or grant the 11576  
recommended reduction of the offender's minimum prison term, the 11577  
court shall notify the prosecuting attorney of the decision and 11578  
the prosecuting attorney shall notify the victim or victim's 11579  
representative of the court's decision. 11580

(6) If the court under division (F) (5) of this section 11581  
grants the reduction in the minimum prison term imposed on an 11582  
offender that was recommended by the director and reduces the 11583  
offender's minimum prison term, the date determined by the 11584  
department's crediting of the reduction toward satisfaction of 11585  
the offender's minimum prison term is the offender's presumptive 11586  
earned early release date. 11587

(7) The department of rehabilitation and correction by 11588  
rule shall specify both of the following for offenders serving a 11589  
non-life felony indefinite prison term: 11590

(a) The type of exceptional conduct while incarcerated and 11591  
the type of adjustment to incarceration that will qualify an 11592  
offender serving such a prison term for a reduction under 11593  
divisions (F) (1) to (6) of this section of the minimum prison 11594  
term imposed on the offender under the non-life felony 11595  
indefinite prison term. 11596

(b) The per cent of reduction that it may recommend for, 11597  
and that may be granted to, an offender serving such a prison 11598  
term under divisions (F) (1) to (6) of this section, based on the 11599  
offense level of the offense for which the prison term was 11600

imposed, with the department specifying the offense levels used 11601  
for purposes of this division and assigning a specific 11602  
percentage reduction within the range of five to fifteen per 11603  
cent for each such offense level. 11604

(8) Divisions (F) (1) to (6) of this section do not apply 11605  
with respect to an offender serving a non-life felony indefinite 11606  
prison term for a sexually oriented offense, and no offender 11607  
-serving such a prison term for a sexually oriented offense is 11608  
eligible to be recommended for or granted, or may be recommended 11609  
for or granted, a reduction under those divisions in the 11610  
offender's minimum prison term imposed under that non-life 11611  
felony indefinite prison term. 11612

(G) If an offender is sentenced to a non-life felony 11613  
indefinite prison term, any reference in a section of the 11614  
Revised Code to a definite prison term shall be construed as 11615  
referring to the offender's minimum term under that sentence 11616  
plus any additional period of time of incarceration specified by 11617  
the department under division (D) (1) or (2) of this section, 11618  
except to the extent otherwise specified in the section or to 11619  
the extent that that construction clearly would be 11620  
inappropriate. 11621

**Sec. 2967.28.** (A) As used in this section: 11622

(1) "Monitored time" means the monitored time sanction 11623  
specified in section 2929.17 of the Revised Code. 11624

(2) "Deadly weapon" and "dangerous ordnance" have the same 11625  
meanings as in section 2923.11 of the Revised Code. 11626

(3) "Felony sex offense" means a violation of a section 11627  
contained in Chapter 2907. of the Revised Code that is a felony. 11628

(4) "Risk reduction sentence" means a prison term imposed 11629

by a court, when the court recommends pursuant to section 11630  
2929.143 of the Revised Code that the offender serve the 11631  
sentence under section 5120.036 of the Revised Code, and the 11632  
offender may potentially be released from imprisonment prior to 11633  
the expiration of the prison term if the offender successfully 11634  
completes all assessment and treatment or programming required 11635  
by the department of rehabilitation and correction under section 11636  
5120.036 of the Revised Code. 11637

(5) "Victim's immediate family" has the same meaning as in 11638  
section 2967.12 of the Revised Code. 11639

(6) "Minor drug possession offense" has the same meaning 11640  
as in section 2925.11 of the Revised Code. 11641

(B) Each sentence to a prison term, other than a term of 11642  
life imprisonment, for a felony of the first degree, for a 11643  
felony of the second degree, for a felony sex offense, or for a 11644  
felony of the third degree that is an offense of violence and is 11645  
not a felony sex offense shall include a requirement that the 11646  
offender be subject to a period of post-release control imposed 11647  
by the parole board after the offender's release from 11648  
imprisonment. This division applies with respect to all prison 11649  
terms of a type described in this division, including a term of 11650  
any such type that is a risk reduction sentence. If a court 11651  
imposes a sentence including a prison term of a type described 11652  
in this division on or after July 11, 2006, the failure of a 11653  
sentencing court to notify the offender pursuant to division (B) 11654  
(2) ~~(e)~~ (d) of section 2929.19 of the Revised Code of this 11655  
requirement or to include in the judgment of conviction entered 11656  
on the journal a statement that the offender's sentence includes 11657  
this requirement does not negate, limit, or otherwise affect the 11658  
mandatory period of supervision that is required for the 11659

offender under this division. This division applies with respect 11660  
to all prison terms of a type described in this division, 11661  
including a non-life felony indefinite prison term. Section 11662  
2929.191 of the Revised Code applies if, prior to July 11, 2006, 11663  
a court imposed a sentence including a prison term of a type 11664  
described in this division and failed to notify the offender 11665  
pursuant to division (B) (2) ~~(e)~~ (d) of section 2929.19 of the 11666  
Revised Code regarding post-release control or to include in the 11667  
judgment of conviction entered on the journal or in the sentence 11668  
pursuant to division (D) (1) of section 2929.14 of the Revised 11669  
Code a statement regarding post-release control. Unless reduced 11670  
by the parole board pursuant to division (D) of this section 11671  
when authorized under that division, a period of post-release 11672  
control required by this division for an offender shall be of 11673  
one of the following periods: 11674

(1) For a felony of the first degree or for a felony sex 11675  
offense, five years; 11676

(2) For a felony of the second degree that is not a felony 11677  
sex offense, three years; 11678

(3) For a felony of the third degree that is an offense of 11679  
violence and is not a felony sex offense, three years. 11680

(C) Any sentence to a prison term for a felony of the 11681  
third, fourth, or fifth degree that is not subject to division 11682  
(B) (1) or (3) of this section shall include a requirement that 11683  
the offender be subject to a period of post-release control of 11684  
up to three years after the offender's release from 11685  
imprisonment, if the parole board, in accordance with division 11686  
(D) of this section, determines that a period of post-release 11687  
control is necessary for that offender. This division applies 11688  
with respect to all prison terms of a type described in this 11689

division, including a term of any such type that is a risk 11690  
reduction sentence. Section 2929.191 of the Revised Code applies 11691  
if, prior to July 11, 2006, a court imposed a sentence including 11692  
a prison term of a type described in this division and failed to 11693  
notify the offender pursuant to division (B) (2) ~~(d)~~ (e) of section 11694  
2929.19 of the Revised Code regarding post-release control or to 11695  
include in the judgment of conviction entered on the journal or 11696  
in the sentence pursuant to division (D) (2) of section 2929.14 11697  
of the Revised Code a statement regarding post-release control. 11698  
Pursuant to an agreement entered into under section 2967.29 of 11699  
the Revised Code, a court of common pleas or parole board may 11700  
impose sanctions or conditions on an offender who is placed on 11701  
post-release control under this division. 11702

(D) (1) Before the prisoner is released from imprisonment, 11703  
the parole board or, pursuant to an agreement under section 11704  
2967.29 of the Revised Code, the court shall impose upon a 11705  
prisoner described in division (B) of this section, shall impose 11706  
upon a prisoner described in division (C) of this section who is 11707  
to be released before the expiration of the prisoner's stated 11708  
prison term under a risk reduction sentence, may impose upon a 11709  
prisoner described in division (C) of this section who is not to 11710  
be released before the expiration of the prisoner's stated 11711  
prison term under a risk reduction sentence, and shall impose 11712  
upon a prisoner described in division (B) (2) (b) of section 11713  
5120.031 or in division (B) (1) of section 5120.032 of the 11714  
Revised Code, one or more post-release control sanctions to 11715  
apply during the prisoner's period of post-release control. 11716  
Whenever the board or court imposes one or more post-release 11717  
control sanctions upon a prisoner, the board or court, in 11718  
addition to imposing the sanctions, also shall include as a 11719  
condition of the post-release control that the offender not 11720

leave the state without permission of the court or the 11721  
offender's parole or probation officer and that the offender 11722  
abide by the law. The board or court may impose any other 11723  
conditions of release under a post-release control sanction that 11724  
the board or court considers appropriate, and the conditions of 11725  
release may include any community residential sanction, 11726  
community nonresidential sanction, or financial sanction that 11727  
the sentencing court was authorized to impose pursuant to 11728  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11729  
Prior to the release of a prisoner for whom it will impose one 11730  
or more post-release control sanctions under this division, the 11731  
parole board or court shall review the prisoner's criminal 11732  
history, results from the single validated risk assessment tool 11733  
selected by the department of rehabilitation and correction 11734  
under section 5120.114 of the Revised Code, all juvenile court 11735  
adjudications finding the prisoner, while a juvenile, to be a 11736  
delinquent child, and the record of the prisoner's conduct while 11737  
imprisoned. The parole board or court shall consider any 11738  
recommendation regarding post-release control sanctions for the 11739  
prisoner made by the office of victims' services. After 11740  
considering those materials, the board or court shall determine, 11741  
for a prisoner described in division (B) of this section, 11742  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11743  
section 5120.032 of the Revised Code and for a prisoner 11744  
described in division (C) of this section who is to be released 11745  
before the expiration of the prisoner's stated prison term under 11746  
a risk reduction sentence, which post-release control sanction 11747  
or combination of post-release control sanctions is reasonable 11748  
under the circumstances or, for a prisoner described in division 11749  
(C) of this section who is not to be released before the 11750  
expiration of the prisoner's stated prison term under a risk 11751  
reduction sentence, whether a post-release control sanction is 11752

necessary and, if so, which post-release control sanction or 11753  
combination of post-release control sanctions is reasonable 11754  
under the circumstances. In the case of a prisoner convicted of 11755  
a felony of the fourth or fifth degree other than a felony sex 11756  
offense, the board or court shall presume that monitored time is 11757  
the appropriate post-release control sanction unless the board 11758  
or court determines that a more restrictive sanction is 11759  
warranted. A post-release control sanction imposed under this 11760  
division takes effect upon the prisoner's release from 11761  
imprisonment. 11762

Regardless of whether the prisoner was sentenced to the 11763  
prison term prior to, on, or after July 11, 2006, prior to the 11764  
release of a prisoner for whom it will impose one or more post- 11765  
release control sanctions under this division, the parole board 11766  
shall notify the prisoner that, if the prisoner violates any 11767  
sanction so imposed or any condition of post-release control 11768  
described in division (B) of section 2967.131 of the Revised 11769  
Code that is imposed on the prisoner, the parole board may 11770  
impose a prison term of up to one-half of the stated prison term 11771  
originally imposed upon the prisoner. 11772

At least thirty days before the prisoner is released from 11773  
imprisonment under post-release control, except as otherwise 11774  
provided in this paragraph, the department of rehabilitation and 11775  
correction shall notify the victim and the victim's immediate 11776  
family of the date on which the prisoner will be released, the 11777  
period for which the prisoner will be under post-release control 11778  
supervision, and the terms and conditions of the prisoner's 11779  
post-release control regardless of whether the victim or 11780  
victim's immediate family has requested the notification. The 11781  
notice described in this paragraph shall not be given to a 11782  
victim or victim's immediate family if the victim or the 11783

victim's immediate family has requested pursuant to division (B) 11784  
(2) of section 2930.03 of the Revised Code that the notice not 11785  
be provided to the victim or the victim's immediate family. At 11786  
least thirty days before the prisoner is released from 11787  
imprisonment and regardless of whether the victim or victim's 11788  
immediate family has requested that the notice described in this 11789  
paragraph be provided or not be provided to the victim or the 11790  
victim's immediate family, the department also shall provide 11791  
notice of that nature to the prosecuting attorney in the case 11792  
and the law enforcement agency that arrested the prisoner if any 11793  
officer of that agency was a victim of the offense. 11794

If the notice given under the preceding paragraph to the 11795  
victim or the victim's immediate family is based on an offense 11796  
committed prior to March 22, 2013, and if the department of 11797  
rehabilitation and correction has not previously successfully 11798  
provided any notice to the victim or the victim's immediate 11799  
family under division (B), (C), or (D) of section 2930.16 of the 11800  
Revised Code with respect to that offense and the offender who 11801  
committed it, the notice also shall inform the victim or the 11802  
victim's immediate family that the victim or the victim's 11803  
immediate family may request that the victim or the victim's 11804  
immediate family not be provided any further notices with 11805  
respect to that offense and the offender who committed it and 11806  
shall describe the procedure for making that request. The 11807  
department may give the notices to which the preceding paragraph 11808  
applies by any reasonable means, including regular mail, 11809  
telephone, and electronic mail. If the department attempts to 11810  
provide notice to any specified person under the preceding 11811  
paragraph but the attempt is unsuccessful because the department 11812  
is unable to locate the specified person, is unable to provide 11813  
the notice by its chosen method because it cannot determine the 11814

mailing address, electronic mail address, or telephone number at 11815  
which to provide the notice, or, if the notice is sent by mail, 11816  
the notice is returned, the department shall make another 11817  
attempt to provide the notice to the specified person. If the 11818  
second attempt is unsuccessful, the department shall make at 11819  
least one more attempt to provide the notice. If the notice is 11820  
based on an offense committed prior to March 22, 2013, in each 11821  
attempt to provide the notice to the victim or victim's 11822  
immediate family, the notice shall include the opt-out 11823  
information described in this paragraph. The department, in the 11824  
manner described in division (D) (2) of section 2930.16 of the 11825  
Revised Code, shall keep a record of all attempts to provide the 11826  
notice, and of all notices provided, under this paragraph and 11827  
the preceding paragraph. The record shall be considered as if it 11828  
was kept under division (D) (2) of section 2930.16 of the Revised 11829  
Code. This paragraph, the preceding paragraph, and the notice- 11830  
related provisions of divisions (E) (2) and (K) of section 11831  
2929.20, division (D) (1) of section 2930.16, division (H) of 11832  
section 2967.12, division (E) (1) (b) of section 2967.19, division 11833  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 11834  
5149.101 of the Revised Code enacted in the act in which this 11835  
paragraph and the preceding paragraph were enacted, shall be 11836  
known as "Roberta's Law." 11837

(2) If a prisoner who is placed on post-release control 11838  
under this section is released before the expiration of the 11839  
definite term that is the prisoner's stated prison term or the 11840  
expiration of the minimum term that is part of the prisoner's 11841  
indefinite prison term imposed under a non-life felony 11842  
indefinite prison term by reason of credit earned under section 11843  
2967.193 or a reduction under division (F) of section 2967.271 11844  
of the Revised Code and if the prisoner earned sixty or more 11845

days of credit, the adult parole authority shall supervise the 11846  
offender with an active global positioning system device for the 11847  
first fourteen days after the offender's release from 11848  
imprisonment. This division does not prohibit or limit the 11849  
imposition of any post-release control sanction otherwise 11850  
authorized by this section. 11851

(3) At any time after a prisoner is released from 11852  
imprisonment and during the period of post-release control 11853  
applicable to the releasee, the adult parole authority or, 11854  
pursuant to an agreement under section 2967.29 of the Revised 11855  
Code, the court may review the releasee's behavior under the 11856  
post-release control sanctions imposed upon the releasee under 11857  
this section. The authority or court may determine, based upon 11858  
the review and in accordance with the standards established 11859  
under division (E) of this section, that a more restrictive or a 11860  
less restrictive sanction is appropriate and may impose a 11861  
different sanction. The authority also may recommend that the 11862  
parole board or court increase or reduce the duration of the 11863  
period of post-release control imposed by the court. If the 11864  
authority recommends that the board or court increase the 11865  
duration of post-release control, the board or court shall 11866  
review the releasee's behavior and may increase the duration of 11867  
the period of post-release control imposed by the court up to 11868  
eight years. If the authority recommends that the board or court 11869  
reduce the duration of control for an offense described in 11870  
division (B) or (C) of this section, the board or court shall 11871  
review the releasee's behavior and, subject to divisions (D) (3) 11872  
(a) to (c) of this section, may reduce the duration of the 11873  
period of control imposed by the court or, if the period of 11874  
control was imposed for a non-life felony indefinite prison 11875  
term, reduce the duration of or terminate the period of control 11876

imposed by the court. In no case shall the board or court ~~reduce~~ 11877  
do any of the following: 11878

(a) Reduce the duration of the period of control imposed 11879  
for an offense described in division (B)(1) of this section to a 11880  
period less than the length of the ~~stated definite~~ prison term 11881  
included in the stated prison term originally imposed, and in no 11882  
case shall the board or court permit on the offender as part of 11883  
the sentence or, with respect to a stated non-life felony 11884  
indefinite prison term, to a period less than the length of the 11885  
minimum prison term imposed as part of that stated prison term; 11886

(b) Consider any reduction or termination of the duration 11887  
of the period of control imposed on a releasee prior to the 11888  
expiration of one year after the commencement of the period of 11889  
control, if the period of control was imposed for a non-life 11890  
felony indefinite prison term and the releasee's minimum prison 11891  
term or presumptive earned early release date under that term 11892  
was extended for any length of time under division (C) or (D) of 11893  
section 2967.271 of the Revised Code. 11894

(c) Permit the releasee to leave the state without 11895  
permission of the court or the releasee's parole or probation 11896  
officer. 11897

(4) The department of rehabilitation and correction shall 11898  
develop factors that the parole board or court shall consider in 11899  
determining under division (D)(3) of this section whether to 11900  
terminate the period of control imposed on a releasee for a non- 11901  
life felony indefinite prison term. 11902

(E) The department of rehabilitation and correction, in 11903  
accordance with Chapter 119. of the Revised Code, shall adopt 11904  
rules that do all of the following: 11905

(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; 11906  
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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 determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control; 11911  
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(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex offense, or in imposing a less restrictive control sanction upon a releasee based on the releasee's activities including, but not limited to, remaining free from criminal activity and from the abuse of alcohol or other drugs, successfully participating in approved rehabilitation programs, maintaining employment, and paying restitution to the victim or meeting the terms of other financial sanctions; 11920  
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(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D) (2) of this section; 11933  
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(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following: 11936  
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(a) Classify violations according to the degree of seriousness; 11941  
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(b) Define the circumstances under which formal action by the parole board is warranted; 11943  
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(c) Govern the use of evidence at violation hearings; 11945

(d) Ensure procedural due process to an alleged violator; 11946

(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations; 11947  
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(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control. 11949  
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(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 11951  
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officer of the authority who supervises the offender. The 11965  
authority's officers may treat the offender as if the offender 11966  
were on parole and in violation of the parole, and otherwise 11967  
shall comply with this section. 11968

(2) If the adult parole authority or, pursuant to an 11969  
agreement under section 2967.29 of the Revised Code, the court 11970  
determines that a releasee has violated a post-release control 11971  
sanction or any conditions described in division (A) of section 11972  
2967.131 of the Revised Code imposed upon the releasee and that 11973  
a more restrictive sanction is appropriate, the authority or 11974  
court may impose a more restrictive sanction upon the releasee, 11975  
in accordance with the standards established under division (E) 11976  
of this section or in accordance with the agreement made under 11977  
section 2967.29 of the Revised Code, or may report the violation 11978  
to the parole board for a hearing pursuant to division (F)(3) of 11979  
this section. The authority or court may not, pursuant to this 11980  
division, increase the duration of the releasee's post-release 11981  
control or impose as a post-release control sanction a 11982  
residential sanction that includes a prison term, but the 11983  
authority or court may impose on the releasee any other 11984  
residential sanction, nonresidential sanction, or financial 11985  
sanction that the sentencing court was authorized to impose 11986  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11987  
Revised Code. 11988

(3) The parole board or, pursuant to an agreement under 11989  
section 2967.29 of the Revised Code, the court may hold a 11990  
hearing on any alleged violation by a releasee of a post-release 11991  
control sanction or any conditions described in division (A) of 11992  
section 2967.131 of the Revised Code that are imposed upon the 11993  
releasee. If after the hearing the board or court finds that the 11994  
releasee violated the sanction or condition, the board or court 11995

may increase the duration of the releasee's post-release control 11996  
up to the maximum duration authorized by division (B) or (C) of 11997  
this section or impose a more restrictive post-release control 11998  
sanction. If a releasee was acting pursuant to division (B) (2) 11999  
(b) of section 2925.11 of the Revised Code and in so doing 12000  
violated the conditions of a post-release control sanction based 12001  
on a minor drug possession offense as defined in that section, 12002  
the board or the court may consider the releasee's conduct in 12003  
seeking or obtaining medical assistance for another in good 12004  
faith or for self or may consider the releasee being the subject 12005  
of another person seeking or obtaining medical assistance in 12006  
accordance with that division as a mitigating factor before 12007  
imposing any of the penalties described in this division. When 12008  
appropriate, the board or court may impose as a post-release 12009  
control sanction a residential sanction that includes a prison 12010  
term. The board or court shall consider a prison term as a post- 12011  
release control sanction imposed for a violation of post-release 12012  
control when the violation involves a deadly weapon or dangerous 12013  
ordnance, physical harm or attempted serious physical harm to a 12014  
person, or sexual misconduct, or when the releasee committed 12015  
repeated violations of post-release control sanctions. Unless a 12016  
releasee's stated prison term was reduced pursuant to section 12017  
5120.032 of the Revised Code, the period of a prison term that 12018  
is imposed as a post-release control sanction under this 12019  
division shall not exceed nine months, and the maximum 12020  
cumulative prison term for all violations under this division 12021  
shall not exceed one-half of the ~~stated definite~~ prison term 12022  
that was the stated prison term originally imposed upon the 12023  
offender as part of this sentence or, with respect to a stated 12024  
non-life felony indefinite prison term, one-half of the minimum 12025  
prison term that was imposed as part of that stated prison term 12026  
originally imposed upon the offender. If a releasee's stated 12027

prison term was reduced pursuant to section 5120.032 of the Revised Code, the period of a prison term that is imposed as a post-release control sanction under this division and the maximum cumulative prison term for all violations under this division shall not exceed the period of time not served in prison under the sentence imposed by the court. The period of a prison term that is imposed as a post-release control sanction under this division shall not count as, or be credited toward, the remaining period of post-release control.

If an offender is imprisoned for a felony committed while under post-release control supervision and is again released on post-release control for a period of time determined by division (F) (4) (d) of this section, the maximum cumulative prison term for all violations under this division shall not exceed one-half of the total stated prison terms of the earlier felony, reduced by any prison term administratively imposed by the parole board or court, plus one-half of the total stated prison term of the new felony.

(4) Any period of post-release control shall commence upon an offender's actual release from prison. If an offender is serving an indefinite prison term or a life sentence in addition to a stated prison term, the offender shall serve the period of post-release control in the following manner:

(a) If a period of post-release control is imposed upon the offender and if the offender also is subject to a period of parole under a life sentence or an indefinite sentence, and if the period of post-release control ends prior to the period of parole, the offender shall be supervised on parole. The offender shall receive credit for post-release control supervision during the period of parole. The offender is not eligible for final

release under section 2967.16 of the Revised Code until the 12058  
post-release control period otherwise would have ended. 12059

(b) If a period of post-release control is imposed upon 12060  
the offender and if the offender also is subject to a period of 12061  
parole under an indefinite sentence, and if the period of parole 12062  
ends prior to the period of post-release control, the offender 12063  
shall be supervised on post-release control. The requirements of 12064  
parole supervision shall be satisfied during the post-release 12065  
control period. 12066

(c) If an offender is subject to more than one period of 12067  
post-release control, the period of post-release control for all 12068  
of the sentences shall be the period of post-release control 12069  
that expires last, as determined by the parole board or court. 12070  
Periods of post-release control shall be served concurrently and 12071  
shall not be imposed consecutively to each other. 12072

(d) The period of post-release control for a releasee who 12073  
commits a felony while under post-release control for an earlier 12074  
felony shall be the longer of the period of post-release control 12075  
specified for the new felony under division (B) or (C) of this 12076  
section or the time remaining under the period of post-release 12077  
control imposed for the earlier felony as determined by the 12078  
parole board or court. 12079

**Sec. 2971.03.** (A) Notwithstanding divisions (A) and (D) of 12080  
section 2929.14, section 2929.02, 2929.03, 2929.06, 2929.13, or 12081  
another section of the Revised Code, other than divisions (B) 12082  
and (C) of section 2929.14 of the Revised Code, that authorizes 12083  
or requires a specified prison term or a mandatory prison term 12084  
for a person who is convicted of or pleads guilty to a felony or 12085  
that specifies the manner and place of service of a prison term 12086  
or term of imprisonment, the court shall impose a sentence upon 12087

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 is aggravated murder and if the court does not impose upon the offender a sentence of death, it shall impose upon the offender a term of life imprisonment without parole. If the court sentences the offender to death and the sentence of death is vacated, overturned, or otherwise set aside, the court shall impose upon the offender a term of life imprisonment without parole.

(2) If the offense for which the sentence is being imposed is murder; or if the offense is rape committed in violation of division (A) (1) (b) of section 2907.02 of the Revised Code when the offender purposely compelled the victim to submit by force or threat of force, when the victim was less than ten years of age, when the offender previously has been convicted of or pleaded guilty to either rape committed in violation of that division or a violation of an existing or former law of this state, another state, or the United States that is substantially similar to division (A) (1) (b) of section 2907.02 of the Revised Code, or when the offender during or immediately after the commission of the rape caused serious physical harm to the victim; or if the offense is an offense other than aggravated

murder or murder for which a term of life imprisonment may be 12119  
imposed, it shall impose upon the offender a term of life 12120  
imprisonment without parole. 12121

(3) (a) Except as otherwise provided in division (A) (3) (b), 12122  
(c), (d), or (e) or (A) (4) of this section, if the offense for 12123  
which the sentence is being imposed is an offense other than 12124  
aggravated murder, murder, or rape and other than an offense for 12125  
which a term of life imprisonment may be imposed, it shall 12126  
impose an indefinite prison term consisting of a minimum term 12127  
fixed by the court ~~from among the range of terms available as a~~ 12128  
~~definite term for the offense as described in this division,~~ but 12129  
not less than two years, and a maximum term of life 12130  
imprisonment. Except as otherwise specified in this division, 12131  
the minimum term shall be fixed by the court from among the 12132  
range of terms available as a definite term for the offense. If 12133  
the offense is a felony of the first or second degree committed 12134  
on or after the effective date of this amendment, the minimum 12135  
term shall be fixed by the court from among the range of terms 12136  
available as a minimum term for the offense under division (A) 12137  
(1) (a) or (2) (a) of that section. 12138

(b) Except as otherwise provided in division (A) (4) of 12139  
this section, if the offense for which the sentence is being 12140  
imposed is kidnapping that is a felony of the first degree, it 12141  
shall impose an indefinite prison term as follows: 12142

(i) If the kidnapping is committed on or after January 1, 12143  
2008, and the victim of the offense is less than thirteen years 12144  
of age, except as otherwise provided in this division, it shall 12145  
impose an indefinite prison term consisting of a minimum term of 12146  
fifteen years and a maximum term of life imprisonment. If the 12147  
kidnapping is committed on or after January 1, 2008, the victim 12148

of the offense is less than thirteen years of age, and the 12149  
offender released the victim in a safe place unharmed, it shall 12150  
impose an indefinite prison term consisting of a minimum term of 12151  
ten years and a maximum term of life imprisonment. 12152

(ii) If the kidnapping is committed prior to January 1, 12153  
2008, or division (A) (3) (b) (i) of this section does not apply, 12154  
it shall impose an indefinite term consisting of a minimum term 12155  
fixed by the court that is not less than ten years and a maximum 12156  
term of life imprisonment. 12157

(c) Except as otherwise provided in division (A) (4) of 12158  
this section, if the offense for which the sentence is being 12159  
imposed is kidnapping that is a felony of the second degree, it 12160  
shall impose an indefinite prison term consisting of a minimum 12161  
term fixed by the court that is not less than eight years, and a 12162  
maximum term of life imprisonment. 12163

(d) Except as otherwise provided in division (A) (4) of 12164  
this section, if the offense for which the sentence is being 12165  
imposed is rape for which a term of life imprisonment is not 12166  
imposed under division (A) (2) of this section or division (B) of 12167  
section 2907.02 of the Revised Code, it shall impose an 12168  
indefinite prison term as follows: 12169

(i) If the rape is committed on or after January 2, 2007, 12170  
in violation of division (A) (1) (b) of section 2907.02 of the 12171  
Revised Code, it shall impose an indefinite prison term 12172  
consisting of a minimum term of twenty-five years and a maximum 12173  
term of life imprisonment. 12174

(ii) If the rape is committed prior to January 2, 2007, or 12175  
the rape is committed on or after January 2, 2007, other than in 12176  
violation of division (A) (1) (b) of section 2907.02 of the 12177

Revised Code, it shall impose an indefinite prison term 12178  
consisting of a minimum term fixed by the court that is not less 12179  
than ten years, and a maximum term of life imprisonment. 12180

(e) Except as otherwise provided in division (A)(4) of 12181  
this section, if the offense for which sentence is being imposed 12182  
is attempted rape, it shall impose an indefinite prison term as 12183  
follows: 12184

(i) Except as otherwise provided in division (A)(3)(e) 12185  
(ii), (iii), or (iv) of this section, it shall impose an 12186  
indefinite prison term pursuant to division (A)(3)(a) of this 12187  
section. 12188

(ii) If the attempted rape for which sentence is being 12189  
imposed was committed on or after January 2, 2007, and if the 12190  
offender also is convicted of or pleads guilty to a 12191  
specification of the type described in section 2941.1418 of the 12192  
Revised Code, it shall impose an indefinite prison term 12193  
consisting of a minimum term of five years and a maximum term of 12194  
twenty-five years. 12195

(iii) If the attempted rape for which sentence is being 12196  
imposed was committed on or after January 2, 2007, and if the 12197  
offender also is convicted of or pleads guilty to a 12198  
specification of the type described in section 2941.1419 of the 12199  
Revised Code, it shall impose an indefinite prison term 12200  
consisting of a minimum term of ten years and a maximum of life 12201  
imprisonment. 12202

(iv) If the attempted rape for which sentence is being 12203  
imposed was committed on or after January 2, 2007, and if the 12204  
offender also is convicted of or pleads guilty to a 12205  
specification of the type described in section 2941.1420 of the 12206

Revised Code, it shall impose an indefinite prison term 12207  
consisting of a minimum term of fifteen years and a maximum of 12208  
life imprisonment. 12209

(4) For any offense for which the sentence is being 12210  
imposed, if the offender previously has been convicted of or 12211  
pleaded guilty to a violent sex offense and also to a sexually 12212  
violent predator specification that was included in the 12213  
indictment, count in the indictment, or information charging 12214  
that offense, or previously has been convicted of or pleaded 12215  
guilty to a designated homicide, assault, or kidnapping offense 12216  
and also to both a sexual motivation specification and a 12217  
sexually violent predator specification that were included in 12218  
the indictment, count in the indictment, or information charging 12219  
that offense, it shall impose upon the offender a term of life 12220  
imprisonment without parole. 12221

(B) (1) Notwithstanding section 2929.13, division (A) or 12222  
(D) of section 2929.14, or another section of the Revised Code 12223  
other than division (B) of section 2907.02 or divisions (B) and 12224  
(C) of section 2929.14 of the Revised Code that authorizes or 12225  
requires a specified prison term or a mandatory prison term for 12226  
a person who is convicted of or pleads guilty to a felony or 12227  
that specifies the manner and place of service of a prison term 12228  
or term of imprisonment, if a person is convicted of or pleads 12229  
guilty to a violation of division (A) (1) (b) of section 2907.02 12230  
of the Revised Code committed on or after January 2, 2007, if 12231  
division (A) of this section does not apply regarding the 12232  
person, and if the court does not impose a sentence of life 12233  
without parole when authorized pursuant to division (B) of 12234  
section 2907.02 of the Revised Code, the court shall impose upon 12235  
the person an indefinite prison term consisting of one of the 12236  
following: 12237

(a) Except as otherwise required in division (B) (1) (b) or 12238  
(c) of this section, a minimum term of ten years and a maximum 12239  
term of life imprisonment. 12240

(b) If the victim was less than ten years of age, a 12241  
minimum term of fifteen years and a maximum of life 12242  
imprisonment. 12243

(c) If the offender purposely compels the victim to submit 12244  
by force or threat of force, or if the offender previously has 12245  
been convicted of or pleaded guilty to violating division (A) (1) 12246  
(b) of section 2907.02 of the Revised Code or to violating an 12247  
existing or former law of this state, another state, or the 12248  
United States that is substantially similar to division (A) (1) 12249  
(b) of that section, or if the offender during or immediately 12250  
after the commission of the offense caused serious physical harm 12251  
to the victim, a minimum term of twenty-five years and a maximum 12252  
of life imprisonment. 12253

(2) Notwithstanding section 2929.13, division (A) or (D) 12254  
of section 2929.14, or another section of the Revised Code other 12255  
than divisions (B) and (C) of section 2929.14 of the Revised 12256  
Code that authorizes or requires a specified prison term or a 12257  
mandatory prison term for a person who is convicted of or pleads 12258  
guilty to a felony or that specifies the manner and place of 12259  
service of a prison term or term of imprisonment and except as 12260  
otherwise provided in division (B) of section 2907.02 of the 12261  
Revised Code, if a person is convicted of or pleads guilty to 12262  
attempted rape committed on or after January 2, 2007, and if 12263  
division (A) of this section does not apply regarding the 12264  
person, the court shall impose upon the person an indefinite 12265  
prison term consisting of one of the following: 12266

(a) If the person also is convicted of or pleads guilty to 12267

a specification of the type described in section 2941.1418 of 12268  
the Revised Code, the court shall impose upon the person an 12269  
indefinite prison term consisting of a minimum term of five 12270  
years and a maximum term of twenty-five years. 12271

(b) If the person also is convicted of or pleads guilty to 12272  
a specification of the type described in section 2941.1419 of 12273  
the Revised Code, the court shall impose upon the person an 12274  
indefinite prison term consisting of a minimum term of ten years 12275  
and a maximum term of life imprisonment. 12276

(c) If the person also is convicted of or pleads guilty to 12277  
a specification of the type described in section 2941.1420 of 12278  
the Revised Code, the court shall impose upon the person an 12279  
indefinite prison term consisting of a minimum term of fifteen 12280  
years and a maximum term of life imprisonment. 12281

(3) Notwithstanding section 2929.13, division (A) or (D) 12282  
of section 2929.14, or another section of the Revised Code other 12283  
than divisions (B) and (C) of section 2929.14 of the Revised 12284  
Code that authorizes or requires a specified prison term or a 12285  
mandatory prison term for a person who is convicted of or pleads 12286  
guilty to a felony or that specifies the manner and place of 12287  
service of a prison term or term of imprisonment, if a person is 12288  
convicted of or pleads guilty to an offense described in 12289  
division (B) (3) (a), (b), (c), or (d) of this section committed 12290  
on or after January 1, 2008, if the person also is convicted of 12291  
or pleads guilty to a sexual motivation specification that was 12292  
included in the indictment, count in the indictment, or 12293  
information charging that offense, and if division (A) of this 12294  
section does not apply regarding the person, the court shall 12295  
impose upon the person an indefinite prison term consisting of 12296  
one of the following: 12297

(a) An indefinite prison term consisting of a minimum of ten years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping, the victim of the offense is less than thirteen years of age, and the offender released the victim in a safe place unharmed;

(b) An indefinite prison term consisting of a minimum of fifteen years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is kidnapping when the victim of the offense is less than thirteen years of age and division (B) (3) (a) of this section does not apply;

(c) An indefinite term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is aggravated murder, when the victim of the offense is less than thirteen years of age, a sentence of death or life imprisonment without parole is not imposed for the offense, and division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), (C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) (d) of section 2929.03, or division (A) or (B) of section 2929.06 of the Revised Code requires that the sentence for the offense be imposed pursuant to this division;

(d) An indefinite prison term consisting of a minimum of thirty years and a maximum term of life imprisonment if the offense for which the sentence is being imposed is murder when the victim of the offense is less than thirteen years of age.

(C) (1) If the offender is sentenced to a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of this section, the parole board shall have control over the offender's service of the term during the entire term unless the parole board

terminates its control in accordance with section 2971.04 of the Revised Code. 12328  
12329

(2) Except as provided in division (C)(3) of this section, 12330  
an offender sentenced to a prison term or term of life 12331  
imprisonment without parole pursuant to division (A) of this 12332  
section shall serve the entire prison term or term of life 12333  
imprisonment in a state correctional institution. The offender 12334  
is not eligible for judicial release under section 2929.20 of 12335  
the Revised Code. 12336

(3) For a prison term imposed pursuant to division (A)(3), 12337  
(B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), 12338  
(b), (c), or (d) of this section, the court, in accordance with 12339  
section 2971.05 of the Revised Code, may terminate the prison 12340  
term or modify the requirement that the offender serve the 12341  
entire term in a state correctional institution if all of the 12342  
following apply: 12343

(a) The offender has served at least the minimum term 12344  
imposed as part of that prison term. 12345

(b) The parole board, pursuant to section 2971.04 of the 12346  
Revised Code, has terminated its control over the offender's 12347  
service of that prison term. 12348

(c) The court has held a hearing and found, by clear and 12349  
convincing evidence, one of the following: 12350

(i) In the case of termination of the prison term, that 12351  
the offender is unlikely to commit a sexually violent offense in 12352  
the future; 12353

(ii) In the case of modification of the requirement, that 12354  
the offender does not represent a substantial risk of physical 12355  
harm to others. 12356

(4) An offender who has been sentenced to a term of life imprisonment without parole pursuant to division (A) (1), (2), or (4) of this section shall not be released from the term of life imprisonment or be permitted to serve a portion of it in a place other than a state correctional institution.

(D) If a court sentences an offender to a prison term or term of life imprisonment without parole pursuant to division (A) of this section and the court also imposes on the offender one or more additional prison terms pursuant to division (B) of section 2929.14 of the Revised Code, all of the additional prison terms shall be served consecutively with, and prior to, the prison term or term of life imprisonment without parole imposed upon the offender pursuant to division (A) of this section.

(E) If the offender is convicted of or pleads guilty to two or more offenses for which a prison term or term of life imprisonment without parole is required to be imposed pursuant to division (A) of this section, divisions (A) to (D) of this section shall be applied for each offense. All minimum terms imposed upon the offender pursuant to division (A) (3) or (B) of this section for those offenses shall be aggregated and served consecutively, as if they were a single minimum term imposed under that division.

(F) (1) If an offender is convicted of or pleads guilty to a violent sex offense and also is convicted of or pleads guilty to a sexually violent predator specification that was included in the indictment, count in the indictment, or information charging that offense, or is convicted of or pleads guilty to a designated homicide, assault, or kidnapping offense and also is convicted of or pleads guilty to both a sexual motivation

specification and a sexually violent predator specification that 12387  
were included in the indictment, count in the indictment, or 12388  
information charging that offense, the conviction of or plea of 12389  
guilty to the offense and the sexually violent predator 12390  
specification automatically classifies the offender as a tier 12391  
III sex offender/child-victim offender for purposes of Chapter 12392  
2950. of the Revised Code. 12393

(2) If an offender is convicted of or pleads guilty to 12394  
committing on or after January 2, 2007, a violation of division 12395  
(A) (1) (b) of section 2907.02 of the Revised Code and either the 12396  
offender is sentenced under section 2971.03 of the Revised Code 12397  
or a sentence of life without parole is imposed under division 12398  
(B) of section 2907.02 of the Revised Code, the conviction of or 12399  
plea of guilty to the offense automatically classifies the 12400  
offender as a tier III sex offender/child-victim offender for 12401  
purposes of Chapter 2950. of the Revised Code. 12402

(3) If a person is convicted of or pleads guilty to 12403  
committing on or after January 2, 2007, attempted rape and also 12404  
is convicted of or pleads guilty to a specification of the type 12405  
described in section 2941.1418, 2941.1419, or 2941.1420 of the 12406  
Revised Code, the conviction of or plea of guilty to the offense 12407  
and the specification automatically classify the offender as a 12408  
tier III sex offender/child-victim offender for purposes of 12409  
Chapter 2950. of the Revised Code. 12410

(4) If a person is convicted of or pleads guilty to one of 12411  
the offenses described in division (B) (3) (a), (b), (c), or (d) 12412  
of this section and a sexual motivation specification related to 12413  
the offense and the victim of the offense is less than thirteen 12414  
years of age, the conviction of or plea of guilty to the offense 12415  
automatically classifies the offender as a tier III sex 12416

offender/child-victim offender for purposes of Chapter 2950. of 12417  
the Revised Code. 12418

**Sec. 3719.99.** (A) Whoever violates section 3719.16 or 12419  
3719.161 of the Revised Code is guilty of a felony of the fifth 12420  
degree. If the offender previously has been convicted of a 12421  
violation of section 3719.16 or 3719.161 of the Revised Code or 12422  
a drug abuse offense, a violation of section 3719.16 or 3719.161 12423  
of the Revised Code is a felony of the fourth degree. If the 12424  
violation involves the sale, offer to sell, or possession of a 12425  
schedule I or II controlled substance, with the exception of 12426  
marihuana, and if the offender, as a result of the violation, is 12427  
a major drug offender, division (D) of this section applies. 12428

(B) Whoever violates division (C) or (D) of section 12429  
3719.172 of the Revised Code is guilty of a felony of the fifth 12430  
degree. If the offender previously has been convicted of a 12431  
violation of division (C) or (D) of section 3719.172 of the 12432  
Revised Code or a drug abuse offense, a violation of division 12433  
(C) or (D) of section 3719.172 of the Revised Code is a felony 12434  
of the fourth degree. If the violation involves the sale, offer 12435  
to sell, or possession of a schedule I or II controlled 12436  
substance, with the exception of marihuana, and if the offender, 12437  
as a result of the violation, is a major drug offender, division 12438  
(D) of this section applies. 12439

(C) Whoever violates section 3719.07 or 3719.08 of the 12440  
Revised Code is guilty of a misdemeanor of the first degree. If 12441  
the offender previously has been convicted of a violation of 12442  
section 3719.07 or 3719.08 of the Revised Code or a drug abuse 12443  
offense, a violation of section 3719.07 or 3719.08 of the 12444  
Revised Code is a felony of the fifth degree. If the violation 12445  
involves the sale, offer to sell, or possession of a schedule I 12446

or II controlled substance, with the exception of marihuana, and 12447  
if the offender, as a result of the violation, is a major drug 12448  
offender, division (D) of this section applies. 12449

(D) (1) If an offender is convicted of or pleads guilty to 12450  
a felony violation of section 3719.07, 3719.08, 3719.16, or 12451  
3719.161 or of division (C) or (D) of section 3719.172 of the 12452  
Revised Code, if the violation involves the sale, offer to sell, 12453  
or possession of a schedule I or II controlled substance, with 12454  
the exception of marihuana, and if the court imposing sentence 12455  
upon the offender finds that the offender as a result of the 12456  
violation is a major drug offender and is guilty of a 12457  
specification of the type described in section 2941.1410 of the 12458  
Revised Code, the court, in lieu of the prison term authorized 12459  
or required by division (A), (B), or (C) of this section and 12460  
sections 2929.13 and 2929.14 of the Revised Code and in addition 12461  
to any other sanction imposed for the offense under sections 12462  
2929.11 to 2929.18 of the Revised Code, shall impose upon the 12463  
offender, in accordance with division (B) (3) ~~(a)~~ of section 12464  
2929.14 of the Revised Code, the mandatory prison term specified 12465  
in that division ~~and may impose an additional prison term under~~ 12466  
~~division (B) (3) (b) of that section.~~ 12467

(2) Notwithstanding any contrary provision of section 12468  
3719.21 of the Revised Code, the clerk of the court shall pay 12469  
any fine imposed for a felony violation of section 3719.07, 12470  
3719.08, 3719.16, or 3719.161 or of division (C) or (D) of 12471  
section 3719.172 of the Revised Code pursuant to division (A) of 12472  
section 2929.18 of the Revised Code in accordance with and 12473  
subject to the requirements of division (F) of section 2925.03 12474  
of the Revised Code. The agency that receives the fine shall use 12475  
the fine as specified in division (F) of section 2925.03 of the 12476  
Revised Code. 12477

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is a misdemeanor of the first degree.

(F) Whoever violates section 3719.30 of the Revised Code is guilty of a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of section 3719.30 of the Revised Code or a drug abuse offense, a violation of section 3719.30 of the Revised Code is a misdemeanor of the third degree.

(G) Whoever violates section 3719.32 or 3719.33 of the Revised Code is guilty of a minor misdemeanor.

(H) Whoever violates division (K) (2) (b) of section 3719.44 of the Revised Code is guilty of a felony of the fifth degree.

(I) Whoever violates division (K) (2) (c) of section 3719.44 of the Revised Code is guilty of a misdemeanor of the second degree.

(J) As used in this section, "major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

**Sec. 5120.021.** (A) The provisions of Chapter 5120. of the Revised Code, as they existed prior to July 1, 1996, and that address the duration or potential duration of incarceration or parole or other forms of supervised release, apply to all persons upon whom a court imposed a term of imprisonment prior

to July 1, 1996, and all persons upon whom a court, on or after 12507  
July 1, 1996, and in accordance with law existing prior to July 12508  
1, 1996, imposed a term of imprisonment for an offense that was 12509  
committed prior to July 1, 1996. 12510

(B) (1) The provisions of Chapter 5120. of the Revised 12511  
Code, as they exist on or after July 1, 1996, and that address 12512  
the duration or potential duration of incarceration or 12513  
supervised release, apply to all persons upon whom a court 12514  
imposed a stated prison term for an offense committed on or 12515  
after July 1, 1996. 12516

(2) The provisions of Chapter 5120. of the Revised Code, 12517  
as they exist on or after the effective date of this amendment, 12518  
apply to an offender who is released from confinement in a state 12519  
correctional institution on or after that date. 12520

(C) Nothing in this section limits or affects the 12521  
applicability of any provision in Chapter 5120. of the Revised 12522  
Code, as amended or enacted on or after July 1, 1996, that 12523  
pertains to an issue other than the duration or potential 12524  
duration of incarceration or supervised release, to persons in 12525  
custody or under the supervision of the department of 12526  
rehabilitation and correction. 12527

**Sec. 5120.038.** (A) As used in this section, "GPS-monitored 12528  
offender" means an offender who, on or after the effective date 12529  
of this section, is released from confinement in a state 12530  
correctional institution under a conditional pardon, parole, 12531  
other form of authorized release, or transitional control that 12532  
includes global positioning system monitoring as a condition of 12533  
the person's release, or who, on or after that date, is placed 12534  
under post-release control that includes global positioning 12535  
system monitoring as a condition under the post-release control. 12536

(B) Not later than June 30, 2019, the department of 12537  
rehabilitation and correction shall study the feasibility of 12538  
contracting with a third-party contract administrator for global 12539  
position system monitoring that would include a crime scene 12540  
correlation program that could interface by link with a 12541  
statewide database for GPS-monitored offenders. The study also 12542  
shall analyze the use of GPS monitoring as a supervision tool. 12543  
In conducting the study, the department shall consider all of 12544  
the following factors: 12545

(1) The ability of the department or another state entity 12546  
to establish and operate a statewide internet database of GPS- 12547  
monitored offenders and the specific information that such a 12548  
database could include. 12549

(2) The capability for a GPS monitoring system run by a 12550  
third-party contract administrator to include a crime scene 12551  
correlation program that interfaces by link with a statewide 12552  
database of GPS-monitored offenders. 12553

(3) The ability of local law enforcement representatives 12554  
to remotely search a statewide internet database of GPS- 12555  
monitored offenders that is linked with a crime scene 12556  
correlation program. 12557

(4) The capability for a GPS monitoring system with crime 12558  
scene correlation features to allow local law enforcement 12559  
representatives without a subpoena or warrant to access 12560  
information contained in the crime scene correlation program 12561  
about a GPS-monitored offender, including the offender's current 12562  
location, the offender's location at previous points in time, 12563  
the location of recent criminal activity in or near the 12564  
offender's inclusionary or exclusionary zones included as 12565  
restrictions under the offender's supervision, and any possible 12566

connection between the offender's location and that recent 12567  
criminal activity. 12568

(5) The ability of law enforcement representatives to 12569  
obtain, without a warrant or subpoena, information about a GPS- 12570  
monitored offender from either an employee of the department or 12571  
a third-party contract administrator who is monitoring the 12572  
offender, including information of the types listed in division 12573  
(B) (4) of this section. 12574

(6) The types of offenders for whom GPS monitoring would 12575  
be beneficial, the appropriate length for monitoring, and the 12576  
costs related to GPS monitoring. 12577

(C) Upon completion of the study specified in division (B) 12578  
of this section, the department shall submit copies of the study 12579  
to the president and minority leader of the senate, the speaker 12580  
and minority leader of the house of representatives, and the 12581  
governor. 12582

**Sec. 5120.53.** (A) If a treaty between the United States 12583  
and a foreign country provides for the transfer or exchange, 12584  
from one of the signatory countries to the other signatory 12585  
country, of convicted offenders who are citizens or nationals of 12586  
the other signatory country, the governor, subject to and in 12587  
accordance with the terms of the treaty, may authorize the 12588  
director of rehabilitation and correction to allow the transfer 12589  
or exchange of convicted offenders and to take any action 12590  
necessary to initiate participation in the treaty. If the 12591  
governor grants the director the authority described in this 12592  
division, the director may take the necessary action to initiate 12593  
participation in the treaty and, subject to and in accordance 12594  
with division (B) of this section and the terms of the treaty, 12595  
may allow the transfer or exchange to a foreign country that has 12596

signed the treaty of any convicted offender who is a citizen or 12597  
national of that signatory country. 12598

(B) (1) No convicted offender who is serving a term of 12599  
imprisonment in this state for aggravated murder, murder, or a 12600  
felony of the first or second degree, who is serving a mandatory 12601  
prison term imposed under section 2925.03 or 2925.11 of the 12602  
Revised Code in circumstances in which the court was required to 12603  
impose as the mandatory prison term the maximum definite prison 12604  
term or longest minimum prison term authorized for the degree of 12605  
offense committed, who is serving a term of imprisonment in this 12606  
state imposed for an offense committed prior to ~~the effective~~ 12607  
~~date of this amendment~~ July 1, 1996, that was an aggravated 12608  
felony of the first or second degree or that was aggravated 12609  
trafficking in violation of division (A) (9) or (10) of section 12610  
2925.03 of the Revised Code, or who has been sentenced to death 12611  
in this state shall be transferred or exchanged to another 12612  
country pursuant to a treaty of the type described in division 12613  
(A) of this section. 12614

(2) If a convicted offender is serving a term of 12615  
imprisonment in this state and the offender is a citizen or 12616  
national of a foreign country that has signed a treaty of the 12617  
type described in division (A) of this section, if the governor 12618  
has granted the director of rehabilitation and correction the 12619  
authority described in that division, and if the transfer or 12620  
exchange of the offender is not barred by division (B) (1) of 12621  
this section, the director or the director's designee may 12622  
approve the offender for transfer or exchange pursuant to the 12623  
treaty if the director or the designee, after consideration of 12624  
the factors set forth in the rules adopted by the department 12625  
under division (D) of this section and all other relevant 12626  
factors, determines that the transfer or exchange of the 12627

offender is appropriate. 12628

(C) Notwithstanding any provision of the Revised Code 12629  
regarding the parole eligibility of, or the duration or 12630  
calculation of a sentence of imprisonment imposed upon, an 12631  
offender, if a convicted offender is serving a term of 12632  
imprisonment in this state and the offender is a citizen or 12633  
national of a foreign country that has signed a treaty of the 12634  
type described in division (A) of this section, if the offender 12635  
is serving an indefinite term of imprisonment, if the offender 12636  
is barred from being transferred or exchanged pursuant to the 12637  
treaty due to the indefinite nature of the offender's term of 12638  
imprisonment, and if in accordance with division (B) (2) of this 12639  
section the director of rehabilitation and correction or the 12640  
director's designee approves the offender for transfer or 12641  
exchange pursuant to the treaty, the parole board, pursuant to 12642  
rules adopted by the director, shall set a date certain for the 12643  
release of the offender. To the extent possible, the date 12644  
certain that is set shall be reasonably proportionate to the 12645  
indefinite term of imprisonment that the offender is serving. 12646  
The date certain that is set for the release of the offender 12647  
shall be considered only for purposes of facilitating the 12648  
international transfer or exchange of the offender, shall not be 12649  
viable or actionable for any other purpose, and shall not create 12650  
any expectation or guarantee of release. If an offender for whom 12651  
a date certain for release is set under this division is not 12652  
transferred to or exchanged with the foreign country pursuant to 12653  
the treaty, the date certain is null and void, and the 12654  
offender's release shall be determined pursuant to the laws and 12655  
rules of this state pertaining to parole eligibility and the 12656  
duration and calculation of an indefinite sentence of 12657  
imprisonment. 12658

(D) If the governor, pursuant to division (A) of this section, authorizes the director of rehabilitation and correction to allow any transfer or exchange of convicted offenders as described in that division, the director shall adopt rules under Chapter 119. of the Revised Code to implement the provisions of this section. The rules shall include a rule that requires the director or the director's designee, in determining whether to approve a convicted offender who is serving a term of imprisonment in this state for transfer or exchange pursuant to a treaty of the type described in division (A) of this section, to consider all of the following factors:

(1) The nature of the offense for which the offender is serving the term of imprisonment in this state;

(2) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will serve a shorter period of time in imprisonment in the foreign country than the offender would serve if the offender is not transferred or exchanged to the foreign country pursuant to the treaty;

(3) The likelihood that, if the offender is transferred or exchanged to a foreign country pursuant to the treaty, the offender will return or attempt to return to this state after the offender has been released from imprisonment in the foreign country;

(4) The degree of any shock to the conscience of justice and society that will be experienced in this state if the offender is transferred or exchanged to a foreign country pursuant to the treaty;

(5) All other factors that the department determines are

relevant to the determination. 12688

**Sec. 5120.66.** (A) Within ninety days after November 23, 12689  
2005, but not before January 1, 2006, the department of 12690  
rehabilitation and correction shall establish and operate on the 12691  
internet a database that contains all of the following: 12692

(1) For each inmate in the custody of the department under 12693  
a sentence imposed for a conviction of or plea of guilty to any 12694  
offense, all of the following information: 12695

(a) The inmate's name; 12696

(b) For each offense for which the inmate was sentenced to 12697  
a prison term or term of imprisonment and is in the department's 12698  
custody, the name of the offense, the Revised Code section of 12699  
which the offense is a violation, the gender of each victim of 12700  
the offense if those facts are known, whether each victim of the 12701  
offense was an adult or child if those facts are known, whether 12702  
any victim of the offense was a law enforcement officer if that 12703  
fact is known, the range of the possible prison terms or term of 12704  
imprisonment that could have been imposed for the offense, the 12705  
actual prison term or term of imprisonment imposed for the 12706  
offense, the county in which the offense was committed, the date 12707  
on which the inmate began serving the prison term or term of 12708  
imprisonment imposed for the offense, and ~~either the~~ whichever 12709  
of the following is applicable: 12710

(i) The date on which the inmate will be eligible for 12711  
parole relative to the offense if the prison term or term of 12712  
imprisonment is an indefinite term or life term ~~or the~~ with 12713  
parole eligibility; 12714

(ii) The date on which the term ends if the prison term is 12715  
a definite term; 12716

(iii) The date on which the inmate will be eligible for presumptive release under section 2967.271 of the Revised Code, if the inmate is serving a non-life felony indefinite prison term.

(c) All of the following information that is applicable regarding the inmate:

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written statement regarding the possible judicial release or release. The department also shall post notice of the submission to a sentencing court of any recommendation for early release of the inmate pursuant to section 2967.19 of the Revised Code, as required by division (E) of that section.

(ii) If the inmate is serving a prison term pursuant to division (A) (3), (B) (1) (a), (b), or (c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of section 2971.03 of the Revised Code, prior to the conduct of any hearing pursuant to section 2971.05 of the Revised Code to determine whether to modify the 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 12747  
existing modification of that requirement, or whether to 12748  
terminate the prison term in accordance with division (D) of 12749  
that section, notice of the fact that the inmate will be having 12750  
a hearing regarding those determinations and the date of the 12751  
hearing; 12752

(iii) At least sixty days before the adult parole 12753  
authority recommends a pardon or commutation of sentence for the 12754  
inmate ~~or~~, at least sixty days prior to a hearing before the 12755  
adult parole authority regarding a grant of parole to the inmate 12756  
in relation to any prison term or term of imprisonment the 12757  
inmate is serving for any offense, or at least sixty days prior 12758  
to a hearing before the department regarding a determination of 12759  
whether the inmate must be released under division (C) or (D) (2) 12760  
of section 2967.271 of the Revised Code if the inmate is serving 12761  
a non-life felony indefinite prison term, notice of the fact 12762  
that the inmate might be under consideration for a pardon or 12763  
commutation of sentence or will be having a hearing regarding a 12764  
possible grant of parole or release, the date of any hearing 12765  
regarding a possible grant of parole or release, and the right 12766  
of any person to submit a written statement regarding the 12767  
pending action; 12768

(iv) At least sixty days before the inmate is transferred 12769  
to transitional control under section 2967.26 of the Revised 12770  
Code in relation to any prison term or term of imprisonment the 12771  
inmate is serving for any offense, notice of the pendency of the 12772  
transfer, the date of the possible transfer, and the right of 12773  
any person to submit a statement regarding the possible 12774  
transfer; 12775

(v) Prompt notice of the inmate's escape from any facility 12776

in which the inmate was incarcerated and of the capture of the inmate after an escape; 12777  
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(vi) Notice of the inmate's death while in confinement; 12779

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release; 12780  
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(viii) Notice of the inmate's judicial release pursuant to section 2929.20 of the Revised Code or release pursuant to section 2967.19 of the Revised Code. 12784  
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(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section. 12787  
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(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current. 12790  
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(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department. 12793  
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(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division. 12800  
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(4) No information included on the database required under 12804

division (A) of this section shall identify or enable the 12805  
identification of any victim of any offense committed by an 12806  
inmate. 12807

(C) The failure of the department to comply with the 12808  
requirements of division (A) or (B) of this section does not 12809  
give any rights or any grounds for appeal or post-conviction 12810  
relief to any inmate. 12811

(D) This section, and the related provisions of sections 12812  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code 12813  
enacted in the act in which this section was enacted, shall be 12814  
known as "Laura's Law." 12815

(E) As used in this section, "non-life felony indefinite 12816  
prison term" has the same meaning as in section 2929.01 of the 12817  
Revised Code. 12818

**Sec. 5120.80.** There is hereby created in the state 12819  
treasury the community programs fund. The department of 12820  
rehabilitation and correction shall use the moneys in the fund 12821  
to do the following: 12822

(A) Fund the halfway house, reentry center, and community 12823  
residential center program under section 2967.14 of the Revised 12824  
Code, with priority being given to the funding of residential 12825  
service contracts that reduce the number of homeless offenders 12826  
by housing offenders released from a state correctional 12827  
institution who are required to reside in a community 12828  
residential center pursuant to section 2967.14 of the Revised 12829  
Code, regardless of criminal history, security level at release, 12830  
or any other factor or factors that otherwise would have caused 12831  
the offender to be rejected from placement; 12832

(B) Fund the transitional control program under section 12833

2967.26 of the Revised Code;	12834
(C) Provide assistance to approved community-based	12835
correctional facilities and programs and district community-	12836
based correctional facilities and programs under section	12837
5120.112 of the Revised Code;	12838
(D) Support the subsidy program established under section	12839
5149.31 of the Revised Code; and	12840
(E) Provide probation improvement grants and probation	12841
incentive grants under section 5149.311 of the Revised Code.	12842
<b>Section 2.</b> That existing sections 109.42, 121.22, 149.43,	12843
1901.021, 2903.06, 2903.08, 2903.11, 2903.12, 2905.01, 2905.32,	12844
2907.02, 2907.03, 2907.05, 2907.07, 2907.321, 2907.322,	12845
2907.323, 2919.22, 2919.25, 2921.321, 2921.36, 2923.132,	12846
2925.01, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.11,	12847
2929.01, 2929.13, 2929.14, 2929.142, 2929.15, 2929.18, 2929.19,	12848
2929.191, 2929.20, 2929.61, 2930.16, 2943.032, 2953.08, 2967.01,	12849
2967.021, 2967.03, 2967.13, 2967.19, 2967.191, 2967.193,	12850
2967.26, 2967.28, 2971.03, 3719.99, 5120.021, 5120.53, 5120.66,	12851
and 5120.80 of the Revised Code are hereby repealed.	12852
<b>Section 3.</b> On the effective date of this act, all causes,	12853
judgments, executions, and other proceedings pending in the	12854
Wayne County Municipal Court located in the municipal	12855
corporation of Orrville shall be transferred to and proceed in	12856
the Wayne County Municipal Court located in the municipal	12857
corporation of Wooster.	12858
<b>Section 4.</b> The General Assembly, applying the principle	12859
stated in division (B) of section 1.52 of the Revised Code that	12860
amendments are to be harmonized if reasonably capable of	12861
simultaneous operation, finds that the following sections,	12862

presented in this act as composites of the sections as amended 12863  
by the acts indicated, are the resulting versions of the 12864  
sections in effect prior to the effective date of the sections 12865  
as presented in this act: 12866

Section 121.22 of the Revised Code as amended by both Sub. 12867  
H.B. 158 and Sub. H.B. 413 of the 131st General Assembly. 12868

Section 2903.06 of the Revised Code as amended by both 12869  
Sub. H.B. 300 and Sub. H.B. 388 of the 131st General Assembly. 12870

Section 2925.03 of the Revised Code as amended by Am. Sub. 12871  
H.B. 64, H.B. 171, and Sub. S.B. 204, all of the 131st General 12872  
Assembly. 12873

Section 2925.11 of the Revised Code as amended by Sub. 12874  
H.B. 110, H.B. 171, and Sub. S.B. 204, all of the 131st General 12875  
Assembly. 12876

Section 2929.13 of the Revised Code as amended by Sub. 12877  
H.B. 63, Am. Sub. S.B. 1, and Am. Sub. S.B. 66, all of the 132nd 12878  
General Assembly. 12879

Section 2929.18 of the Revised Code as amended by both 12880  
Sub. H.B. 60 and Sub. H.B. 359 of the 131st General Assembly. 12881

Section 2929.19 of the Revised Code as amended by both Am. 12882  
Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12883  
Assembly. 12884

Section 2953.08 of the Revised Code as amended by Sub. 12885  
H.B. 247, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12886  
129th General Assembly. 12887

Section 2967.03 of the Revised Code as amended by Am. Sub. 12888  
H.B. 487, Am. Sub. S.B. 160, and Am. Sub. S.B. 337, all of the 12889  
129th General Assembly. 12890

Section 2967.191 of the Revised Code as amended by both 12891  
Am. Sub. H.B. 487 and Am. Sub. S.B. 337 of the 129th General 12892  
Assembly. 12893

Section 5120.66 of the Revised Code as amended by both Am. 12894  
Sub. H.B. 487 and Am. Sub. S.B. 160 of the 129th General 12895  
Assembly. 12896