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Representatives White, Yates

**Cosponsors: Representatives Seitz, Peterson, Hagan, R., Carano, Miller,
Yuko, Wagner, McGregor, J., Flowers, Letson, Strahorn, Williams, S.,
DeWine, Luckie, Brinkman, Celeste, DeBose, Heard, Otterman, J., Sykes**

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A B I L L

To amend sections 9.06, 121.05, 124.11, 309.02, 1
321.44, 341.192, 1713.34, 2921.36, 2929.01, 2
2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 3
2929.19, 2929.20, 2935.36, 2943.032, 2949.12, 4
2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 5
2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 6
2967.26, 2967.28, 4507.51, 5120.52, 5120.63, 7
5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 8
5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 9
5145.01, 5145.163, and 5149.06, to enact sections 10
9.871, 109.37, 2967.29, 4743.06, 5120.07, 5120.59, 11
and 5120.70, and to repeal section 2967.11 of the 12
Revised Code to modify sentencing procedures with 13
respect to post-release control and related 14
releases from prison, to conform the Revised Code 15
to the decision of the Ohio Supreme Court in *State* 16
ex rel. Bray v. Russell (2000), 89 Ohio St.3d 132 17
by removing provisions related to bad time, to 18
authorize courts to participate in the supervision 19
of released prisoners, to provide released 20
prisoners with identification cards and additional 21

procedures for access to social services, to make 22
other changes relative to opportunities for 23
prisoner training and employment, to modify 24
procedures for the judicial or medical release of 25
prisoners and intervention in lieu of conviction, 26
to grant the Adult Parole Authority more 27
flexibility in determining periods of post-release 28
control, to adopt other cost-control measures, to 29
create the Ex-offender Reentry Coalition, to 30
provide for the indemnification of the Department 31
of Rehabilitation and Correction for legal costs 32
incurred in certain cases, to provide for legal 33
representation of Department employees charged 34
with offenses in certain cases until a grand jury 35
has acted, to create a fund for the deposit of 36
money received in certain federal law enforcement 37
cases, to authorize the Department to enter into 38
contracts to provide water and sewage treatment 39
services, to make other changes related to the 40
operations of the Department of Rehabilitation and 41
Correction, to clarify the duties of juvenile 42
parole officers, to establish reimbursement rates 43
paid by the Department of Youth Services for 44
outside medical providers, to authorize the 45
Director of Youth Services to designate a deputy 46
director, to modify the formula for expending 47
appropriations for the care and custody of felony 48
delinquents and the purposes for which money in 49
the Felony Delinquent Care and Custody Fund may be 50
used, to allow for unlimited reappointments of 51
members of the Release Authority, to make other 52
changes related to the operations of the 53
Department of Youth Services, and to terminate the 54

ex-offender reentry coalition on December 31, 55
2011, by repealing section 5120.07 of the Revised 56
Code on that date. 57
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 9.06, 121.05, 124.11, 309.02, 60
321.44, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 61
2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 2935.36, 2943.032, 62
2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 2967.05, 63
2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 4507.51, 64
5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 65
5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, 66
and 5149.06 be amended and sections 9.871, 109.37, 2967.29, 67
4743.06, 5120.07, 5120.59, and 5120.70 of the Revised Code be 68
enacted to read as follows: 69

Sec. 9.06. (A)(1) The department of rehabilitation and 70
correction shall contract for the private operation and management 71
pursuant to this section of the initial intensive program prison 72
established pursuant to section 5120.033 of the Revised Code and 73
may contract for the private operation and management of any other 74
facility under this section. Counties and municipal corporations 75
to the extent authorized in sections 307.93, 341.35, 753.03, and 76
753.15 of the Revised Code, may contract for the private operation 77
and management of a facility under this section. A contract 78
entered into under this section shall be for an initial term of 79
not more than two years, with an option to renew for additional 80
periods of two years. 81

(2) The department of rehabilitation and correction, by rule, 82
shall adopt minimum criteria and specifications that a person or 83

entity, other than a person or entity that satisfies the criteria 84
set forth in division (A)(3)(a) of this section and subject to 85
division (I) of this section, must satisfy in order to apply to 86
operate and manage as a contractor pursuant to this section the 87
initial intensive program prison established pursuant to section 88
5120.033 of the Revised Code. 89

(3) Subject to division (I) of this section, any person or 90
entity that applies to operate and manage a facility as a 91
contractor pursuant to this section shall satisfy one or more of 92
the following criteria: 93

(a) The person or entity is accredited by the American 94
correctional association and, at the time of the application, 95
operates and manages one or more facilities accredited by the 96
American correctional association. 97

(b) The person or entity satisfies all of the minimum 98
criteria and specifications adopted by the department of 99
rehabilitation and correction pursuant to division (A)(2) of this 100
section, provided that this alternative shall be available only in 101
relation to the initial intensive program prison established 102
pursuant to section 5120.033 of the Revised Code. 103

(4) Subject to division (I) of this section, before a public 104
entity may enter into a contract under this section, the 105
contractor shall convincingly demonstrate to the public entity 106
that it can operate the facility with the inmate capacity required 107
by the public entity and provide the services required in this 108
section and realize at least a five per cent savings over the 109
projected cost to the public entity of providing these same 110
services to operate the facility that is the subject of the 111
contract. No out-of-state prisoners may be housed in any facility 112
that is the subject of a contract entered into under this section. 113

(B) Subject to division (I) of this section, any contract 114

entered into under this section shall include all of the 115
following: 116

(1) A requirement that the contractor retain the contractor's 117
accreditation from the American correctional association 118
throughout the contract term or, if the contractor applied 119
pursuant to division (A)(3)(b) of this section, continue complying 120
with the applicable criteria and specifications adopted by the 121
department of rehabilitation and correction pursuant to division 122
(A)(2) of this section; 123

(2) A requirement that all of the following conditions be 124
met: 125

(a) The contractor begins the process of accrediting the 126
facility with the American correctional association no later than 127
sixty days after the facility receives its first inmate. 128

(b) The contractor receives accreditation of the facility 129
within twelve months after the date the contractor applies to the 130
American correctional association for accreditation. 131

(c) Once the accreditation is received, the contractor 132
maintains it for the duration of the contract term. 133

(d) If the contractor does not comply with divisions 134
(B)(2)(a) to (c) of this section, the contractor is in violation 135
of the contract, and the public entity may revoke the contract at 136
its discretion. 137

(3) A requirement that the contractor comply with all rules 138
promulgated by the department of rehabilitation and correction 139
that apply to the operation and management of correctional 140
facilities, including the minimum standards for jails in Ohio and 141
policies regarding the use of force and the use of deadly force, 142
although the public entity may require more stringent standards, 143
and comply with any applicable laws, rules, or regulations of the 144
federal, state, and local governments, including, but not limited 145

to, sanitation, food service, safety, and health regulations. The 146
contractor shall be required to send copies of reports of 147
inspections completed by the appropriate authorities regarding 148
compliance with rules and regulations to the director of 149
rehabilitation and correction or the director's designee and, if 150
contracting with a local public entity, to the governing authority 151
of that entity. 152

(4) A requirement that the contractor report for 153
investigation all crimes in connection with the facility to the 154
public entity, to all local law enforcement agencies with 155
jurisdiction over the place at which the facility is located, and, 156
for a crime committed at a state correctional institution, to the 157
state highway patrol; 158

(5) A requirement that the contractor immediately report all 159
escapes from the facility, and the apprehension of all escapees, 160
by telephone and in writing to all local law enforcement agencies 161
with jurisdiction over the place at which the facility is located, 162
to the prosecuting attorney of the county in which the facility is 163
located, to the state highway patrol, to a daily newspaper having 164
general circulation in the county in which the facility is 165
located, and, if the facility is a state correctional institution, 166
to the department of rehabilitation and correction. The written 167
notice may be by either facsimile transmission or mail. A failure 168
to comply with this requirement regarding an escape is a violation 169
of section 2921.22 of the Revised Code. 170

(6) A requirement that, if the facility is a state 171
correctional institution, the contractor provide a written report 172
within specified time limits to the director of rehabilitation and 173
correction or the director's designee of all unusual incidents at 174
the facility as defined in rules promulgated by the department of 175
rehabilitation and correction or, if the facility is a local 176
correctional institution, that the contractor provide a written 177

report of all unusual incidents at the facility to the governing 178
authority of the local public entity; 179

(7) A requirement that the contractor maintain proper control 180
of inmates' personal funds pursuant to rules promulgated by the 181
department of rehabilitation and correction, for state 182
correctional institutions, or pursuant to the minimum standards 183
for jails along with any additional standards established by the 184
local public entity, for local correctional institutions, and that 185
records pertaining to these funds be made available to 186
representatives of the public entity for review or audit; 187

(8) A requirement that the contractor prepare and distribute 188
to the director of rehabilitation and correction or, if 189
contracting with a local public entity, to the governing authority 190
of the local entity, annual budget income and expenditure 191
statements and funding source financial reports; 192

(9) A requirement that the public entity appoint and 193
supervise a full-time contract monitor, that the contractor 194
provide suitable office space for the contract monitor at the 195
facility, and that the contractor allow the contract monitor 196
unrestricted access to all parts of the facility and all records 197
of the facility except the contractor's financial records; 198

(10) A requirement that if the facility is a state 199
correctional institution, designated department of rehabilitation 200
and correction staff members be allowed access to the facility in 201
accordance with rules promulgated by the department; 202

(11) A requirement that the contractor provide internal and 203
perimeter security as agreed upon in the contract; 204

(12) If the facility is a state correctional institution, a 205
requirement that the contractor impose discipline on inmates 206
housed in a state correctional institution, only in accordance 207
with rules promulgated by the department of rehabilitation and 208

correction;	209
(13) A requirement that the facility be staffed at all times	210
with a staffing pattern approved by the public entity and adequate	211
both to ensure supervision of inmates and maintenance of security	212
within the facility, and to provide for programs, transportation,	213
security, and other operational needs. In determining security	214
needs, the contractor shall be required to consider, among other	215
things, the proximity of the facility to neighborhoods and	216
schools.	217
(14) If the contract is with a local public entity, a	218
requirement that the contractor provide services and programs,	219
consistent with the minimum standards for jails promulgated by the	220
department of rehabilitation and correction under section 5120.10	221
of the Revised Code;	222
(15) A clear statement that no immunity from liability	223
granted to the state, and no immunity from liability granted to	224
political subdivisions under Chapter 2744. of the Revised Code,	225
shall extend to the contractor or any of the contractor's	226
employees;	227
(16) A statement that all documents and records relevant to	228
the facility shall be maintained in the same manner required for,	229
and subject to the same laws, rules, and regulations as apply to,	230
the records of the public entity;	231
(17) Authorization for the public entity to impose a fine on	232
the contractor from a schedule of fines included in the contract	233
for the contractor's failure to perform its contractual duties, or	234
to cancel the contract, as the public entity considers	235
appropriate. If a fine is imposed, the public entity may reduce	236
the payment owed to the contractor pursuant to any invoice in the	237
amount of the imposed fine.	238
(18) A statement that all services provided or goods produced	239

at the facility shall be subject to the same regulations, and the 240
same distribution limitations, as apply to goods and services 241
produced at other correctional institutions; 242

(19) Authorization for the department to establish one or 243
more prison industries at a facility operated and managed by a 244
contractor for the department; 245

(20) A requirement that, if the facility is an intensive 246
program prison established pursuant to section 5120.033 of the 247
Revised Code, the facility shall comply with all criteria for 248
intensive program prisons of that type that are set forth in that 249
section; 250

(21) If the institution is a state correctional institution, 251
a requirement that the contractor provide clothing for all inmates 252
housed in the facility that is conspicuous in its color, style, or 253
color and style, that conspicuously identifies its wearer as an 254
inmate, and that is readily distinguishable from clothing of a 255
nature that normally is worn outside the facility by non-inmates, 256
that the contractor require all inmates housed in the facility to 257
wear the clothing so provided, and that the contractor not permit 258
any inmate, while inside or on the premises of the facility or 259
while being transported to or from the facility, to wear any 260
clothing of a nature that does not conspicuously identify its 261
wearer as an inmate and that normally is worn outside the facility 262
by non-inmates. 263

(C) No contract entered into under this section may require, 264
authorize, or imply a delegation of the authority or 265
responsibility of the public entity to a contractor for any of the 266
following: 267

(1) Developing or implementing procedures for calculating 268
inmate release and parole eligibility dates and recommending the 269
granting or denying of parole, although the contractor may submit 270

written reports that have been prepared in the ordinary course of business;	271 272
(2) Developing or implementing procedures for calculating and awarding earned credits, approving the type of work inmates may perform and the wage or earned credits, if any, that may be awarded to inmates engaging in that work, and granting, denying, or revoking earned credits;	273 274 275 276 277
(3) For inmates serving a term imposed for a felony offense committed prior to July 1, 1996, or for a misdemeanor offense, developing or implementing procedures for calculating and awarding good time, approving the good time, if any, that may be awarded to inmates engaging in work, and granting, denying, or revoking good time;	278 279 280 281 282 283
(4) For inmates serving a term imposed for a felony offense committed on or after July 1, 1996, extending an inmate's term pursuant to the provisions of law governing bad time;	284 285 286
(5) Classifying an inmate or placing an inmate in a more or a less restrictive custody than the custody ordered by the public entity;	287 288 289
(6) (5) Approving inmates for work release;	290
(7) (6) Contracting for local or long distance telephone services for inmates or receiving commissions from those services at a facility that is owned by or operated under a contract with the department.	291 292 293 294
(D) A contractor that has been approved to operate a facility under this section, and a person or entity that enters into a contract for specialized services, as described in division (I) of this section, relative to an intensive program prison established pursuant to section 5120.033 of the Revised Code to be operated by a contractor that has been approved to operate the prison under this section, shall provide an adequate policy of insurance	295 296 297 298 299 300 301

specifically including, but not limited to, insurance for civil 302
rights claims as determined by a risk management or actuarial firm 303
with demonstrated experience in public liability for state 304
governments. The insurance policy shall provide that the state, 305
including all state agencies, and all political subdivisions of 306
the state with jurisdiction over the facility or in which a 307
facility is located are named as insured, and that the state and 308
its political subdivisions shall be sent any notice of 309
cancellation. The contractor may not self-insure. 310

A contractor that has been approved to operate a facility 311
under this section, and a person or entity that enters into a 312
contract for specialized services, as described in division (I) of 313
this section, relative to an intensive program prison established 314
pursuant to section 5120.033 of the Revised Code to be operated by 315
a contractor that has been approved to operate the prison under 316
this section, shall indemnify and hold harmless the state, its 317
officers, agents, and employees, and any local government entity 318
in the state having jurisdiction over the facility or ownership of 319
the facility, shall reimburse the state for its costs in defending 320
the state or any of its officers, agents, or employees, and shall 321
reimburse any local government entity of that nature for its costs 322
in defending the local government entity, from all of the 323
following: 324

(1) Any claims or losses for services rendered by the 325
contractor, person, or entity performing or supplying services in 326
connection with the performance of the contract; 327

(2) Any failure of the contractor, person, or entity or its 328
officers or employees to adhere to the laws, rules, regulations, 329
or terms agreed to in the contract; 330

(3) Any constitutional, federal, state, or civil rights claim 331
brought against the state related to the facility operated and 332
managed by the contractor; 333

(4) Any claims, losses, demands, or causes of action arising 334
out of the contractor's, person's, or entity's activities in this 335
state; 336

(5) Any attorney's fees or court costs arising from any 337
habeas corpus actions or other inmate suits that may arise from 338
any event that occurred at the facility or was a result of such an 339
event, or arise over the conditions, management, or operation of 340
the facility, which fees and costs shall include, but not be 341
limited to, attorney's fees for the state's representation and for 342
any court-appointed representation of any inmate, and the costs of 343
any special judge who may be appointed to hear those actions or 344
suits. 345

(E) Private correctional officers of a contractor operating 346
and managing a facility pursuant to a contract entered into under 347
this section may carry and use firearms in the course of their 348
employment only after being certified as satisfactorily completing 349
an approved training program as described in division (A) of 350
section 109.78 of the Revised Code. 351

(F) Upon notification by the contractor of an escape from, or 352
of a disturbance at, the facility that is the subject of a 353
contract entered into under this section, the department of 354
rehabilitation and correction and state and local law enforcement 355
agencies shall use all reasonable means to recapture escapees or 356
quell any disturbance. Any cost incurred by the state or its 357
political subdivisions relating to the apprehension of an escapee 358
or the quelling of a disturbance at the facility shall be 359
chargeable to and borne by the contractor. The contractor shall 360
also reimburse the state or its political subdivisions for all 361
reasonable costs incurred relating to the temporary detention of 362
the escapee following recapture. 363

(G) Any offense that would be a crime if committed at a state 364
correctional institution or jail, workhouse, prison, or other 365

correctional facility shall be a crime if committed by or with 366
regard to inmates at facilities operated pursuant to a contract 367
entered into under this section. 368

(H) A contractor operating and managing a facility pursuant 369
to a contract entered into under this section shall pay any inmate 370
workers at the facility at the rate approved by the public entity. 371
Inmates working at the facility shall not be considered employees 372
of the contractor. 373

(I) In contracting for the private operation and management 374
pursuant to division (A) of this section of the initial intensive 375
program prison established pursuant to section 5120.033 of the 376
Revised Code or of any other intensive program prison established 377
pursuant to that section, the department of rehabilitation and 378
correction may enter into a contract with a contractor for the 379
general operation and management of the prison and may enter into 380
one or more separate contracts with other persons or entities for 381
the provision of specialized services for persons confined in the 382
prison, including, but not limited to, security or training 383
services or medical, counseling, educational, or similar treatment 384
programs. If, pursuant to this division, the department enters 385
into a contract with a contractor for the general operation and 386
management of the prison and also enters into one or more 387
specialized service contracts with other persons or entities, all 388
of the following apply: 389

(1) The contract for the general operation and management 390
shall comply with all requirements and criteria set forth in this 391
section, and all provisions of this section apply in relation to 392
the prison operated and managed pursuant to the contract. 393

(2) Divisions (A)(2), (B), and (C) of this section do not 394
apply in relation to any specialized services contract, except to 395
the extent that the provisions of those divisions clearly are 396
relevant to the specialized services to be provided under the 397

specialized services contract. Division (D) of this section 398
applies in relation to each specialized services contract. 399

(J) As used in this section: 400

(1) "Public entity" means the department of rehabilitation 401
and correction, or a county or municipal corporation or a 402
combination of counties and municipal corporations, that has 403
jurisdiction over a facility that is the subject of a contract 404
entered into under this section. 405

(2) "Local public entity" means a county or municipal 406
corporation, or a combination of counties and municipal 407
corporations, that has jurisdiction over a jail, workhouse, or 408
other correctional facility used only for misdemeanants that is 409
the subject of a contract entered into under this section. 410

(3) "Governing authority of a local public entity" means, for 411
a county, the board of county commissioners; for a municipal 412
corporation, the legislative authority; for a combination of 413
counties and municipal ~~corporation~~ corporations, all the boards of 414
county commissioners and municipal legislative authorities that 415
joined to create the facility. 416

(4) "Contractor" means a person or entity that enters into a 417
contract under this section to operate and manage a jail, 418
workhouse, or other correctional facility. 419

(5) "Facility" means the specific county, multicounty, 420
municipal, municipal-county, or multicounty-municipal jail, 421
workhouse, prison, or other type of correctional institution or 422
facility used only for misdemeanants, or a state correctional 423
institution, that is the subject of a contract entered into under 424
this section. 425

(6) "Person or entity" in the case of a contract for the 426
private operation and management of a state correctional 427
institution, includes an employee organization, as defined in 428

section 4117.01 of the Revised Code, that represents employees at 429
state correctional institutions. 430

Sec. 9.871. (A) If an employee of the department of 431
rehabilitation and correction is subject to criminal charges for 432
actions occurring within the scope and in the course of the 433
employee's assigned duties, and if the charges are dismissed or 434
the employee is acquitted of any wrongdoing as a result, the 435
employee may be indemnified for the reasonable cost of legal 436
representation. An employee shall request indemnification by 437
submitting a written request to the director of rehabilitation and 438
correction. The director shall determine whether to recommend 439
indemnification and shall transmit the recommendation to the 440
attorney general. The attorney general shall review the request, 441
the recommendation of the director, and any other information that 442
the attorney general may require and shall decide whether or not 443
the employee is to be indemnified. 444

(B) A decision of the attorney general made under division 445
(A) of this section is not subject to appeal or review in any 446
court or other forum. No person has a right of action against the 447
department of rehabilitation and correction in the court of claims 448
or any other court based on a decision of the attorney general 449
made under division (A) of this section. 450

(C) The indemnification of an employee of the department of 451
rehabilitation and correction pursuant to this section shall be 452
accomplished only through the following procedure: 453

(1) If the director of rehabilitation and correction 454
determines that the actions or omissions of the employee that gave 455
rise to the claim were within the scope of the employee's 456
employment and that the costs of legal representation should be 457
indemnified, the attorney general shall prepare an indemnity 458
agreement. The indemnity agreement shall specify that the 459

department of rehabilitation and correction will indemnify the 460
employee for the expenses of legal representation. The agreement 461
shall not be effective until it is approved by the employee, the 462
director, and the attorney general. 463

(2) The attorney general shall forward a copy of the 464
indemnity agreement to the director of budget and management. 465

(3) The director of budget and management shall charge any 466
indemnification paid pursuant to this section against available 467
unencumbered moneys in the appropriations of the department of 468
rehabilitation and correction. The director of budget and 469
management shall have sole discretion to determine whether or not 470
unencumbered moneys in a particular appropriation are available 471
for payment of the indemnification. 472

(4) The director of budget and management shall, upon receipt 473
of the agreement from the attorney general pursuant to division 474
(C)(1) of this section, provide for payment to the employee in the 475
amount specified in the agreement. 476

(5) If the director of budget and management determines that 477
sufficient unencumbered moneys do not exist in the particular 478
appropriations to pay the indemnification, the director of budget 479
and management shall make application for payment of the 480
indemnification out of the emergency purposes account or any other 481
appropriation for emergencies or contingencies, and payment out of 482
this account or other appropriation shall be authorized if there 483
are sufficient moneys greater than the sum total of then pending 484
emergency purposes account requests, or requests for releases from 485
the other appropriation. 486

(6) If sufficient moneys do not exist in the emergency 487
purposes account or any other appropriation for emergencies or 488
contingencies to pay the indemnification, the director of 489
rehabilitation and correction shall request the general assembly 490

to make an appropriation sufficient to pay the indemnification, 491
and no payment shall be made until the appropriation has been 492
made. The department shall make the appropriation request during 493
the current biennium and during each succeeding biennium until a 494
sufficient appropriation is made. 495

Sec. 109.37. (A) An employee of the department of 496
rehabilitation and correction may be represented in a criminal 497
proceeding by an attorney selected pursuant to division (B) of 498
this section when all of the following apply: 499

(1) The employee used deadly force that resulted in the death 500
of another. 501

(2) The use of deadly force occurred within the scope and in 502
the course of the employee's assigned duties. 503

(3) The employee's use of deadly force is being investigated 504
by a prosecuting attorney or other criminal investigating 505
authority for possible criminal charges. 506

(B) When all of the conditions set forth in division (A) of 507
this section apply, the employee may submit a request for legal 508
representation to the director of rehabilitation and correction. 509
If the director determines that all of the conditions in that 510
division apply, and if the director considers the requested legal 511
representation to be appropriate, the director may approve the 512
request and submit it to the attorney general. Upon receipt of the 513
request, the attorney general shall furnish the employee the names 514
of three attorneys who are admitted to the practice of law in this 515
state and are experienced in the defense of criminal charges. The 516
employee may select one of the attorneys to represent the employee 517
until the grand jury concludes its proceedings or the case is 518
disposed of before the grand jury concludes its proceedings. 519

(C) An attorney who represents an employee pursuant to 520

division (B) of this section shall be paid at the usual rate for 521
like services in the community in which the criminal proceedings 522
occur or at the usual rate paid to special counsel under section 523
109.07 of the Revised Code, as the attorney general decides. The 524
department of rehabilitation and correction shall pay the 525
attorney's compensation and all reasonable expenses and court 526
costs incurred in the defense of the employee. The attorney 527
general may adopt rules concerning the compensation of attorneys 528
pursuant to this division. 529

(D) If a criminal investigation described in division (A)(3) 530
of this section of an employee results in an indictment based on 531
the employee's use of deadly force, an attorney who represents the 532
employee pursuant to division (B) of this section may continue to 533
represent the employee in the criminal proceeding on any terms to 534
which the attorney and employee mutually agree. Subject to section 535
9.871 of the Revised Code, neither the attorney general nor the 536
department of rehabilitation and correction is obligated to 537
provide the employee with legal representation or to pay 538
attorney's fees, expenses, or court costs incurred by the employee 539
following the indictment of the employee. 540

(E) If an employee is represented by an attorney as described 541
in division (B) of this section and if the employee is 542
subsequently convicted of or pleads guilty to a criminal offense 543
based on the employee's use of deadly force, the attorney general 544
or the department of rehabilitation and correction may seek to 545
recover, including by means of a civil action, from the employee 546
the costs of legal representation paid by the department pursuant 547
to division (B) of this section. 548

Sec. 121.05. Except as otherwise provided in this section, in 549
each department, there shall be an assistant director designated 550
by the director of that department. In the department of health, 551

there shall be two assistant directors, each of whom shall be 552
designated by the director of health. In the department of 553
transportation, there shall be an assistant director for business 554
management, an assistant director for field operations, and an 555
assistant director for transportation policy, each of whom shall 556
be designated by the director of transportation. In the department 557
of insurance, the deputy superintendent of insurance shall be the 558
assistant director. In the department of administrative services, 559
there shall be two assistant directors, each of whom shall be 560
designated by the director of administrative services. In the 561
department of commerce, there shall be two assistant directors, 562
each of whom shall be designated by the director of commerce. In 563
the department of ~~human~~ job and family services, there may be up 564
to two assistant directors, each of whom shall be designated by 565
the director of ~~human~~ job and family services. In each department 566
with an assistant director, the assistant director shall act as 567
director in the absence or disability of the director and also 568
shall act as director when the position of director is vacant, 569
except that in the department of transportation, the department of 570
health, the department of commerce, the department of 571
administrative services, and the department of ~~human~~ job and 572
family services, the director shall designate which assistant 573
director shall act as director in the director's absence. In each 574
department without an assistant director, the director shall 575
designate a deputy director to act as director in the absence or 576
disability of the director. 577

A director may designate any of the director's assistant 578
directors or a deputy director to serve in the director's place as 579
a member of any board, committee, authority, or commission of 580
which the director is, by law, a member. The designee, when 581
present, shall be counted in determining whether a quorum is 582
present at any meeting. The designee may vote and participate in 583
all proceedings and actions of the board, committee, authority, or 584

commission, provided that the designee shall not execute or cause 585
a facsimile of the designee's signature to be placed on any 586
obligation, or execute any trust agreement or indenture. The 587
designation shall be in writing, executed by the designating 588
director, filed with the secretary of the board, committee, 589
authority, or commission, and shall be in effect until withdrawn 590
or superseded by a new designation. 591

Sec. 124.11. The civil service of the state and the several 592
counties, cities, civil service townships, city health districts, 593
general health districts, and city school districts of the state 594
shall be divided into the unclassified service and the classified 595
service. 596

(A) The unclassified service shall comprise the following 597
positions, which shall not be included in the classified service, 598
and which shall be exempt from all examinations required by this 599
chapter: 600

(1) All officers elected by popular vote or persons appointed 601
to fill vacancies in those offices; 602

(2) All election officers as defined in section 3501.01 of 603
the Revised Code; 604

(3)(a) The members of all boards and commissions, and heads 605
of principal departments, boards, and commissions appointed by the 606
governor or by and with the governor's consent; 607

(b) The heads of all departments appointed by a board of 608
county commissioners; 609

(c) The members of all boards and commissions and all heads 610
of departments appointed by the mayor, or, if there is no mayor, 611
such other similar chief appointing authority of any city or city 612
school district; 613

Except as otherwise provided in division (A)(17) or (C) of 614

this section, this chapter does not exempt the chiefs of police 615
departments and chiefs of fire departments of cities or civil 616
service townships from the competitive classified service. 617

(4) The members of county or district licensing boards or 618
commissions and boards of revision, and not more than five deputy 619
county auditors; 620

(5) All officers and employees elected or appointed by either 621
or both branches of the general assembly, and employees of the 622
city legislative authority engaged in legislative duties; 623

(6) All commissioned, warrant, and noncommissioned officers 624
and enlisted persons in the Ohio organized militia, including 625
military appointees in the adjutant general's department; 626

(7)(a) All presidents, business managers, administrative 627
officers, superintendents, assistant superintendents, principals, 628
deans, assistant deans, instructors, teachers, and such employees 629
as are engaged in educational or research duties connected with 630
the public school system, colleges, and universities, as 631
determined by the governing body of the public school system, 632
colleges, and universities; 633

(b) The library staff of any library in the state supported 634
wholly or in part at public expense. 635

(8) Four clerical and administrative support employees for 636
each of the elective state officers, four clerical and 637
administrative support employees for each board of county 638
commissioners and one such employee for each county commissioner, 639
and four clerical and administrative support employees for other 640
elective officers and each of the principal appointive executive 641
officers, boards, or commissions, except for civil service 642
commissions, that are authorized to appoint such clerical and 643
administrative support employees; 644

(9) The deputies and assistants of state agencies authorized 645

to act for and on behalf of the agency, or holding a fiduciary or 646
administrative relation to that agency and those persons employed 647
by and directly responsible to elected county officials or a 648
county administrator and holding a fiduciary or administrative 649
relationship to such elected county officials or county 650
administrator, and the employees of such county officials whose 651
fitness would be impracticable to determine by competitive 652
examination, provided that division (A)(9) of this section shall 653
not affect those persons in county employment in the classified 654
service as of September 19, 1961. Nothing in division (A)(9) of 655
this section applies to any position in a county department of job 656
and family services created pursuant to Chapter 329. of the 657
Revised Code. 658

(10) Bailiffs, constables, official stenographers, and 659
commissioners of courts of record, deputies of clerks of the 660
courts of common pleas who supervise or who handle public moneys 661
or secured documents, and such officers and employees of courts of 662
record and such deputies of clerks of the courts of common pleas 663
as the director of administrative services finds it impracticable 664
to determine their fitness by competitive examination; 665

(11) Assistants to the attorney general, special counsel 666
appointed or employed by the attorney general, assistants to 667
county prosecuting attorneys, and assistants to city directors of 668
law; 669

(12) Such teachers and employees in the agricultural 670
experiment stations; such students in normal schools, colleges, 671
and universities of the state who are employed by the state or a 672
political subdivision of the state in student or intern 673
classifications; and such unskilled labor positions as the 674
director of administrative services or any municipal civil service 675
commission may find it impracticable to include in the competitive 676
classified service; provided such exemptions shall be by order of 677

the commission or the director, duly entered on the record of the 678
commission or the director with the reasons for each such 679
exemption; 680

(13) Any physician or dentist who is a full-time employee of 681
the department of mental health, the department of mental 682
retardation and developmental disabilities, or an institution 683
under the jurisdiction of either department; and physicians who 684
are in residency programs at the institutions; 685

(14) Up to twenty positions at each institution under the 686
jurisdiction of the department of mental health or the department 687
of mental retardation and developmental disabilities that the 688
department director determines to be primarily administrative or 689
managerial; and up to fifteen positions in any division of either 690
department, excluding administrative assistants to the director 691
and division chiefs, which are within the immediate staff of a 692
division chief and which the director determines to be primarily 693
and distinctively administrative and managerial; 694

(15) Noncitizens of the United States employed by the state, 695
or its counties or cities, as physicians or nurses who are duly 696
licensed to practice their respective professions under the laws 697
of this state, or medical assistants, in mental or chronic disease 698
hospitals, or institutions; 699

(16) Employees of the governor's office; 700

(17) Fire chiefs and chiefs of police in civil service 701
townships appointed by boards of township trustees under section 702
505.38 or 505.49 of the Revised Code; 703

(18) Executive directors, deputy directors, and program 704
directors employed by boards of alcohol, drug addiction, and 705
mental health services under Chapter 340. of the Revised Code, and 706
secretaries of the executive directors, deputy directors, and 707
program directors; 708

(19) Superintendents, and management employees as defined in section 5126.20 of the Revised Code, of county boards of mental retardation and developmental disabilities;	709 710 711
(20) Physicians, nurses, and other employees of a county hospital who are appointed pursuant to sections 339.03 and 339.06 of the Revised Code;	712 713 714
(21) The executive director of the state medical board, who is appointed pursuant to division (B) of section 4731.05 of the Revised Code;	715 716 717
(22) County directors of job and family services as provided in section 329.02 of the Revised Code and administrators appointed under section 329.021 of the Revised Code;	718 719 720
(23) A director of economic development who is hired pursuant to division (A) of section 307.07 of the Revised Code;	721 722
(24) Chiefs of construction and compliance, of operations and maintenance, and of licensing and certification in the division of industrial compliance in the department of commerce;	723 724 725
(25) The executive director of a county transit system appointed under division (A) of section 306.04 of the Revised Code;	726 727 728
(26) Up to five positions at each of the administrative departments listed in section 121.02 of the Revised Code and at the department of taxation, department of the adjutant general, department of education, Ohio board of regents, bureau of workers' compensation, industrial commission, state lottery commission, and public utilities commission of Ohio that the head of that administrative department or of that other state agency determines to be involved in policy development and implementation. The head of the administrative department or other state agency shall set the compensation for employees in these positions at a rate that is not less than the minimum compensation specified in pay range	729 730 731 732 733 734 735 736 737 738 739

41 but not more than the maximum compensation specified in pay 740
range 44 of salary schedule E-2 in section 124.152 of the Revised 741
Code. The authority to establish positions in the unclassified 742
service under division (A)(26) of this section is in addition to 743
and does not limit any other authority that an administrative 744
department or state agency has under the Revised Code to establish 745
positions, appoint employees, or set compensation. 746

(27) Employees of the department of agriculture employed 747
under section 901.09 of the Revised Code; 748

(28) For cities, counties, civil service townships, city 749
health districts, general health districts, and city school 750
districts, the deputies and assistants of elective or principal 751
executive officers authorized to act for and in the place of their 752
principals or holding a fiduciary relation to their principals; 753

(29) Employees who receive intermittent or temporary 754
appointments under division (B) of section 124.30 of the Revised 755
Code; 756

(30) Employees appointed to administrative staff positions 757
for which an appointing authority is given specific statutory 758
authority to set compensation; 759

(31) Employees appointed to highway patrol cadet or highway 760
patrol cadet candidate classifications; 761

(32) Employees placed in the unclassified service by another 762
section of the Revised Code. 763

(B) The classified service shall comprise all persons in the 764
employ of the state and the several counties, cities, city health 765
districts, general health districts, and city school districts of 766
the state, not specifically included in the unclassified service. 767
Upon the creation by the board of trustees of a civil service 768
township civil service commission, the classified service shall 769
also comprise, except as otherwise provided in division (A)(17) or 770

(C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class.

(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter.

(2) The unskilled labor class shall include ordinary unskilled laborers. Vacancies in the labor class for positions in service of the state shall be filled by appointment from lists of applicants registered by the director. Vacancies in the labor class for all other positions shall be filled by appointment from lists of applicants registered by a commission. The director or the commission, as applicable, by rule, shall require an applicant for registration in the labor class to furnish evidence or take tests as the director or commission considers proper with respect to age, residence, physical condition, ability to labor, honesty, sobriety, industry, capacity, and experience in the work or employment for which application is made. Laborers who fulfill the

requirements shall be placed on the eligible list for the kind of 803
labor or employment sought, and preference shall be given in 804
employment in accordance with the rating received from that 805
evidence or in those tests. Upon the request of an appointing 806
officer, stating the kind of labor needed, the pay and probable 807
length of employment, and the number to be employed, the director 808
or commission, as applicable, shall certify from the highest on 809
the list double the number to be employed; from this number, the 810
appointing officer shall appoint the number actually needed for 811
the particular work. If more than one applicant receives the same 812
rating, priority in time of application shall determine the order 813
in which their names shall be certified for appointment. 814

(C) A municipal or civil service township civil service 815
commission may place volunteer firefighters who are paid on a 816
fee-for-service basis in either the classified or the unclassified 817
civil service. 818

(D) This division does not apply to persons in the 819
unclassified service who have the right to resume positions in the 820
classified service under sections 4121.121, 5119.071, ~~5120.07,~~ 821
5120.38, 5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the 822
Revised Code. 823

An appointing authority whose employees are paid directly by 824
warrant of the director of budget and management may appoint a 825
person who holds a certified position in the classified service 826
within the appointing authority's agency to a position in the 827
unclassified service within that agency. A person appointed 828
pursuant to this division to a position in the unclassified 829
service shall retain the right to resume the position and status 830
held by the person in the classified service immediately prior to 831
the person's appointment to the position in the unclassified 832
service, regardless of the number of positions the person held in 833
the unclassified service. An employee's right to resume a position 834

in the classified service may only be exercised when an appointing 835
authority demotes the employee to a pay range lower than the 836
employee's current pay range or revokes the employee's appointment 837
to the unclassified service. An employee forfeits the right to 838
resume a position in the classified service when the employee is 839
removed from the position in the unclassified service due to 840
incompetence, inefficiency, dishonesty, drunkenness, immoral 841
conduct, insubordination, discourteous treatment of the public, 842
neglect of duty, violation of this chapter or the rules of the 843
director of administrative services, any other failure of good 844
behavior, any other acts of misfeasance, malfeasance, or 845
nonfeasance in office, or conviction of a felony. An employee also 846
forfeits the right to resume a position in the classified service 847
upon transfer to a different agency. 848

Reinstatement to a position in the classified service shall 849
be to a position substantially equal to that position in the 850
classified service held previously, as certified by the director 851
of administrative services. If the position the person previously 852
held in the classified service has been placed in the unclassified 853
service or is otherwise unavailable, the person shall be appointed 854
to a position in the classified service within the appointing 855
authority's agency that the director of administrative services 856
certifies is comparable in compensation to the position the person 857
previously held in the classified service. Service in the position 858
in the unclassified service shall be counted as service in the 859
position in the classified service held by the person immediately 860
prior to the person's appointment to the position in the 861
unclassified service. When a person is reinstated to a position in 862
the classified service as provided in this division, the person is 863
entitled to all rights, status, and benefits accruing to the 864
position in the classified service during the person's time of 865
service in the position in the unclassified service. 866

Sec. 309.02. No person shall be eligible as a candidate for 867
the office of prosecuting attorney, or shall be elected to such 868
office, who is not an attorney at law licensed to practice law in 869
this state and has not engaged in the practice of law in this 870
state for a total of at least five years preceding the person's 871
appointment to or commencement of a term of office as a 872
prosecuting attorney. No prosecuting attorney shall be a member of 873
the general assembly of this state or mayor of a municipal 874
corporation. 875

Sec. 321.44. (A)(1) A county probation services fund shall be 876
established in the county treasury of each county. The fund a 877
county establishes under this division shall contain all moneys 878
paid to the treasurer of the county under section 2951.021 of the 879
Revised Code for deposit into the fund. The moneys paid into the 880
fund shall be deposited by the treasurer of the county into the 881
appropriate account established under divisions (A)(1)(a) to (d) 882
of this section. Separate accounts shall be maintained in 883
accordance with the following criteria in the fund a county 884
establishes under this division: 885

(a) If a county department of probation is established in the 886
county, a separate account shall be maintained in the fund for the 887
county department of probation. 888

(b) If the judges of the court of common pleas of the county 889
have affiliated with the judges of the court of common pleas of 890
one or more other counties and have established a multicounty 891
department of probation, a separate account shall be maintained in 892
the fund for the multicounty department of probation. 893

(c) If a department of probation is established in a 894
county-operated municipal court that has jurisdiction within the 895
county, a separate account shall be maintained in the fund for the 896

municipal court department of probation. 897

(d) If a county department of probation has not been 898
established in the county and if the court of common pleas of the 899
county, pursuant to section 2301.32 of the Revised Code, has 900
entered into an agreement with the adult parole authority under 901
which the court may place defendants under a community control 902
sanction in charge of the authority, a separate account shall be 903
maintained in the fund for the ~~adult parole authority~~ court of 904
common pleas. 905

(2) For any county, if a county department of probation is 906
established in the county or if a department of probation is 907
established in a county-operated municipal court that has 908
jurisdiction within the county, the board of county commissioners 909
of the county shall appropriate to the county department of 910
probation or municipal court department of probation all money 911
that is contained in the department's account in the county 912
probation services fund established in the county for use only for 913
specialized staff, purchase of equipment, purchase of services, 914
reconciliation programs for offenders and victims, other treatment 915
programs, including alcohol and drug addiction programs certified 916
under section 3793.06 of the Revised Code, determined to be 917
appropriate by the chief probation officer of the department of 918
probation, and other similar expenses related to placing offenders 919
under a community control sanction. 920

For any county, if the judges of the court of common pleas of 921
the county have affiliated with the judges of the court of common 922
pleas of one or more other counties and have established a 923
multicounty department of probation to serve the counties, the 924
board of county commissioners of the county shall appropriate and 925
the county treasurer shall transfer to the multicounty probation 926
services fund established for the multicounty department of 927
probation under division (B) of this section all money that is 928

contained in the multicounty department of probation account in 929
the county probation services fund established in the county for 930
use in accordance with that division. 931

For any county, if a county department of probation has not 932
been established in the county and if the court of common pleas of 933
the county, pursuant to section 2301.32 of the Revised Code, has 934
entered into an agreement with the adult parole authority under 935
which the court may place defendants under a community control 936
sanction in charge of the authority, the board of county 937
commissioners of the county shall appropriate ~~and the county~~ 938
~~treasurer shall transfer~~ to the ~~adult parole authority probation~~ 939
~~services fund established under section 5149.06 of the Revised~~ 940
Code court all money that is contained in the ~~adult parole~~ 941
~~authority~~ court's account in the county probation services fund 942
established in the county for use ~~in accordance with section~~ 943
~~5149.06 of the Revised Code~~ only for specialized staff, purchase 944
of equipment, purchase of services, reconciliation programs for 945
offenders and victims, other treatment and recovery support 946
services, including properly credentialed treatment and recovery 947
support services program providers or those certified under 948
section 3793.06 of the Revised Code, determined to be appropriate 949
by the authority, and other similar uses related to placing 950
offenders under a community control sanction. 951

(B) If the judges of the courts of common pleas of two or 952
more counties have established a multicounty department of 953
probation, a multicounty probation services fund shall be 954
established in the county treasury of the county whose treasurer, 955
in accordance with section 2301.27 of the Revised Code, is 956
designated by the judges of the courts of common pleas as the 957
treasurer to whom monthly supervision fees are to be appropriated 958
and transferred under division (A)(2) of this section for deposit 959
into the fund. The fund shall contain all moneys that are paid to 960

the treasurer of any member county under section 2951.021 of the Revised Code for deposit into the county's probation services fund and that subsequently are appropriated and transferred to the multicounty probation services fund under division (A)(2) of this section. The board of county commissioners of the county in which the multicounty probation services fund is established shall appropriate the money contained in that fund to the multicounty department of probation, for use only for specialized staff, purchase of equipment, purchase of services, reconciliation programs for offenders and victims, other treatment programs, including alcohol and drug addiction programs certified under section 3793.06 of the Revised Code, determined to be appropriate by the chief probation officer, and for other similar expenses related to placing offenders under a community control sanction.

(C) Any money in a county or multicounty probation services fund at the end of a fiscal year shall not revert to the general fund of the county but shall be retained in the fund.

(D) As used in this section:

(1) "County-operated municipal court" has the same meaning as in section 1901.03 of the Revised Code.

(2) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.

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

Sec. 341.192. (A) As used in this section:

(1) "Medical assistance program" has the same meaning as in section 2913.40 of the Revised Code.

(2) "Medical provider" means a physician, hospital, laboratory, pharmacy, or other health care provider that is not

employed by or under contract to a county, the department of youth 991
services, or the department of rehabilitation and correction to 992
provide medical services to persons confined in the county jail or 993
a state correctional institution. 994

(3) "Necessary care" means medical care of a nonelective 995
nature that cannot be postponed until after the period of 996
confinement of a person who is confined in a county jail or a 997
state correctional institution or is in the custody of a law 998
enforcement officer without endangering the life or health of the 999
person. 1000

(B) If a physician employed by or under contract to a county, 1001
the department of youth services, or the department of 1002
rehabilitation and correction to provide medical services to 1003
persons confined in the county jail or state correctional 1004
institution determines that a person who is confined in the county 1005
jail or a state correctional institution or who is in the custody 1006
of a law enforcement officer prior to the person's confinement in 1007
the county jail or a state correctional institution requires 1008
necessary care that the physician cannot provide, the necessary 1009
care shall be provided by a medical provider. The county, the 1010
department of youth services, or the department of rehabilitation 1011
and correction shall pay a medical provider for necessary care an 1012
amount not exceeding the authorized reimbursement rate for the 1013
same service established by the department of job and family 1014
services under the medical assistance program. 1015

Sec. 1713.34. Superintendents of city hospitals, directors or 1016
superintendents of city infirmaries, county homes, or other 1017
charitable institutions, directors or superintendents of 1018
workhouses, founded and supported in whole or in part at public 1019
expense, superintendents or managing officers of state benevolent 1020
~~or correctional~~ institutions, boards of township trustees, 1021

sheriffs, or coroners, in possession of bodies not claimed or 1022
identified, or which must be buried at the expense of the state, 1023
county, or township, before burial, shall notify the professor of 1024
anatomy in a college which by its charter is empowered to teach 1025
anatomy, or the secretary of the board of embalmers and funeral 1026
directors of this state, of the fact that such bodies are being so 1027
held. If after a period of thirty-six hours the body has not been 1028
accepted by friends or relatives for burial at their expense, such 1029
superintendent, director, or other officer, on the written 1030
application of such professor, or the secretary of the board of 1031
embalmers and funeral directors, shall deliver to such professor 1032
or secretary, for the purpose of medical or surgical study or 1033
dissection or for the study of embalming, the body of any such 1034
person who died in any of such institutions from any disease which 1035
is not infectious. The expense of the delivery of the body shall 1036
be borne by the parties in whose keeping the body was placed. 1037

Sec. 2921.36. (A) No person shall knowingly convey, or 1038
attempt to convey, onto the grounds of a detention facility or of 1039
an institution, office building, or other place that is under the 1040
control of the department of mental health ~~or~~, the department of 1041
mental retardation and developmental disabilities, the department 1042
of youth services, or the department of rehabilitation and 1043
correction any of the following items: 1044

(1) Any deadly weapon or dangerous ordnance, as defined in 1045
section 2923.11 of the Revised Code, or any part of or ammunition 1046
for use in such a deadly weapon or dangerous ordnance; 1047

(2) Any drug of abuse, as defined in section 3719.011 of the 1048
Revised Code; 1049

(3) Any intoxicating liquor, as defined in section 4301.01 of 1050
the Revised Code. 1051

(B) Division (A) of this section does not apply to any person 1052

who conveys or attempts to convey an item onto the grounds of a 1053
detention facility or of an institution, office building, or other 1054
place under the control of the department of mental health ~~or,~~ the 1055
department of mental retardation and developmental disabilities, 1056
the department of youth services, or the department of 1057
rehabilitation and correction pursuant to the written 1058
authorization of the person in charge of the detention facility or 1059
the institution, office building, or other place and in accordance 1060
with the written rules of the detention facility or the 1061
institution, office building, or other place. 1062

(C) No person shall knowingly deliver, or attempt to deliver, 1063
to any person who is confined in a detention facility, to a child 1064
confined in a youth services facility, to a prisoner who is 1065
temporarily released from confinement for a work assignment, or to 1066
any patient in an institution under the control of the department 1067
of mental health or the department of mental retardation and 1068
developmental disabilities, any item listed in division (A)(1), 1069
(2), or (3) of this section. 1070

(D) No person shall knowingly deliver, or attempt to deliver, 1071
cash to any person who is confined in a detention facility, to a 1072
child confined in a youth services facility, or to a prisoner who 1073
is temporarily released from confinement for a work assignment. 1074

(E) No person shall knowingly deliver, or attempt to deliver, 1075
to any person who is confined in a detention facility, to a child 1076
confined in a youth services facility, or to a prisoner who is 1077
temporarily released from confinement for a work assignment a 1078
cellular telephone, two-way radio, or other electronic 1079
communications device. 1080

(F)(1) It is an affirmative defense to a charge under 1081
division (A)(1) of this section that the weapon or dangerous 1082
ordnance in question was being transported in a motor vehicle for 1083
any lawful purpose, that it was not on the actor's person, and, if 1084

the weapon or dangerous ordnance in question was a firearm, that 1085
it was unloaded and was being carried in a closed package, box, or 1086
case or in a compartment that can be reached only by leaving the 1087
vehicle. 1088

(2) It is an affirmative defense to a charge under division 1089
(C) of this section that the actor was not otherwise prohibited by 1090
law from delivering the item to the confined person, the child, 1091
the prisoner, or the patient and that either of the following 1092
applies: 1093

(a) The actor was permitted by the written rules of the 1094
detention facility or the institution, office building, or other 1095
place to deliver the item to the confined person or the patient. 1096

(b) The actor was given written authorization by the person 1097
in charge of the detention facility or the institution, office 1098
building, or other place to deliver the item to the confined 1099
person or the patient. 1100

(G)(1) Whoever violates division (A)(1) of this section or 1101
commits a violation of division (C) of this section involving an 1102
item listed in division (A)(1) of this section is guilty of 1103
illegal conveyance of weapons onto the grounds of a ~~detention~~ 1104
specified governmental facility ~~or a mental health or mental~~ 1105
~~retardation and developmental disabilities institution~~, a felony 1106
of the ~~fourth~~ third degree. If the offender is an officer or 1107
employee of the department of rehabilitation and correction, the 1108
court shall impose a mandatory prison term. 1109

(2) Whoever violates division (A)(2) of this section or 1110
commits a violation of division (C) of this section involving any 1111
drug of abuse is guilty of illegal conveyance of drugs of abuse 1112
onto the grounds of a ~~detention~~ specified governmental facility ~~or~~ 1113
~~a mental health or mental retardation and developmental~~ 1114
~~disabilities institution~~, a felony of the third degree. If the 1115

offender is an officer or employee of the department of 1116
rehabilitation and correction or of the department of youth 1117
services, the court shall impose a mandatory prison term. 1118

(3) Whoever violates division (A)(3) of this section or 1119
commits a violation of division (C) of this section involving any 1120
intoxicating liquor is guilty of illegal conveyance of 1121
intoxicating liquor onto the grounds of a ~~detention~~ specified 1122
governmental facility ~~or a mental health or mental retardation and~~ 1123
~~developmental disabilities institution~~, a misdemeanor of the 1124
second degree. 1125

(4) Whoever violates division (D) of this section is guilty 1126
of illegal conveyance of cash onto the grounds of a detention 1127
facility, a misdemeanor of the first degree. If the offender 1128
previously has been convicted of or pleaded guilty to a violation 1129
of division (D) of this section, illegal conveyance of cash onto 1130
the grounds of a detention facility is a felony of the fifth 1131
degree. 1132

(5) Whoever violates division (E) of this section is guilty 1133
of illegal conveyance of a communications device onto the grounds 1134
of a ~~detention~~ specified governmental facility, a misdemeanor of 1135
the first degree, or if the offender previously has been convicted 1136
of or pleaded guilty to a violation of division (E) of this 1137
section, a felony of the fifth degree. 1138

Sec. 2929.01. As used in this chapter: 1139

(A)(1) "Alternative residential facility" means, subject to 1140
division (A)(2) of this section, any facility other than an 1141
offender's home or residence in which an offender is assigned to 1142
live and that satisfies all of the following criteria: 1143

(a) It provides programs through which the offender may seek 1144
or maintain employment or may receive education, training, 1145

treatment, or habilitation. 1146

(b) It has received the appropriate license or certificate 1147
for any specialized education, training, treatment, habilitation, 1148
or other service that it provides from the government agency that 1149
is responsible for licensing or certifying that type of education, 1150
training, treatment, habilitation, or service. 1151

(2) "Alternative residential facility" does not include a 1152
community-based correctional facility, jail, halfway house, or 1153
prison. 1154

~~(B) "Bad time" means the time by which the parole board 1155
administratively extends an offender's stated prison term or terms 1156
pursuant to section 2967.11 of the Revised Code because the parole 1157
board finds by clear and convincing evidence that the offender, 1158
while serving the prison term or terms, committed an act that is a 1159
criminal offense under the law of this state or the United States, 1160
whether or not the offender is prosecuted for the commission of 1161
that act. 1162~~

~~(C)~~ "Basic probation supervision" means a requirement that 1163
the offender maintain contact with a person appointed to supervise 1164
the offender in accordance with sanctions imposed by the court or 1165
imposed by the parole board pursuant to section 2967.28 of the 1166
Revised Code. "Basic probation supervision" includes basic parole 1167
supervision and basic post-release control supervision. 1168

~~(D)~~(C) "Cocaine," "crack cocaine," "hashish," "L.S.D.," and 1169
"unit dose" have the same meanings as in section 2925.01 of the 1170
Revised Code. 1171

~~(E)~~(D) "Community-based correctional facility" means a 1172
community-based correctional facility and program or district 1173
community-based correctional facility and program developed 1174
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 1175

~~(F)~~(E) "Community control sanction" means a sanction that is 1176

not a prison term and that is described in section 2929.15, 1177
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 1178
that is not a jail term and that is described in section 2929.26, 1179
2929.27, or 2929.28 of the Revised Code. "Community control 1180
sanction" includes probation if the sentence involved was imposed 1181
for a felony that was committed prior to July 1, 1996, or if the 1182
sentence involved was imposed for a misdemeanor that was committed 1183
prior to January 1, 2004. 1184

~~(G)~~(F) "Controlled substance," "marihuana," "schedule I," and 1185
"schedule II" have the same meanings as in section 3719.01 of the 1186
Revised Code. 1187

~~(H)~~(G) "Curfew" means a requirement that an offender during a 1188
specified period of time be at a designated place. 1189

~~(I)~~(H) "Day reporting" means a sanction pursuant to which an 1190
offender is required each day to report to and leave a center or 1191
other approved reporting location at specified times in order to 1192
participate in work, education or training, treatment, and other 1193
approved programs at the center or outside the center. 1194

~~(J)~~(I) "Deadly weapon" has the same meaning as in section 1195
2923.11 of the Revised Code. 1196

~~(K)~~(J) "Drug and alcohol use monitoring" means a program 1197
under which an offender agrees to submit to random chemical 1198
analysis of the offender's blood, breath, or urine to determine 1199
whether the offender has ingested any alcohol or other drugs. 1200

~~(L)~~(K) "Drug treatment program" means any program under which 1201
a person undergoes assessment and treatment designed to reduce or 1202
completely eliminate the person's physical or emotional reliance 1203
upon alcohol, another drug, or alcohol and another drug and under 1204
which the person may be required to receive assessment and 1205
treatment on an outpatient basis or may be required to reside at a 1206
facility other than the person's home or residence while 1207

undergoing assessment and treatment. 1208

~~(M)~~(L) "Economic loss" means any economic detriment suffered 1209
by a victim as a direct and proximate result of the commission of 1210
an offense and includes any loss of income due to lost time at 1211
work because of any injury caused to the victim, and any property 1212
loss, medical cost, or funeral expense incurred as a result of the 1213
commission of the offense. "Economic loss" does not include 1214
non-economic loss or any punitive or exemplary damages. 1215

~~(N)~~(M) "Education or training" includes study at, or in 1216
conjunction with a program offered by, a university, college, or 1217
technical college or vocational study and also includes the 1218
completion of primary school, secondary school, and literacy 1219
curricula or their equivalent. 1220

~~(O)~~(N) "Firearm" has the same meaning as in section 2923.11 1221
of the Revised Code. 1222

~~(P)~~(O) "Halfway house" means a facility licensed by the 1223
division of parole and community services of the department of 1224
rehabilitation and correction pursuant to section 2967.14 of the 1225
Revised Code as a suitable facility for the care and treatment of 1226
adult offenders. 1227

~~(Q)~~(P) "House arrest" means a period of confinement of an 1228
offender that is in the offender's home or in other premises 1229
specified by the sentencing court or by the parole board pursuant 1230
to section 2967.28 of the Revised Code and during which all of the 1231
following apply: 1232

(1) The offender is required to remain in the offender's home 1233
or other specified premises for the specified period of 1234
confinement, except for periods of time during which the offender 1235
is at the offender's place of employment or at other premises as 1236
authorized by the sentencing court or by the parole board. 1237

(2) The offender is required to report periodically to a 1238

person designated by the court or parole board. 1239

(3) The offender is subject to any other restrictions and 1240
requirements that may be imposed by the sentencing court or by the 1241
parole board. 1242

~~(R)~~(Q) "Intensive probation supervision" means a requirement 1243
that an offender maintain frequent contact with a person appointed 1244
by the court, or by the parole board pursuant to section 2967.28 1245
of the Revised Code, to supervise the offender while the offender 1246
is seeking or maintaining necessary employment and participating 1247
in training, education, and treatment programs as required in the 1248
court's or parole board's order. "Intensive probation supervision" 1249
includes intensive parole supervision and intensive post-release 1250
control supervision. 1251

~~(S)~~(R) "Jail" means a jail, workhouse, minimum security jail, 1252
or other residential facility used for the confinement of alleged 1253
or convicted offenders that is operated by a political subdivision 1254
or a combination of political subdivisions of this state. 1255
1256

~~(T)~~(S) "Jail term" means the term in a jail that a sentencing 1257
court imposes or is authorized to impose pursuant to section 1258
2929.24 or 2929.25 of the Revised Code or pursuant to any other 1259
provision of the Revised Code that authorizes a term in a jail for 1260
a misdemeanor conviction. 1261

~~(U)~~(T) "Mandatory jail term" means the term in a jail that a 1262
sentencing court is required to impose pursuant to division (G) of 1263
section 1547.99 of the Revised Code, division (E) of section 1264
2903.06 or division (D) of section 2903.08 of the Revised Code, 1265
division (E) of section 2929.24 of the Revised Code, division (B) 1266
of section 4510.14 of the Revised Code, or division (G) of section 1267
4511.19 of the Revised Code or pursuant to any other provision of 1268
the Revised Code that requires a term in a jail for a misdemeanor 1269

conviction. 1270

~~(V)~~(U) "Delinquent child" has the same meaning as in section 1271
2152.02 of the Revised Code. 1272

~~(W)~~(V) "License violation report" means a report that is made 1273
by a sentencing court, or by the parole board pursuant to section 1274
2967.28 of the Revised Code, to the regulatory or licensing board 1275
or agency that issued an offender a professional license or a 1276
license or permit to do business in this state and that specifies 1277
that the offender has been convicted of or pleaded guilty to an 1278
offense that may violate the conditions under which the offender's 1279
professional license or license or permit to do business in this 1280
state was granted or an offense for which the offender's 1281
professional license or license or permit to do business in this 1282
state may be revoked or suspended. 1283

~~(X)~~(W) "Major drug offender" means an offender who is 1284
convicted of or pleads guilty to the possession of, sale of, or 1285
offer to sell any drug, compound, mixture, preparation, or 1286
substance that consists of or contains at least one thousand grams 1287
of hashish; at least one hundred grams of crack cocaine; at least 1288
one thousand grams of cocaine that is not crack cocaine; at least 1289
two thousand five hundred unit doses or two hundred fifty grams of 1290
heroin; at least five thousand unit doses of L.S.D. or five 1291
hundred grams of L.S.D. in a liquid concentrate, liquid extract, 1292
or liquid distillate form; or at least one hundred times the 1293
amount of any other schedule I or II controlled substance other 1294
than marihuana that is necessary to commit a felony of the third 1295
degree pursuant to section 2925.03, 2925.04, 2925.05, or 2925.11 1296
of the Revised Code that is based on the possession of, sale of, 1297
or offer to sell the controlled substance. 1298

~~(Y)~~(X) "Mandatory prison term" means any of the following: 1299

(1) Subject to division ~~(Y)~~(X)(2) of this section, the term 1300

in prison that must be imposed for the offenses or circumstances 1301
set forth in divisions (F)(1) to (8) or (F)(12) to (14) of section 1302
2929.13 and division (D) of section 2929.14 of the Revised Code. 1303
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 1304
and 2925.11 of the Revised Code, unless the maximum or another 1305
specific term is required under section 2929.14 or 2929.142 of the 1306
Revised Code, a mandatory prison term described in this division 1307
may be any prison term authorized for the level of offense. 1308

(2) The term of sixty or one hundred twenty days in prison 1309
that a sentencing court is required to impose for a third or 1310
fourth degree felony OVI offense pursuant to division (G)(2) of 1311
section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 1312
of the Revised Code or the term of one, two, three, four, or five 1313
years in prison that a sentencing court is required to impose 1314
pursuant to division (G)(2) of section 2929.13 of the Revised 1315
Code. 1316

(3) The term in prison imposed pursuant to division (A) of 1317
section 2971.03 of the Revised Code for the offenses and in the 1318
circumstances described in division (F)(11) of section 2929.13 of 1319
the Revised Code or pursuant to division (B)(1)(a), (b), or (c), 1320
(B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 1321
2971.03 of the Revised Code and that term as modified or 1322
terminated pursuant to section 2971.05 of the Revised Code. 1323

~~(Z)~~(Y) "Monitored time" means a period of time during which 1324
an offender continues to be under the control of the sentencing 1325
court or parole board, subject to no conditions other than leading 1326
a law-abiding life. 1327

~~(AA)~~(Z) "Offender" means a person who, in this state, is 1328
convicted of or pleads guilty to a felony or a misdemeanor. 1329

~~(BB)~~(AA) "Prison" means a residential facility used for the 1330
confinement of convicted felony offenders that is under the 1331

control of the department of rehabilitation and correction but 1332
does not include a violation sanction center operated under 1333
authority of section 2967.141 of the Revised Code. 1334

~~(CC)~~(BB) "Prison term" includes ~~any~~ either of the following 1335
sanctions for an offender: 1336

(1) A stated prison term; 1337

(2) A term in a prison shortened by, or with the approval of, 1338
the sentencing court pursuant to section 2929.20, 2967.26, 1339
5120.031, 5120.032, or 5120.073 of the Revised Code; 1340

~~(3) A term in prison extended by bad time imposed pursuant to 1341
section 2967.11 of the Revised Code or imposed for a violation of 1342
post-release control pursuant to section 2967.28 of the Revised 1343
Code. 1344~~

~~(DD)~~(CC) "Repeat violent offender" means a person about whom 1345
both of the following apply: 1346

(1) The person is being sentenced for committing or for 1347
complicity in committing any of the following: 1348

(a) Aggravated murder, murder, any felony of the first or 1349
second degree that is an offense of violence, or an attempt to 1350
commit any of these offenses if the attempt is a felony of the 1351
first or second degree; 1352

(b) An offense under an existing or former law of this state, 1353
another state, or the United States that is or was substantially 1354
equivalent to an offense described in division ~~(DD)~~(CC)(1)(a) of 1355
this section. 1356

(2) The person previously was convicted of or pleaded guilty 1357
to an offense described in division ~~(DD)~~(CC)(1)(a) or (b) of this 1358
section. 1359

~~(EE)~~(DD) "Sanction" means any penalty imposed upon an 1360
offender who is convicted of or pleads guilty to an offense, as 1361

punishment for the offense. "Sanction" includes any sanction 1362
imposed pursuant to any provision of sections 2929.14 to 2929.18 1363
or 2929.24 to 2929.28 of the Revised Code. 1364

~~(FF)~~(EE) "Sentence" means the sanction or combination of 1365
sanctions imposed by the sentencing court on an offender who is 1366
convicted of or pleads guilty to an offense. 1367

~~(GG)~~(FF) "Stated prison term" means the prison term, 1368
mandatory prison term, or combination of all prison terms and 1369
mandatory prison terms imposed by the sentencing court pursuant to 1370
section 2929.14, 2929.142, or 2971.03 of the Revised Code. "Stated 1371
prison term" includes any credit received by the offender for time 1372
spent in jail awaiting trial, sentencing, or transfer to prison 1373
for the offense and any time spent under house arrest or house 1374
arrest with electronic monitoring imposed after earning credits 1375
pursuant to section 2967.193 of the Revised Code. 1376

~~(HH)~~(GG) "Victim-offender mediation" means a reconciliation 1377
or mediation program that involves an offender and the victim of 1378
the offense committed by the offender and that includes a meeting 1379
in which the offender and the victim may discuss the offense, 1380
discuss restitution, and consider other sanctions for the offense. 1381

~~(II)~~(HH) "Fourth degree felony OVI offense" means a violation 1382
of division (A) of section 4511.19 of the Revised Code that, under 1383
division (G) of that section, is a felony of the fourth degree. 1384

~~(JJ)~~(II) "Mandatory term of local incarceration" means the 1386
term of sixty or one hundred twenty days in a jail, a 1387
community-based correctional facility, a halfway house, or an 1388
alternative residential facility that a sentencing court may 1389
impose upon a person who is convicted of or pleads guilty to a 1390
fourth degree felony OVI offense pursuant to division (G)(1) of 1391
section 2929.13 of the Revised Code and division (G)(1)(d) or (e) 1392

of section 4511.19 of the Revised Code. 1393

~~(KK)~~(JJ) "Designated homicide, assault, or kidnapping 1394
offense," "violent sex offense," "sexual motivation 1395
specification," "sexually violent offense," "sexually violent 1396
predator," and "sexually violent predator specification" have the 1397
same meanings as in section 2971.01 of the Revised Code. 1398

~~(LL)~~(KK) "Sexually oriented offense," "child-victim oriented 1399
offense," and "tier III sex offender/child-victim offender," have 1400
the same meanings as in section 2950.01 of the Revised Code. 1401

~~(MM)~~(LL) An offense is "committed in the vicinity of a child" 1402
if the offender commits the offense within thirty feet of or 1403
within the same residential unit as a child who is under eighteen 1404
years of age, regardless of whether the offender knows the age of 1405
the child or whether the offender knows the offense is being 1406
committed within thirty feet of or within the same residential 1407
unit as the child and regardless of whether the child actually 1408
views the commission of the offense. 1409

~~(NN)~~(MM) "Family or household member" has the same meaning as 1410
in section 2919.25 of the Revised Code. 1411

~~(OO)~~(NN) "Motor vehicle" and "manufactured home" have the 1412
same meanings as in section 4501.01 of the Revised Code. 1413

~~(PP)~~(OO) "Detention" and "detention facility" have the same 1414
meanings as in section 2921.01 of the Revised Code. 1415

~~(QQ)~~(PP) "Third degree felony OVI offense" means a violation 1416
of division (A) of section 4511.19 of the Revised Code that, under 1417
division (G) of that section, is a felony of the third degree. 1418

~~(RR)~~(OO) "Random drug testing" has the same meaning as in 1419
section 5120.63 of the Revised Code. 1420

~~(SS)~~(RR) "Felony sex offense" has the same meaning as in 1421
section 2967.28 of the Revised Code. 1422

~~(TT)~~(SS) "Body armor" has the same meaning as in section 1423
2941.1411 of the Revised Code. 1424

~~(UU)~~(TT) "Electronic monitoring" means monitoring through the 1425
use of an electronic monitoring device. 1426

~~(VV)~~(UU) "Electronic monitoring device" means any of the 1427
following: 1428

(1) Any device that can be operated by electrical or battery 1429
power and that conforms with all of the following: 1430

(a) The device has a transmitter that can be attached to a 1431
person, that will transmit a specified signal to a receiver of the 1432
type described in division ~~(VV)~~(UU)(1)(b) of this section if the 1433
transmitter is removed from the person, turned off, or altered in 1434
any manner without prior court approval in relation to electronic 1435
monitoring or without prior approval of the department of 1436
rehabilitation and correction in relation to the use of an 1437
electronic monitoring device for an inmate on transitional control 1438
or otherwise is tampered with, that can transmit continuously and 1439
periodically a signal to that receiver when the person is within a 1440
specified distance from the receiver, and that can transmit an 1441
appropriate signal to that receiver if the person to whom it is 1442
attached travels a specified distance from that receiver. 1443

(b) The device has a receiver that can receive continuously 1444
the signals transmitted by a transmitter of the type described in 1445
division ~~(VV)~~(UU)(1)(a) of this section, can transmit continuously 1446
those signals by telephone to a central monitoring computer of the 1447
type described in division ~~(VV)~~(UU)(1)(c) of this section, and can 1448
transmit continuously an appropriate signal to that central 1449
monitoring computer if the receiver is turned off or altered 1450
without prior court approval or otherwise tampered with. 1451

(c) The device has a central monitoring computer that can 1452
receive continuously the signals transmitted by telephone by a 1453

receiver of the type described in division ~~(VV)~~(UU)(1)(b) of this 1454
section and can monitor continuously the person to whom an 1455
electronic monitoring device of the type described in division 1456
~~(VV)~~(UU)(1)(a) of this section is attached. 1457

(2) Any device that is not a device of the type described in 1458
division ~~(VV)~~(UU)(1) of this section and that conforms with all of 1459
the following: 1460

(a) The device includes a transmitter and receiver that can 1461
monitor and determine the location of a subject person at any 1462
time, or at a designated point in time, through the use of a 1463
central monitoring computer or through other electronic means. 1464

(b) The device includes a transmitter and receiver that can 1465
determine at any time, or at a designated point in time, through 1466
the use of a central monitoring computer or other electronic means 1467
the fact that the transmitter is turned off or altered in any 1468
manner without prior approval of the court in relation to the 1469
electronic monitoring or without prior approval of the department 1470
of rehabilitation and correction in relation to the use of an 1471
electronic monitoring device for an inmate on transitional control 1472
or otherwise is tampered with. 1473

(3) Any type of technology that can adequately track or 1474
determine the location of a subject person at any time and that is 1475
approved by the director of rehabilitation and correction, 1476
including, but not limited to, any satellite technology, voice 1477
tracking system, or retinal scanning system that is so approved. 1478

~~(WW)~~(VV) "Non-economic loss" means nonpecuniary harm suffered 1479
by a victim of an offense as a result of or related to the 1480
commission of the offense, including, but not limited to, pain and 1481
suffering; loss of society, consortium, companionship, care, 1482
assistance, attention, protection, advice, guidance, counsel, 1483
instruction, training, or education; mental anguish; and any other 1484

intangible loss. 1485

~~(XX)~~(WW) "Prosecutor" has the same meaning as in section 1486
2935.01 of the Revised Code. 1487

~~(YY)~~(XX) "Continuous alcohol monitoring" means the ability to 1488
automatically test and periodically transmit alcohol consumption 1489
levels and tamper attempts at least every hour, regardless of the 1490
location of the person who is being monitored. 1491

~~(ZZ)~~(YY) A person is "adjudicated a sexually violent 1492
predator" if the person is convicted of or pleads guilty to a 1493
violent sex offense and also is convicted of or pleads guilty to a 1494
sexually violent predator specification that was included in the 1495
indictment, count in the indictment, or information charging that 1496
violent sex offense or if the person is convicted of or pleads 1497
guilty to a designated homicide, assault, or kidnapping offense 1498
and also is convicted of or pleads guilty to both a sexual 1499
motivation specification and a sexually violent predator 1500
specification that were included in the indictment, count in the 1501
indictment, or information charging that designated homicide, 1502
assault, or kidnapping offense. 1503

Sec. 2929.13. (A) Except as provided in division (E), (F), or 1504
(G) of this section and unless a specific sanction is required to 1505
be imposed or is precluded from being imposed pursuant to law, a 1506
court that imposes a sentence upon an offender for a felony may 1507
impose any sanction or combination of sanctions on the offender 1508
that are provided in sections 2929.14 to 2929.18 of the Revised 1509
Code. The sentence shall not impose an unnecessary burden on state 1510
or local government resources. 1511

If the offender is eligible to be sentenced to community 1512
control sanctions, the court shall consider the appropriateness of 1513
imposing a financial sanction pursuant to section 2929.18 of the 1514
Revised Code or a sanction of community service pursuant to 1515

section 2929.17 of the Revised Code as the sole sanction for the 1516
offense. Except as otherwise provided in this division, if the 1517
court is required to impose a mandatory prison term for the 1518
offense for which sentence is being imposed, the court also may 1519
impose a financial sanction pursuant to section 2929.18 of the 1520
Revised Code but may not impose any additional sanction or 1521
combination of sanctions under section 2929.16 or 2929.17 of the 1522
Revised Code. 1523

If the offender is being sentenced for a fourth degree felony 1524
OVI offense or for a third degree felony OVI offense, in addition 1525
to the mandatory term of local incarceration or the mandatory 1526
prison term required for the offense by division (G)(1) or (2) of 1527
this section, the court shall impose upon the offender a mandatory 1528
fine in accordance with division (B)(3) of section 2929.18 of the 1529
Revised Code and may impose whichever of the following is 1530
applicable: 1531

(1) For a fourth degree felony OVI offense for which sentence 1532
is imposed under division (G)(1) of this section, an additional 1533
community control sanction or combination of community control 1534
sanctions under section 2929.16 or 2929.17 of the Revised Code. If 1535
the court imposes upon the offender a community control sanction 1536
and the offender violates any condition of the community control 1537
sanction, the court may take any action prescribed in division (B) 1538
of section 2929.15 of the Revised Code relative to the offender, 1539
including imposing a prison term on the offender pursuant to that 1540
division. 1541

(2) For a third or fourth degree felony OVI offense for which 1542
sentence is imposed under division (G)(2) of this section, an 1543
additional prison term as described in division (D)(4) of section 1544
2929.14 of the Revised Code or a community control sanction as 1545
described in division (G)(2) of this section. 1546

(B)(1) Except as provided in division (B)(2), (E), (F), or 1547

(G) of this section, in sentencing an offender for a felony of the 1548
fourth or fifth degree, the sentencing court shall determine 1549
whether any of the following apply: 1550

(a) In committing the offense, the offender caused physical 1551
harm to a person. 1552

(b) In committing the offense, the offender attempted to 1553
cause or made an actual threat of physical harm to a person with a 1554
deadly weapon. 1555

(c) In committing the offense, the offender attempted to 1556
cause or made an actual threat of physical harm to a person, and 1557
the offender previously was convicted of an offense that caused 1558
physical harm to a person. 1559

(d) The offender held a public office or position of trust 1560
and the offense related to that office or position; the offender's 1561
position obliged the offender to prevent the offense or to bring 1562
those committing it to justice; or the offender's professional 1563
reputation or position facilitated the offense or was likely to 1564
influence the future conduct of others. 1565

(e) The offender committed the offense for hire or as part of 1566
an organized criminal activity. 1567

(f) The offense is a sex offense that is a fourth or fifth 1568
degree felony violation of section 2907.03, 2907.04, 2907.05, 1569
2907.22, 2907.31, 2907.321, 2907.322, 2907.323, or 2907.34 of the 1570
Revised Code. 1571

(g) The offender at the time of the offense was serving, or 1572
the offender previously had served, a prison term. 1573

(h) The offender committed the offense while under a 1574
community control sanction, while on probation, or while released 1575
from custody on a bond or personal recognizance. 1576

(i) The offender committed the offense while in possession of 1577

a firearm. 1578

(2)(a) If the court makes a finding described in division 1579
(B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of this 1580
section and if the court, after considering the factors set forth 1581
in section 2929.12 of the Revised Code, finds that a prison term 1582
is consistent with the purposes and principles of sentencing set 1583
forth in section 2929.11 of the Revised Code and finds that the 1584
offender is not amenable to an available community control 1585
sanction, the court shall impose a prison term upon the offender. 1586

(b) Except as provided in division (E), (F), or (G) of this 1587
section, if the court does not make a finding described in 1588
division (B)(1)(a), (b), (c), (d), (e), (f), (g), (h), or (i) of 1589
this section and if the court, after considering the factors set 1590
forth in section 2929.12 of the Revised Code, finds that a 1591
community control sanction or combination of community control 1592
sanctions is consistent with the purposes and principles of 1593
sentencing set forth in section 2929.11 of the Revised Code, the 1594
court shall impose a community control sanction or combination of 1595
community control sanctions upon the offender. 1596

(C) Except as provided in division (D), (E), (F), or (G) of 1597
this section, in determining whether to impose a prison term as a 1598
sanction for a felony of the third degree or a felony drug offense 1599
that is a violation of a provision of Chapter 2925. of the Revised 1600
Code and that is specified as being subject to this division for 1601
purposes of sentencing, the sentencing court shall comply with the 1602
purposes and principles of sentencing under section 2929.11 of the 1603
Revised Code and with section 2929.12 of the Revised Code. 1604

(D)(1) Except as provided in division (E) or (F) of this 1605
section, for a felony of the first or second degree, for a felony 1606
drug offense that is a violation of any provision of Chapter 1607
2925., 3719., or 4729. of the Revised Code for which a presumption 1608
in favor of a prison term is specified as being applicable, and 1609

for a violation of division (A)(4) or (B) of section 2907.05 of 1610
the Revised Code for which a presumption in favor of a prison term 1611
is specified as being applicable, it is presumed that a prison 1612
term is necessary in order to comply with the purposes and 1613
principles of sentencing under section 2929.11 of the Revised 1614
Code. Division (D)(2) of this section does not apply to a 1615
presumption established under this division for a violation of 1616
division (A)(4) of section 2907.05 of the Revised Code. 1617

(2) Notwithstanding the presumption established under 1618
division (D)(1) of this section for the offenses listed in that 1619
division other than a violation of division (A)(4) or (B) of 1620
section 2907.05 of the Revised Code, the sentencing court may 1621
impose a community control sanction or a combination of community 1622
control sanctions instead of a prison term on an offender for a 1623
felony of the first or second degree or for a felony drug offense 1624
that is a violation of any provision of Chapter 2925., 3719., or 1625
4729. of the Revised Code for which a presumption in favor of a 1626
prison term is specified as being applicable if it makes both of 1627
the following findings: 1628

(a) A community control sanction or a combination of 1629
community control sanctions would adequately punish the offender 1630
and protect the public from future crime, because the applicable 1631
factors under section 2929.12 of the Revised Code indicating a 1632
lesser likelihood of recidivism outweigh the applicable factors 1633
under that section indicating a greater likelihood of recidivism. 1634

(b) A community control sanction or a combination of 1635
community control sanctions would not demean the seriousness of 1636
the offense, because one or more factors under section 2929.12 of 1637
the Revised Code that indicate that the offender's conduct was 1638
less serious than conduct normally constituting the offense are 1639
applicable, and they outweigh the applicable factors under that 1640
section that indicate that the offender's conduct was more serious 1641

than conduct normally constituting the offense. 1642

(E)(1) Except as provided in division (F) of this section, 1643
for any drug offense that is a violation of any provision of 1644
Chapter 2925. of the Revised Code and that is a felony of the 1645
third, fourth, or fifth degree, the applicability of a presumption 1646
under division (D) of this section in favor of a prison term or of 1647
division (B) or (C) of this section in determining whether to 1648
impose a prison term for the offense shall be determined as 1649
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1650
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 1651
Revised Code, whichever is applicable regarding the violation. 1652

(2) If an offender who was convicted of or pleaded guilty to 1653
a felony violates the conditions of a community control sanction 1654
imposed for the offense solely by reason of producing positive 1655
results on a drug test, the court, as punishment for the violation 1656
of the sanction, shall not order that the offender be imprisoned 1657
unless the court determines on the record either of the following: 1658

(a) The offender had been ordered as a sanction for the 1659
felony to participate in a drug treatment program, in a drug 1660
education program, or in narcotics anonymous or a similar program, 1661
and the offender continued to use illegal drugs after a reasonable 1662
period of participation in the program. 1663

(b) The imprisonment of the offender for the violation is 1664
consistent with the purposes and principles of sentencing set 1665
forth in section 2929.11 of the Revised Code. 1666

(3) A court that sentences an offender for a drug abuse 1667
offense that is a felony of the third, fourth, or fifth degree may 1668
require that the offender be assessed by a properly credentialed 1669
professional within a specified period of time. The court shall 1670
require the professional to file a written assessment of the 1671
offender with the court. If the offender is eligible for a 1672

community control sanction and after considering the written 1673
assessment, the court may impose a community control sanction that 1674
includes treatment and recovery support services authorized by 1675
section 3793.02 of the Revised Code. If the court imposes 1676
treatment and recovery support services as a community control 1677
sanction, the court shall direct the level and type of treatment 1678
and recovery support services after considering the assessment and 1679
recommendation of treatment and recovery support services 1680
providers. 1681

(F) Notwithstanding divisions (A) to (E) of this section, the 1682
court shall impose a prison term or terms under sections 2929.02 1683
to 2929.06, section 2929.14, section 2929.142, or section 2971.03 1684
of the Revised Code and except as specifically provided in section 1685
2929.20 or 2967.191 of the Revised Code or when parole is 1686
authorized for the offense under section 2967.13 of the Revised 1687
Code shall not reduce the term or terms pursuant to section 1688
2929.20, section 2967.193, or any other provision of Chapter 2967. 1689
or Chapter 5120. of the Revised Code for any of the following 1690
offenses: 1691

(1) Aggravated murder when death is not imposed or murder; 1692

(2) Any rape, regardless of whether force was involved and 1693
regardless of the age of the victim, or an attempt to commit rape 1694
if, had the offender completed the rape that was attempted, the 1695
offender would have been guilty of a violation of division 1696
(A)(1)(b) of section 2907.02 of the Revised Code and would be 1697
sentenced under section 2971.03 of the Revised Code; 1698

(3) Gross sexual imposition or sexual battery, if the victim 1699
is less than thirteen years of age and if any of the following 1700
applies: 1701

(a) Regarding gross sexual imposition, the offender 1702
previously was convicted of or pleaded guilty to rape, the former 1703

offense of felonious sexual penetration, gross sexual imposition, 1704
or sexual battery, and the victim of the previous offense was less 1705
than thirteen years of age; 1706

(b) Regarding gross sexual imposition, the offense was 1707
committed on or after August 3, 2006, and evidence other than the 1708
testimony of the victim was admitted in the case corroborating the 1709
violation. 1710

(c) Regarding sexual battery, either of the following 1711
applies: 1712

(i) The offense was committed prior to August 3, 2006, the 1713
offender previously was convicted of or pleaded guilty to rape, 1714
the former offense of felonious sexual penetration, or sexual 1715
battery, and the victim of the previous offense was less than 1716
thirteen years of age. 1717

(ii) The offense was committed on or after August 3, 2006. 1718

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 1719
2903.11, 2903.12, or 2903.13 of the Revised Code if the section 1720
requires the imposition of a prison term; 1721

(5) A first, second, or third degree felony drug offense for 1722
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1723
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 1724
4729.99 of the Revised Code, whichever is applicable regarding the 1725
violation, requires the imposition of a mandatory prison term; 1726

(6) Any offense that is a first or second degree felony and 1727
that is not set forth in division (F)(1), (2), (3), or (4) of this 1728
section, if the offender previously was convicted of or pleaded 1729
guilty to aggravated murder, murder, any first or second degree 1730
felony, or an offense under an existing or former law of this 1731
state, another state, or the United States that is or was 1732
substantially equivalent to one of those offenses; 1733

(7) Any offense that is a third degree felony and either is a violation of section 2903.04 of the Revised Code or an attempt to commit a felony of the second degree that is an offense of violence and involved an attempt to cause serious physical harm to a person or that resulted in serious physical harm to a person if the offender previously was convicted of or pleaded guilty to any of the following offenses:

(a) Aggravated murder, murder, involuntary manslaughter, rape, felonious sexual penetration as it existed under section 2907.12 of the Revised Code prior to September 3, 1996, a felony of the first or second degree that resulted in the death of a person or in physical harm to a person, or complicity in or an attempt to commit any of those offenses;

(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 listed in division (F)(7)(a) of this section that resulted in the death of a person or in physical harm to a person.

(8) Any offense, other than a violation of section 2923.12 of the Revised Code, that is a felony, if the offender had a firearm on or about the offender's person or under the offender's control while committing the felony, with respect to a portion of the sentence imposed pursuant to division (D)(1)(a) of section 2929.14 of the Revised Code for having the firearm;

(9) Any offense of violence that is a felony, if the offender wore or carried body armor while committing the felony offense of violence, with respect to the portion of the sentence imposed pursuant to division (D)(1)(d) of section 2929.14 of the Revised Code for wearing or carrying the body armor;

(10) Corrupt activity in violation of section 2923.32 of the Revised Code when the most serious offense in the pattern of

corrupt activity that is the basis of the offense is a felony of 1765
the first degree; 1766

(11) Any violent sex offense or designated homicide, assault, 1767
or kidnapping offense if, in relation to that offense, the 1768
offender is adjudicated a sexually violent predator; 1769

(12) A violation of division (A)(1) or (2) of section 2921.36 1770
of the Revised Code, or a violation of division (C) of that 1771
section involving an item listed in division (A)(1) or (2) of that 1772
section, if the offender is an officer or employee of the 1773
department of rehabilitation and correction; 1774

(13) A violation of division (A)(1) or (2) of section 2903.06 1775
of the Revised Code if the victim of the offense is a peace 1776
officer, as defined in section 2935.01 of the Revised Code, or an 1777
investigator of the bureau of criminal identification and 1778
investigation, as defined in section 2903.11 of the Revised Code, 1779
with respect to the portion of the sentence imposed pursuant to 1780
division (D)(5) of section 2929.14 of the Revised Code; 1781

(14) A violation of division (A)(1) or (2) of section 2903.06 1782
of the Revised Code if the offender has been convicted of or 1783
pleaded guilty to three or more violations of division (A) or (B) 1784
of section 4511.19 of the Revised Code or an equivalent offense, 1785
as defined in section 2941.1415 of the Revised Code, or three or 1786
more violations of any combination of those divisions and 1787
offenses, with respect to the portion of the sentence imposed 1788
pursuant to division (D)(6) of section 2929.14 of the Revised 1789
Code; 1790

(15) Kidnapping, in the circumstances specified in section 1791
2971.03 of the Revised Code and when no other provision of 1792
division (F) of this section applies. 1793

(G) Notwithstanding divisions (A) to (E) of this section, if 1794
an offender is being sentenced for a fourth degree felony OVI 1795

offense or for a third degree felony OVI offense, the court shall 1796
impose upon the offender a mandatory term of local incarceration 1797
or a mandatory prison term in accordance with the following: 1798

(1) If the offender is being sentenced for a fourth degree 1799
felony OVI offense and if the offender has not been convicted of 1800
and has not pleaded guilty to a specification of the type 1801
described in section 2941.1413 of the Revised Code, the court may 1802
impose upon the offender a mandatory term of local incarceration 1803
of sixty days or one hundred twenty days as specified in division 1804
(G)(1)(d) of section 4511.19 of the Revised Code. The court shall 1805
not reduce the term pursuant to section 2929.20, 2967.193, or any 1806
other provision of the Revised Code. The court that imposes a 1807
mandatory term of local incarceration under this division shall 1808
specify whether the term is to be served in a jail, a 1809
community-based correctional facility, a halfway house, or an 1810
alternative residential facility, and the offender shall serve the 1811
term in the type of facility specified by the court. A mandatory 1812
term of local incarceration imposed under division (G)(1) of this 1813
section is not subject to ~~extension under section 2967.11 of the~~ 1814
~~Revised Code, to a period of post release control under section~~ 1815
~~2967.28 of the Revised Code, or to any other Revised Code~~ 1816
provision that pertains to a prison term except as provided in 1817
division (A)(1) of this section. 1818

(2) If the offender is being sentenced for a third degree 1819
felony OVI offense, or if the offender is being sentenced for a 1820
fourth degree felony OVI offense and the court does not impose a 1821
mandatory term of local incarceration under division (G)(1) of 1822
this section, the court shall impose upon the offender a mandatory 1823
prison term of one, two, three, four, or five years if the 1824
offender also is convicted of or also pleads guilty to a 1825
specification of the type described in section 2941.1413 of the 1826
Revised Code or shall impose upon the offender a mandatory prison 1827

term of sixty days or one hundred twenty days as specified in 1828
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1829
if the offender has not been convicted of and has not pleaded 1830
guilty to a specification of that type. The court shall not reduce 1831
the term pursuant to section 2929.20, 2967.193, or any other 1832
provision of the Revised Code. The offender shall serve the one-, 1833
two-, three-, four-, or five-year mandatory prison term 1834
consecutively to and prior to the prison term imposed for the 1835
underlying offense and consecutively to any other mandatory prison 1836
term imposed in relation to the offense. In no case shall an 1837
offender who once has been sentenced to a mandatory term of local 1838
incarceration pursuant to division (G)(1) of this section for a 1839
fourth degree felony OVI offense be sentenced to another mandatory 1840
term of local incarceration under that division for any violation 1841
of division (A) of section 4511.19 of the Revised Code. In 1842
addition to the mandatory prison term described in division (G)(2) 1843
of this section, the court may sentence the offender to a 1844
community control sanction under section 2929.16 or 2929.17 of the 1845
Revised Code, but the offender shall serve the prison term prior 1846
to serving the community control sanction. The department of 1847
rehabilitation and correction may place an offender sentenced to a 1848
mandatory prison term under this division in an intensive program 1849
prison established pursuant to section 5120.033 of the Revised 1850
Code if the department gave the sentencing judge prior notice of 1851
its intent to place the offender in an intensive program prison 1852
established under that section and if the judge did not notify the 1853
department that the judge disapproved the placement. Upon the 1854
establishment of the initial intensive program prison pursuant to 1855
section 5120.033 of the Revised Code that is privately operated 1856
and managed by a contractor pursuant to a contract entered into 1857
under section 9.06 of the Revised Code, both of the following 1858
apply: 1859

(a) The department of rehabilitation and correction shall 1860

make a reasonable effort to ensure that a sufficient number of 1861
offenders sentenced to a mandatory prison term under this division 1862
are placed in the privately operated and managed prison so that 1863
the privately operated and managed prison has full occupancy. 1864

(b) Unless the privately operated and managed prison has full 1865
occupancy, the department of rehabilitation and correction shall 1866
not place any offender sentenced to a mandatory prison term under 1867
this division in any intensive program prison established pursuant 1868
to section 5120.033 of the Revised Code other than the privately 1869
operated and managed prison. 1870

(H) If an offender is being sentenced for a sexually oriented 1871
offense or child-victim oriented offense that is a felony 1872
committed on or after January 1, 1997, the judge shall require the 1873
offender to submit to a DNA specimen collection procedure pursuant 1874
to section 2901.07 of the Revised Code. 1875

(I) If an offender is being sentenced for a sexually oriented 1876
offense or a child-victim oriented offense committed on or after 1877
January 1, 1997, the judge shall include in the sentence a summary 1878
of the offender's duties imposed under sections 2950.04, 2950.041, 1879
2950.05, and 2950.06 of the Revised Code and the duration of the 1880
duties. The judge shall inform the offender, at the time of 1881
sentencing, of those duties and of their duration. If required 1882
under division (A)(2) of section 2950.03 of the Revised Code, the 1883
judge shall perform the duties specified in that section, or, if 1884
required under division (A)(6) of section 2950.03 of the Revised 1885
Code, the judge shall perform the duties specified in that 1886
division. 1887

(J)(1) Except as provided in division (J)(2) of this section, 1888
when considering sentencing factors under this section in relation 1889
to an offender who is convicted of or pleads guilty to an attempt 1890
to commit an offense in violation of section 2923.02 of the 1891
Revised Code, the sentencing court shall consider the factors 1892

applicable to the felony category of the violation of section 1893
2923.02 of the Revised Code instead of the factors applicable to 1894
the felony category of the offense attempted. 1895

(2) When considering sentencing factors under this section in 1896
relation to an offender who is convicted of or pleads guilty to an 1897
attempt to commit a drug abuse offense for which the penalty is 1898
determined by the amount or number of unit doses of the controlled 1899
substance involved in the drug abuse offense, the sentencing court 1900
shall consider the factors applicable to the felony category that 1901
the drug abuse offense attempted would be if that drug abuse 1902
offense had been committed and had involved an amount or number of 1903
unit doses of the controlled substance that is within the next 1904
lower range of controlled substance amounts than was involved in 1905
the attempt. 1906

(K) As used in this section, "drug abuse offense" has the 1907
same meaning as in section 2925.01 of the Revised Code. 1908

(L) At the time of sentencing an offender for any sexually 1909
oriented offense, if the offender is a tier III sex 1910
offender/child-victim offender relative to that offense and the 1911
offender does not serve a prison term or jail term, the court may 1912
require that the offender be monitored by means of a global 1913
positioning device. If the court requires such monitoring, the 1914
cost of monitoring shall be borne by the offender. If the offender 1915
is indigent, the cost of compliance shall be paid by the crime 1916
victims reparations fund. 1917

Sec. 2929.14. (A) Except as provided in division (C), (D)(1), 1918
(D)(2), (D)(3), (D)(4), (D)(5), (D)(6), (G), or (L) of this 1919
section and except in relation to an offense for which a sentence 1920
of death or life imprisonment is to be imposed, if the court 1921
imposing a sentence upon an offender for a felony elects or is 1922
required to impose a prison term on the offender pursuant to this 1923

chapter, the court shall impose a definite prison term that shall 1924
be one of the following: 1925

(1) For a felony of the first degree, the prison term shall 1926
be three, four, five, six, seven, eight, nine, or ten years. 1927

(2) For a felony of the second degree, the prison term shall 1928
be two, three, four, five, six, seven, or eight years. 1929

(3) For a felony of the third degree, the prison term shall 1930
be one, two, three, four, or five years. 1931

(4) For a felony of the fourth degree, the prison term shall 1932
be six, seven, eight, nine, ten, eleven, twelve, thirteen, 1933
fourteen, fifteen, sixteen, seventeen, or eighteen months. 1934

(5) For a felony of the fifth degree, the prison term shall 1935
be six, seven, eight, nine, ten, eleven, or twelve months. 1936

(B) Except as provided in division (C), (D)(1), (D)(2), 1937
(D)(3), (D)(5), (D)(6), (G), or (L) of this section, in section 1938
2907.02 or 2907.05 of the Revised Code, or in Chapter 2925. of the 1939
Revised Code, if the court imposing a sentence upon an offender 1940
for a felony elects or is required to impose a prison term on the 1941
offender, the court shall impose the shortest prison term 1942
authorized for the offense pursuant to division (A) of this 1943
section, unless one or more of the following applies: 1944

(1) The offender was serving a prison term at the time of the 1945
offense, or the offender previously had served a prison term. 1946

(2) The court finds on the record that the shortest prison 1947
term will demean the seriousness of the offender's conduct or will 1948
not adequately protect the public from future crime by the 1949
offender or others. 1950

(C) Except as provided in division (G) or (L) of this section 1951
or in Chapter 2925. of the Revised Code, the court imposing a 1952
sentence upon an offender for a felony may impose the longest 1953

prison term authorized for the offense pursuant to division (A) of 1954
this section only upon offenders who committed the worst forms of 1955
the offense, upon offenders who pose the greatest likelihood of 1956
committing future crimes, upon certain major drug offenders under 1957
division (D)(3) of this section, and upon certain repeat violent 1958
offenders in accordance with division (D)(2) of this section. 1959

(D)(1)(a) Except as provided in division (D)(1)(e) of this 1960
section, if an offender who is convicted of or pleads guilty to a 1961
felony also is convicted of or pleads guilty to a specification of 1962
the type described in section 2941.141, 2941.144, or 2941.145 of 1963
the Revised Code, the court shall impose on the offender one of 1964
the following prison terms: 1965

(i) A prison term of six years if the specification is of the 1966
type described in section 2941.144 of the Revised Code that 1967
charges the offender with having a firearm that is an automatic 1968
firearm or that was equipped with a firearm muffler or silencer on 1969
or about the offender's person or under the offender's control 1970
while committing the felony; 1971

(ii) A prison term of three years if the specification is of 1972
the type described in section 2941.145 of the Revised Code that 1973
charges the offender with having a firearm on or about the 1974
offender's person or under the offender's control while committing 1975
the offense and displaying the firearm, brandishing the firearm, 1976
indicating that the offender possessed the firearm, or using it to 1977
facilitate the offense; 1978

(iii) A prison term of one year if the specification is of 1979
the type described in section 2941.141 of the Revised Code that 1980
charges the offender with having a firearm on or about the 1981
offender's person or under the offender's control while committing 1982
the felony. 1983

(b) If a court imposes a prison term on an offender under 1984

division (D)(1)(a) of this section, the prison term shall not be 1985
reduced pursuant to section 2929.20, section 2967.193, or any 1986
other provision of Chapter 2967. or Chapter 5120. of the Revised 1987
Code. A court shall not impose more than one prison term on an 1988
offender under division (D)(1)(a) of this section for felonies 1989
committed as part of the same act or transaction. 1990

(c) Except as provided in division (D)(1)(e) of this section, 1991
if an offender who is convicted of or pleads guilty to a violation 1992
of section 2923.161 of the Revised Code or to a felony that 1993
includes, as an essential element, purposely or knowingly causing 1994
or attempting to cause the death of or physical harm to another, 1995
also is convicted of or pleads guilty to a specification of the 1996
type described in section 2941.146 of the Revised Code that 1997
charges the offender with committing the offense by discharging a 1998
firearm from a motor vehicle other than a manufactured home, the 1999
court, after imposing a prison term on the offender for the 2000
violation of section 2923.161 of the Revised Code or for the other 2001
felony offense under division (A), (D)(2), or (D)(3) of this 2002
section, shall impose an additional prison term of five years upon 2003
the offender that shall not be reduced pursuant to section 2004
2929.20, section 2967.193, or any other provision of Chapter 2967. 2005
or Chapter 5120. of the Revised Code. A court shall not impose 2006
more than one additional prison term on an offender under division 2007
(D)(1)(c) of this section for felonies committed as part of the 2008
same act or transaction. If a court imposes an additional prison 2009
term on an offender under division (D)(1)(c) of this section 2010
relative to an offense, the court also shall impose a prison term 2011
under division (D)(1)(a) of this section relative to the same 2012
offense, provided the criteria specified in that division for 2013
imposing an additional prison term are satisfied relative to the 2014
offender and the offense. 2015

(d) If an offender who is convicted of or pleads guilty to an 2016

offense of violence that is a felony also is convicted of or 2017
pleads guilty to a specification of the type described in section 2018
2941.1411 of the Revised Code that charges the offender with 2019
wearing or carrying body armor while committing the felony offense 2020
of violence, the court shall impose on the offender a prison term 2021
of two years. The prison term so imposed shall not be reduced 2022
pursuant to section 2929.20, section 2967.193, or any other 2023
provision of Chapter 2967. or Chapter 5120. of the Revised Code. A 2024
court shall not impose more than one prison term on an offender 2025
under division (D)(1)(d) of this section for felonies committed as 2026
part of the same act or transaction. If a court imposes an 2027
additional prison term under division (D)(1)(a) or (c) of this 2028
section, the court is not precluded from imposing an additional 2029
prison term under division (D)(1)(d) of this section. 2030

(e) The court shall not impose any of the prison terms 2031
described in division (D)(1)(a) of this section or any of the 2032
additional prison terms described in division (D)(1)(c) of this 2033
section upon an offender for a violation of section 2923.12 or 2034
2923.123 of the Revised Code. The court shall not impose any of 2035
the prison terms described in division (D)(1)(a) of this section 2036
or any of the additional prison terms described in division 2037
(D)(1)(c) of this section upon an offender for a violation of 2038
section 2923.13 of the Revised Code unless all of the following 2039
apply: 2040

(i) The offender previously has been convicted of aggravated 2041
murder, murder, or any felony of the first or second degree. 2042

(ii) Less than five years have passed since the offender was 2043
released from prison or post-release control, whichever is later, 2044
for the prior offense. 2045

(f) If an offender is convicted of or pleads guilty to a 2046
felony that includes, as an essential element, causing or 2047
attempting to cause the death of or physical harm to another and 2048

also is convicted of or pleads guilty to a specification of the type described in section 2941.1412 of the Revised Code that charges the offender with committing the offense by discharging a firearm at a peace officer as defined in section 2935.01 of the Revised Code or a corrections officer, as defined in section 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the felony offense under division (A), (D)(2), or (D)(3) of this section, shall impose an additional prison term of seven years upon the offender that shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one additional prison term on an offender under division (D)(1)(f) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (D)(1)(f) of this section relative to an offense, the court shall not impose a prison term under division (D)(1)(a) or (c) of this section relative to the same offense.

(2)(a) If division (D)(2)(b) of this section does not apply, the court may impose on an offender, in addition to the longest prison term authorized or required for the offense, 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 offense of which the offender currently is convicted or to which the offender currently pleads guilty is aggravated murder and the court does not impose a sentence of death or life imprisonment without parole, murder, terrorism and the court does not impose a sentence of life imprisonment without parole, any

felony of the first degree that is an offense of violence and the 2081
court does not impose a sentence of life imprisonment without 2082
parole, or any felony of the second degree that is an offense of 2083
violence and the trier of fact finds that the offense involved an 2084
attempt to cause or a threat to cause serious physical harm to a 2085
person or resulted in serious physical harm to a person. 2086

(iii) The court imposes the longest prison term for the 2087
offense that is not life imprisonment without parole. 2088

(iv) The court finds that the prison terms imposed pursuant 2089
to division (D)(2)(a)(iii) of this section and, if applicable, 2090
division (D)(1) or (3) of this section are inadequate to punish 2091
the offender and protect the public from future crime, because the 2092
applicable factors under section 2929.12 of the Revised Code 2093
indicating a greater likelihood of recidivism outweigh the 2094
applicable factors under that section indicating a lesser 2095
likelihood of recidivism. 2096

(v) The court finds that the prison terms imposed pursuant to 2097
division (D)(2)(a)(iii) of this section and, if applicable, 2098
division (D)(1) or (3) of this section are demeaning to the 2099
seriousness of the offense, because one or more of the factors 2100
under section 2929.12 of the Revised Code indicating that the 2101
offender's conduct is more serious than conduct normally 2102
constituting the offense are present, and they outweigh the 2103
applicable factors under that section indicating that the 2104
offender's conduct is less serious than conduct normally 2105
constituting the offense. 2106

(b) The court shall impose on an offender the longest prison 2107
term authorized or required for the offense and shall impose on 2108
the offender an additional definite prison term of one, two, 2109
three, four, five, six, seven, eight, nine, or ten years if all of 2110
the following criteria are met: 2111

(i) The offender is convicted of or pleads guilty to a 2112
specification of the type described in section 2941.149 of the 2113
Revised Code that the offender is a repeat violent offender. 2114

(ii) The offender within the preceding twenty years has been 2115
convicted of or pleaded guilty to three or more offenses described 2116
in division ~~(DD)~~(CC)(1) of section 2929.01 of the Revised Code, 2117
including all offenses described in that division of which the 2118
offender is convicted or to which the offender pleads guilty in 2119
the current prosecution and all offenses described in that 2120
division of which the offender previously has been convicted or to 2121
which the offender previously pleaded guilty, whether prosecuted 2122
together or separately. 2123

(iii) The offense or offenses of which the offender currently 2124
is convicted or to which the offender currently pleads guilty is 2125
aggravated murder and the court does not impose a sentence of 2126
death or life imprisonment without parole, murder, terrorism and 2127
the court does not impose a sentence of life imprisonment without 2128
parole, any felony of the first degree that is an offense of 2129
violence and the court does not impose a sentence of life 2130
imprisonment without parole, or any felony of the second degree 2131
that is an offense of violence and the trier of fact finds that 2132
the offense involved an attempt to cause or a threat to cause 2133
serious physical harm to a person or resulted in serious physical 2134
harm to a person. 2135

(c) For purposes of division (D)(2)(b) of this section, two 2136
or more offenses committed at the same time or as part of the same 2137
act or event shall be considered one offense, and that one offense 2138
shall be the offense with the greatest penalty. 2139

(d) A sentence imposed under division (D)(2)(a) or (b) of 2140
this section shall not be reduced pursuant to section 2929.20 or 2141
section 2967.193, or any other provision of Chapter 2967. or 2142
Chapter 5120. of the Revised Code. The offender shall serve an 2143

additional prison term imposed under this section consecutively to 2144
and prior to the prison term imposed for the underlying offense. 2145

(e) When imposing a sentence pursuant to division (D)(2)(a) 2146
or (b) of this section, the court shall state its findings 2147
explaining the imposed sentence. 2148

(3)(a) Except when an offender commits a violation of section 2149
2903.01 or 2907.02 of the Revised Code and the penalty imposed for 2150
the violation is life imprisonment or commits a violation of 2151
section 2903.02 of the Revised Code, if the offender commits a 2152
violation of section 2925.03 or 2925.11 of the Revised Code and 2153
that section classifies the offender as a major drug offender and 2154
requires the imposition of a ten-year prison term on the offender, 2155
if the offender commits a felony violation of section 2925.02, 2156
2925.04, 2925.05, 2925.36, 3719.07, 3719.08, 3719.16, 3719.161, 2157
4729.37, or 4729.61, division (C) or (D) of section 3719.172, 2158
division (C) of section 4729.51, or division (J) of section 2159
4729.54 of the Revised Code that includes the sale, offer to sell, 2160
or possession of a schedule I or II controlled substance, with the 2161
exception of marihuana, and the court imposing sentence upon the 2162
offender finds that the offender is guilty of a specification of 2163
the type described in section 2941.1410 of the Revised Code 2164
charging that the offender is a major drug offender, if the court 2165
imposing sentence upon an offender for a felony finds that the 2166
offender is guilty of corrupt activity with the most serious 2167
offense in the pattern of corrupt activity being a felony of the 2168
first degree, or if the offender is guilty of an attempted 2169
violation of section 2907.02 of the Revised Code and, had the 2170
offender completed the violation of section 2907.02 of the Revised 2171
Code that was attempted, the offender would have been subject to a 2172
sentence of life imprisonment or life imprisonment without parole 2173
for the violation of section 2907.02 of the Revised Code, the 2174
court shall impose upon the offender for the felony violation a 2175

ten-year prison term that cannot be reduced pursuant to section 2176
2929.20 or Chapter 2967. or 5120. of the Revised Code. 2177

(b) The court imposing a prison term on an offender under 2178
division (D)(3)(a) of this section may impose an additional prison 2179
term of one, two, three, four, five, six, seven, eight, nine, or 2180
ten years, if the court, with respect to the term imposed under 2181
division (D)(3)(a) of this section and, if applicable, divisions 2182
(D)(1) and (2) of this section, makes both of the findings set 2183
forth in divisions (D)(2)(a)(iv) and (v) of this section. 2184

(4) If the offender is being sentenced for a third or fourth 2185
degree felony OVI offense under division (G)(2) of section 2929.13 2186
of the Revised Code, the sentencing court shall impose upon the 2187
offender a mandatory prison term in accordance with that division. 2188
In addition to the mandatory prison term, if the offender is being 2189
sentenced for a fourth degree felony OVI offense, the court, 2190
notwithstanding division (A)(4) of this section, may sentence the 2191
offender to a definite prison term of not less than six months and 2192
not more than thirty months, and if the offender is being 2193
sentenced for a third degree felony OVI offense, the sentencing 2194
court may sentence the offender to an additional prison term of 2195
any duration specified in division (A)(3) of this section. In 2196
either case, the additional prison term imposed shall be reduced 2197
by the sixty or one hundred twenty days imposed upon the offender 2198
as the mandatory prison term. The total of the additional prison 2199
term imposed under division (D)(4) of this section plus the sixty 2200
or one hundred twenty days imposed as the mandatory prison term 2201
shall equal a definite term in the range of six months to thirty 2202
months for a fourth degree felony OVI offense and shall equal one 2203
of the authorized prison terms specified in division (A)(3) of 2204
this section for a third degree felony OVI offense. If the court 2205
imposes an additional prison term under division (D)(4) of this 2206
section, the offender shall serve the additional prison term after 2207

the offender has served the mandatory prison term required for the 2208
offense. In addition to the mandatory prison term or mandatory and 2209
additional prison term imposed as described in division (D)(4) of 2210
this section, the court also may sentence the offender to a 2211
community control sanction under section 2929.16 or 2929.17 of the 2212
Revised Code, but the offender shall serve all of the prison terms 2213
so imposed prior to serving the community control sanction. 2214

If the offender is being sentenced for a fourth degree felony 2215
OVI offense under division (G)(1) of section 2929.13 of the 2216
Revised Code and the court imposes a mandatory term of local 2217
incarceration, the court may impose a prison term as described in 2218
division (A)(1) of that section. 2219

(5) If an offender is convicted of or pleads guilty to a 2220
violation of division (A)(1) or (2) of section 2903.06 of the 2221
Revised Code and also is convicted of or pleads guilty to a 2222
specification of the type described in section 2941.1414 of the 2223
Revised Code that charges that the victim of the offense is a 2224
peace officer, as defined in section 2935.01 of the Revised Code, 2225
or an investigator of the bureau of criminal identification and 2226
investigation, as defined in section 2903.11 of the Revised Code, 2227
the court shall impose on the offender a prison term of five 2228
years. If a court imposes a prison term on an offender under 2229
division (D)(5) of this section, the prison term shall not be 2230
reduced pursuant to section 2929.20, section 2967.193, or any 2231
other provision of Chapter 2967. or Chapter 5120. of the Revised 2232
Code. A court shall not impose more than one prison term on an 2233
offender under division (D)(5) of this section for felonies 2234
committed as part of the same act. 2235

(6) If an offender is convicted of or pleads guilty to a 2236
violation of division (A)(1) or (2) of section 2903.06 of the 2237
Revised Code and also is convicted of or pleads guilty to a 2238
specification of the type described in section 2941.1415 of the 2239

Revised Code that charges that the offender previously has been 2240
convicted of or pleaded guilty to three or more violations of 2241
division (A) or (B) of section 4511.19 of the Revised Code or an 2242
equivalent offense, as defined in section 2941.1415 of the Revised 2243
Code, or three or more violations of any combination of those 2244
divisions and offenses, the court shall impose on the offender a 2245
prison term of three years. If a court imposes a prison term on an 2246
offender under division (D)(6) of this section, the prison term 2247
shall not be reduced pursuant to section 2929.20, section 2248
2967.193, or any other provision of Chapter 2967. or Chapter 5120. 2249
of the Revised Code. A court shall not impose more than one prison 2250
term on an offender under division (D)(6) of this section for 2251
felonies committed as part of the same act. 2252

(E)(1)(a) Subject to division (E)(1)(b) of this section, if a 2253
mandatory prison term is imposed upon an offender pursuant to 2254
division (D)(1)(a) of this section for having a firearm on or 2255
about the offender's person or under the offender's control while 2256
committing a felony, if a mandatory prison term is imposed upon an 2257
offender pursuant to division (D)(1)(c) of this section for 2258
committing a felony specified in that division by discharging a 2259
firearm from a motor vehicle, or if both types of mandatory prison 2260
terms are imposed, the offender shall serve any mandatory prison 2261
term imposed under either division consecutively to any other 2262
mandatory prison term imposed under either division or under 2263
division (D)(1)(d) of this section, consecutively to and prior to 2264
any prison term imposed for the underlying felony pursuant to 2265
division (A), (D)(2), or (D)(3) of this section or any other 2266
section of the Revised Code, and consecutively to any other prison 2267
term or mandatory prison term previously or subsequently imposed 2268
upon the offender. 2269

(b) If a mandatory prison term is imposed upon an offender 2270
pursuant to division (D)(1)(d) of this section for wearing or 2271

carrying body armor while committing an offense of violence that 2272
is a felony, the offender shall serve the mandatory term so 2273
imposed consecutively to any other mandatory prison term imposed 2274
under that division or under division (D)(1)(a) or (c) of this 2275
section, consecutively to and prior to any prison term imposed for 2276
the underlying felony under division (A), (D)(2), or (D)(3) of 2277
this section or any other section of the Revised Code, and 2278
consecutively to any other prison term or mandatory prison term 2279
previously or subsequently imposed upon the offender. 2280

(c) If a mandatory prison term is imposed upon an offender 2281
pursuant to division (D)(1)(f) of this section, the offender shall 2282
serve the mandatory prison term so imposed consecutively to and 2283
prior to any prison term imposed for the underlying felony under 2284
division (A), (D)(2), or (D)(3) of this section or any other 2285
section of the Revised Code, and consecutively to any other prison 2286
term or mandatory prison term previously or subsequently imposed 2287
upon the offender. 2288

(2) If an offender who is an inmate in a jail, prison, or 2289
other residential detention facility violates section 2917.02, 2290
2917.03, 2921.34, or 2921.35 of the Revised Code, if an offender 2291
who is under detention at a detention facility commits a felony 2292
violation of section 2923.131 of the Revised Code, or if an 2293
offender who is an inmate in a jail, prison, or other residential 2294
detention facility or is under detention at a detention facility 2295
commits another felony while the offender is an escapee in 2296
violation of section 2921.34 of the Revised Code, any prison term 2297
imposed upon the offender for one of those violations shall be 2298
served by the offender consecutively to the prison term or term of 2299
imprisonment the offender was serving when the offender committed 2300
that offense and to any other prison term previously or 2301
subsequently imposed upon the offender. 2302

(3) If a prison term is imposed for a violation of division 2303

(B) of section 2911.01 of the Revised Code, a violation of 2304
division (A) of section 2913.02 of the Revised Code in which the 2305
stolen property is a firearm or dangerous ordnance, or a felony 2306
violation of division (B) of section 2921.331 of the Revised Code, 2307
the offender shall serve that prison term consecutively to any 2308
other prison term or mandatory prison term previously or 2309
subsequently imposed upon the offender. 2310

(4) If multiple prison terms are imposed on an offender for 2311
convictions of multiple offenses, the court may require the 2312
offender to serve the prison terms consecutively if the court 2313
finds that the consecutive service is necessary to protect the 2314
public from future crime or to punish the offender and that 2315
consecutive sentences are not disproportionate to the seriousness 2316
of the offender's conduct and to the danger the offender poses to 2317
the public, and if the court also finds any of the following: 2318

(a) The offender committed one or more of the multiple 2319
offenses while the offender was awaiting trial or sentencing, was 2320
under a sanction imposed pursuant to section 2929.16, 2929.17, or 2321
2929.18 of the Revised Code, or was under post-release control for 2322
a prior offense. 2323

(b) At least two of the multiple offenses were committed as 2324
part of one or more courses of conduct, and the harm caused by two 2325
or more of the multiple offenses so committed was so great or 2326
unusual that no single prison term for any of the offenses 2327
committed as part of any of the courses of conduct adequately 2328
reflects the seriousness of the offender's conduct. 2329

(c) The offender's history of criminal conduct demonstrates 2330
that consecutive sentences are necessary to protect the public 2331
from future crime by the offender. 2332

(5) If a mandatory prison term is imposed upon an offender 2333
pursuant to division (D)(5) or (6) of this section, the offender 2334

shall serve the mandatory prison term consecutively to and prior 2335
to any prison term imposed for the underlying violation of 2336
division (A)(1) or (2) of section 2903.06 of the Revised Code 2337
pursuant to division (A) of this section or section 2929.142 of 2338
the Revised Code. If a mandatory prison term is imposed upon an 2339
offender pursuant to division (D)(5) of this section, and if a 2340
mandatory prison term also is imposed upon the offender pursuant 2341
to division (D)(6) of this section in relation to the same 2342
violation, the offender shall serve the mandatory prison term 2343
imposed pursuant to division (D)(5) of this section consecutively 2344
to and prior to the mandatory prison term imposed pursuant to 2345
division (D)(6) of this section and consecutively to and prior to 2346
any prison term imposed for the underlying violation of division 2347
(A)(1) or (2) of section 2903.06 of the Revised Code pursuant to 2348
division (A) of this section or section 2929.142 of the Revised 2349
Code. 2350

(6) When consecutive prison terms are imposed pursuant to 2351
division (E)(1), (2), (3), (4), or (5) of this section, the term 2352
to be served is the aggregate of all of the terms so imposed. 2353

(F)(1) If a court imposes a prison term for a felony of the 2354
first degree, for a felony of the second degree, for a felony sex 2355
offense, or for a felony of the third degree that is not a felony 2356
sex offense and in the commission of which the offender caused or 2357
threatened to cause physical harm to a person, it shall include in 2358
the sentence a requirement that the offender be subject to a 2359
period of post-release control after the offender's release from 2360
imprisonment, in accordance with that division. If a court imposes 2361
a sentence including a prison term of a type described in this 2362
division on or after July 11, 2006, the failure of a court to 2363
include a post-release control requirement in the sentence 2364
pursuant to this division does not negate, limit, or otherwise 2365
affect the mandatory period of post-release control that is 2366

required for the offender under division (B) of section 2967.28 of 2367
the Revised Code. Section 2929.191 of the Revised Code applies if, 2368
prior to July 11, 2006, a court imposed a sentence including a 2369
prison term of a type described in this division and failed to 2370
include in the sentence pursuant to this division a statement 2371
regarding post-release control. 2372

(2) If a court imposes a prison term for a felony of the 2373
third, fourth, or fifth degree that is not subject to division 2374
(F)(1) of this section, it shall include in the sentence a 2375
requirement that the offender be subject to a period of 2376
post-release control after the offender's release from 2377
imprisonment, in accordance with that division, if the parole 2378
board determines that a period of post-release control is 2379
necessary. Section 2929.191 of the Revised Code applies if, prior 2380
to July 11, 2006, a court imposed a sentence including a prison 2381
term of a type described in this division and failed to include in 2382
the sentence pursuant to this division a statement regarding 2383
post-release control. 2384

(G) The court shall impose sentence upon the offender in 2385
accordance with section 2971.03 of the Revised Code, and Chapter 2386
2971. of the Revised Code applies regarding the prison term or 2387
term of life imprisonment without parole imposed upon the offender 2388
and the service of that term of imprisonment if any of the 2389
following apply: 2390

(1) A person is convicted of or pleads guilty to a violent 2391
sex offense or a designated homicide, assault, or kidnapping 2392
offense, and, in relation to that offense, the offender is 2393
adjudicated a sexually violent predator. 2394

(2) A person is convicted of or pleads guilty to a violation 2395
of division (A)(1)(b) of section 2907.02 of the Revised Code 2396
committed on or after January 2, 2007, and either the court does 2397
not impose a sentence of life without parole when authorized 2398

pursuant to division (B) of section 2907.02 of the Revised Code, 2399
or division (B) of section 2907.02 of the Revised Code provides 2400
that the court shall not sentence the offender pursuant to section 2401
2971.03 of the Revised Code. 2402

(3) A person is convicted of or pleads guilty to attempted 2403
rape committed on or after January 2, 2007, and a specification of 2404
the type described in section 2941.1418, 2941.1419, or 2941.1420 2405
of the Revised Code. 2406

(4) A person is convicted of or pleads guilty to a violation 2407
of section 2905.01 of the Revised Code committed on or after ~~the~~ 2408
~~effective date of this amendment~~ January 1, 2008, and that section 2409
requires the court to sentence the offender pursuant to section 2410
2971.03 of the Revised Code. 2411

(5) A person is convicted of or pleads guilty to aggravated 2412
murder committed on or after ~~the effective date of this amendment~~ 2413
January 1, 2008, and division (A)(2)(b)(ii) of section 2929.022, 2414
division (A)(1)(e), (C)(1)(a)(v), (C)(2)(a)(ii), (D)(2)(b), 2415
(D)(3)(a)(iv), or (E)(1)(d) of section 2929.03, or division (A) or 2416
(B) of section 2929.06 of the Revised Code requires the court to 2417
sentence the offender pursuant to division (B)(3) of section 2418
2971.03 of the Revised Code. 2419

(6) A person is convicted of or pleads guilty to murder 2420
committed on or after ~~the effective date of this amendment~~ January 2421
1, 2008, and division (B)(2) of section 2929.02 of the Revised 2422
Code requires the court to sentence the offender pursuant to 2423
section 2971.03 of the Revised Code. 2424

(H) If a person who has been convicted of or pleaded guilty 2425
to a felony is sentenced to a prison term or term of imprisonment 2426
under this section, sections 2929.02 to 2929.06 of the Revised 2427
Code, section 2929.142 of the Revised Code, section 2971.03 of the 2428
Revised Code, or any other provision of law, section 5120.163 of 2429

the Revised Code applies regarding the person while the person is 2430
confined in a state correctional institution. 2431

(I) If an offender who is convicted of or pleads guilty to a 2432
felony that is an offense of violence also is convicted of or 2433
pleads guilty to a specification of the type described in section 2434
2941.142 of the Revised Code that charges the offender with having 2435
committed the felony while participating in a criminal gang, the 2436
court shall impose upon the offender an additional prison term of 2437
one, two, or three years. 2438

(J) If an offender who is convicted of or pleads guilty to 2439
aggravated murder, murder, or a felony of the first, second, or 2440
third degree that is an offense of violence also is convicted of 2441
or pleads guilty to a specification of the type described in 2442
section 2941.143 of the Revised Code that charges the offender 2443
with having committed the offense in a school safety zone or 2444
towards a person in a school safety zone, the court shall impose 2445
upon the offender an additional prison term of two years. The 2446
offender shall serve the additional two years consecutively to and 2447
prior to the prison term imposed for the underlying offense. 2448

(K) At the time of sentencing, the court may recommend the 2449
offender for placement in a program of shock incarceration under 2450
section 5120.031 of the Revised Code or for placement in an 2451
intensive program prison under section 5120.032 of the Revised 2452
Code, disapprove placement of the offender in a program of shock 2453
incarceration or an intensive program prison of that nature, or 2454
make no recommendation on placement of the offender. In no case 2455
shall the department of rehabilitation and correction place the 2456
offender in a program or prison of that nature unless the 2457
department determines as specified in section 5120.031 or 5120.032 2458
of the Revised Code, whichever is applicable, that the offender is 2459
eligible for the placement. 2460

If the court disapproves placement of the offender in a 2461

program or prison of that nature, the department of rehabilitation 2462
and correction shall not place the offender in any program of 2463
shock incarceration or intensive program prison. 2464

If the court recommends placement of the offender in a 2465
program of shock incarceration or in an intensive program prison, 2466
and if the offender is subsequently placed in the recommended 2467
program or prison, the department shall notify the court of the 2468
placement and shall include with the notice a brief description of 2469
the placement. 2470

If the court recommends placement of the offender in a 2471
program of shock incarceration or in an intensive program prison 2472
and the department does not subsequently place the offender in the 2473
recommended program or prison, the department shall send a notice 2474
to the court indicating why the offender was not placed in the 2475
recommended program or prison. 2476

If the court does not make a recommendation under this 2477
division with respect to an offender and if the department 2478
determines as specified in section 5120.031 or 5120.032 of the 2479
Revised Code, whichever is applicable, that the offender is 2480
eligible for placement in a program or prison of that nature, the 2481
department shall screen the offender and determine if there is an 2482
available program of shock incarceration or an intensive program 2483
prison for which the offender is suited. If there is an available 2484
program of shock incarceration or an intensive program prison for 2485
which the offender is suited, the department shall notify the 2486
court of the proposed placement of the offender as specified in 2487
section 5120.031 or 5120.032 of the Revised Code and shall include 2488
with the notice a brief description of the placement. The court 2489
shall have ten days from receipt of the notice to disapprove the 2490
placement. 2491

(L) If a person is convicted of or pleads guilty to 2492
aggravated vehicular homicide in violation of division (A)(1) of 2493

section 2903.06 of the Revised Code and division (B)(2)(c) of that 2494
section applies, the person shall be sentenced pursuant to section 2495
2929.142 of the Revised Code. 2496

Sec. 2929.141. (A) ~~As used in this section, "person on~~ 2497
~~release" means a "releasee" or "parolee," both as defined in~~ 2498
~~section 2967.01 of the Revised Code.~~ 2499

~~(B) A person on release who by committing a felony violates~~ 2500
~~any condition of parole, any post release control sanction, or any~~ 2501
~~conditions described in division (A) of section 2967.131 of the~~ 2502
~~Revised Code that are imposed upon the person may be prosecuted~~ 2503
~~for the new felony. Upon the person's conviction of or plea of~~ 2504
~~guilty to the new a felony by a person on post-release control at~~ 2505
~~the time of the commission of the felony, the court shall impose~~ 2506
~~sentence for the new felony, the court may terminate the term of~~ 2507
~~post-release control if the person is a releasee, and the court~~ 2508
~~may do either or both of the following for a person who is either~~ 2509
~~a releasee or parolee regardless of whether the sentencing court~~ 2510
~~or another court of this state imposed the original prison term~~ 2511
~~for which the person is on parole or is serving a term of~~ 2512
~~post-release control:~~ 2513

(1) In addition to any prison term for the new felony, impose 2514
a prison term for the post-release control violation. ~~If the~~ 2515
~~person is a releasee, the~~ The maximum prison term for the 2516
violation shall be the greater of twelve months or the period of 2517
post-release control for the earlier felony minus any time the 2518
~~releasee~~ person has spent under post-release control for the 2519
earlier felony. In all cases, any prison term imposed for the 2520
violation shall be reduced by any prison term that is 2521
administratively imposed by the parole board ~~or adult parole~~ 2522
~~authority~~ as a post-release control sanction. ~~In all cases, a~~ A 2523
prison term imposed for the violation shall be served 2524

consecutively to any prison term imposed for the new felony. ~~If~~ 2525
~~the person is a releasee, The imposition of a prison term imposed~~ 2526
~~for the post-release control violation, and a prison term imposed~~ 2527
~~for the new felony, shall not count as, or be credited toward,~~ 2528
~~terminate the remaining~~ period of post-release control ~~imposed~~ for 2529
the earlier felony. 2530

(2) Impose a sanction under sections 2929.15 to 2929.18 of 2531
the Revised Code for the violation that shall be served 2532
concurrently or consecutively, as specified by the court, with any 2533
community control sanctions for the new felony. 2534

Sec. 2929.15. (A)(1) If in sentencing an offender for a 2535
felony the court is not required to impose a prison term, a 2536
mandatory prison term, or a term of life imprisonment upon the 2537
offender, the court may directly impose a sentence that consists 2538
of one or more community control sanctions authorized pursuant to 2539
section 2929.16, 2929.17, or 2929.18 of the Revised Code. If the 2540
court is sentencing an offender for a fourth degree felony OVI 2541
offense under division (G)(1) of section 2929.13 of the Revised 2542
Code, in addition to the mandatory term of local incarceration 2543
imposed under that division and the mandatory fine required by 2544
division (B)(3) of section 2929.18 of the Revised Code, the court 2545
may impose upon the offender a community control sanction or 2546
combination of community control sanctions in accordance with 2547
sections 2929.16 and 2929.17 of the Revised Code. If the court is 2548
sentencing an offender for a third or fourth degree felony OVI 2549
offense under division (G)(2) of section 2929.13 of the Revised 2550
Code, in addition to the mandatory prison term or mandatory prison 2551
term and additional prison term imposed under that division, the 2552
court also may impose upon the offender a community control 2553
sanction or combination of community control sanctions under 2554
section 2929.16 or 2929.17 of the Revised Code, but the offender 2555
shall serve all of the prison terms so imposed prior to serving 2556

the community control sanction. 2557

The duration of all community control sanctions imposed upon 2558
an offender under this division shall not exceed five years. If 2559
the offender absconds or otherwise leaves the jurisdiction of the 2560
court in which the offender resides without obtaining permission 2561
from the court or the offender's probation officer to leave the 2562
jurisdiction of the court, or if the offender is confined in any 2563
institution for the commission of any offense while under a 2564
community control sanction, the period of the community control 2565
sanction ceases to run until the offender is brought before the 2566
court for its further action. If the court sentences the offender 2567
to one or more nonresidential sanctions under section 2929.17 of 2568
the Revised Code, the court shall impose as a condition of the 2569
nonresidential sanctions that, during the period of the sanctions, 2570
the offender must abide by the law and must not leave the state 2571
without the permission of the court or the offender's probation 2572
officer. The court may impose any other conditions of release 2573
under a community control sanction that the court considers 2574
appropriate, including, but not limited to, requiring that the 2575
offender not ingest or be injected with a drug of abuse and submit 2576
to random drug testing as provided in division (D) of this section 2577
to determine whether the offender ingested or was injected with a 2578
drug of abuse and requiring that the results of the drug test 2579
indicate that the offender did not ingest or was not injected with 2580
a drug of abuse. 2581

(2)(a) If a court sentences an offender to any community 2582
control sanction or combination of community control sanctions 2583
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of the 2584
Revised Code, the court shall place the offender under the general 2585
control and supervision of a department of probation in the county 2586
that serves the court for purposes of reporting to the court a 2587
violation of any condition of the sanctions, any condition of 2588

release under a community control sanction imposed by the court, a 2589
violation of law, or the departure of the offender from this state 2590
without the permission of the court or the offender's probation 2591
officer. Alternatively, if the offender resides in another county 2592
and a county department of probation has been established in that 2593
county or that county is served by a multicounty probation 2594
department established under section 2301.27 of the Revised Code, 2595
the court may request the court of common pleas of that county to 2596
receive the offender into the general control and supervision of 2597
that county or multicounty department of probation for purposes of 2598
reporting to the court a violation of any condition of the 2599
sanctions, any condition of release under a community control 2600
sanction imposed by the court, a violation of law, or the 2601
departure of the offender from this state without the permission 2602
of the court or the offender's probation officer, subject to the 2603
jurisdiction of the trial judge over and with respect to the 2604
person of the offender, and to the rules governing that department 2605
of probation. 2606

If there is no department of probation in the county that 2607
serves the court, the court shall place the offender, regardless 2608
of the offender's county of residence, under the general control 2609
and supervision of the adult parole authority for purposes of 2610
reporting to the court a violation of any of the sanctions, any 2611
condition of release under a community control sanction imposed by 2612
the court, a violation of law, or the departure of the offender 2613
from this state without the permission of the court or the 2614
offender's probation officer. 2615

(b) If the court imposing sentence upon an offender sentences 2616
the offender to any community control sanction or combination of 2617
community control sanctions authorized pursuant to section 2618
2929.16, 2929.17, or 2929.18 of the Revised Code, and if the 2619
offender violates any condition of the sanctions, any condition of 2620

release under a community control sanction imposed by the court, 2621
violates any law, or departs the state without the permission of 2622
the court or the offender's probation officer, the public or 2623
private person or entity that operates or administers the sanction 2624
or the program or activity that comprises the sanction shall 2625
report the violation or departure directly to the sentencing 2626
court, or shall report the violation or departure to the county or 2627
multicounty department of probation with general control and 2628
supervision over the offender under division (A)(2)(a) of this 2629
section or the officer of that department who supervises the 2630
offender, or, if there is no such department with general control 2631
and supervision over the offender under that division, to the 2632
adult parole authority. If the public or private person or entity 2633
that operates or administers the sanction or the program or 2634
activity that comprises the sanction reports the violation or 2635
departure to the county or multicounty department of probation or 2636
the adult parole authority, the department's or authority's 2637
officers may treat the offender as if the offender were on 2638
probation and in violation of the probation, and shall report the 2639
violation of the condition of the sanction, any condition of 2640
release under a community control sanction imposed by the court, 2641
the violation of law, or the departure from the state without the 2642
required permission to the sentencing court. 2643

(3) If an offender who is eligible for community control 2644
sanctions under this section admits to being drug addicted or the 2645
court has reason to believe that the offender is drug addicted, 2646
and if the offense for which the offender is being sentenced was 2647
related to the addiction, the court may require that the offender 2648
be assessed by a properly credentialed professional within a 2649
specified period of time and shall require the professional to 2650
file a written assessment of the offender with the court. If a 2651
court imposes treatment and recovery support services as a 2652
community control sanction, the court shall direct the level and 2653

type of treatment and recovery support services after 2654
consideration of the written assessment, if available at the time 2655
of sentencing, and recommendations of the professional and other 2656
treatment and recovery support services providers. 2657

(4) If an assessment completed pursuant to division (A)(3) of 2658
this section indicates that the offender is addicted to drugs or 2659
alcohol, the court may include in any community control sanction 2660
imposed for a violation of section 2925.02, 2925.03, 2925.04, 2661
2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2662
2925.37 of the Revised Code a requirement that the offender 2663
participate in a treatment and recovery support services program 2664
certified under section 3793.06 of the Revised Code or offered by 2665
another properly credentialed program provider. 2666

(B) If the conditions of a community control sanction are 2667
violated or if the offender violates a law or leaves the state 2668
without the permission of the court or the offender's probation 2669
officer, the sentencing court may impose a longer time under the 2670
same sanction if the total time under the sanctions does not 2671
exceed the five-year limit specified in division (A) of this 2672
section, may impose a more restrictive sanction under section 2673
2929.16, 2929.17, or 2929.18 of the Revised Code, or may impose a 2674
prison term on the offender pursuant to section 2929.14 of the 2675
Revised Code. The prison term, if any, imposed upon a violator 2676
pursuant to this division shall be within the range of prison 2677
terms available for the offense for which the sanction that was 2678
violated was imposed and shall not exceed the prison term 2679
specified in the notice provided to the offender at the sentencing 2680
hearing pursuant to division (B)(3) of section 2929.19 of the 2681
Revised Code. The court may reduce the longer period of time that 2682
the offender is required to spend under the longer sanction, the 2683
more restrictive sanction, or a prison term imposed pursuant to 2684
this division by the time the offender successfully spent under 2685

the sanction that was initially imposed. 2686

(C) If an offender, for a significant period of time, 2687
fulfills the conditions of a sanction imposed pursuant to section 2688
2929.16, 2929.17, or 2929.18 of the Revised Code in an exemplary 2689
manner, the court may reduce the period of time under the sanction 2690
or impose a less restrictive sanction, but the court shall not 2691
permit the offender to violate any law or permit the offender to 2692
leave the state without the permission of the court or the 2693
offender's probation officer. 2694

(D)(1) If a court under division (A)(1) of this section 2695
imposes a condition of release under a community control sanction 2696
that requires the offender to submit to random drug testing, the 2697
department of probation or the adult parole authority that has 2698
general control and supervision of the offender under division 2699
(A)(2)(a) of this section may cause the offender to submit to 2700
random drug testing performed by a laboratory or entity that has 2701
entered into a contract with any of the governmental entities or 2702
officers authorized to enter into a contract with that laboratory 2703
or entity under section 341.26, 753.33, or 5120.63 of the Revised 2704
Code. 2705

(2) If no laboratory or entity described in division (D)(1) 2706
of this section has entered into a contract as specified in that 2707
division, the department of probation or the adult parole 2708
authority that has general control and supervision of the offender 2709
under division (A)(2)(a) of this section shall cause the offender 2710
to submit to random drug testing performed by a reputable public 2711
laboratory to determine whether the individual who is the subject 2712
of the drug test ingested or was injected with a drug of abuse. 2713

(3) A laboratory or entity that has entered into a contract 2714
pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code 2715
shall perform the random drug tests under division (D)(1) of this 2716
section in accordance with the applicable standards that are 2717

included in the terms of that contract. A public laboratory shall 2718
perform the random drug tests under division (D)(2) of this 2719
section in accordance with the standards set forth in the policies 2720
and procedures established by the department of rehabilitation and 2721
correction pursuant to section 5120.63 of the Revised Code. An 2722
offender who is required under division (A)(1) of this section to 2723
submit to random drug testing as a condition of release under a 2724
community control sanction and whose test results indicate that 2725
the offender ingested or was injected with a drug of abuse shall 2726
pay the fee for the drug test if the department of probation or 2727
the adult parole authority that has general control and 2728
supervision of the offender requires payment of a fee. A 2729
laboratory or entity that performs the random drug testing on an 2730
offender under division (D)(1) or (2) of this section shall 2731
transmit the results of the drug test to the appropriate 2732
department of probation or the adult parole authority that has 2733
general control and supervision of the offender under division 2734
(A)(2)(a) of this section. 2735

Sec. 2929.17. Except as provided in this section, the court 2736
imposing a sentence for a felony upon an offender who is not 2737
required to serve a mandatory prison term may impose any 2738
nonresidential sanction or combination of nonresidential sanctions 2739
authorized under this section. If the court imposes one or more 2740
nonresidential sanctions authorized under this section, the court 2741
shall impose as a condition of the sanction that, during the 2742
period of the nonresidential sanction, the offender shall abide by 2743
the law and shall not leave the state without the permission of 2744
the court or the offender's probation officer. 2745

The court imposing a sentence for a fourth degree felony OVI 2746
offense under division (G)(1) or (2) of section 2929.13 of the 2747
Revised Code or for a third degree felony OVI offense under 2748
division (G)(2) of that section may impose upon the offender, in 2749

addition to the mandatory term of local incarceration or mandatory 2750
prison term imposed under the applicable division, a 2751
nonresidential sanction or combination of nonresidential sanctions 2752
under this section, and the offender shall serve or satisfy the 2753
sanction or combination of sanctions after the offender has served 2754
the mandatory term of local incarceration or mandatory prison term 2755
required for the offense. The court shall not impose a term in a 2756
drug treatment program as described in division (D) of this 2757
section until after considering an assessment by a properly 2758
credentialed treatment professional, if available. Nonresidential 2759
sanctions include, but are not limited to, the following: 2760

(A) A term of day reporting; 2761

(B) A term of house arrest with electronic monitoring or 2762
continuous alcohol monitoring or both electronic monitoring and 2763
continuous alcohol monitoring, a term of electronic monitoring or 2764
continuous alcohol monitoring without house arrest, or a term of 2765
house arrest without electronic monitoring or continuous alcohol 2766
monitoring; 2767

(C) A term of community service of up to five hundred hours 2768
pursuant to division (B) of section 2951.02 of the Revised Code 2769
or, if the court determines that the offender is financially 2770
incapable of fulfilling a financial sanction described in section 2771
2929.18 of the Revised Code, a term of community service as an 2772
alternative to a financial sanction; 2773

(D) A term in a drug treatment program with a level of 2774
security for the offender as determined ~~necessary~~ by the court; 2775

(E) A term of intensive probation supervision; 2776

(F) A term of basic probation supervision; 2777

(G) A term of monitored time; 2778

(H) A term of drug and alcohol use monitoring, including 2779

random drug testing;	2780
(I) A curfew term;	2781
(J) A requirement that the offender obtain employment;	2782
(K) A requirement that the offender obtain education or training;	2783 2784
(L) Provided the court obtains the prior approval of the victim, a requirement that the offender participate in victim-offender mediation;	2785 2786 2787
(M) A license violation report;	2788
(N) If the offense is a violation of section 2919.25 or a violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code involving a person who was a family or household member at the time of the violation, if the offender committed the offense in the vicinity of one or more children who are not victims of the offense, and if the offender or the victim of the offense is a parent, guardian, custodian, or person in loco parentis of one or more of those children, a requirement that the offender obtain counseling. This division does not limit the court in requiring the offender to obtain counseling for any offense or in any circumstance not specified in this division.	2789 2790 2791 2792 2793 2794 2795 2796 2797 2798 2799
Sec. 2929.19. (A) The court shall hold a sentencing hearing before imposing a sentence under this chapter upon an offender who was convicted of or pleaded guilty to a felony and before resentencing an offender who was convicted of or pleaded guilty to a felony and whose case was remanded pursuant to section 2953.07 or 2953.08 of the Revised Code. At the hearing, the offender, the prosecuting attorney, the victim or the victim's representative in accordance with section 2930.14 of the Revised Code, and, with the approval of the court, any other person may present information relevant to the imposition of sentence in the case. The court	2800 2801 2802 2803 2804 2805 2806 2807 2808 2809

shall inform the offender of the verdict of the jury or finding of the court and ask the offender whether the offender has anything to say as to why sentence should not be imposed upon the offender.

(B)(1) At the sentencing hearing, the court, before imposing sentence, shall consider the record, any information presented at the hearing by any person pursuant to division (A) of this section, and, if one was prepared, the presentence investigation report made pursuant to section 2951.03 of the Revised Code or Criminal Rule 32.2, and any victim impact statement made pursuant to section 2947.051 of the Revised Code.

(2) The court shall impose a sentence and shall make a finding that gives its reasons for selecting the sentence imposed in any of the following circumstances:

(a) Unless the offense is a violent sex offense or designated homicide, assault, or kidnapping offense for which the court is required to impose sentence pursuant to division (G) of section 2929.14 of the Revised Code, if it imposes a prison term for a felony of the fourth or fifth degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of the Revised Code for purposes of sentencing, its reasons for imposing the prison term, based upon the overriding purposes and principles of felony sentencing set forth in section 2929.11 of the Revised Code, and any factors listed in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code that it found to apply relative to the offender.

(b) If it does not impose a prison term for a felony of the first or second degree or for a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and for which a presumption in favor of a prison term is specified as being applicable, its reasons for not imposing the prison term and for overriding the presumption, based upon the overriding purposes

and principles of felony sentencing set forth in section 2929.11 2842
of the Revised Code, and the basis of the findings it made under 2843
divisions (D)(1) and (2) of section 2929.13 of the Revised Code. 2844

(c) If it imposes consecutive sentences under section 2929.14 2845
of the Revised Code, its reasons for imposing the consecutive 2846
sentences; 2847

(d) If the sentence is for one offense and it imposes a 2848
prison term for the offense that is the maximum prison term 2849
allowed for that offense by division (A) of section 2929.14 of the 2850
Revised Code or section 2929.142 of the Revised Code, its reasons 2851
for imposing the maximum prison term; 2852

(e) If the sentence is for two or more offenses arising out 2853
of a single incident and it imposes a prison term for those 2854
offenses that is the maximum prison term allowed for the offense 2855
of the highest degree by division (A) of section 2929.14 of the 2856
Revised Code or section 2929.142 of the Revised Code, its reasons 2857
for imposing the maximum prison term. 2858

(3) Subject to division (B)(4) of this section, if the 2859
sentencing court determines at the sentencing hearing that a 2860
prison term is necessary or required, the court shall do all of 2861
the following: 2862

(a) Impose a stated prison term and, if the court imposes a 2863
mandatory prison term, notify the offender that the prison term is 2864
a mandatory prison term; 2865

(b) ~~Notify the offender that, as part of the sentence, the~~ 2866
~~parole board may extend the stated prison term for certain~~ 2867
~~violations of prison rules for up to one half of the stated prison~~ 2868
~~term~~ In addition to any other information, include in the 2869
sentencing entry the name and section reference to the offense or 2870
offenses, the sentence or sentences imposed and whether the 2871
sentence or sentences contain mandatory prison terms, if sentences 2872

are imposed for multiple counts whether the sentences are to be 2873
served concurrently or consecutively, and the name and section 2874
reference of any specification or specifications for which 2875
sentence is imposed and the sentence or sentences imposed for the 2876
specification or specifications; 2877

(c) Notify the offender that the offender will be supervised 2878
under section 2967.28 of the Revised Code after the offender 2879
leaves prison if the offender is being sentenced for a felony of 2880
the first degree or second degree, for a felony sex offense, or 2881
for a felony of the third degree that is not a felony sex offense 2882
and in the commission of which the offender caused or threatened 2883
to cause physical harm to a person. If a court imposes a sentence 2884
including a prison term of a type described in division (B)(3)(c) 2885
of this section on or after July 11, 2006, the failure of a court 2886
to notify the offender pursuant to division (B)(3)(c) of this 2887
section that the offender will be supervised under section 2967.28 2888
of the Revised Code after the offender leaves prison or to include 2889
in the judgment of conviction entered on the journal a statement 2890
to that effect does not negate, limit, or otherwise affect the 2891
mandatory period of supervision that is required for the offender 2892
under division (B) of section 2967.28 of the Revised Code. Section 2893
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 2894
court imposed a sentence including a prison term of a type 2895
described in division (B)(3)(c) of this section and failed to 2896
notify the offender pursuant to division (B)(3)(c) of this section 2897
regarding post-release control or to include in the judgment of 2898
conviction entered on the journal or in the sentence a statement 2899
regarding post-release control. 2900

(d) Notify the offender that the offender may be supervised 2901
under section 2967.28 of the Revised Code after the offender 2902
leaves prison if the offender is being sentenced for a felony of 2903
the third, fourth, or fifth degree that is not subject to division 2904

(B)(3)(c) of this section. Section 2929.191 of the Revised Code 2905
applies if, prior to July 11, 2006, a court imposed a sentence 2906
including a prison term of a type described in division (B)(3)(d) 2907
of this section and failed to notify the offender pursuant to 2908
division (B)(3)(d) of this section regarding post-release control 2909
or to include in the judgment of conviction entered on the journal 2910
or in the sentence a statement regarding post-release control. 2911

(e) Notify the offender that, if a period of supervision is 2912
imposed following the offender's release from prison, as described 2913
in division (B)(3)(c) or (d) of this section, and if the offender 2914
violates that supervision or a condition of post-release control 2915
imposed under division (B) of section 2967.131 of the Revised 2916
Code, the parole board may impose a prison term, as part of the 2917
sentence, of up to one-half of the stated prison term originally 2918
imposed upon the offender. If a court imposes a sentence including 2919
a prison term on or after July 11, 2006, the failure of a court to 2920
notify the offender pursuant to division (B)(3)(e) of this section 2921
that the parole board may impose a prison term as described in 2922
division (B)(3)(e) of this section for a violation of that 2923
supervision or a condition of post-release control imposed under 2924
division (B) of section 2967.131 of the Revised Code or to include 2925
in the judgment of conviction entered on the journal a statement 2926
to that effect does not negate, limit, or otherwise affect the 2927
authority of the parole board to so impose a prison term for a 2928
violation of that nature if, pursuant to division (D)(1) of 2929
section 2967.28 of the Revised Code, the parole board notifies the 2930
offender prior to the offender's release of the board's authority 2931
to so impose a prison term. Section 2929.191 of the Revised Code 2932
applies if, prior to July 11, 2006, a court imposed a sentence 2933
including a prison term and failed to notify the offender pursuant 2934
to division (B)(3)(e) of this section regarding the possibility of 2935
the parole board imposing a prison term for a violation of 2936
supervision or a condition of post-release control. 2937

(f) Require that the offender not ingest or be injected with a drug of abuse and submit to random drug testing as provided in section 341.26, 753.33, or 5120.63 of the Revised Code, whichever is applicable to the offender who is serving a prison term, and require that the results of the drug test administered under any of those sections indicate that the offender did not ingest or was not injected with a drug of abuse.

(4)(a) The court shall include in the offender's sentence a statement that the offender is a tier III sex offender/child-victim offender, and the court shall comply with the requirements of section 2950.03 of the Revised Code if any of the following apply:

(i) The offender is being sentenced for a violent sex offense or designated homicide, assault, or kidnapping offense that the offender committed on or after January 1, 1997, and the offender is adjudicated a sexually violent predator in relation to that offense.

(ii) The offender is being sentenced for a sexually oriented offense that the offender committed on or after January 1, 1997, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(iii) The offender is being sentenced on or after July 31, 2003, for a child-victim oriented offense, and the offender is a tier III sex offender/child-victim offender relative to that offense.

(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.

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code.

(vi) The offender is being sentenced for attempted rape

committed on or after January 2, 2007, and a specification of the 2969
type described in section 2941.1418, 2941.1419, or 2941.1420 of 2970
the Revised Code. 2971

(vii) The offender is being sentenced under division 2972
(B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code 2973
for an offense described in those divisions committed on or after 2974
~~the effective date of this amendment~~ January 1, 2008. 2975

(b) Additionally, if any criterion set forth in divisions 2976
(B)(4)(a)(i) to (vii) of this section is satisfied, in the 2977
circumstances described in division (G) of section 2929.14 of the 2978
Revised Code, the court shall impose sentence on the offender as 2979
described in that division. 2980

(5) If the sentencing court determines at the sentencing 2981
hearing that a community control sanction should be imposed and 2982
the court is not prohibited from imposing a community control 2983
sanction, the court shall impose a community control sanction. The 2984
court shall notify the offender that, if the conditions of the 2985
sanction are violated, if the offender commits a violation of any 2986
law, or if the offender leaves this state without the permission 2987
of the court or the offender's probation officer, the court may 2988
impose a longer time under the same sanction, may impose a more 2989
restrictive sanction, or may impose a prison term on the offender 2990
and shall indicate the specific prison term that may be imposed as 2991
a sanction for the violation, as selected by the court from the 2992
range of prison terms for the offense pursuant to section 2929.14 2993
of the Revised Code. 2994

(6) Before imposing a financial sanction under section 2995
2929.18 of the Revised Code or a fine under section 2929.32 of the 2996
Revised Code, the court shall consider the offender's present and 2997
future ability to pay the amount of the sanction or fine. 2998

(7) If the sentencing court sentences the offender to a 2999

sanction of confinement pursuant to section 2929.14 or 2929.16 of 3000
the Revised Code that is to be served in a local detention 3001
facility, as defined in section 2929.36 of the Revised Code, and 3002
if the local detention facility is covered by a policy adopted 3003
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 3004
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 3005
and section 2929.37 of the Revised Code, both of the following 3006
apply: 3007

(a) The court shall specify both of the following as part of 3008
the sentence: 3009

(i) If the offender is presented with an itemized bill 3010
pursuant to section 2929.37 of the Revised Code for payment of the 3011
costs of confinement, the offender is required to pay the bill in 3012
accordance with that section. 3013

(ii) If the offender does not dispute the bill described in 3014
division (B)(7)(a)(i) of this section and does not pay the bill by 3015
the times specified in section 2929.37 of the Revised Code, the 3016
clerk of the court may issue a certificate of judgment against the 3017
offender as described in that section. 3018

(b) The sentence automatically includes any certificate of 3019
judgment issued as described in division (B)(7)(a)(ii) of this 3020
section. 3021

(8) The failure of the court to notify the offender that a 3022
prison term is a mandatory prison term pursuant to division 3023
(B)(3)(a) of this section or to include in the sentencing entry 3024
any information required by division (B)(3)(b) of this section 3025
does not affect the validity of the imposed sentence or sentences. 3026
If the sentencing court notifies the offender at the sentencing 3027
hearing that a prison term is mandatory but the sentencing entry 3028
does not specify that the prison term is mandatory, the court may 3029
complete a corrected journal entry and send copies of the 3030

corrected entry to the offender and the department of 3031
rehabilitation and correction, or, at the request of the state, 3032
the court shall complete a corrected journal entry and send copies 3033
of the corrected entry to the offender and department of 3034
rehabilitation and correction. 3035

(C)(1) If the offender is being sentenced for a fourth degree 3036
felony OVI offense under division (G)(1) of section 2929.13 of the 3037
Revised Code, the court shall impose the mandatory term of local 3038
incarceration in accordance with that division, shall impose a 3039
mandatory fine in accordance with division (B)(3) of section 3040
2929.18 of the Revised Code, and, in addition, may impose 3041
additional sanctions as specified in sections 2929.15, 2929.16, 3042
2929.17, and 2929.18 of the Revised Code. The court shall not 3043
impose a prison term on the offender except that the court may 3044
impose a prison term upon the offender as provided in division 3045
(A)(1) of section 2929.13 of the Revised Code. 3046

(2) If the offender is being sentenced for a third or fourth 3047
degree felony OVI offense under division (G)(2) of section 2929.13 3048
of the Revised Code, the court shall impose the mandatory prison 3049
term in accordance with that division, shall impose a mandatory 3050
fine in accordance with division (B)(3) of section 2929.18 of the 3051
Revised Code, and, in addition, may impose an additional prison 3052
term as specified in section 2929.14 of the Revised Code. In 3053
addition to the mandatory prison term or mandatory prison term and 3054
additional prison term the court imposes, the court also may 3055
impose a community control sanction on the offender, but the 3056
offender shall serve all of the prison terms so imposed prior to 3057
serving the community control sanction. 3058

(D) The sentencing court, pursuant to division (K) of section 3059
2929.14 of the Revised Code, may recommend placement of the 3060
offender in a program of shock incarceration under section 3061
5120.031 of the Revised Code or an intensive program prison under 3062

section 5120.032 of the Revised Code, disapprove placement of the offender in a program or prison of that nature, or make no recommendation. If the court recommends or disapproves placement, it shall make a finding that gives its reasons for its recommendation or disapproval.

Sec. 2929.20. (A) As used in this section, "eligible offender" means any person serving a stated prison term of ten years or less when either of the following applies:

(1) The stated prison term does not include a mandatory prison term.

(2) The stated prison term includes a mandatory prison term, and the person has served the mandatory prison term.

(B) ~~Upon the filing of a motion by the eligible~~ On the motion of an eligible offender or upon its own motion, ~~a the~~ the sentencing court may reduce the eligible offender's stated prison term through a judicial release ~~in accordance with~~ under this section. ~~The court shall not reduce the stated prison term of an offender who is not an eligible offender. An~~

(C) An eligible offender may file a motion for judicial release with the sentencing court within the following applicable ~~period of time periods:~~

(1)(a) ~~Except as otherwise provided in division (B)(1)(b) or (c) of this section, if~~ If the stated prison term ~~was imposed for a felony of the fourth or fifth degree is less than two years,~~ the eligible offender may file the motion not earlier than thirty days ~~or later than ninety days~~ after the offender is delivered to a state correctional institution or, if the prison term includes a mandatory prison term or terms, not earlier than thirty days after the expiration of all mandatory prison terms.

~~(b) If the stated prison term is five years and is an~~

~~aggregate of stated prison terms that are being served 3093
consecutively and that were imposed for any combination of 3094
felonies of the fourth degree and felonies of the fifth degree, 3095
the eligible offender may file the motion after the eligible 3096
offender has served four years of the stated prison term. 3097~~

~~(c) If the stated prison term is more than five years and not 3098
more than ten years and is an aggregate of stated prison terms 3099
that are being served consecutively and that were imposed for any 3100
combination of felonies of the fourth degree and felonies of the 3101
fifth degree, the eligible offender may file the motion after the 3102
eligible offender has served five years of the stated prison term. 3103~~

~~(2) Except as otherwise provided in division (B)(3) or (4) of 3104
this section, if If the stated prison term was imposed for a 3105
felony of the first, second, or third degree is at least two years 3106
but less than five years, the eligible offender may file the 3107
motion not earlier than one hundred eighty days after the offender 3108
is delivered to a state correctional institution or, if the prison 3109
term includes a mandatory prison term or terms, not earlier than 3110
one hundred eighty days after the expiration of all mandatory 3111
prison terms. 3112~~

~~(3) If the stated prison term is five years, the eligible 3113
offender may file the motion after the eligible offender has 3114
served four years of the stated prison term. 3115~~

~~(4) If the stated prison term is more than five years and or 3116
more but not more than ten years, the eligible offender may file 3117
the motion not earlier than five years after the eligible offender 3118
has served five years of the stated prison term is delivered to a 3119
state correctional institution or, if the prison term includes a 3120
mandatory prison term or terms, not earlier than five years after 3121
the expiration of all mandatory prison terms. 3122~~

~~(5) If the offender's stated prison term includes a mandatory 3123~~

~~prison term, the offender shall file the motion within the time~~ 3124
~~authorized under division (B)(1), (2), (3), or (4) of this section~~ 3125
~~for the nonmandatory portion of the prison term, but the time for~~ 3126
~~filing the motion does not begin to run until after the expiration~~ 3127
~~of the mandatory portion of the prison term.~~ 3128

~~(C)(D)~~ Upon receipt of a timely motion for judicial release 3129
filed by an eligible offender under division ~~(B)(C)~~ of this 3130
section or upon the sentencing court's own motion made within the 3131
appropriate time ~~period~~ specified in that division, the court may 3132
deny the motion without a hearing or schedule a hearing on the 3133
motion. The court ~~may deny the motion without a hearing but~~ shall 3134
not grant the motion without a hearing. If a court denies a motion 3135
without a hearing, the court later may consider a ~~subsequent~~ 3136
judicial release for that eligible offender on ~~its own motion or a~~ 3137
subsequent motion filed by that eligible offender unless the court 3138
denies the motion with prejudice. If a court denies a motion with 3139
prejudice, the court may later consider judicial release on its 3140
own motion. If a court denies a motion after a hearing, the court 3141
shall not consider a subsequent motion for that eligible offender. 3142
The court shall hold only one hearing for any eligible offender. 3143

A hearing under this section shall be conducted in open court 3144
within sixty days after ~~the date on which~~ the motion is filed, 3145
provided that the court may delay the hearing for a ~~period not to~~ 3146
~~exceed~~ one hundred eighty additional days. If the court holds a 3147
hearing ~~on the motion~~, the court shall enter a ruling on the 3148
motion within ten days after the hearing. If the court denies the 3149
motion without a hearing, the court shall enter its ruling on the 3150
motion within sixty days after the motion is filed. 3151

~~(D)(E)~~ If a court schedules a hearing under division ~~(C)(D)~~ 3152
of this section, the court shall notify the eligible offender ~~of~~ 3153
~~the hearing and shall notify~~ the head of the state correctional 3154
institution in which the eligible offender is confined ~~of the~~ 3155

~~hearing~~ prior to the hearing. The head of the state correctional 3156
institution immediately shall notify the appropriate person at the 3157
department of rehabilitation and correction of the hearing, and 3158
the department within twenty-four hours after receipt of the 3159
notice, shall post on the database it maintains pursuant to 3160
section 5120.66 of the Revised Code the offender's name and all of 3161
the information specified in division (A)(1)(c)(i) of that 3162
section. If the court schedules a hearing for judicial release, 3163
the court promptly shall give notice of the hearing to the 3164
prosecuting attorney of the county in which the eligible offender 3165
was indicted. Upon receipt of the notice from the court, the 3166
prosecuting attorney shall notify the victim of the offense ~~for~~ 3167
~~which the stated prison term was imposed~~ or the victim's 3168
representative, pursuant to section 2930.16 of the Revised Code, 3169
~~of the hearing.~~ 3170

~~(E)~~(F) Upon an offender's successful completion of 3171
rehabilitative activities, the head of the state correctional 3172
institution may notify the sentencing court of the successful 3173
completion of the activities. 3174

(G) Prior to the date of the hearing on a motion for judicial 3175
release under this section, the head of the state correctional 3176
institution in which the eligible offender ~~in question~~ is confined 3177
shall send to the court a report on the eligible offender's 3178
conduct in the institution and in any institution from which the 3179
eligible offender may have been transferred. The report shall 3180
cover the eligible offender's participation in school, vocational 3181
training, work, treatment, and other rehabilitative activities and 3182
any disciplinary action taken against the eligible offender. The 3183
report shall be made part of the record of the hearing. 3184

~~(F)~~(H) If the court grants a hearing on a motion for judicial 3185
release under this section, the eligible offender shall attend the 3186
hearing if ordered to do so by the court. Upon receipt of a copy 3187

of the journal entry containing the order, the head of the state 3188
correctional institution in which the eligible offender is 3189
incarcerated shall deliver the eligible offender to the sheriff of 3190
the county in which the hearing is to be held. The sheriff shall 3191
convey the eligible offender to ~~the hearing~~ and ~~return the~~ 3192
~~offender to the institution after~~ from the hearing. 3193

~~(G)~~(I) At the hearing on a motion for judicial release under 3194
this section, the court shall afford the eligible offender and the 3195
eligible offender's attorney an opportunity to present written 3196
and, if present, oral information relevant to the motion ~~and shall~~ 3197
~~afford the eligible offender, if present, and the eligible~~ 3198
~~offender's attorney an opportunity to present oral information~~ 3199
~~relevant to the motion.~~ The court shall afford a similar 3200
opportunity to the prosecuting attorney, the victim or the 3201
victim's representative, as defined in section 2930.01 of the 3202
Revised Code, and any other person the court determines is likely 3203
to present additional relevant information. The court shall 3204
consider any statement of a victim made pursuant to section 3205
2930.14 or 2930.17 of the Revised Code, any victim impact 3206
statement prepared pursuant to section 2947.051 of the Revised 3207
Code, and any report made under division ~~(E)~~(G) of this section. 3208
The court may consider any written statement of any person 3209
submitted to the court pursuant to division ~~(F)~~(L) of this 3210
section. After ruling on the motion, the court shall notify the 3211
victim of the ruling in accordance with sections 2930.03 and 3212
2930.16 of the Revised Code. 3213

~~(H)~~(J)(1) A court shall not grant a judicial release under 3214
this section to an eligible offender who is imprisoned for a 3215
felony of the first or second degree, or to an eligible offender 3216
who committed an offense ~~contained in~~ under Chapter 2925. or 3719. 3217
of the Revised Code and for whom there was a presumption under 3218
section 2929.13 of the Revised Code in favor of a prison term, 3219

unless the court, with reference to factors under section 2929.12 3220
of the Revised Code, finds both of the following: 3221

(a) That a sanction other than a prison term would adequately 3222
punish the offender and protect the public from future criminal 3223
violations by the eligible offender because the applicable factors 3224
indicating a lesser likelihood of recidivism outweigh the 3225
applicable factors indicating a greater likelihood of recidivism; 3226

(b) That a sanction other than a prison term would not demean 3227
the seriousness of the offense because factors indicating that the 3228
eligible offender's conduct in committing the offense was less 3229
serious than conduct normally constituting the offense outweigh 3230
factors indicating that the eligible offender's conduct was more 3231
serious than conduct normally constituting the offense. 3232

(2) A court that grants a judicial release to an eligible 3233
offender under division ~~(H)~~(J)(1) of this section shall specify on 3234
the record both findings required in that division and also shall 3235
list all the factors described in that division that were 3236
presented at the hearing. 3237

~~(I)~~(K) If the court grants a motion for judicial release 3238
under this section, the court shall order the release of the 3239
eligible offender, shall place the eligible offender under an 3240
appropriate community control sanction, under appropriate 3241
~~community control~~ conditions, and under the supervision of the 3242
department of probation serving the court, and shall reserve the 3243
right to reimpose the sentence that it reduced ~~pursuant to the~~ 3244
~~judicial release~~ if the offender violates the sanction. If the 3245
court reimposes the reduced sentence ~~pursuant to this reserved~~ 3246
~~right~~, it may do so either concurrently with, or consecutive to, 3247
any new sentence imposed upon the eligible offender as a result of 3248
the violation that is a new offense. The period of ~~the~~ community 3249
control ~~sanction~~ shall be no longer than five years. The court, in 3250
its discretion, may reduce the period of ~~the~~ community control 3251

~~sanction~~ by the amount of time the eligible offender spent in jail 3252
~~or prison~~ for the offense and in prison. If the court made any 3253
findings pursuant to division ~~(H)~~(J)(1) of this section, the court 3254
shall serve a copy of the findings upon counsel for the parties 3255
within fifteen days after the date on which the court grants the 3256
motion for judicial release. 3257

~~Prior to being released pursuant to a judicial release~~ 3258
~~granted under this section, the eligible offender shall serve any~~ 3259
~~extension of sentence that was imposed under section 2967.11 of~~ 3260
~~the Revised Code.~~ 3261

If the court grants a motion for judicial release, the court 3262
shall notify the appropriate person at the department of 3263
rehabilitation and correction ~~of the judicial release~~, and the 3264
department shall post notice of the release on the database it 3265
maintains pursuant to section 5120.66 of the Revised Code. 3266

~~(J)~~(L) In addition to and independent of the right of a 3267
victim to make a statement pursuant to section 2930.14, 2930.17, 3268
or 2946.051 of the Revised Code and any right of a person to 3269
present written information or make a statement pursuant to 3270
division ~~(G)~~(I) of this section, any person may submit to the 3271
court, at any time prior to the hearing on the offender's motion 3272
for judicial release, a written statement concerning the effects 3273
of the offender's crime or crimes, the circumstances surrounding 3274
the crime or crimes, the manner in which the crime or crimes were 3275
perpetrated, and the person's opinion as to whether the offender 3276
should be released. 3277

Sec. 2935.36. (A) The prosecuting attorney may establish 3278
pre-trial diversion programs for adults who are accused of 3279
committing criminal offenses and whom the prosecuting attorney 3280
believes probably will not offend again. The prosecuting attorney 3281
may require, as a condition of an accused's participation in the 3282

program, the accused to pay a reasonable fee for supervision 3283
services that include, but are not limited to, monitoring and drug 3284
testing. The programs shall be operated pursuant to written 3285
standards approved by journal entry by the presiding judge or, in 3286
courts with only one judge, the judge of the court of common pleas 3287
and shall not be applicable to any of the following: 3288

(1) Repeat offenders or dangerous offenders; 3289

(2) Persons accused of an offense of violence, of a violation 3290
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 3291
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 3292
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 3293
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 3294
Code that, had it occurred prior to July 1, 1996, would have been 3295
a violation of section 2905.04 of the Revised Code as it existed 3296
prior to that date, with the exception that the prosecuting 3297
attorney may permit persons accused of any such offense to enter a 3298
pre-trial diversion program, if the prosecuting attorney finds any 3299
of the following: 3300

(a) The accused did not cause, threaten, or intend serious 3301
physical harm to any person; 3302

(b) The offense was the result of circumstances not likely to 3303
recur; 3304

(c) The accused has no history of prior delinquency or 3305
criminal activity; 3306

(d) The accused has led a law-abiding life for a substantial 3307
time before commission of the alleged offense; 3308

(e) Substantial grounds tending to excuse or justify the 3309
alleged offense. 3310

(3) Persons accused of a violation of Chapter 2925. or 3719. 3311
of the Revised Code; 3312

~~(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.~~

~~(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.~~

(B) An accused who enters a diversion program shall do all of the following:

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the accused, and arraignment, unless the hearing, indictment, or arraignment has already occurred;

(2) Agree, in writing, to the tolling while in the program of all periods of limitation established by statutes or rules of court, that are applicable to the offense with which the accused is charged and to the conditions of the diversion program established by the prosecuting attorney;

(3) Agree, in writing, to pay any reasonable fee for supervision services established by the prosecuting attorney.

(C) The trial court, upon the application of the prosecuting attorney, shall order the release from confinement of any accused who has agreed to enter a pre-trial diversion program and shall discharge and release any existing bail and release any sureties on recognizances and shall release the accused on a recognizance bond conditioned upon the accused's compliance with the terms of the diversion program. The prosecuting attorney shall notify every victim of the crime and the arresting officers of the prosecuting

attorney's intent to permit the accused to enter a pre-trial 3344
diversion program. The victim of the crime and the arresting 3345
officers shall have the opportunity to file written objections 3346
with the prosecuting attorney prior to the commencement of the 3347
pre-trial diversion program. 3348

(D) If the accused satisfactorily completes the diversion 3349
program, the prosecuting attorney shall recommend to the trial 3350
court that the charges against the accused be dismissed, and the 3351
court, upon the recommendation of the prosecuting attorney, shall 3352
dismiss the charges. If the accused chooses not to enter the 3353
prosecuting attorney's diversion program, or if the accused 3354
violates the conditions of the agreement pursuant to which the 3355
accused has been released, the accused may be brought to trial 3356
upon the charges in the manner provided by law, and the waiver 3357
executed pursuant to division (B)(1) of this section shall be void 3358
on the date the accused is removed from the program for the 3359
violation. 3360

(E) As used in this section: 3361

(1) "Repeat offender" means a person who has a history of 3362
persistent criminal activity and whose character and condition 3363
reveal a substantial risk that the person will commit another 3364
offense. It is prima-facie evidence that a person is a repeat 3365
offender if any of the following applies: 3366

(a) Having been convicted of one or more offenses of violence 3367
and having been imprisoned pursuant to sentence for any such 3368
offense, the person commits a subsequent offense of violence; 3369

(b) Having been convicted of one or more sexually oriented 3370
offenses or child-victim oriented offenses, both as defined in 3371
section 2950.01 of the Revised Code, and having been imprisoned 3372
pursuant to sentence for one or more of those offenses, the person 3373
commits a subsequent sexually oriented offense or child-victim 3374

oriented offense; 3375

(c) Having been convicted of one or more theft offenses as 3376
defined in section 2913.01 of the Revised Code and having been 3377
imprisoned pursuant to sentence for one or more of those theft 3378
offenses, the person commits a subsequent theft offense; 3379

(d) Having been convicted of one or more felony drug abuse 3380
offenses as defined in section 2925.01 of the Revised Code and 3381
having been imprisoned pursuant to sentence for one or more of 3382
those felony drug abuse offenses, the person commits a subsequent 3383
felony drug abuse offense; 3384

(e) Having been convicted of two or more felonies and having 3385
been imprisoned pursuant to sentence for one or more felonies, the 3386
person commits a subsequent offense; 3387

(f) Having been convicted of three or more offenses of any 3388
type or degree other than traffic offenses, alcoholic intoxication 3389
offenses, or minor misdemeanors and having been imprisoned 3390
pursuant to sentence for any such offense, the person commits a 3391
subsequent offense. 3392

(2) "Dangerous offender" means a person who has committed an 3393
offense, whose history, character, and condition reveal a 3394
substantial risk that the person will be a danger to others, and 3395
whose conduct has been characterized by a pattern of repetitive, 3396
compulsive, or aggressive behavior with heedless indifference to 3397
the consequences. 3398

Sec. 2943.032. Prior to accepting a guilty plea or a plea of 3399
no contest to an indictment, information, or complaint that 3400
charges a felony, the court shall inform the defendant personally 3401
that, if the defendant pleads guilty or no contest to the felony 3402
so charged or any other felony ~~and~~, if the court imposes a prison 3403
term upon the defendant for the felony, ~~all of the following~~ 3404

apply. 3405

~~(A) The parole board may extend the stated prison term if the defendant commits any criminal offense under the law of this state or the United States while serving the prison term.~~ 3406
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~~(B) Any such extension will be done administratively as part of the defendant's sentence in accordance with section 2967.11 of the Revised Code and may be for thirty, sixty, or ninety days for each violation.~~ 3409
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~~(C) All such extensions of the stated prison term for all violations during the course of the term may not exceed one half of the term's duration.~~ 3413
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~~(D) The sentence imposed for the felony automatically includes any such extension of the stated prison term by the parole board.~~ 3416
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~~(E) If and if the offender violates the conditions of a post-release control sanction imposed by the parole board upon the completion of the stated prison term, the parole board may impose upon the offender a residential sanction that includes a new prison term of up to nine months.~~ 3419
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Sec. 2949.12. Unless the execution of sentence is suspended or the convicted felon has less than thirty days to serve in prison and the department of rehabilitation and correction, the county sheriff, and the court agree otherwise, a convicted felon who is sentenced to serve a term of imprisonment in a state correctional institution shall be conveyed, within five days after sentencing, excluding Saturdays, Sundays, and legal holidays, by the sheriff of the county in which the conviction was had to the facility that is designated by the department of rehabilitation and correction for the reception of convicted felons. The sheriff shall deliver the convicted felon into the custody of the managing 3424
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officer of the reception facility and, at that time, unless the 3435
department and the sheriff have agreed to electronically processed 3436
prisoner commitment, shall present the managing officer with a 3437
copy of the convicted felon's sentence that clearly describes each 3438
offense for which the felon was sentenced to a correctional 3439
institution, designates each section of the Revised Code that the 3440
felon violated and that resulted in the felon's conviction and 3441
sentence to a correctional institution, designates the sentence 3442
imposed for each offense for which the felon was sentenced to a 3443
correctional institution, and, pursuant to section 2967.191 of the 3444
Revised Code, specifies the total number of days, if any, that the 3445
felon was confined for any reason prior to conviction and 3446
sentence. The sheriff, at that time, also shall present the 3447
managing officer with a copy of the indictment. The clerk of the 3448
court of common pleas shall furnish the copies of the sentence and 3449
indictment. In the case of a person under the age of eighteen 3450
years who is certified to the court of common pleas by the 3451
juvenile court, the clerk of the court of common pleas also shall 3452
attach a copy of the certification to the copy of the indictment. 3453

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The convicted felon shall be assigned to an institution or 3455
designated to be housed in a county, multicounty, municipal, 3456
municipal-county, or multicounty-municipal jail or workhouse, if 3457
authorized pursuant to section 5120.161 of the Revised Code, shall 3458
be conveyed to the institution, jail, or workhouse, and shall be 3459
kept within the institution, jail, or workhouse until the term of 3460
the felon's imprisonment expires, the felon is pardoned, paroled, 3461
or placed under a post-release control sanction, or the felon is 3462
transferred under laws permitting the transfer of prisoners. If 3463
the execution of the felon's sentence is suspended, and the 3464
judgment thereafter affirmed, the felon shall be conveyed, in the 3465
same manner as if the execution of the felon's sentence had not 3466
been suspended, to the reception facility as soon as practicable 3467

after the judge directs the execution of sentence. The trial judge 3468
or other judge of the court, in the judge's discretion and for 3469
good cause shown, may extend the time of the conveyance. 3470

Sec. 2951.021. (A)(1) If a court places a misdemeanor 3471
offender under a community control sanction under section 2929.26, 3472
2929.27, or 2929.28 of the Revised Code or places a felony 3473
offender under a community control sanction under section 2929.16, 3474
2929.17, or 2929.18 of the Revised Code and if the court places 3475
the offender under the control and supervision of a probation 3476
agency, the court may require the offender, as a condition of 3477
community control, to pay a monthly supervision fee of not more 3478
than fifty dollars for supervision services. If the court requires 3479
an offender to pay a monthly supervision fee and the offender will 3480
be under the control of a county department of probation, a 3481
multicounty department of probation, or a municipal court 3482
department of probation established under section 1901.33 of the 3483
Revised Code, the court shall specify whether the offender is to 3484
pay the fee to the probation agency that will have control over 3485
the offender or to the clerk of the court for which the 3486
supervision agency is established. If the court requires an 3487
offender to pay a monthly probation fee and the offender will be 3488
under the control of the adult parole authority, the court shall 3489
specify that the offender is to pay the fee to the clerk of the 3490
court of common pleas. 3491

(2) No person shall be assessed, in any month, more than 3492
fifty dollars in supervision fees. 3493

(3) The prosecuting attorney of the county or the chief legal 3494
officer of a municipal corporation in which is located the court 3495
that imposed sentence upon an offender may bring a civil action to 3496
recover unpaid monthly supervision fees that the offender was 3497
required to pay. Any amount recovered in the civil action shall be 3498

paid into the appropriate county or municipal probation services 3499
fund in accordance with division (B) of this section. 3500

(4) The failure of an offender to comply with a condition of 3501
community control that requires the offender to pay a monthly 3502
supervision fee and that is imposed under division (A)(1) of this 3503
section shall not constitute the basis for the modification of the 3504
offender's community control sanctions pursuant to section 2929.15 3505
or 2929.25 of the Revised Code but may be considered with any 3506
other factors that form the basis of a modification of a sanction 3507
for violating a community control sanction under those sections. 3508
If the court determines that a misdemeanor offender on community 3509
control failed to pay a monthly supervision fee imposed under 3510
division (A)(1) of this section and that no other factors 3511
warranting the modification of the offender's community control 3512
sanction are present, the court shall remand the offender to the 3513
custody of the probation agency and may impose any additional 3514
conditions of community control upon the offender, including a 3515
requirement that the offender perform community service, as the 3516
ends of justice require. Any requirement imposed pursuant to 3517
division (A)(4) of this section that the offender perform 3518
community service shall be in addition to and shall not limit or 3519
otherwise affect any order that the offender perform community 3520
service pursuant to division (B) of section 2951.02 of the Revised 3521
Code. 3522

(B) Prior to the last day of the month in each month during 3523
the period of community control, an offender who is ordered to pay 3524
a monthly supervision fee under this section shall pay the fee to 3525
the probation agency that has control and supervision over the 3526
offender or to the clerk of the court for which the probation 3527
agency is established, as specified by the court, except that, if 3528
the probation agency is the adult parole authority, the offender 3529
shall pay the fee to the clerk of the court of common pleas. Each 3530

probation agency or clerk of a court that receives any monthly supervision fees shall keep a record of the monthly supervision fees that are paid to the agency or the clerk and shall give a written receipt to each person who pays a supervision fee to the agency or clerk.

(C) Subject to division (E) of this section, all monthly supervision fees collected under this section by a probation agency or the clerk of a court shall be disposed of in the following manner:

(1) For offenders who are under the control and supervision of a county department of probation or a municipal court department of probation in a county-operated municipal court, on or before the fifth business day of each month, the chief probation officer, the chief probation officer's designee, or the clerk of the court shall pay all monthly supervision fees collected in the previous month to the county treasurer of the county in which the county department of probation or municipal court department of probation is established for deposit into the county probation services fund established in the county treasury of that county pursuant to division (A)(1) of section 321.44 of the Revised Code.

(2) For offenders who are under the control and supervision of a multicounty department of probation, on or before the fifth business day of each month, the chief probation officer, the chief probation officer's designee, or the clerk of the court shall pay all monthly supervision fees collected in the previous month to the county treasurer of the county in which is located the court of common pleas that placed the offender under a community control sanction under the control of the department for deposit into the county probation services fund established in the county treasury of that county pursuant to division (A)(1) of section 321.44 of the Revised Code and for subsequent appropriation and transfer in

accordance with division (A)(2) of that section to the appropriate 3563
multicounty probation services fund established pursuant to 3564
division (B) of that section. 3565

(3) For offenders who are under the control and supervision 3566
of a municipal court department of probation in a municipal court 3567
that is not a county-operated municipal court, on or before the 3568
fifth business day of each month, the chief probation officer, the 3569
chief probation officer's designee, or the clerk of the court 3570
shall pay all monthly supervision fees collected in the previous 3571
month to the treasurer of the municipal corporation for deposit 3572
into the municipal probation services fund established pursuant to 3573
section 737.41 of the Revised Code. 3574

(4) For offenders who are under the control and supervision 3575
of the adult parole authority, the clerk of the court of common 3576
pleas, on or before the fifth business day of January, April, 3577
July, and October, shall pay all monthly supervision fees 3578
collected by the clerk in the previous three months to the 3579
treasurer of the county in which is located the court of common 3580
pleas that placed the offender under a community control sanction 3581
under the control of the authority for deposit into the county 3582
probation services fund established in the county treasury of that 3583
county pursuant to division (A)(1) of section 321.44 of the 3584
Revised Code ~~and for subsequent appropriation and transfer in~~ 3585
~~accordance with division (A)(2) of that section to the adult~~ 3586
~~parole authority probation services fund established pursuant to~~ 3587
~~section 5149.06 of the Revised Code.~~ 3588

(D) Not later than the first day of December of each year, 3589
each probation agency or the court of common pleas of a county in 3590
which the court has entered into an agreement with the adult 3591
parole authority pursuant to section 2301.32 of the Revised Code 3592
shall prepare a report regarding its use of money from a county 3593
probation services ~~fund~~ account, a multicounty probation services 3594

~~fund account, or a municipal probation services fund account, or~~ 3595
~~the adult parole authority probation services fund,~~ whichever is 3596
applicable. The report shall specify the amount appropriated from 3597
the fund to the probation agency or court during the current 3598
calendar year, an estimate of the amount that the probation agency 3599
or court will expend by the end of the year, a summary of how the 3600
amount appropriated has been expended for probation services, and 3601
an estimate of the amount of supervision fees that the probation 3602
agency or court will collect and pay to the appropriate treasurer 3603
for deposit in the appropriate fund in the next calendar year. The 3604
report shall be filed with one of the following: 3605

(1) If the probation agency is a county department of 3607
probation or a municipal court department of probation in a 3608
county-operated municipal court, with the board of county 3609
commissioners of that county; 3610

(2) If the probation agency is a multicounty department of 3611
probation, with the board of county commissioners of the county 3612
whose treasurer, in accordance with section 2301.27 of the Revised 3613
Code, is designated as the treasurer to whom supervision fees 3614
collected under this section are to be appropriated and 3615
transferred under division (A)(2) of section 321.44 of the Revised 3616
Code; 3617

(3) If the probation agency is a department of probation of a 3618
municipal court that is not a county-operated municipal court, 3619
with the legislative authority of the municipal corporation that 3620
operates the court; 3621

(4) If the ~~probation agency is~~ court of common pleas has 3622
entered into an agreement with the adult parole authority, with 3623
the ~~chairpersons of the finance committees of the senate and the~~ 3624
~~house of representatives, the directors of the office of budget~~ 3625
~~and management and the legislative service commission,~~ director of 3626

rehabilitation and correction, the chief of the adult parole 3627
authority, and the board of county commissioners in each county 3628
for which the adult parole authority provides probation services. 3629

(E) If the clerk of a court of common pleas or the clerk of a 3630
municipal court collects any monthly supervision fees under this 3631
section, the clerk may retain up to two per cent of the fees so 3632
collected to cover any administrative costs experienced in 3633
complying with the clerk's duties under this section. 3634

Sec. 2951.041. (A)(1) If an offender is charged with a 3635
criminal offense and the court has reason to believe that drug or 3636
alcohol usage by the offender was a factor leading to the 3637
offender's criminal behavior, the court may accept, prior to the 3638
entry of a guilty plea, the offender's request for intervention in 3639
lieu of conviction. The request shall include a waiver of the 3640
defendant's right to a speedy trial, the preliminary hearing, the 3641
time period within which the grand jury may consider an indictment 3642
against the offender, and arraignment, unless the hearing, 3643
indictment, or arraignment has already occurred. The court may 3644
reject an offender's request without a hearing. If the court 3645
elects to consider an offender's request, the court shall conduct 3646
a hearing to determine whether the offender is eligible under this 3647
section for intervention in lieu of conviction and shall stay all 3648
criminal proceedings pending the outcome of the hearing. If the 3649
court schedules a hearing, the court shall order an assessment of 3650
the offender for the purpose of determining the offender's 3651
eligibility for intervention in lieu of conviction and 3652
recommending an appropriate intervention plan. 3653

(2) The victim notification provisions of division (C) of 3654
section 2930.08 of the Revised Code apply in relation to any 3655
hearing held under division (A)(1) of this section. 3656

(B) An offender is eligible for intervention in lieu of 3657

conviction if the court finds all of the following: 3658

(1) The offender previously has not been convicted of or 3659
pleaded guilty to a felony, previously has not been through 3660
intervention in lieu of conviction under this section or any 3661
similar regimen, and is charged with a felony for which the court, 3662
upon conviction, would impose sentence under division (B)(2)(b) of 3663
section 2929.13 of the Revised Code or with a misdemeanor. 3664
3665

(2) The offense is not a felony of the first, second, or 3666
third degree, is not an offense of violence, is not a violation of 3667
division (A)(1) or (2) of section 2903.06 of the Revised Code, is 3668
not a violation of division (A)(1) of section 2903.08 of the 3669
Revised Code, is not a violation of division (A) of section 3670
4511.19 of the Revised Code or a municipal ordinance that is 3671
substantially similar to that division, and is not an offense for 3672
which a sentencing court is required to impose a mandatory prison 3673
term, a mandatory term of local incarceration, or a mandatory term 3674
of imprisonment in a jail. 3675

(3) The offender is not charged with a violation of section 3676
2925.02, 2925.03, 2925.04, or 2925.06 of the Revised Code and is 3677
not charged with a violation of section 2925.11 of the Revised 3678
Code that is a felony of the first, second, or third degree. 3679

(4) The offender is not charged with a violation of section 3680
2925.11 of the Revised Code that is a felony of the fourth degree, 3681
or the offender is charged with a violation of that section that 3682
is a felony of the fourth degree and the prosecutor in the case 3683
has recommended that the offender be classified as being eligible 3684
for intervention in lieu of conviction under this section. 3685

(5) The offender has been assessed by an appropriately 3686
licensed provider, certified facility, or licensed and 3687
credentialed professional, including, but not limited to, a 3688

program licensed by the department of alcohol and drug addiction 3689
services pursuant to section 3793.11 of the Revised Code, a 3690
program certified by that department pursuant to section 3793.06 3691
of the Revised Code, a public or private hospital, the United 3692
States department of veterans affairs, another appropriate agency 3693
of the government of the United States, or a licensed physician, 3694
psychiatrist, psychologist, independent social worker, 3695
professional counselor, or chemical dependency counselor for the 3696
purpose of determining the offender's eligibility for intervention 3697
in lieu of conviction and recommending an appropriate intervention 3698
plan. 3699

(6) The offender's drug or alcohol usage was a factor leading 3700
to the criminal offense with which the offender is charged, 3701
intervention in lieu of conviction would not demean the 3702
seriousness of the offense, and intervention would substantially 3703
reduce the likelihood of any future criminal activity. 3704

(7) The alleged victim of the offense was not sixty-five 3705
years of age or older, permanently and totally disabled, under 3706
thirteen years of age, or a peace officer engaged in the officer's 3707
official duties at the time of the alleged offense. 3708

(8) If the offender is charged with a violation of section 3709
2925.24 of the Revised Code, the alleged violation did not result 3710
in physical harm to any person, and the offender previously has 3711
not been treated for drug abuse. 3712

(9) The offender is willing to comply with all terms and 3713
conditions imposed by the court pursuant to division (D) of this 3714
section. 3715

(C) At the conclusion of a hearing held pursuant to division 3716
(A) of this section, the court shall enter its determination as to 3717
whether the offender is eligible for intervention in lieu of 3718
conviction and as to whether to grant the offender's request. If 3719

the court finds under division (B) of this section that the 3720
offender is eligible for intervention in lieu of conviction and 3721
grants the offender's request, the court shall accept the 3722
offender's plea of guilty and waiver of the defendant's right to a 3723
speedy trial, the preliminary hearing, the time period within 3724
which the grand jury may consider an indictment against the 3725
offender, and arraignment, unless the hearing, indictment, or 3726
arraignment has already occurred. In addition, the court then may 3727
stay all criminal proceedings and order the offender to comply 3728
with all terms and conditions imposed by the court pursuant to 3729
division (D) of this section. If the court finds that the offender 3730
is not eligible or does not grant the offender's request, the 3731
criminal proceedings against the offender shall proceed as if the 3732
offender's request for intervention in lieu of conviction had not 3733
been made. 3734

(D) If the court grants an offender's request for 3735
intervention in lieu of conviction, the court shall place the 3736
offender under the general control and supervision of the county 3737
probation department, the adult parole authority, or another 3738
appropriate local probation or court services agency, if one 3739
exists, as if the offender was subject to a community control 3740
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 3741
Revised Code. The court shall establish an intervention plan for 3742
the offender. The terms and conditions of the intervention plan 3743
shall require the offender, for at least one year from the date on 3744
which the court grants the order of intervention in lieu of 3745
conviction, to abstain from the use of illegal drugs and alcohol, 3746
to participate in treatment and recovery support services, and to 3747
submit to regular random testing for drug and alcohol use and may 3748
include any other treatment terms and conditions, or terms and 3749
conditions similar to community control sanctions, which may 3750
include community service or restitution, that are ordered by the 3751
court. 3752

(E) If the court grants an offender's request for 3753
intervention in lieu of conviction and the court finds that the 3754
offender has successfully completed the intervention plan for the 3755
offender, including the requirement that the offender abstain from 3756
using drugs and alcohol for a period of at least one year from the 3757
date on which the court granted the order of intervention in lieu 3758
of conviction and all other terms and conditions ordered by the 3759
court, the court shall dismiss the proceedings against the 3760
offender. Successful completion of the intervention plan and 3761
period of abstinence under this section shall be without 3762
adjudication of guilt and is not a criminal conviction for 3763
purposes of any disqualification or disability imposed by law and 3764
upon conviction of a crime, and the court may order the sealing of 3765
records related to the offense in question in the manner provided 3766
in sections 2953.31 to 2953.36 of the Revised Code. 3767

(F) If the court grants an offender's request for 3768
intervention in lieu of conviction and the offender fails to 3769
comply with any term or condition imposed as part of the 3770
intervention plan for the offender, the supervising authority for 3771
the offender promptly shall advise the court of this failure, and 3772
the court shall hold a hearing to determine whether the offender 3773
failed to comply with any term or condition imposed as part of the 3774
plan. If the court determines that the offender has failed to 3775
comply with any of those terms and conditions, it shall enter a 3776
finding of guilty and shall impose an appropriate sanction under 3777
Chapter 2929. of the Revised Code. If the court sentences the 3778
offender to a prison term, the court, after consulting with the 3779
department of rehabilitation and correction regarding the 3780
availability of services, may order continued court-supervised 3781
activity and treatment of the offender during the prison term and, 3782
upon consideration of reports received from the department 3783
concerning the offender's progress in the program of activity and 3784
treatment, may consider judicial release under section 2929.20 of 3785

<u>the Revised Code.</u>	3786
(G) As used in this section:	3787
(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	3788 3789
(2) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section.	3790 3791
(3) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	3792 3793
Sec. 2953.08. (A) In addition to any other right to appeal and except as provided in division (D) of this section, a defendant who is convicted of or pleads guilty to a felony may appeal as a matter of right the sentence imposed upon the defendant on one of the following grounds:	3794 3795 3796 3797 3798
(1) The sentence consisted of or included the maximum prison term allowed for the offense by division (A) of section 2929.14 or section 2929.142 of the Revised Code, the sentence was not imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code, the maximum prison term was not required for the offense pursuant to Chapter 2925. or any other provision of the Revised Code, and the court imposed the sentence under one of the following circumstances:	3799 3800 3801 3802 3803 3804 3805 3806
(a) The sentence was imposed for only one offense.	3807
(b) The sentence was imposed for two or more offenses arising out of a single incident, and the court imposed the maximum prison term for the offense of the highest degree.	3808 3809 3810
(2) The sentence consisted of or included a prison term, the offense for which it was imposed is a felony of the fourth or fifth degree or is a felony drug offense that is a violation of a provision of Chapter 2925. of the Revised Code and that is specified as being subject to division (B) of section 2929.13 of	3811 3812 3813 3814 3815

the Revised Code for purposes of sentencing, and the court did not specify at sentencing that it found one or more factors specified in divisions (B)(1)(a) to (i) of section 2929.13 of the Revised Code to apply relative to the defendant. If the court specifies that it found one or more of those factors to apply relative to the defendant, the defendant is not entitled under this division to appeal as a matter of right the sentence imposed upon the offender.

(3) The person was convicted of or pleaded guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, was adjudicated a sexually violent predator in relation to that offense, and was sentenced pursuant to division (A)(3) of section 2971.03 of the Revised Code, if the minimum term of the indefinite term imposed pursuant to division (A)(3) of section 2971.03 of the Revised Code is the longest term available for the offense from among the range of terms listed in section 2929.14 of the Revised Code. As used in this division, "designated homicide, assault, or kidnapping offense" and "violent sex offense" have the same meanings as in section 2971.01 of the Revised Code. As used in this division, "adjudicated a sexually violent predator" has the same meaning as in section 2929.01 of the Revised Code, and a person is "adjudicated a sexually violent predator" in the same manner and the same circumstances as are described in that section.

(4) The sentence is contrary to law.

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

(6) The sentence consisted of an additional prison term of ten years imposed pursuant to division (D)(3)(b) of section 2929.14 of the Revised Code.

(B) In addition to any other right to appeal and except as 3847
provided in division (D) of this section, a prosecuting attorney, 3848
a city director of law, village solicitor, or similar chief legal 3849
officer of a municipal corporation, or the attorney general, if 3850
one of those persons prosecuted the case, may appeal as a matter 3851
of right a sentence imposed upon a defendant who is convicted of 3852
or pleads guilty to a felony or, in the circumstances described in 3853
division (B)(3) of this section the modification of a sentence 3854
imposed upon such a defendant, on any of the following grounds: 3855

(1) The sentence did not include a prison term despite a 3856
presumption favoring a prison term for the offense for which it 3857
was imposed, as set forth in section 2929.13 or Chapter 2925. of 3858
the Revised Code. 3859

(2) The sentence is contrary to law. 3860

(3) The sentence is a modification under section 2929.20 of 3861
the Revised Code of a sentence that was imposed for a felony of 3862
the first or second degree. 3863

(C)(1) In addition to the right to appeal a sentence granted 3864
under division (A) or (B) of this section, a defendant who is 3865
convicted of or pleads guilty to a felony may seek leave to appeal 3866
a sentence imposed upon the defendant on the basis that the 3867
sentencing judge has imposed consecutive sentences under division 3868
(E)(3) or (4) of section 2929.14 of the Revised Code and that the 3869
consecutive sentences exceed the maximum prison term allowed by 3870
division (A) of that section for the most serious offense of which 3871
the defendant was convicted. Upon the filing of a motion under 3872
this division, the court of appeals may grant leave to appeal the 3873
sentence if the court determines that the allegation included as 3874
the basis of the motion is true. 3875

(2) A defendant may seek leave to appeal an additional 3876
sentence imposed upon the defendant pursuant to division (D)(2)(a) 3877

or (b) of section 2929.14 of the Revised Code if the additional 3878
sentence is for a definite prison term that is longer than five 3879
years. 3880

(D)(1) A sentence imposed upon a defendant is not subject to 3881
review under this section if the sentence is authorized by law, 3882
has been recommended jointly by the defendant and the prosecution 3883
in the case, and is imposed by a sentencing judge. 3884

(2) Except as provided in division (C)(2) of this section, a 3885
sentence imposed upon a defendant is not subject to review under 3886
this section if the sentence is imposed pursuant to division 3887
(D)(2)(b) of section 2929.14 of the Revised Code. Except as 3888
otherwise provided in this division, a defendant retains all 3889
rights to appeal as provided under this chapter or any other 3890
provision of the Revised Code. A defendant has the right to appeal 3891
under this chapter or any other provision of the Revised Code the 3892
court's application of division (D)(2)(c) of section 2929.14 of 3893
the Revised Code. 3894

(3) A sentence imposed for aggravated murder or murder 3895
pursuant to sections 2929.02 to 2929.06 of the Revised Code is not 3896
subject to review under this section. 3897

(E) A defendant, prosecuting attorney, city director of law, 3898
village solicitor, or chief municipal legal officer shall file an 3899
appeal of a sentence under this section to a court of appeals 3900
within the time limits specified in Rule 4(B) of the Rules of 3901
Appellate Procedure, provided that if the appeal is pursuant to 3902
division (B)(3) of this section, the time limits specified in that 3903
rule shall not commence running until the court grants the motion 3904
that makes the sentence modification in question. A sentence 3905
appeal under this section shall be consolidated with any other 3906
appeal in the case. If no other appeal is filed, the court of 3907
appeals may review only the portions of the trial record that 3908
pertain to sentencing. 3909

(F) On the appeal of a sentence under this section, the 3910
record to be reviewed shall include all of the following, as 3911
applicable: 3912

(1) Any presentence, psychiatric, or other investigative 3913
report that was submitted to the court in writing before the 3914
sentence was imposed. An appellate court that reviews a 3915
presentence investigation report prepared pursuant to section 3916
2947.06 or 2951.03 of the Revised Code or Criminal Rule 32.2 in 3917
connection with the appeal of a sentence under this section shall 3918
comply with division (D)(3) of section 2951.03 of the Revised Code 3919
when the appellate court is not using the presentence 3920
investigation report, and the appellate court's use of a 3921
presentence investigation report of that nature in connection with 3922
the appeal of a sentence under this section does not affect the 3923
otherwise confidential character of the contents of that report as 3924
described in division (D)(1) of section 2951.03 of the Revised 3925
Code and does not cause that report to become a public record, as 3926
defined in section 149.43 of the Revised Code, following the 3927
appellate court's use of the report. 3928

(2) The trial record in the case in which the sentence was 3929
imposed; 3930

(3) Any oral or written statements made to or by the court at 3931
the sentencing hearing at which the sentence was imposed; 3932

(4) Any written findings that the court was required to make 3933
in connection with the modification of the sentence pursuant to a 3934
judicial release under division ~~(H)~~(I) of section 2929.20 of the 3935
Revised Code. 3936

(G)(1) If the sentencing court was required to make the 3937
findings required by division (B) or (D) of section 2929.13, 3938
division (D)(2)(e) or (E)(4) of section 2929.14, or division 3939
~~(H)~~(I) of section 2929.20 of the Revised Code relative to the 3940

imposition or modification of the sentence, and if the sentencing court failed to state the required findings on the record, the court hearing an appeal under division (A), (B), or (C) of this section shall remand the case to the sentencing court and instruct the sentencing court to state, on the record, the required findings.

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

The appellate court may increase, reduce, or otherwise modify a sentence that is appealed under this section or may vacate the sentence and remand the matter to the sentencing court for resentencing. The appellate court's standard for review is not whether the sentencing court abused its discretion. The appellate court may take any action authorized by this division if it clearly and convincingly finds either of the following:

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

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

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

(I)(1) There is hereby established the felony sentence appeal cost oversight committee, consisting of eight members. One member shall be the chief justice of the supreme court or a representative of the court designated by the chief justice, one member shall be a member of the senate appointed by the president

of the senate, one member shall be a member of the house of 3972
representatives appointed by the speaker of the house of 3973
representatives, one member shall be the director of budget and 3974
management or a representative of the office of budget and 3975
management designated by the director, one member shall be a judge 3976
of a court of appeals, court of common pleas, municipal court, or 3977
county court appointed by the chief justice of the supreme court, 3978
one member shall be the state public defender or a representative 3979
of the office of the state public defender designated by the state 3980
public defender, one member shall be a prosecuting attorney 3981
appointed by the Ohio prosecuting attorneys association, and one 3982
member shall be a county commissioner appointed by the county 3983
commissioners association of Ohio. No more than three of the 3984
appointed members of the committee may be members of the same 3985
political party. 3986

The president of the senate, the speaker of the house of 3987
representatives, the chief justice of the supreme court, the Ohio 3988
prosecuting attorneys association, and the county commissioners 3989
association of Ohio shall make the initial appointments to the 3990
committee of the appointed members no later than ninety days after 3991
July 1, 1996. Of those initial appointments to the committee, the 3992
members appointed by the speaker of the house of representatives 3993
and the Ohio prosecuting attorneys association shall serve a term 3994
ending two years after July 1, 1996, the member appointed by the 3995
chief justice of the supreme court shall serve a term ending three 3996
years after July 1, 1996, and the members appointed by the 3997
president of the senate and the county commissioners association 3998
of Ohio shall serve terms ending four years after July 1, 1996. 3999
Thereafter, terms of office of the appointed members shall be for 4000
four years, with each term ending on the same day of the same 4001
month as did the term that it succeeds. Members may be 4002
reappointed. Vacancies shall be filled in the same manner provided 4003
for original appointments. A member appointed to fill a vacancy 4004

occurring prior to the expiration of the term for which that 4005
member's predecessor was appointed shall hold office as a member 4006
for the remainder of the predecessor's term. An appointed member 4007
shall continue in office subsequent to the expiration date of that 4008
member's term until that member's successor takes office or until 4009
a period of sixty days has elapsed, whichever occurs first. 4010

If the chief justice of the supreme court, the director of 4011
the office of budget and management, or the state public defender 4012
serves as a member of the committee, that person's term of office 4013
as a member shall continue for as long as that person holds office 4014
as chief justice, director of the office of budget and management, 4015
or state public defender. If the chief justice of the supreme 4016
court designates a representative of the court to serve as a 4017
member, the director of budget and management designates a 4018
representative of the office of budget and management to serve as 4019
a member, or the state public defender designates a representative 4020
of the office of the state public defender to serve as a member, 4021
the person so designated shall serve as a member of the commission 4022
for as long as the official who made the designation holds office 4023
as chief justice, director of the office of budget and management, 4024
or state public defender or until that official revokes the 4025
designation. 4026

The chief justice of the supreme court or the representative 4027
of the supreme court appointed by the chief justice shall serve as 4028
chairperson of the committee. The committee shall meet within two 4029
weeks after all appointed members have been appointed and shall 4030
organize as necessary. Thereafter, the committee shall meet at 4031
least once every six months or more often upon the call of the 4032
chairperson or the written request of three or more members, 4033
provided that the committee shall not meet unless moneys have been 4034
appropriated to the judiciary budget administered by the supreme 4035
court specifically for the purpose of providing financial 4036

assistance to counties under division (I)(2) of this section and 4037
the moneys so appropriated then are available for that purpose. 4038

The members of the committee shall serve without 4039
compensation, but, if moneys have been appropriated to the 4040
judiciary budget administered by the supreme court specifically 4041
for the purpose of providing financial assistance to counties 4042
under division (I)(2) of this section, each member shall be 4043
reimbursed out of the moneys so appropriated that then are 4044
available for actual and necessary expenses incurred in the 4045
performance of official duties as a committee member. 4046

(2) The state criminal sentencing commission periodically 4047
shall provide to the felony sentence appeal cost oversight 4048
committee all data the commission collects pursuant to division 4049
(A)(5) of section 181.25 of the Revised Code. Upon receipt of the 4050
data from the state criminal sentencing commission, the felony 4051
sentence appeal cost oversight committee periodically shall review 4052
the data; determine whether any money has been appropriated to the 4053
judiciary budget administered by the supreme court specifically 4054
for the purpose of providing state financial assistance to 4055
counties in accordance with this division for the increase in 4056
expenses the counties experience as a result of the felony 4057
sentence appeal provisions set forth in this section or as a 4058
result of a postconviction relief proceeding brought under 4059
division (A)(2) of section 2953.21 of the Revised Code or an 4060
appeal of a judgment in that proceeding; if it determines that any 4061
money has been so appropriated, determine the total amount of 4062
moneys that have been so appropriated specifically for that 4063
purpose and that then are available for that purpose; and develop 4064
a recommended method of distributing those moneys to the counties. 4065
The committee shall send a copy of its recommendation to the 4066
supreme court. Upon receipt of the committee's recommendation, the 4067
supreme court shall distribute to the counties, based upon that 4068

recommendation, the moneys that have been so appropriated 4069
specifically for the purpose of providing state financial 4070
assistance to counties under this division and that then are 4071
available for that purpose. 4072

Sec. 2953.13. When a defendant has been committed to a state 4073
correctional institution and the judgment, by virtue of which the 4074
commitment was made, is reversed on appeal, and the defendant is 4075
entitled to ~~his~~ discharge or a new trial, or when the case is 4076
remanded to the trial court for any reason, the clerk of the court 4077
reversing the judgment or remanding the case, under the seal 4078
thereof of the court, shall forthwith certify ~~said~~ the reversal or 4079
remand to the warden of the state correctional institution. 4080

The warden, on receipt of the certificate, if a discharge of 4081
the defendant is ordered, shall forthwith discharge ~~him~~ the 4082
defendant from the state correctional institution. 4083

If a new trial is ordered or the case is remanded, the warden 4084
shall forthwith cause the defendant to be conveyed to the jail of 4085
the county in which ~~he~~ the defendant was convicted, and committed 4086
to the custody of the sheriff ~~thereof~~ of that county. 4087

Sec. 2967.03. The adult parole authority may exercise its 4088
functions and duties in relation to the pardon, commutation of 4089
sentence, or reprieve of a convict upon direction of the governor 4090
or upon its own initiative. It may exercise its functions and 4091
duties in relation to the parole of a prisoner who is eligible for 4092
parole upon the initiative of the head of the institution in which 4093
the prisoner is confined or upon its own initiative. When a 4094
prisoner becomes eligible for parole, the head of the institution 4095
in which the prisoner is confined shall notify the authority in 4096
the manner prescribed by the authority. The authority may 4097
investigate and examine, or cause the investigation and 4098

examination of, prisoners confined in state correctional 4099
institutions concerning their conduct in the institutions, their 4100
mental and moral qualities and characteristics, their knowledge of 4101
a trade or profession, their former means of livelihood, their 4102
family relationships, and any other matters affecting their 4103
fitness to be at liberty without being a threat to society. 4104

The authority may recommend to the governor the pardon, 4105
commutation of sentence, medical release, or reprieve of any 4106
convict or prisoner or grant a parole to any prisoner for whom 4107
parole is authorized, if in its judgment there is reasonable 4108
ground to believe that granting a pardon, commutation, medical 4109
release, or reprieve to the convict or paroling the prisoner would 4110
further the interests of justice and be consistent with the 4111
welfare and security of society. However, the authority shall not 4112
recommend a pardon ~~or~~, commutation of sentence, or medical release 4113
of, or grant a parole to, any convict or prisoner until the 4114
authority has complied with the applicable notice requirements of 4115
sections 2930.16 and 2967.12 of the Revised Code and until it has 4116
considered any statement made by a victim or a victim's 4117
representative that is relevant to the convict's or prisoner's 4118
case and that was sent to the authority pursuant to section 4119
2930.17 of the Revised Code, any other statement made by a victim 4120
or a victim's representative that is relevant to the convict's or 4121
prisoner's case and that was received by the authority after it 4122
provided notice of the pendency of the action under sections 4123
2930.16 and 2967.12 of the Revised Code, and any written statement 4124
of any person submitted to the court pursuant to division ~~(H)~~(G) 4125
of section 2967.12 of the Revised Code. If a victim, victim's 4126
representative, or the victim's spouse, parent, sibling, or child 4127
appears at a full board hearing of the parole board and gives 4128
testimony as authorized by section 5149.101 of the Revised Code, 4129
the authority shall consider the testimony in determining whether 4130
to grant a parole. The trial judge and prosecuting attorney of the 4131

trial court in which a person was convicted shall furnish to the 4132
authority, at the request of the authority, a summarized statement 4133
of the facts proved at the trial and of all other facts having 4134
reference to the propriety of recommending a pardon ~~or~~, 4135
commutation, or medical release, or granting a parole, together 4136
with a recommendation for or against a pardon, commutation, 4137
medical release, or parole, and the reasons for the 4138
recommendation. The trial judge, the prosecuting attorney, 4139
specified law enforcement agency members, and a representative of 4140
the prisoner may appear at a full board hearing of the parole 4141
board and give testimony in regard to the grant of a parole to the 4142
prisoner as authorized by section 5149.101 of the Revised Code. 4143
All state and local officials shall furnish information to the 4144
authority, when so requested by it in the performance of its 4145
duties. 4146

The adult parole authority shall exercise its functions and 4147
duties in relation to the release of prisoners who are serving a 4148
stated prison term in accordance with section 2967.28 of the 4149
Revised Code. 4150

Sec. 2967.05. (A) As used in this section: 4151

(1) "Imminent danger of death" means that the inmate has a 4152
medically diagnosable condition that will cause death to occur 4153
within a short period of time. 4154

As used in division (A)(1) of this section, "within a short 4155
period of time" means generally within six months. 4156

(2)(a) "Medically incapacitated" means any diagnosable 4157
medical condition, including mental dementia and severe, permanent 4158
medical or cognitive disability, that prevents the inmate from 4159
completing activities of daily living without significant 4160
assistance, that incapacitates the inmate to the extent that 4161
institutional confinement does not offer additional restrictions, 4162

that is likely to continue throughout the entire period of parole, 4163
and that is unlikely to improve noticeably. 4164

(b) "Medically incapacitated" does not include conditions 4165
related solely to mental illness unless the mental illness is 4166
accompanied by injury, disease, or organic defect. 4167

(3)(a) "Terminal illness" means a condition that satisfies 4168
all of the following criteria: 4169

(i) The condition is irreversible and incurable and is caused 4170
by disease, illness, or injury from which the inmate is unlikely 4171
to recover. 4172

(ii) In accordance with reasonable medical standards and a 4173
reasonable degree of medical certainty, the condition is likely to 4174
cause death to the inmate within twelve months. 4175

(iii) Institutional confinement of the inmate does not offer 4176
additional protections for public safety or against the inmate's 4177
risk to reoffend. 4178

(b) The department of rehabilitation and correction shall 4179
adopt rules pursuant to Chapter 119. of the Revised Code to 4180
implement the definition of "terminal illness" in division 4181
(A)(3)(a) of this section. 4182

(B) Upon the recommendation of the director of rehabilitation 4183
and correction, accompanied by a certificate of the attending 4184
physician that a ~~prisoner or convict~~ an inmate is terminally ill, 4185
medically incapacitated, or in imminent danger of death, the 4186
governor may order ~~his~~ the inmate's release as if on parole, 4187
reserving the right to return ~~him~~ the inmate to the institution 4188
pursuant to this section. If, subsequent to ~~his~~ the inmate's 4189
release, ~~his~~ the inmate's health improves so that ~~he~~ the inmate is 4190
no longer terminally ill, medically incapacitated, or in imminent 4191
danger of death, ~~he~~ the inmate shall be returned, by order of the 4192
governor, to the institution from which ~~he~~ the inmate was 4193

released. If ~~he~~ the inmate violates any rules or conditions 4194
applicable to ~~him~~, he the inmate, the inmate may be returned to an 4195
institution under the control of the department of rehabilitation 4196
and correction. The governor may direct the adult parole authority 4197
to investigate or cause to be investigated the inmate and make a 4198
recommendation in the manner set forth in section 2967.03 of the 4199
Revised Code. An inmate released under this section shall be 4200
subject to supervision by the adult parole authority in accordance 4201
with any recommendation of the adult parole authority that is 4202
approved by the governor. The adult parole authority shall adopt 4203
rules pursuant to section 119.03 of the Revised Code to establish 4204
the procedure for medical release of an inmate when an inmate is 4205
terminally ill, medically incapacitated, or in imminent danger of 4206
death. 4207

(C) No inmate is eligible for release under this section if 4208
the inmate is serving a death sentence, a sentence of life without 4209
parole, a sentence under Chapter 2971. of the Revised Code for a 4210
felony of the first or second degree, a sentence for aggravated 4211
murder or murder, or a mandatory prison term for an offense of 4212
violence or any specification described in Chapter 2941. of the 4213
Revised Code. 4214

Sec. 2967.12. (A) Except as provided in division (G) of this 4215
section, at least three weeks before the adult parole authority 4216
recommends any pardon or commutation of sentence, or grants any 4217
parole, the authority shall ~~send~~ provide a notice of the pendency 4218
of the pardon, commutation, or parole, setting forth the name of 4219
the person on whose behalf it is made, the offense of which the 4220
person was convicted or to which the person pleaded guilty, the 4221
time of conviction or the guilty plea, and the term of the 4222
person's sentence, to the prosecuting attorney and the judge of 4223
the court of common pleas of the county in which the indictment 4224
against the person was found. If there is more than one judge of 4225

that court of common pleas, the authority shall ~~send~~ provide the 4226
notice to the presiding judge. The department of rehabilitation 4227
and correction may utilize electronic means to provide this 4228
notice. The department of rehabilitation and correction, at the 4229
same time that it provides the notice to the prosecuting attorney 4230
and judge under this division, also shall post on the database it 4231
maintains pursuant to section 5120.66 of the Revised Code the 4232
offender's name and all of the information specified in division 4233
(A)(1)(c)(iii) of that section. 4234

(B) If a request for notification has been made pursuant to 4235
section 2930.16 of the Revised Code, the office of victim services 4236
or the adult parole authority also shall ~~give~~ provide notice to 4237
the victim or the victim's representative at least three weeks 4238
prior to recommending any pardon or commutation of sentence for, 4239
or granting any parole to, the person. The ~~authority shall provide~~ 4240
~~the notice at the same time as the notice required by division (A)~~ 4241
~~of this section and shall include in the notice~~ the information 4242
~~required to be set forth in that notice~~ by division (A) of this 4243
section and may be provided by telephone or through electronic 4244
means. The notice also shall inform the victim or the victim's 4245
representative that the victim or representative may send a 4246
written statement relative to the victimization and the pending 4247
action to the adult parole authority and that, if the authority 4248
receives any written statement prior to recommending a pardon or 4249
commutation or granting a parole for a person, the authority will 4250
consider the statement before it recommends a pardon or 4251
commutation or grants a parole. If the person is being considered 4252
for parole, the notice shall inform the victim or the victim's 4253
representative that a full board hearing of the parole board may 4254
be held and that the victim or victim's representative may contact 4255
the office of victims' services for further information. If the 4256
person being considered for parole was convicted of or pleaded 4257
guilty to violating section 2903.01 or 2903.02 of the Revised 4258

Code, the notice shall inform the victim of that offense, the 4259
victim's representative, or a member of the victim's immediate 4260
family that the victim, the victim's representative, and the 4261
victim's immediate family have the right to give testimony at a 4262
full board hearing of the parole board and that the victim or 4263
victim's representative may contact the office of victims' 4264
services for further information. As used in this division, "the 4265
victim's immediate family" means the mother, father, spouse, 4266
sibling, or child of the victim. 4267

(C) When notice of the pendency of any pardon, commutation of 4268
sentence, or parole has been ~~given~~ provided to a judge or 4269
prosecutor or posted on the database as ~~provided~~ required in 4270
division (A) of this section and a hearing on the pardon, 4271
commutation, or parole is continued to a date certain, the 4272
authority shall provide notice of the further consideration of the 4273
pardon, commutation, or parole at least ~~ten days~~ three weeks 4274
before the further consideration. The notice of the further 4275
consideration shall be provided to the proper judge and 4276
prosecuting attorney ~~by mail~~ at least ~~ten days~~ three weeks before 4277
the further consideration, and may be provided using electronic 4278
means, and, if the initial notice was posted on the database as 4279
provided in division (A) of this section, the notice of the 4280
further consideration shall be posted on the database at least ~~ten~~ 4281
~~days~~ three weeks before the further consideration. When notice of 4282
the pendency of any pardon, commutation, or parole has been given 4283
as provided in division (B) of this section and the hearing on it 4284
is continued to a date certain, the authority shall give notice of 4285
the further consideration to the victim or the victim's 4286
representative in accordance with section 2930.03 of the Revised 4287
Code. 4288

(D) In case of an application for the pardon or commutation 4289
of sentence of a person sentenced to capital punishment, the 4290

governor may modify the requirements of notification and 4291
publication if there is not sufficient time for compliance with 4292
the requirements before the date fixed for the execution of 4293
sentence. 4294

(E) If an offender is serving a prison term imposed under 4295
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 4296
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 4297
Code and if the parole board terminates its control over the 4298
offender's service of that term pursuant to section 2971.04 of the 4299
Revised Code, the parole board immediately shall provide written 4300
notice of its termination of control or the transfer of control to 4301
the entities and persons specified in section 2971.04 of the 4302
Revised Code. 4303

(F) The failure of the adult parole authority to comply with 4304
the notice or posting provisions of division (A), (B), or (C) of 4305
this section or the failure of the parole board to comply with the 4306
notice provisions of division (E) of this section do not give any 4307
rights or any grounds for appeal or post-conviction relief to the 4308
person serving the sentence. 4309

(G) Divisions (A), (B), and (C) of this section do not apply 4310
to any release of a person that is of the type described in 4311
division (B)(2)(b) of section 5120.031 of the Revised Code. 4312

(H) In addition to and independent of the right of a victim 4313
to make a statement as described in division (A) of this section 4314
or pursuant to section 2930.17 of the Revised Code or to otherwise 4315
make a statement, the authority for a judge or prosecuting 4316
attorney to furnish statements and information, make 4317
recommendations, and give testimony as described in division (A) 4318
of this section, the right of a prosecuting attorney, judge, or 4319
victim to give testimony or submit a statement at a full parole 4320
board hearing pursuant to section 5149.101 of the Revised Code, 4321
and any other right or duty of a person to present information or 4322

make a statement, any person may send to the adult parole 4323
authority at any time prior to the authority's recommending a 4324
pardon or commutation or granting a parole for the offender a 4325
written statement relative to the offense and the pending action. 4326

Sec. 2967.121. (A) Subject to division (C) of this section, 4327
at least two weeks before any convict who is serving a sentence 4328
for committing a felony of the first, second, or third degree is 4329
released from confinement in any state correctional institution 4330
pursuant to a pardon, commutation of sentence, parole, or 4331
completed prison term, the adult parole authority shall ~~send~~ 4332
provide notice of the release to the prosecuting attorney of the 4333
county in which the indictment of the convict was found. 4334

(B) The notice required by division (A) of this section may 4335
be contained in a weekly list of all felons of the first, second, 4336
or third degree who are scheduled for release. The notice shall 4337
contain all of the following: 4338

(1) The name of the convict being released; 4339

(2) The date of the convict's release; 4340

(3) The offense for the violation of which the convict was 4341
convicted and incarcerated; 4342

(4) The date of the convict's conviction pursuant to which 4343
the convict was incarcerated; 4344

(5) The sentence imposed for that conviction; 4345

(6) The length of any supervision that the convict will be 4346
under; 4347

(7) The name, business address, and business phone number of 4348
the convict's supervising officer; 4349

(8) The address at which the convict will reside. 4350

(C) (1) Divisions (A) and (B) of this section do not apply to 4351

the release from confinement of an offender if the offender is 4352
serving a prison term imposed under division (A)(3), (B)(1)(a), 4353
(b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or 4354
(d) of section 2971.03 of the Revised Code, if the court pursuant 4355
to section 2971.05 of the Revised Code modifies the requirement 4356
that the offender serve that entire term in a state correctional 4357
institution, and if the release from confinement is pursuant to 4358
that modification. In a case of that type, the court that modifies 4359
the requirement promptly shall provide written notice of the 4360
modification and the order that modifies the requirement or 4361
revises the modification to the offender, the department of 4362
rehabilitation and correction, the prosecuting attorney, and any 4363
state agency or political subdivision that is affected by the 4364
order. 4365

(2) Divisions (A) and (B) of this section do not apply to the 4366
release from confinement of an offender if, upon admission to the 4367
state correctional institution, the offender has less than 4368
fourteen days to serve on the sentence. 4369

Sec. 2967.141. (A) As used in this section, "alternative 4370
residential facility" has the same meaning as in section 2929.01 4371
of the Revised Code. 4372

(B) The department of rehabilitation and correction, through 4373
its division of parole and community services, may operate or 4374
contract for the operation of one or more violation sanction 4375
centers as an alternative residential facility. A violation 4376
sanction center operated under authority of this division is not a 4377
prison ~~within the meaning of division (BB) of~~ as defined in 4378
section 2929.01 of the Revised Code. A violation sanction center 4379
operated under authority of this division may be used for either 4380
of the following purposes: 4381

(1) Service of the term of a more restrictive post-release 4382

control sanction that the parole board, subsequent to a hearing, 4383
imposes pursuant to division (F)(2) of section 2967.28 of the 4384
Revised Code upon a releasee who has violated a post-release 4385
control sanction imposed upon the releasee under that section; 4386

(2) Service of a sanction that the adult parole authority or 4387
parole board imposes upon a parolee whom the authority determines 4388
to be a parole violator because of a violation of the terms and 4389
conditions of the parolee's parole or conditional pardon. 4390

(C) If a violation sanction center is established under the 4391
authority of this section, notwithstanding the fact that the 4392
center is an alternative residential facility for the purposes 4393
described in division (B) of this section, the center shall be 4394
used only for the purposes described in that division. A violation 4395
sanction center established under the authority of this section is 4396
not an alternative residential facility for the purpose of 4397
imposing sentence on an offender who is convicted of or pleads 4398
guilty to a felony, and a court that is sentencing an offender for 4399
a felony pursuant to sections 2929.11 to 2929.19 of the Revised 4400
Code shall not sentence the offender to a community residential 4401
sanction that requires the offender to serve a term in the center. 4402

(D) If a releasee is ordered to serve a sanction in a 4403
violation sanction center, as described in division (B)(1) of this 4404
section, all of the following apply: 4405

(1) The releasee shall not be considered to be under a new 4406
prison term for a violation of post-release control. 4407

(2) The time the releasee serves in the center shall not 4408
count toward, and shall not be considered in determining, the 4409
maximum cumulative prison term for all violations that is 4410
described in division (F)(3) of section 2967.28 of the Revised 4411
Code. 4412

(3) The time the releasee serves in the center shall count as 4413

part of, and shall be credited toward, the remaining period of 4414
post-release control that is applicable to the releasee. 4415

Sec. 2967.15. (A) If an adult parole authority field officer 4416
has reasonable cause to believe that a person who is a parolee or 4417
releasee, who is under transitional control, or who is under 4418
another form of authorized release and who is under the 4419
supervision of the adult parole authority has violated or is 4420
violating the condition of a conditional pardon, parole, other 4421
form of authorized release, transitional control, or post-release 4422
control specified in division (A) of section 2967.131 of the 4423
Revised Code or any other term or condition of the person's 4424
conditional pardon, parole, other form of authorized release, 4425
transitional control, or post-release control, the field officer 4426
may arrest the person without a warrant or order a peace officer 4427
to arrest the person without a warrant. A person so arrested shall 4428
be confined in the jail of the county in which the person is 4429
arrested or in another facility designated by the chief of the 4430
adult parole authority until a determination is made regarding the 4431
person's release status. Upon making an arrest under this section, 4432
the arresting or supervising adult parole authority field officer 4433
promptly shall notify the superintendent of parole supervision or 4434
the superintendent's designee, in writing, that the person has 4435
been arrested and is in custody and submit an appropriate report 4436
of the reason for the arrest. 4437

(B) Except as otherwise provided in this division, prior to 4438
the revocation by the adult parole authority of a person's pardon, 4439
parole, ~~transitional control~~, or other release and prior to the 4440
imposition by the parole board or adult parole authority of a new 4441
prison term as a post-release control sanction for a person, the 4442
adult parole authority shall grant the person a hearing in 4443
accordance with rules adopted by the department of rehabilitation 4444
and correction under Chapter 119. of the Revised Code. The adult 4445

parole authority is not required to grant the person a hearing if 4446
the person is convicted of or pleads guilty to an offense that the 4447
person committed while released on a pardon, on parole, 4448
~~transitional control~~, or another form of release, or on 4449
post-release control and upon which the revocation of the person's 4450
pardon, parole, ~~transitional control~~, other release, or 4451
post-release control is based. 4452

If a person who has been pardoned is found to be a violator 4453
of the conditions of the parolee's conditional pardon or 4454
commutation of sentence, the authority forthwith shall transmit to 4455
the governor its recommendation concerning that violation, and the 4456
violator shall be retained in custody until the governor issues an 4457
order concerning that violation. 4458

If the authority fails to make a determination of the case of 4459
a parolee or releasee alleged to be a violator of the terms and 4460
conditions of the parolee's or releasee's conditional pardon, 4461
parole, other release, or post-release control sanctions within a 4462
reasonable time, the parolee or releasee shall be released from 4463
custody under the same terms and conditions of the parolee's or 4464
releasee's original conditional pardon, parole, other release, or 4465
post-release control sanctions. 4466

(C)(1) If a person who is a parolee or releasee, who is under 4467
transitional control, or who is under another form of authorized 4468
release under the supervision of the adult parole authority 4469
absconds from supervision, the supervising adult parole authority 4470
field officer shall report that fact to the superintendent of 4471
parole supervision, in writing, and the authority shall declare 4472
that person to be a violator at large. Upon being advised of the 4473
apprehension and availability for return of a violator at large, 4474
the superintendent of parole supervision shall determine whether 4475
the violator at large should be restored to parole, transitional 4476
control, another form of authorized release, or post-release 4477

control. 4478

The time between the date on which a person who is a parolee 4479
or other releasee is declared to be a violator or violator at 4480
large and the date on which that person is returned to custody in 4481
this state under the immediate control of the adult parole 4482
authority shall not be counted as time served under the sentence 4483
imposed on that person or as a part of the term of post-release 4484
control. 4485

(2) A person who is under transitional control or who is 4486
under any form of authorized release under the supervision of the 4487
adult parole authority is considered to be in custody while under 4488
the transitional control or on release, and, if the person 4489
absconds from supervision, the person may be prosecuted for the 4490
offense of escape. 4491

(D) A person who is a parolee or releasee, who is under 4492
transitional control, or who is under another form of authorized 4493
release under the supervision of the adult parole authority and 4494
who has violated a term or condition of the person's conditional 4495
pardon, parole, transitional control, other form of authorized 4496
release, or post-release control shall be declared to be a 4497
violator if the person is committed to a correctional institution 4498
outside the state to serve a sentence imposed upon the person by a 4499
federal court or a court of another state or if the person 4500
otherwise leaves the state. 4501

(E) As used in this section, "peace officer" has the same 4502
meaning as in section 2935.01 of the Revised Code. 4503

Sec. 2967.26. (A)(1) The department of rehabilitation and 4504
correction, by rule, may establish a transitional control program 4505
for the purpose of closely monitoring a prisoner's adjustment to 4506
community supervision during the final one hundred eighty days of 4507
the prisoner's confinement. If the department establishes a 4508

transitional control program under this division, the adult parole 4509
authority may transfer eligible prisoners to transitional control 4510
status under the program during the final one hundred eighty days 4511
of their confinement and under the terms and conditions 4512
established by the department, shall provide for the confinement 4513
as provided in this division of each eligible prisoner so 4514
transferred, and shall supervise each eligible prisoner so 4515
transferred in one or more community control sanctions. Each 4516
eligible prisoner who is transferred to transitional control 4517
status under the program shall be confined in a suitable facility 4518
that is licensed pursuant to division (C) of section 2967.14 of 4519
the Revised Code, or shall be confined in a residence the 4520
department has approved for this purpose and be monitored pursuant 4521
to an electronic monitoring device, as defined in section 2929.01 4522
of the Revised Code. If the department establishes a transitional 4523
control program under this division, the rules establishing the 4524
program shall include criteria that define which prisoners are 4525
eligible for the program, criteria that must be satisfied to be 4526
approved as a residence that may be used for confinement under the 4527
program of a prisoner that is transferred to it and procedures for 4528
the department to approve residences that satisfy those criteria, 4529
and provisions of the type described in division (C) of this 4530
section. At a minimum, the criteria that define which prisoners 4531
are eligible for the program shall provide all of the following: 4532

(a) That a prisoner is eligible for the program if the 4533
prisoner is serving a prison term or term of imprisonment for an 4534
offense committed prior to March 17, 1998, and if, at the time at 4535
which eligibility is being determined, the prisoner would have 4536
been eligible for a furlough under this section as it existed 4537
immediately prior to March 17, 1998, or would have been eligible 4538
for conditional release under former section 2967.23 of the 4539
Revised Code as that section existed immediately prior to March 4540
17, 1998; 4541

(b) That no prisoner who is serving a mandatory prison term 4542
is eligible for the program until after expiration of the 4543
mandatory term; 4544

(c) That no prisoner who is serving a prison term or term of 4545
life imprisonment without parole imposed pursuant to section 4546
2971.03 of the Revised Code is eligible for the program. 4547

(2) At least three weeks prior to transferring to 4548
transitional control under this section a prisoner who is serving 4549
a term of imprisonment or prison term for an offense committed on 4550
or after July 1, 1996, the adult parole authority shall give 4551
notice of the pendency of the transfer to transitional control to 4552
the court of common pleas of the county in which the indictment 4553
against the prisoner was found and of the fact that the court may 4554
disapprove the transfer of the prisoner to transitional control 4555
and shall include a report prepared by the head of the state 4556
correctional institution in which the prisoner is confined. The 4557
head of the state correctional institution in which the prisoner 4558
is confined, upon the request of the adult parole authority, shall 4559
provide to the authority for inclusion in the notice sent to the 4560
court under this division a report on the prisoner's conduct in 4561
the institution and in any institution from which the prisoner may 4562
have been transferred. The report shall cover the prisoner's 4563
participation in school, vocational training, work, treatment, and 4564
other rehabilitative activities and any disciplinary action taken 4565
against the prisoner. If the court disapproves of the transfer of 4566
the prisoner to transitional control, the court shall notify the 4567
authority of the disapproval within thirty days after receipt of 4568
the notice. If the court timely disapproves the transfer of the 4569
prisoner to transitional control, the authority shall not proceed 4570
with the transfer. If the court does not timely disapprove the 4571
transfer of the prisoner to transitional control, the authority 4572
may transfer the prisoner to transitional control. 4573

(3) If the victim of an offense for which a prisoner was 4574
sentenced to a prison term or term of imprisonment has requested 4575
notification under section 2930.16 of the Revised Code and has 4576
provided the department of rehabilitation and correction with the 4577
victim's name and address, the adult parole authority, at least 4578
three weeks prior to transferring the prisoner to transitional 4579
control pursuant to this section, shall notify the victim of the 4580
pendency of the transfer and of the victim's right to submit a 4581
statement to the authority regarding the impact of the transfer of 4582
the prisoner to transitional control. If the victim subsequently 4583
submits a statement of that nature to the authority, the authority 4584
shall consider the statement in deciding whether to transfer the 4585
prisoner to transitional control. 4586

(4) The department of rehabilitation and correction, at least 4587
three weeks prior to ~~a hearing to transfer the~~ transferring a 4588
prisoner to transitional control pursuant to this section, shall 4589
post on the database it maintains pursuant to section 5120.66 of 4590
the Revised Code the prisoner's name and all of the information 4591
specified in division (A)(1)(c)(iv) of that section. In addition 4592
to and independent of the right of a victim to submit a statement 4593
as described in division (A)(3) of this section or to otherwise 4594
make a statement and in addition to and independent of any other 4595
right or duty of a person to present information or make a 4596
statement, any person may send to the adult parole authority at 4597
any time prior to the authority's transfer of the prisoner to 4598
transitional control a written statement regarding the transfer of 4599
the prisoner to transitional control. In addition to the 4600
information, reports, and statements it considers under divisions 4601
(A)(2) and (3) of this section or that it otherwise considers, the 4602
authority shall consider each statement submitted in accordance 4603
with this division in deciding whether to transfer the prisoner to 4604
transitional control. 4605

(B) Each prisoner transferred to transitional control under 4606
this section shall be confined in the manner described in division 4607
(A) of this section during any period of time that the prisoner is 4608
not actually working at the prisoner's approved employment, 4609
engaged in a vocational training or another educational program, 4610
engaged in another program designated by the director, or engaged 4611
in other activities approved by the department. 4612

(C) The department of rehabilitation and correction shall 4613
adopt rules for transferring eligible prisoners to transitional 4614
control, supervising and confining prisoners so transferred, 4615
administering the transitional control program in accordance with 4616
this section, and using the moneys deposited into the transitional 4617
control fund established under division (E) of this section. 4618

(D) The department of rehabilitation and correction may adopt 4619
rules for the issuance of passes for the limited purposes 4620
described in this division to prisoners who are transferred to 4621
transitional control under this section. If the department adopts 4622
rules of that nature, the rules shall govern the granting of the 4623
passes and shall provide for the supervision of prisoners who are 4624
temporarily released pursuant to one of those passes. Upon the 4625
adoption of rules under this division, the department may issue 4626
passes to prisoners who are transferred to transitional control 4627
status under this section in accordance with the rules and the 4628
provisions of this division. All passes issued under this division 4629
shall be for a maximum of forty-eight hours and may be issued only 4630
for the following purposes: 4631

(1) To visit a relative in imminent danger of death; 4632

(2) To have a private viewing of the body of a deceased 4633
relative; 4634

(3) To visit with family; 4635

(4) To otherwise aid in the rehabilitation of the prisoner. 4636

(E) The adult parole authority may require a prisoner who is transferred to transitional control to pay to the division of parole and community services the reasonable expenses incurred by the division in supervising or confining the prisoner while under transitional control. Inability to pay those reasonable expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division shall be deposited into the transitional control fund, which is hereby created in the state treasury and which hereby replaces and succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on March 17, 1998, shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

(F) A prisoner who violates any rule established by the department of rehabilitation and correction under division (A), (C), or (D) of this section may be transferred to a state correctional institution pursuant to rules adopted under division (A), (C), or (D) of this section, but the prisoner shall receive credit towards completing the prisoner's sentence for the time spent under transitional control.

If a prisoner is transferred to transitional control under this section, upon successful completion of the period of transitional control, the prisoner may be released on parole or under post-release control pursuant to section 2967.13 or 2967.28 of the Revised Code and rules adopted by the department of rehabilitation and correction. If the prisoner is released under

post-release control, the duration of the post-release control, 4669
the type of post-release control sanctions that may be imposed, 4670
the enforcement of the sanctions, and the treatment of prisoners 4671
who violate any sanction applicable to the prisoner are governed 4672
by section 2967.28 of the Revised Code. 4673

Sec. 2967.28. (A) As used in this section: 4674

(1) "Monitored time" means the monitored time sanction 4675
specified in section 2929.17 of the Revised Code. 4676

(2) "Deadly weapon" and "dangerous ordnance" have the same 4677
meanings as in section 2923.11 of the Revised Code. 4678

(3) "Felony sex offense" means a violation of a section 4679
contained in Chapter 2907. of the Revised Code that is a felony. 4680

(B) Each sentence to a prison term for a felony of the first 4681
degree, for a felony of the second degree, for a felony sex 4682
offense, or for a felony of the third degree that is not a felony 4683
sex offense and in the commission of which the offender caused or 4684
threatened to cause physical harm to a person shall include a 4685
requirement that the offender be subject to a period of 4686
post-release control imposed by the parole board after the 4687
offender's release from imprisonment. If a court imposes a 4688
sentence including a prison term of a type described in this 4689
division on or after ~~the effective date of this amendment~~ July 11, 4690
2006, the failure of a sentencing court to notify the offender 4691
pursuant to division (B)(3)(c) of section 2929.19 of the Revised 4692
Code of this requirement or to include in the judgment of 4693
conviction entered on the journal a statement that the offender's 4694
sentence includes this requirement does not negate, limit, or 4695
otherwise affect the mandatory period of supervision that is 4696
required for the offender under this division. Section 2929.191 of 4697
the Revised Code applies if, prior to ~~the effective date of this~~ 4698
~~amendment~~ July 11, 2006, a court imposed a sentence including a 4699

prison term of a type described in this division and failed to 4700
notify the offender pursuant to division (B)(3)(c) of section 4701
2929.19 of the Revised Code regarding post-release control or to 4702
include in the judgment of conviction entered on the journal or in 4703
the sentence pursuant to division (F)(1) of section 2929.14 of the 4704
Revised Code a statement regarding post-release control. Unless 4705
reduced by the parole board pursuant to division (D) of this 4706
section when authorized under that division, a period of 4707
post-release control required by this division for an offender 4708
shall be of one of the following periods: 4709

(1) For a felony of the first degree or for a felony sex 4710
offense, five years; 4711

(2) For a felony of the second degree that is not a felony 4712
sex offense, three years; 4713

(3) For a felony of the third degree that is not a felony sex 4714
offense and in the commission of which the offender caused or 4715
threatened physical harm to a person, three years. 4716

(C) Any sentence to a prison term for a felony of the third, 4717
fourth, or fifth degree that is not subject to division (B)(1) or 4718
(3) of this section shall include a requirement that the offender 4719
be subject to a period of post-release control of up to three 4720
years after the offender's release from imprisonment, if the 4721
parole board, in accordance with division (D) of this section, 4722
determines that a period of post-release control is necessary for 4723
that offender. Section 2929.191 of the Revised Code applies if, 4724
prior to ~~the effective date of this amendment~~ July 11, 2006, a 4725
court imposed a sentence including a prison term of a type 4726
described in this division and failed to notify the offender 4727
pursuant to division (B)(3)(d) of section 2929.19 of the Revised 4728
Code regarding post-release control or to include in the judgment 4729
of conviction entered on the journal or in the sentence pursuant 4730
to division (F)(2) of section 2929.14 of the Revised Code a 4731

statement regarding post-release control. Pursuant to an agreement 4732
entered into under section 2967.29 of the Revised Code, a court of 4733
common pleas or parole board may impose sanctions or conditions on 4734
an offender who is placed on post-release control under this 4735
division. 4736

(D)(1) Before the prisoner is released from imprisonment, the 4737
parole board or, pursuant to an agreement under section 2967.29 of 4738
the Revised Code, the court shall impose upon a prisoner described 4739
in division (B) of this section, may impose upon a prisoner 4740
described in division (C) of this section, and shall impose upon a 4741
prisoner described in division (B)(2)(b) of section 5120.031 or in 4742
division (B)(1) of section 5120.032 of the Revised Code, one or 4743
more post-release control sanctions to apply during the prisoner's 4744
period of post-release control. Whenever the board or court 4745
imposes one or more post-release control sanctions upon a 4746
prisoner, the board or court, in addition to imposing the 4747
sanctions, also shall include as a condition of the post-release 4748
control that the ~~individual or felon~~ offender not leave the state 4749
without permission of the court or the ~~individual's or felon's~~ 4750
~~offender's~~ parole or probation officer and that the ~~individual or~~ 4751
~~felon~~ offender abide by the law. The board or court may impose any 4752
other conditions of release under a post-release control sanction 4753
that the board or court considers appropriate, and the conditions 4754
of release may include any community residential sanction, 4755
community nonresidential sanction, or financial sanction that the 4756
sentencing court was authorized to impose pursuant to sections 4757
2929.16, 2929.17, and 2929.18 of the Revised Code. Prior to the 4758
release of a prisoner for whom it will impose one or more 4759
post-release control sanctions under this division, the parole 4760
board or court shall review the prisoner's criminal history, all 4761
juvenile court adjudications finding the prisoner, while a 4762
juvenile, to be a delinquent child, and the record of the 4763
prisoner's conduct while imprisoned. The parole board or court 4764

shall consider any recommendation regarding post-release control 4765
sanctions for the prisoner made by the office of victims' 4766
services. After considering those materials, the board or court 4767
shall determine, for a prisoner described in division (B) of this 4768
section, division (B)(2)(b) of section 5120.031, or division 4769
(B)(1) of section 5120.032 of the Revised Code, which post-release 4770
control sanction or combination of post-release control sanctions 4771
is reasonable under the circumstances or, for a prisoner described 4772
in division (C) of this section, whether a post-release control 4773
sanction is necessary and, if so, which post-release control 4774
sanction or combination of post-release control sanctions is 4775
reasonable under the circumstances. In the case of a prisoner 4776
convicted of a felony of the fourth or fifth degree other than a 4777
felony sex offense, the board or court shall presume that 4778
monitored time is the appropriate post-release control sanction 4779
unless the board or court determines that a more restrictive 4780
sanction is warranted. A post-release control sanction imposed 4781
under this division takes effect upon the prisoner's release from 4782
imprisonment. 4783

Regardless of whether the prisoner was sentenced to the 4784
prison term prior to, on, or after ~~the effective date of this~~ 4785
~~amendment~~ July 11, 2006, prior to the release of a prisoner for 4786
whom it will impose one or more post-release control sanctions 4787
under this division, the parole board shall notify the prisoner 4788
that, if the prisoner violates any sanction so imposed or any 4789
condition of post-release control described in division (B) of 4790
section 2967.131 of the Revised Code that is imposed on the 4791
prisoner, the parole board may impose a prison term of up to 4792
one-half of the stated prison term originally imposed upon the 4793
prisoner. 4794

(2) At any time after a prisoner is released from 4795
imprisonment and during the period of post-release control 4796

applicable to the releasee, the adult parole authority or, 4797
pursuant to an agreement under section 2967.29 of the Revised 4798
Code, the court may review the releasee's behavior under the 4799
post-release control sanctions imposed upon the releasee under 4800
this section. The authority or court may determine, based upon the 4801
review and in accordance with the standards established under 4802
division (E) of this section, that a more restrictive or a less 4803
restrictive sanction is appropriate and may impose a different 4804
sanction. ~~Unless the period of post-release control was imposed~~ 4805
~~for an offense described in division (B)(1) of this section, the~~ 4806
The authority also may recommend that the parole board or court 4807
increase or reduce the duration of the period of post-release 4808
control imposed by the court. If the authority recommends that the 4809
board or court increase the duration of post-release control, the 4810
board or court shall review the releasee's behavior and may 4811
increase the duration of the period of post-release control 4812
imposed by the court up to eight years. If the authority 4813
recommends that the board or court reduce the duration of control 4814
for an offense described in division (B)(2), ~~(B)(3),~~ or (C) of 4815
this section, the board or court shall review the releasee's 4816
behavior and may reduce the duration of the period of control 4817
imposed by the court. In no case shall the board or court reduce 4818
the duration of the period of control imposed ~~by the court~~ for an 4819
offense described in division (B)(1) of this section to a period 4820
less than the length of the stated prison term originally imposed, 4821
and in no case shall the board or court permit the releasee to 4822
leave the state without permission of the court or the releasee's 4823
parole or probation officer. 4824

(E) The department of rehabilitation and correction, in 4825
accordance with Chapter 119. of the Revised Code, shall adopt 4826
rules that do all of the following: 4827

(1) Establish standards for the imposition by the parole 4828

board of post-release control sanctions under this section that 4829
are consistent with the overriding purposes and sentencing 4830
principles set forth in section 2929.11 of the Revised Code and 4831
that are appropriate to the needs of releasees; 4832

(2) Establish standards by which the parole board can 4833
determine which prisoners described in division (C) of this 4834
section should be placed under a period of post-release control; 4835

(3) Establish standards to be used by the parole board in 4836
reducing the duration of the period of post-release control 4837
imposed by the court when authorized under division (D) of this 4838
section, in imposing a more restrictive post-release control 4839
sanction than monitored time upon a prisoner convicted of a felony 4840
of the fourth or fifth degree other than a felony sex offense, or 4841
in imposing a less restrictive control sanction upon a releasee 4842
based on the releasee's activities including, but not limited to, 4843
remaining free from criminal activity and from the abuse of 4844
alcohol or other drugs, successfully participating in approved 4845
rehabilitation programs, maintaining employment, and paying 4846
restitution to the victim or meeting the terms of other financial 4847
sanctions; 4848

(4) Establish standards to be used by the adult parole 4849
authority in modifying a releasee's post-release control sanctions 4850
pursuant to division (D)(2) of this section; 4851

(5) Establish standards to be used by the adult parole 4852
authority or parole board in imposing further sanctions under 4853
division (F) of this section on releasees who violate post-release 4854
control sanctions, including standards that do the following: 4855

(a) Classify violations according to the degree of 4856
seriousness; 4857

(b) Define the circumstances under which formal action by the 4858
parole board is warranted; 4859

(c) Govern the use of evidence at violation hearings; 4860

(d) Ensure procedural due process to an alleged violator; 4861

(e) Prescribe nonresidential community control sanctions for 4862
most misdemeanor and technical violations; 4863

(f) Provide procedures for the return of a releasee to 4864
imprisonment for violations of post-release control. 4865

(F)(1) Whenever the parole board imposes one or more 4866
post-release control sanctions upon an offender under this 4867
section, the offender upon release from imprisonment shall be 4868
under the general jurisdiction of the adult parole authority and 4869
generally shall be supervised by the field services section 4870
through its staff of parole and field officers as described in 4871
section 5149.04 of the Revised Code, as if the offender had been 4872
placed on parole. If the offender upon release from imprisonment 4873
violates the post-release control sanction or any conditions 4874
described in division (A) of section 2967.131 of the Revised Code 4875
that are imposed on the offender, the public or private person or 4876
entity that operates or administers the sanction or the program or 4877
activity that comprises the sanction shall report the violation 4878
directly to the adult parole authority or to the officer of the 4879
authority who supervises the offender. The authority's officers 4880
may treat the offender as if the offender were on parole and in 4881
violation of the parole, and otherwise shall comply with this 4882
section. 4883

(2) If the adult parole authority or, pursuant to an 4884
agreement under section 2967.29 of the Revised Code, the court 4885
determines that a releasee has violated a post-release control 4886
sanction or any conditions described in division (A) of section 4887
2967.131 of the Revised Code imposed upon the releasee and that a 4888
more restrictive sanction is appropriate, the authority or court 4889
may impose a more restrictive sanction upon the releasee, in 4890

accordance with the standards established under division (E) of 4891
this section or in accordance with the agreement made under 4892
section 2967.29 of the Revised Code, or may report the violation 4893
to the parole board for a hearing pursuant to division (F)(3) of 4894
this section. The authority or court may not, pursuant to this 4895
division, increase the duration of the releasee's post-release 4896
control or impose as a post-release control sanction a residential 4897
sanction that includes a prison term, but the authority or court 4898
may impose on the releasee any other residential sanction, 4899
nonresidential sanction, or financial sanction that the sentencing 4900
court was authorized to impose pursuant to sections 2929.16, 4901
2929.17, and 2929.18 of the Revised Code. 4902

4903
(3) The parole board or, pursuant to an agreement under 4904
section 2967.29 of the Revised Code, the court may hold a hearing 4905
on any alleged violation by a releasee of a post-release control 4906
sanction or any conditions described in division (A) of section 4907
2967.131 of the Revised Code that are imposed upon the releasee. 4908
If after the hearing the board or court finds that the releasee 4909
violated the sanction or condition, the board or court may 4910
increase the duration of the releasee's post-release control up to 4911
the maximum duration authorized by division (B) or (C) of this 4912
section or impose a more restrictive post-release control 4913
sanction. When appropriate, the board or court may impose as a 4914
post-release control sanction a residential sanction that includes 4915
a prison term. The board or court shall consider a prison term as 4916
a post-release control sanction imposed for a violation of 4917
post-release control when the violation involves a deadly weapon 4918
or dangerous ordnance, physical harm or attempted serious physical 4919
harm to a person, or sexual misconduct, or when the releasee 4920
committed repeated violations of post-release control sanctions. 4921
The Unless a releasee's stated prison term was reduced pursuant to 4922
section 5120.032 of the Revised Code, the period of a prison term 4923

that is imposed as a post-release control sanction under this 4924
division shall not exceed nine months, and the maximum cumulative 4925
prison term for all violations under this division shall not 4926
exceed one-half of the stated prison term originally imposed upon 4927
the offender as part of this sentence. If a releasee's stated 4928
prison term was reduced pursuant to section 5120.032 of the 4929
Revised Code, the period of a prison term that is imposed as a 4930
post-release control sanction under this division and the maximum 4931
cumulative prison term for all violations under this division 4932
shall not exceed the period of time not served in prison under the 4933
sentence imposed by the court. The period of a prison term that is 4934
imposed as a post-release control sanction under this division 4935
shall not count as, or be credited toward, the remaining period of 4936
post-release control. 4937

If an offender is imprisoned for a felony committed while 4938
under post-release control supervision and is again released on 4939
post-release control for a period of time determined by division 4940
(F)(4)(d) of this section, the maximum cumulative prison term for 4941
all violations under this division shall not exceed one-half of 4942
the total stated prison terms of the earlier felony, reduced by 4943
any prison term administratively imposed by the parole board or 4944
court, plus one-half of the total stated prison term of the new 4945
felony. 4946

(4) Any period of post-release control shall commence upon an 4947
offender's actual release from prison. If an offender is serving 4948
an indefinite prison term or a life sentence in addition to a 4949
stated prison term, the offender shall serve the period of 4950
post-release control in the following manner: 4951

(a) If a period of post-release control is imposed upon the 4952
offender and if the offender also is subject to a period of parole 4953
under a life sentence or an indefinite sentence, and if the period 4954
of post-release control ends prior to the period of parole, the 4955

offender shall be supervised on parole. The offender shall receive 4956
credit for post-release control supervision during the period of 4957
parole. The offender is not eligible for final release under 4958
section 2967.16 of the Revised Code until the post-release control 4959
period otherwise would have ended. 4960

(b) If a period of post-release control is imposed upon the 4961
offender and if the offender also is subject to a period of parole 4962
under an indefinite sentence, and if the period of parole ends 4963
prior to the period of post-release control, the offender shall be 4964
supervised on post-release control. The requirements of parole 4965
supervision shall be satisfied during the post-release control 4966
period. 4967

(c) If an offender is subject to more than one period of 4968
post-release control, the period of post-release control for all 4969
of the sentences shall be the period of post-release control that 4970
expires last, as determined by the parole board or court. Periods 4971
of post-release control shall be served concurrently and shall not 4972
be imposed consecutively to each other. 4973

(d) The period of post-release control for a releasee who 4974
commits a felony while under post-release control for an earlier 4975
felony shall be the longer of the period of post-release control 4976
specified for the new felony under division (B) or (C) of this 4977
section or the time remaining under the period of post-release 4978
control imposed for the earlier felony as determined by the parole 4979
board or court. 4980

Sec. 2967.29. (A) A court of common pleas may cooperate with 4981
the department of rehabilitation and correction in the supervision 4982
of offenders who return to the court's territorial jurisdiction 4983
after serving a prison term. The court, after consultation with 4984
the board of county commissioners, may enter into an agreement 4985
with the department allowing the court and the parole board to 4986

make joint decisions relating to parole and post-release control 4987
to the extent permitted by section 2967.28 of the Revised Code. 4988

(B) An agreement made under this section shall include at 4989
least all of the following: 4990

(1) The categories of offenders with regard to which the 4991
court may participate in making decisions; 4992

(2) The process by which the offenders in each category will 4993
be identified; 4994

(3) The process by which the court and the parole board will 4995
monitor offenders and make recommendations regarding programming 4996
while the offenders are in prison; 4997

(4) The process by which the court will participate in 4998
setting appropriate sanctions and conditions on offenders who 4999
leave prison on post-release control or parole; 5000

(5) The process by which the court may participate in 5001
reducing the duration of the period of post-release control; 5002

(6) Guidelines for the supervision of offenders under 5003
post-release control or parole supervision; 5004

(7) Guidelines for sanctions for violations of parole or 5005
post-release control; 5006

(8) Provisions that take into account the perspective of 5007
affected victims. 5008

(C) A court that enters into an agreement under this section 5009
shall provide the department of rehabilitation and correction with 5010
a presentence investigation upon the offender's admission to 5011
prison. The department shall provide the court with a summary of 5012
an offender's progress while in prison prior to the release of the 5013
offender. 5014

Sec. 4507.51. (A)(1) Every application for an identification 5015
card or duplicate shall be made on a form furnished by the 5016
registrar of motor vehicles, shall be signed by the applicant, and 5017
by the applicant's parent or guardian if the applicant is under 5018
eighteen years of age, and shall contain the following information 5019
pertaining to the applicant: name, date of birth, sex, general 5020
description including the applicant's height, weight, hair color, 5021
and eye color, address, and social security number. The 5022
application also shall state whether an applicant wishes to 5023
certify willingness to make an anatomical gift under section 5024
2108.04 of the Revised Code and shall include information about 5025
the requirements of that section that apply to persons who are 5026
less than eighteen years of age. The statement regarding 5027
willingness to make such a donation shall be given no 5028
consideration in the decision of whether to issue an 5029
identification card. Each applicant shall be photographed in color 5030
at the time of making application. 5031

(2) The application also shall state whether the applicant 5032
has executed a valid durable power of attorney for health care 5033
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 5034
executed a declaration governing the use or continuation, or the 5035
withholding or withdrawal, of life-sustaining treatment pursuant 5036
to sections 2133.01 to 2133.15 of the Revised Code and, if the 5037
applicant has executed either type of instrument, whether the 5038
applicant wishes the identification card issued to indicate that 5039
the applicant has executed the instrument. 5040

(3) The registrar or deputy registrar, in accordance with 5041
section 3503.11 of the Revised Code, shall register as an elector 5042
any person who applies for an identification card or duplicate if 5043
the applicant is eligible and wishes to be registered as an 5044
elector. The decision of an applicant whether to register as an 5045
elector shall be given no consideration in the decision of whether 5046

to issue the applicant an identification card or duplicate. 5047

(B) The application for an identification card or duplicate 5048
shall be filed in the office of the registrar or deputy registrar. 5049
Each applicant shall present documentary evidence as required by 5050
the registrar of the applicant's age and identity, and the 5051
applicant shall swear that all information given is true. An 5052
identification card issued by the department of rehabilitation and 5053
correction under section 5120.59 of the Revised Code shall be 5054
sufficient documentary evidence under this division. Upon issuing 5055
an identification card under this section for a person who has 5056
been issued an identification card under section 5120.59 of the 5057
Revised Code, the registrar or deputy registrar shall destroy the 5058
identification card issued under section 5120.59 of the Revised 5059
Code. 5060

All applications for an identification card or duplicate 5061
shall be filed in duplicate, and if submitted to a deputy 5062
registrar, a copy shall be forwarded to the registrar. The 5063
registrar shall prescribe rules for the manner in which a deputy 5064
registrar is to file and maintain applications and other records. 5065
The registrar shall maintain a suitable, indexed record of all 5066
applications denied and cards issued or canceled. 5067

Sec. 4743.06. Not later than one hundred eighty days after 5068
the effective date of this section, each board, commission, or 5069
agency that is created under or by virtue of Title XLVII of the 5070
Revised Code and that is authorized to deny licensure or 5071
certification without offering an opportunity for a hearing 5072
pursuant to Chapter 119. of the Revised Code to applicants who 5073
have been convicted of, pleaded guilty to, or had a judicial 5074
finding of guilt for any specified criminal offense regardless of 5075
the jurisdiction in which the offense was committed and that 5076
intends to add specified criminal offenses to the list of criminal 5077

offenses for which licensure or certification can be so denied on 5078
the effective date of this section shall promulgate rules pursuant 5079
to Chapter 119. of the Revised Code that list each of the 5080
additional criminal offenses for which licensure or certification 5081
can be so denied and state the basis for which each of those 5082
specified criminal offenses is substantially related to a person's 5083
fitness and ability to perform the duties and responsibilities of 5084
the occupation, profession, or trade. 5085

Sec. 5120.07. (A) There is hereby created the ex-offender 5086
reentry coalition consisting of the following seventeen members or 5087
their designees: 5088

- (1) The director of rehabilitation and correction; 5089
- (2) The director of aging; 5090
- (3) The director of alcohol and drug addiction services; 5091
- (4) The director of development; 5092
- (5) The superintendent of public instruction; 5093
- (6) The director of health; 5094
- (7) The director of job and family services; 5095
- (8) The director of mental health; 5096
- (9) The director of mental retardation and developmental 5097
disabilities; 5098
- (10) The director of public safety; 5099
- (11) The director of youth services; 5100
- (12) The chancellor of the Ohio board of regents; 5101
- (13) The director of the governor's office of external 5102
affairs and economic opportunity; 5103
- (14) The director of the governor's office of faith-based and 5104

<u>community initiatives;</u>	5105
<u>(15) The director of the rehabilitation services commission;</u>	5106
<u>(16) The director of the department of commerce;</u>	5107
<u>(17) The executive director of a health care licensing board</u>	5108
<u>created under Title XLVII of the Revised Code, as appointed by the</u>	5109
<u>chairperson of the coalition.</u>	5110
<u>(B) The members of the coalition shall serve without</u>	5111
<u>compensation. The director of rehabilitation and correction or the</u>	5112
<u>director's designee shall be the chairperson of the coalition.</u>	5113
<u>(C) In consultation with persons interested and involved in</u>	5114
<u>the reentry of ex-offenders into the community, including but not</u>	5115
<u>limited to, service providers, community-based organizations, and</u>	5116
<u>local governments, the coalition shall identify and examine social</u>	5117
<u>service barriers and other obstacles to the reentry of</u>	5118
<u>ex-offenders into the community. Not later than one year after the</u>	5119
<u>effective date of this act and on or before the same date of each</u>	5120
<u>year thereafter, the coalition shall submit to the speaker of the</u>	5121
<u>house of representatives and the president of the senate a report,</u>	5122
<u>including recommendations for legislative action, the activities</u>	5123
<u>of the coalition, and the barriers affecting the successful</u>	5124
<u>reentry of ex-offenders into the community. The report shall</u>	5125
<u>analyze the effects of those barriers on ex-offenders and on their</u>	5126
<u>children and other family members in various areas, including but</u>	5127
<u>not limited to, the following:</u>	5128
<u>(1) Admission to public and other housing;</u>	5129
<u>(2) Child support obligations and procedures;</u>	5130
<u>(3) Parental incarceration and family reunification;</u>	5131
<u>(4) Social security benefits, veterans' benefits, food</u>	5132
<u>stamps, and other forms of public assistance;</u>	5133
<u>(5) Employment;</u>	5134

<u>(6) Education programs and financial assistance;</u>	5135
<u>(7) Substance abuse, mental health, and sex offender treatment programs and financial assistance;</u>	5136
<u>(8) Civic and political participation;</u>	5137
<u>(9) Other collateral consequences under the Revised Code or the Ohio administrative code law that may result from a criminal conviction.</u>	5138
	5139
	5140
	5141
Sec. 5120.52. The department of rehabilitation and correction	5142
may enter into a contract with <u>any person or with</u> a political	5143
subdivision in which a state correctional institution is located	5144
under which the <u>an</u> institution will provide <u>water or</u> sewage	5145
treatment services for the <u>person or</u> political subdivision if the	5146
institution has a <u>water or</u> sewage treatment facility with	5147
sufficient excess capacity to provide the services.	5148
Any such contract shall include all of the following:	5149
(A) Limitations on the quantity of sewage that the facility	5150
will accept <u>or the quantity of potable water that the facility</u>	5151
<u>will provide</u> that are compatible with the needs of the state	5152
correctional institution;	5153
(B) The bases for calculating reasonable rates to be charged	5154
the <u>person or</u> political subdivision for <u>potable water or for</u>	5155
sewage treatment services and for adjusting the rates;	5156
(C) All other provisions the department considers necessary	5157
or proper to protect the interests of the state in the facility	5158
and the purpose for which it was constructed.	5159
All amounts due the department under the contract shall be	5160
paid to the department by the <u>person or</u> political subdivision at	5161
the times specified in the contract. The department shall deposit	5162
all such amounts in the state treasury to the credit of the	5163
correctional institution <u>water and</u> sewage treatment facility	5164

services fund, which is hereby created. The fund shall be used by 5165
the department to pay costs associated with operating and 5166
maintaining the water or sewage treatment facility. 5167

Sec. 5120.59. Before a prisoner is released from a state 5168
correctional institution, the department of rehabilitation and 5169
correction shall attempt to verify the prisoner's identification 5170
and social security number. If the department is not able to 5171
verify the prisoner's identification and social security number, 5172
if the prisoner has no other documentary evidence required by the 5173
registrar of motor vehicles for the issuance of an identification 5174
card under section 4507.50 of the Revised Code, and if the 5175
department determines that the prisoner is legally living in the 5176
United States, the department shall issue to the prisoner upon the 5177
prisoner's release an identification card that the prisoner may 5178
present to the registrar or a deputy registrar of motor vehicles 5179
to obtain an identification card under section 4507.50 of the 5180
Revised Code. The director of rehabilitation and correction may 5181
adopt rules for the implementation of this section. 5182

5183

Sec. 5120.63. (A) As used in this section: 5184

(1) "Random drug testing" means a procedure in which blood or 5185
urine specimens are collected from individuals chosen by 5186
automatic, random selection and without prearrangement or 5187
planning, for the purpose of scientifically analyzing the 5188
specimens to determine whether the individual ingested or was 5189
injected with a drug of abuse. 5190

(2) "State correctional institution" has the same meaning as 5191
in section 2967.01 of the Revised Code. 5192

(3) "Stated prison term" has the same meaning as in section 5193
2929.01 of the Revised Code. 5194

(B) The department of rehabilitation and correction shall 5195
establish and administer a statewide random drug testing program 5196
in which all persons who were convicted of or pleaded guilty to a 5197
felony offense and are serving a stated prison term in a state 5198
correctional institution shall submit to random drug testing. The 5199
department may enter into contracts with laboratories or entities 5200
in the state that are accredited by the national institute on drug 5201
abuse to perform blood or urine specimen collection, 5202
documentation, maintenance, transportation, preservation, storage, 5203
and analyses and other duties required under this section in the 5204
performance of random drug testing of prisoners in those 5205
correctional institutions. The terms of any contract entered into 5206
under this division shall include a requirement that the 5207
laboratory or entity and its employees, the superintendents, 5208
managing officers, and employees of state correctional 5209
institutions, all employees of the department, and all other 5210
persons comply with the standards for the performance of random 5211
drug testing as specified in the policies and procedures 5212
established by the department under division (D) of this section. 5213
If no laboratory or entity has entered into a contract as 5214
specified in this division, the department shall cause a prisoner 5215
to submit to random drug testing performed by a reputable public 5216
laboratory to determine whether the prisoner ingested or was 5217
injected with a drug of abuse. 5218

(C) A prisoner who is subjected to random drug testing under 5219
this section and whose test indicates that the prisoner ingested 5220
or was injected with a drug of abuse shall pay the fee for that 5221
positive test and other subsequent test fees as a sanction 5222
specified by the department of rehabilitation and correction 5223
pursuant to division (D)(6) of this section. 5224

(D) The department of rehabilitation and correction shall 5225
establish policies and procedures to implement the random drug 5226

testing program established under this section. The policies and 5227
procedures shall include, but are not limited to, provisions that 5228
do the following: 5229

(1) Establish standards for the performance of random drug 5230
testing that include, but are not limited to, standards governing 5231
the following: 5232

(a) The collection by the laboratory or entity described in 5233
division (B) of this section of blood or urine specimens of 5234
individuals in a scientifically or medically approved manner and 5235
under reasonable and sanitary conditions; 5236

(b) The collection and testing by the laboratory or entity 5237
described in division (B) of this section of blood or urine 5238
specimens with due regard for the privacy of the individual being 5239
tested and in a manner reasonably calculated to prevent 5240
substitutions or interference with the collection and testing of 5241
the specimens; 5242

(c) The documentation of blood or urine specimens collected 5243
by the laboratory or entity described in division (B) of this 5244
section and documentation procedures that reasonably preclude the 5245
possibility of erroneous identification of test results and that 5246
provide the individual being tested an opportunity to furnish 5247
information identifying any prescription or nonprescription drugs 5248
used by the individual in connection with a medical condition; 5249

(d) The collection, maintenance, storage, and transportation 5250
by the laboratory or entity described in division (B) of this 5251
section of blood or urine specimens in a manner that reasonably 5252
precludes the possibility of contamination or adulteration of the 5253
specimens; 5254

(e) The testing by the laboratory or entity described in 5255
division (B) of this section of blood or urine specimen of an 5256
individual to determine whether the individual ingested or was 5257

injected with a drug of abuse, in a manner that conforms to 5258
scientifically accepted analytical methods and procedures and that 5259
may include verification or confirmation of any positive test 5260
result by a reliable analytical method; 5261

(f) The analysis of an individual's blood or urine specimen 5262
by an employee of the laboratory or entity described in division 5263
(B) of this section who is qualified by education, training, and 5264
experience to perform that analysis and whose regular duties 5265
include the analysis of blood or urine specimens to determine the 5266
presence of a drug of abuse and whether the individual who is the 5267
subject of the test ingested or was injected with a drug of abuse. 5268

(2) Specify the frequency of performing random drug testing 5269
of prisoners in a state correctional institution; 5270

(3) Prescribe procedures for the automatic, random selection 5271
of prisoners in a state correctional institution to submit to 5272
random drug testing under this section; 5273

(4) Provide for reasonable safeguards for the transmittal 5274
from the laboratory or entity described in division (B) of this 5275
section to the department of the results of the random drug 5276
testing of prisoners in state correctional institutions pursuant 5277
to division (F) of this section; 5278

(5) Establish a reasonable fee to cover the costs associated 5279
with random drug testing and analyses performed by a laboratory or 5280
entity under this section and establish procedures for the 5281
collection of those fees from the prisoners subjected to the drug 5282
test; 5283

(6) Establish guidelines for imposing sanctions upon a 5284
prisoner whose test results indicate that the prisoner ingested or 5285
was injected with a drug of abuse. 5286

(E) The warden of each correctional institution, pursuant to 5287
the contract entered into under division (B) of this section or, 5288

if no contract was entered into under that division, pursuant to 5289
the policies and procedures established by the department of 5290
rehabilitation and correction under division (D) of this section, 5291
shall facilitate the collection, documentation, maintenance, and 5292
transportation by the laboratory or entity described in division 5293
(B) of this section, of the blood or urine specimens of the 5294
prisoners in the state correctional institution who are subject to 5295
random drug testing. 5296

(F) A laboratory or entity that performs random drug testing 5297
of prisoners and analyses of blood or urine specimens under this 5298
section shall transmit the results of each drug test to the 5299
department of rehabilitation and correction. The department shall 5300
file for record the results of the drug tests that indicate 5301
whether or not each prisoner in the state correctional institution 5302
who was subjected to the drug test ingested or was injected with a 5303
drug of abuse. The department shall send a copy of the results of 5304
the drug tests to the warden of the state correctional institution 5305
in which the prisoner who was subjected to the drug test is 5306
confined. The warden shall give appropriate notice of the drug 5307
test results to each prisoner who was subjected to the drug test 5308
and whose drug test results indicate that the prisoner ingested or 5309
was injected with a drug of abuse. In accordance with 5310
institutional disciplinary procedures, the warden shall afford 5311
that prisoner an opportunity to be heard regarding the results of 5312
the drug test and to present contrary evidence at a hearing held 5313
before the warden within thirty days after notification to the 5314
prisoner under this division. After the hearing, if a hearing is 5315
held, the warden shall make a determination regarding any evidence 5316
presented by the prisoner. If the warden rejects the evidence 5317
presented by the prisoner at the hearing or if no hearing is held 5318
under this division, the warden may subject the prisoner to 5319
sanctions that include payment of the fee for the test. 5320

(G) ~~If a prisoner has been subjected to two or more drug tests pursuant to this section and if the results of two of those tests indicate that the prisoner ingested or was injected with a drug of abuse, the parole board may extend the stated prison term of the prisoner pursuant to the bad time provisions in section 2967.11 of the Revised Code if by ingesting or being injected with the drug of abuse the prisoner committed a violation as defined in that section.~~

~~(H) All fees for random drug tests collected from prisoners under this section or collected by the adult parole authority under section 2929.15, 2951.05, or 2967.131 of the Revised Code shall be forwarded to the treasurer of state for deposit in the offender financial responsibility fund created in division (I) of section 5120.56 of the Revised Code.~~

Sec. 5120.66. (A) Within ninety days after November 23, 2005, but not before January 1, 2006, the department of rehabilitation and correction shall establish and operate on the internet a database that contains all of the following:

(1) For each inmate in the custody of the department under a sentence imposed for a conviction of or plea of guilty to any offense, all of the following information:

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the

offense was committed, the date on which the inmate began serving 5352
the prison term or term of imprisonment imposed for the offense, 5353
and either the date on which the inmate will be eligible for 5354
parole relative to the offense if the prison term or term of 5355
imprisonment is an indefinite term or life term or the date on 5356
which the term ends if the prison term is a definite term; 5357

(c) All of the following information that is applicable 5358
regarding the inmate: 5359

(i) If known to the department prior to the conduct of any 5360
hearing for judicial release of the defendant pursuant to section 5361
2929.20 of the Revised Code in relation to any prison term or term 5362
of imprisonment the inmate is serving for any offense, notice of 5363
the fact that the inmate will be having a hearing regarding a 5364
possible grant of judicial release, the date of the hearing, and 5365
the right of any person pursuant to division (J) of that section 5366
to submit to the court a written statement regarding the possible 5367
judicial release; 5368

(ii) If the inmate is serving a prison term pursuant to 5369
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 5370
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 5371
Code, prior to the conduct of any hearing pursuant to section 5372
2971.05 of the Revised Code to determine whether to modify the 5373
requirement that the inmate serve the entire prison term in a 5374
state correctional facility in accordance with division (C) of 5375
that section, whether to continue, revise, or revoke any existing 5376
modification of that requirement, or whether to terminate the 5377
prison term in accordance with division (D) of that section, 5378
notice of the fact that the inmate will be having a hearing 5379
regarding those determinations and of the date of the hearing; 5380

(iii) At least three weeks before the adult parole authority 5381
recommends a pardon or commutation of sentence for the inmate or 5382
at least three weeks prior to a hearing before the adult parole 5383

authority regarding a grant of parole to the inmate in relation to 5384
any prison term or term of imprisonment the inmate is serving for 5385
any offense, notice of the fact that the inmate might be under 5386
consideration for a pardon or commutation of sentence or will be 5387
having a hearing regarding a possible grant of parole, of the date 5388
of any hearing regarding a possible grant of parole, and of the 5389
right of any person to submit a written statement regarding the 5390
pending action; 5391

(iv) At least three weeks before the inmate ~~has a hearing~~ 5392
~~regarding a transfer~~ is transferred to transitional control under 5393
section 2967.26 of the Revised Code in relation to any prison term 5394
or term of imprisonment the inmate is serving for any offense, 5395
notice of the pendency of the transfer, of the date of the 5396
possible transfer, and of the right of any person to submit a 5397
statement regarding the possible transfer; 5398

(v) Prompt notice of the inmate's escape from any facility in 5399
which the inmate was incarcerated and of the capture of the inmate 5400
after an escape; 5401

(vi) Notice of the inmate's death while in confinement; 5402

(vii) Prior to the release of the inmate from confinement, 5403
notice of the fact that the inmate will be released, of the date 5404
of the release, and, if applicable, of the standard terms and 5405
conditions of the release; 5406

(viii) Notice of the inmate's judicial release. 5407

(2) Information as to where a person can send written 5408
statements of the types referred to in divisions (A)(1)(c)(i), 5409
(iii), and (iv) of this section. 5410

(B)(1) The department shall update the database required 5411
under division (A) of this section every twenty-four hours to 5412
ensure that the information it contains is accurate and current. 5413

(2) The database required under division (A) of this section 5414
is a public record open for inspection under section 149.43 of the 5415
Revised Code. The department shall make the database searchable by 5416
inmate name and by the county and zip code where the offender 5417
intends to reside after release from a state correctional 5418
institution if this information is known to the department. 5419

(3) The database required under division (A) of this section 5420
may contain information regarding inmates who are listed in the 5421
database in addition to the information described in that 5422
division. 5423

(4) No information included on the database required under 5424
division (A) of this section shall identify or enable the 5425
identification of any victim of any offense committed by an 5426
inmate. 5427

(C) The failure of the department to comply with the 5428
requirements of division (A) or (B) of this section does not give 5429
any rights or any grounds for appeal or post-conviction relief to 5430
any inmate. 5431

(D) This section, and the related provisions of sections 5432
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 5433
in the act in which this section was enacted, shall be known as 5434
"Laura's Law." 5435

Sec. 5120.70. (A) There is hereby created in the state 5436
treasury the federal equitable sharing fund. The director of 5437
rehabilitation and correction shall deposit in the fund all money 5438
received by the department from the federal government as 5439
equitable sharing payments under 28 U.S.C. 524. The director shall 5440
establish rules pursuant to Chapter 119. of the Revised Code for 5441
the operation of the fund. 5442

(B)(1) The department of rehabilitation and correction shall 5443

use federally forfeited property and the proceeds of federally 5444
forfeited property only for law enforcement purposes. The 5445
department shall implement auditing procedures that will trace 5446
assets and interest to the equitable sharing fund. 5447

(2) Within sixty days of the close of the fiscal year, the 5448
department shall submit to the chairpersons of the committees of 5449
the senate and the house of representatives that consider criminal 5450
justice legislation all of the following information: 5451

(a) The annual certification report submitted to the United 5452
States department of justice and the United States department of 5453
treasury; 5454

(b) A report identifying all DAG-71 forms submitted to the 5455
federal government and a consecutive numbering log of the copies 5456
including identifiers for the type of asset, the amount, the share 5457
requested, the amount received, and the date received. 5458

(3) The department shall provide the committees with any 5459
documentation related to the reports that members of the 5460
committees request. The report may be submitted in a tangible 5461
format, an electronic format, or both. 5462

Sec. 5139.02. (A)(1) As used in this section, "managing 5463
officer" means ~~the assistant director~~, a deputy director, an 5464
assistant deputy director, a superintendent, a regional 5465
administrator, a deputy superintendent, or the superintendent of 5466
schools of the department of youth services, a member of the 5467
release authority, the chief of staff to the release authority, 5468
and the victims administrator of the office of victim services. 5469

(2) Each division established by the director of youth 5470
services shall consist of managing officers and other employees, 5471
including those employed in institutions and regions as necessary 5472
to perform the functions assigned to them. The director, ~~assistant~~ 5473

~~director~~, or appropriate deputy director or managing officer of 5474
the department shall supervise the work of each division and 5475
determine general policies governing the exercise of powers vested 5476
in the department and assigned to each division. The appropriate 5477
managing officer or deputy director is responsible to the director 5478
~~or assistant director~~ for the organization, direction, and 5479
supervision of the work of the division or unit and for the 5480
exercise of the powers and the performance of the duties of the 5481
department assigned to it and, with the director's approval, may 5482
establish bureaus or other administrative units within the 5483
department. 5484

(B) The director shall appoint all managing officers, who 5485
shall be in the unclassified civil service. The director may 5486
appoint a person who holds a certified position in the classified 5487
service within the department to a position as a managing officer 5488
within the department. A person appointed pursuant to this 5489
division to a position as a managing officer shall retain the 5490
right to resume the position and status held by the person in the 5491
classified service immediately prior to the person's appointment 5492
as managing officer, regardless of the number of positions the 5493
person held in the unclassified service. A managing officer's 5494
right to resume a position in the classified service may only be 5495
exercised when the director demotes the managing officer to a pay 5496
range lower than the managing officer's current pay range or 5497
revokes the managing officer's appointment to the position of 5498
managing officer. A managing officer forfeits the right to resume 5499
a position in the classified service when the managing officer is 5500
removed from the position of managing officer due to incompetence, 5501
inefficiency, dishonesty, drunkenness, immoral conduct, 5502
insubordination, discourteous treatment of the public, neglect of 5503
duty, violation of this chapter or Chapter 124. of the Revised 5504
Code, the rules of the director of youth services or the director 5505
of administrative services, any other failure of good behavior, 5506

any other acts of misfeasance, malfeasance, or nonfeasance in 5507
office, or conviction of a felony. A managing officer also 5508
forfeits the right to resume a position in the classified service 5509
upon transfer to a different agency. 5510

Reinstatement to a position in the classified service shall 5511
be to the position held in the classified service immediately 5512
prior to appointment as managing officer, or to another position 5513
certified by the director of administrative services as being 5514
substantially equal to that position. If the position the person 5515
previously held in the classified service immediately prior to 5516
appointment as a managing officer has been placed in the 5517
unclassified service or is otherwise unavailable, the person shall 5518
be appointed to a position in the classified service within the 5519
department that the director of administrative services certifies 5520
is comparable in compensation to the position the person 5521
previously held in the classified service. Service as a managing 5522
officer shall be counted as service in the position in the 5523
classified service held by the person immediately prior to the 5524
person's appointment as a managing officer. If a person is 5525
reinstated to a position in the classified service under this 5526
division, the person shall be returned to the pay range and step 5527
to which the person had been assigned at the time of the 5528
appointment as managing officer. Longevity, where applicable, 5529
shall be calculated pursuant to the provisions of section 124.181 5530
of the Revised Code. 5531

(C) Each person appointed as a managing officer shall have 5532
received special training and shall have experience in the type of 5533
work that the person's division is required to perform. Each 5534
managing officer, under the supervision of the director, has 5535
entire charge of the division, institution, unit, or region for 5536
which the managing officer is appointed and, with the director's 5537
approval, shall appoint necessary employees and may remove them 5538

for cause. 5539

(D) The director may designate one or more deputy directors 5540
to sign any personnel actions on the director's behalf. The 5541
director shall make a designation in a writing signed by the 5542
director, and the designation shall remain in effect until the 5543
director revokes or supersedes it with a new designation. 5544

Sec. 5139.18. (A) Except with respect to children who are 5545
granted a judicial release to court supervision pursuant to 5546
division (B) of section 2152.22 of the Revised Code, the 5547
department of youth services is responsible for locating homes or 5548
jobs for children released from its institutions, for supervision 5549
of children released from its institutions, and for providing or 5550
arranging for the provision to those children of appropriate 5551
services that are required to facilitate their satisfactory 5552
community adjustment. Regional administrators through their staff 5553
of parole officers shall supervise children paroled or released to 5554
community supervision in a manner that insures as nearly as 5555
possible the children's rehabilitation and that provides maximum 5556
protection to the general public. 5557

(B) The department of youth services shall exercise general 5558
supervision over all children who have been released on placement 5559
from any of its institutions other than children who are granted a 5560
judicial release to court supervision pursuant to division (B) of 5561
section 2152.22 of the Revised Code. The director of youth 5562
services, with the consent and approval of the board of county 5563
commissioners of any county, may contract with the public children 5564
services agency of that county, the department of probation of 5565
that county established pursuant to section 2301.27 of the Revised 5566
Code, or the probation department or service established pursuant 5567
to sections 2151.01 to 2151.54 of the Revised Code for the 5568
provision of direct supervision and control over and the provision 5569

of supportive assistance to all children who have been released on 5570
placement into that county from any of its institutions, or, with 5571
the consent of the juvenile judge or the administrative judge of 5572
the juvenile court of any county, contract with any other public 5573
agency, institution, or organization that is qualified to provide 5574
the care and supervision that is required under the terms and 5575
conditions of the child's treatment plan for the provision of 5576
direct supervision and control over and the provision of 5577
supportive assistance to all children who have been released on 5578
placement into that county from any of its institutions. 5579

(C) A juvenile parole officer shall furnish to a child placed 5580
on community control under the parole officer's supervision a 5581
statement of the conditions of parole and shall instruct the child 5582
regarding them. The parole officer shall keep informed concerning 5583
the conduct and condition of a child under the parole officer's 5584
supervision and shall report on the child's conduct to the judge 5585
as the judge directs. A parole officer shall use all suitable 5586
methods to aid a child on community control and to improve the 5587
child's conduct and condition. A parole officer shall keep full 5588
and accurate records of work done for children under the parole 5589
officer's supervision. 5590

(D) In accordance with division (D) of section 2151.14 of the 5591
Revised Code, a court may issue an order requiring boards of 5592
education, governing bodies of chartered nonpublic schools, public 5593
children services agencies, private child placing agencies, 5594
probation departments, law enforcement agencies, and prosecuting 5595
attorneys that have records related to the child in question to 5596
provide copies of one or more specified records, or specified 5597
information in one or more specified records, that the individual 5598
or entity has with respect to the child to the department of youth 5599
services when the department has custody of the child or is 5600
performing any services for the child that are required by the 5601

juvenile court or by statute, and the department requests the 5602
records in accordance with division (D)(3)(a) of section 2151.14 5603
of the Revised Code. 5604

(E) Whenever any placement official has reasonable cause to 5605
believe that any child released by a court pursuant to section 5606
2152.22 of the Revised Code has violated the conditions of the 5607
child's placement, the official may request, in writing, from the 5608
committing court or transferee court a custodial order, and, upon 5609
reasonable and probable cause, the court may order any sheriff, 5610
deputy sheriff, constable, or police officer to apprehend the 5611
child. A child so apprehended may be confined in the detention 5612
facility of the county in which the child is apprehended until 5613
further order of the court. If a child who was released on 5614
supervised release by the release authority of the department of 5615
youth services or a child who was granted a judicial release to 5616
department of youth services supervision violates the conditions 5617
of the supervised release or judicial release, section 5139.52 of 5618
the Revised Code applies with respect to that child. 5619

Sec. 5139.281. The department of youth services shall adopt 5620
rules prescribing the manner of application for financial 5621
assistance under this section for the operation and maintenance of 5622
a detention facility provided, or district detention facility 5623
established, under section 2151.41 of the Revised Code and 5624
prescribing minimum standards of operation, including criteria for 5625
programs of education, training, counseling, recreation, health, 5626
and safety, and qualifications of personnel with which a facility 5627
shall comply as a condition of eligibility for assistance under 5628
this section. If the board of county commissioners providing a 5629
detention facility or the board of trustees of a district 5630
detention facility applies to the department for assistance and if 5631
the department finds that the application is in accordance with 5632
the rules adopted under this section and that the facility meets 5633

the minimum standards adopted under this section, the department 5634
may grant assistance to the applicant board for the operation and 5635
maintenance of each facility in an amount not to exceed fifty per 5636
cent of the approved annual operating cost. The board shall make a 5637
separate application for each year for which assistance is 5638
requested. 5639

The department shall adopt any necessary rules for the care, 5640
treatment, and training in a district detention facility of 5641
children found to be delinquent children and committed to the 5642
facility by the juvenile court under section 2151.19 of the 5643
Revised Code and may approve for this purpose any facility that is 5644
found to be in compliance with the rules it adopts. 5645

The department shall ~~provide fund~~, at least once every six 5646
months, in-service training programs approved by the department 5647
for staff members of detention facilities or district detention 5648
facilities ~~and shall pay all travel and other necessary expenses~~ 5649
~~incurred by participating staff members.~~ 5650

Sec. 5139.31. The department of youth services may inspect 5651
any school, forestry camp, district detention facility, or other 5652
facility for which an application for financial assistance has 5653
been made to the department under section 2152.43 or 2151.651 of 5654
the Revised Code or for which financial assistance has been 5655
granted by the department under section 5139.27, 5139.271, or 5656
5139.281 of the Revised Code. The inspection may include, but need 5657
not be limited to, examination and evaluation of the physical 5658
condition of the school, forestry camp, district detention 5659
facility, or other facility, including any equipment used in 5660
connection with it; observation and evaluation of the ~~training~~ 5661
programming and treatment of children admitted to it; examination 5662
and analysis and copying of any papers, records, or other 5663
documents relating to the qualifications of personnel, the 5664

commitment of children to it, and its administration. 5665

Sec. 5139.36. (A) In accordance with this section and the 5666
rules adopted under it and from funds appropriated to the 5667
department of youth services for the purposes of this section, the 5668
department shall make grants that provide financial resources to 5669
operate community corrections facilities for felony delinquents. 5670

(B)(1) Each community corrections facility that intends to 5671
seek a grant under this section shall file an application with the 5672
department of youth services at the time and in accordance with 5673
the procedures that the department shall establish by rules 5674
adopted in accordance with Chapter 119. of the Revised Code. In 5675
addition to other items required to be included in the 5676
application, a plan that satisfies both of the following shall be 5677
included: 5678

(a) It reduces the number of felony delinquents committed to 5679
the department from the county or counties associated with the 5680
community corrections facility. 5681

(b) It ensures equal access for minority felony delinquents 5682
to the programs and services for which a potential grant would be 5683
used. 5684

(2) The department of youth services shall review each 5685
application submitted pursuant to division (B)(1) of this section 5686
to determine whether the plan described in that division, the 5687
community corrections facility, and the application comply with 5688
this section and the rules adopted under it. 5689

(C) To be eligible for a grant under this section and for 5690
continued receipt of moneys comprising a grant under this section, 5691
a community corrections facility shall satisfy at least all of the 5692
following requirements: 5693

(1) Be constructed, reconstructed, improved, or financed by 5694

the Ohio building authority pursuant to section 307.021 of the Revised Code and Chapter 152. of the Revised Code for the use of the department of youth services and be designated as a community corrections facility;

(2) Have written standardized criteria governing the types of felony delinquents that are eligible for the programs and services provided by the facility;

(3) Have a written standardized intake screening process and an intake committee that at least performs both of the following tasks:

(a) Screens all eligible felony delinquents who are being considered for admission to the facility in lieu of commitment to the department;

(b) Notifies, within ten days after the date of the referral of a felony delinquent to the facility, the committing court whether the felony delinquent will be admitted to the facility.

(4) Comply with all applicable fiscal and program rules that the department adopts in accordance with Chapter 119. of the Revised Code and demonstrate that felony delinquents served by the facility have been or will be diverted from a commitment to the department.

(D) The department of youth services shall determine the method of distribution of the funds appropriated for grants under this section to community corrections facilities.

(E)(1) The department of youth services shall adopt rules in accordance with Chapter 119. of the Revised Code to establish the minimum occupancy threshold of community corrections facilities.

(2) The department may make referrals for the placement of children in its custody to a community corrections facility. At least forty-five days prior to the referral of a child or within

any shorter period prior to the referral of the child that the 5725
committing court may allow, the department shall notify the 5726
committing court of its intent to place the child in a community 5727
corrections facility. The court shall have thirty days after the 5728
receipt of the notice to approve or disapprove the placement. If 5729
the court does not respond to the notice of the placement within 5730
that thirty-day period, the department shall proceed with the 5731
placement and debit the county in accordance with sections 5139.41 5732
to 5139.43 of the Revised Code. A child placed in a community 5733
corrections facility pursuant to this division shall remain in the 5734
legal custody of the department of youth services during the 5735
period in which the child is in the community corrections 5736
facility. 5737

(3) Counties that are not associated with a community 5738
corrections facility may refer children to a community corrections 5739
facility with the consent of the facility. The department of youth 5740
services shall debit the county that makes the referral in 5741
accordance with sections 5139.41 to 5139.43 of the Revised Code. 5742

(F) ~~If the~~ The board or other governing body of a community 5743
corrections facility ~~establishes an advisory board, the board or~~ 5744
~~other governing authority of the~~ shall meet not less often than 5745
once per quarter. A community corrections facility ~~shall~~ may 5746
reimburse the members of the board or other governing body of the 5747
facility and the members of an advisory board created by the board 5748
or other governing body of the facility for their actual and 5749
necessary expenses incurred in the performance of their official 5750
duties ~~on the advisory board.~~ The members of the board or other 5751
governing body of the facility and the members of an advisory 5752
~~boards~~ board created by the board or other governing body of the 5753
facility shall serve without compensation. 5754

Sec. 5139.38. Within ninety days prior to the expiration of 5755

the prescribed minimum period of institutionalization of a felony 5756
delinquent committed to the department of youth services and with 5757
prior ~~notification to~~ approval of the committing court, the 5758
department may transfer the felony delinquent to a community 5759
facility ~~for a period of supervised treatment prior to ordering a~~ 5760
~~release of the felony delinquent on supervised release or prior to~~ 5761
~~the release and placement of the felony delinquent~~ as described in 5762
section 5139.18 of the Revised Code. For purposes of transfers 5763
under this section, both of the following apply: 5764

(A) The community facility may be a community corrections 5765
facility that has received a grant pursuant to section 5139.36 of 5766
the Revised Code, a community residential program with which the 5767
department has contracted for purposes of this section, or another 5768
private entity with which the department has contracted for 5769
purposes of this section. Division (E) of section 5139.36 of the 5770
Revised Code does not apply in connection with a transfer of a 5771
felony delinquent that is made to a community corrections facility 5772
pursuant to this section. 5773

(B) During the period in which the felony delinquent is in 5774
the community facility, the felony delinquent shall remain in the 5775
custody of the department. 5776

Sec. 5139.41. The appropriation made to the department of 5777
youth services for care and custody of felony delinquents shall be 5778
expended in accordance with the following procedure that the 5779
department shall use for each year of a biennium. The procedure 5780
shall be consistent with sections 5139.41 to 5139.43 of the 5781
Revised Code and shall be developed in accordance with the 5782
following guidelines: 5783

(A) The line item appropriation for the care and custody of 5784
felony delinquents shall provide funding for operational costs for 5785
the following: 5786

(1) Institutions and the diagnosis, care, or treatment of	5787
felony delinquents at facilities pursuant to contracts entered	5788
into under section 5139.08 of the Revised Code;	5789
(2) Community corrections facilities constructed,	5790
reconstructed, improved, or financed as described in section	5791
5139.36 of the Revised Code for the purpose of providing	5792
alternative placement and services for felony delinquents who have	5793
been diverted from care and custody in institutions;	5794
(3) County juvenile courts that administer programs and	5795
services for prevention, early intervention, diversion, treatment,	5796
and rehabilitation services and programs that are provided for	5797
alleged or adjudicated unruly or delinquent children or for	5798
children who are at risk of becoming unruly or delinquent	5799
children;	5800
(4) Administrative expenses the department incurs in	5801
connection with the felony delinquent care and custody programs	5802
described in section 5139.43 of the Revised Code.	5803
(B) From the appropriated line item for the care and custody	5804
of felony delinquents, the department, with the advice of the	5805
RECLAIM advisory committee established under section 5139.44 of	5806
the Revised Code, shall allocate annual operational funds for	5807
county juvenile programs, institutional care and custody,	5808
community corrections facilities care and custody, and	5809
administrative expenses incurred by the department associated with	5810
felony delinquent care and custody programs. The department, with	5811
the advice of the RECLAIM advisory committee, shall adjust these	5812
allocations, when modifications to this line item are made by	5813
legislative or executive action.	5814
(C) The department shall divide county juvenile program	5815
allocations among county juvenile courts that administer programs	5816
and services for prevention, early intervention, diversion,	5817

treatment, and rehabilitation that are provided for alleged or 5818
adjudicated unruly or delinquent children or for children who are 5819
at risk of becoming unruly or delinquent children. The department 5820
shall base funding on the county's previous year's ratio of the 5821
department's institutional and community correctional facilities 5822
commitments to that county's four year average of felony 5823
adjudications, ~~divided by statewide ratios of commitments to~~ 5824
~~felony adjudications~~, as specified in the following formula: 5825

(1) The department shall give to each county a proportional 5826
allocation of commitment credits. The proportional allocation of 5827
commitment credits shall be calculated by the following 5828
procedures: 5829

(a) The department shall determine for each county and for 5830
the state a four year average of felony adjudications. 5831

(b) The department shall determine for each county and for 5832
the state the number of charged bed days, for both the department 5833
and community correctional facilities, from the previous year. 5834

(c) The department shall divide the statewide total number of 5835
charged bed days by the statewide total number of felony 5836
adjudications, which quotient shall then be multiplied by a factor 5837
determined by the department. 5838

(d) The department shall calculate the county's allocation of 5839
credits by multiplying the number of adjudications for each court 5840
by the result determined pursuant to division (C)(1)(c) of this 5841
section. 5842

(2) The department shall subtract from the allocation 5843
determined pursuant to division (C)(1) of this section a credit 5844
for every chargeable bed day a youth stays in a department 5845
institution and two-thirds of credit for every chargeable bed day 5846
a youth stays in a community correctional facility, except for 5847
public safety beds. At the end of the year, the department shall 5848

divide the amount of remaining credits of that county's allocation 5849
by the total number of remaining credits to all counties, to 5850
determine the county's percentage, which shall then be applied to 5851
the total county allocation to determine the county's payment for 5852
the fiscal year. 5853

(3) The department shall pay counties three times during the 5854
fiscal year to allow for credit reporting and audit adjustments, 5855
and modifications to the appropriated line item for the care and 5856
custody of felony delinquents, as described in this section. The 5857
department shall pay fifty per cent of the payment by the 5858
fifteenth of July of each fiscal year, twenty-five per cent by the 5859
fifteenth of January of that fiscal year, and twenty-five per cent 5860
of the payment by the fifteenth of June of that fiscal year. 5861

(D) In fiscal year 2004, the payment of county juvenile 5862
programs shall be based on the following procedure: 5863

(1) The department shall divide the funding earned by each 5864
court in fiscal year 2003 by the aggregate funding of all courts, 5865
resulting in a percentage. 5866

(2) The department shall apply the percentage determined 5867
under division (D)(1) of this section to the total county juvenile 5868
program allocation for fiscal year 2004 to determine each court's 5869
total payment. 5870

(3) The department shall make payments in accordance with the 5871
schedule established in division (C)(3) of this section. 5872

Sec. 5139.43. (A) The department of youth services shall 5873
operate a felony delinquent care and custody program that shall be 5874
operated in accordance with the formula developed pursuant to 5875
section 5139.41 of the Revised Code, subject to the conditions 5876
specified in this section. 5877

(B)(1) Each juvenile court shall use the moneys disbursed to 5878

it by the department of youth services pursuant to division (B) of 5879
section 5139.41 of the Revised Code in accordance with the 5880
applicable provisions of division (B)(2) of this section and shall 5881
transmit the moneys to the county treasurer for deposit in 5882
accordance with this division. The county treasurer shall create 5883
in the county treasury a fund that shall be known as the felony 5884
delinquent care and custody fund and shall deposit in that fund 5885
the moneys disbursed to the juvenile court pursuant to division 5886
(B) of section 5139.41 of the Revised Code. The county treasurer 5887
also shall deposit into that fund the state subsidy funds granted 5888
to the county pursuant to section 5139.34 of the Revised Code. The 5889
moneys disbursed to the juvenile court pursuant to division (B) of 5890
section 5139.41 of the Revised Code and deposited pursuant to this 5891
division in the felony delinquent care and custody fund shall not 5892
be commingled with any other county funds except state subsidy 5893
funds granted to the county pursuant to section 5139.34 of the 5894
Revised Code; shall not be used for any capital construction 5895
projects; upon an order of the juvenile court and subject to 5896
appropriation by the board of county commissioners, shall be 5897
disbursed to the juvenile court for use in accordance with the 5898
applicable provisions of division (B)(2) of this section; shall 5899
not revert to the county general fund at the end of any fiscal 5900
year; and shall carry over in the felony delinquent care and 5901
custody fund from the end of any fiscal year to the next fiscal 5902
year. At the end of each fiscal year, beginning June 30, 2008, the 5903
balance in the felony delinquent care and custody fund in any 5904
county shall not exceed the total moneys allocated to the county 5905
pursuant to sections 5139.34 and 5139.41 of the Revised Code 5906
during the previous fiscal year, unless that county has applied 5907
for and been granted an exemption by the director of youth 5908
services. The department shall withhold from future payments to a 5909
county an amount equal to any moneys in the felony delinquent care 5910
and custody fund of the county that exceed the total moneys 5911

allocated pursuant to those sections to the county during the 5912
preceding fiscal year and shall reallocate the withheld amount. 5913
The department shall adopt rules for the withholding and 5914
reallocation of moneys disbursed under sections 5139.34 and 5915
5139.41 of the Revised Code and for the criteria and process for a 5916
county to obtain an exemption from the withholding requirement. 5917
The moneys disbursed to the juvenile court pursuant to division 5918
(B) of section 5139.41 of the Revised Code and deposited pursuant 5919
to this division in the felony delinquent care and custody fund 5920
shall be in addition to, and shall not be used to reduce, any 5921
usual annual increase in county funding that the juvenile court is 5922
eligible to receive or the current level of county funding of the 5923
juvenile court and of any programs or services for delinquent 5924
children, unruly children, or juvenile traffic offenders. 5925

(2)(a) A county and the juvenile court that serves the county 5926
shall use the moneys in its felony delinquent care and custody 5927
fund in accordance with rules that the department of youth 5928
services adopts pursuant to division (D) of section 5139.04 of the 5929
Revised Code and as follows: 5930

(i) The moneys in the fund that represent state subsidy funds 5931
granted to the county pursuant to section 5139.34 of the Revised 5932
Code shall be used to aid in the support of prevention, early 5933
intervention, diversion, treatment, and rehabilitation programs 5934
that are provided for alleged or adjudicated unruly children or 5935
delinquent children or for children who are at risk of becoming 5936
unruly children or delinquent children. The county shall not use 5937
for capital improvements more than fifteen per cent of the moneys 5938
in the fund that represent the applicable annual grant of those 5939
state subsidy funds. 5940

(ii) The moneys in the fund that were disbursed to the 5941
juvenile court pursuant to division (B) of section 5139.41 of the 5942
Revised Code and deposited pursuant to division (B)(1) of this 5943

section in the fund shall be used to provide programs and services 5944
for the training, treatment, or rehabilitation of felony 5945
delinquents that are alternatives to their commitment to the 5946
department, including, but not limited to, community residential 5947
programs, day treatment centers, services within the home, and 5948
electronic monitoring, and shall be used in connection with 5949
training, treatment, rehabilitation, early intervention, or other 5950
programs or services for any delinquent child, unruly child, or 5951
juvenile traffic offender who is under the jurisdiction of the 5952
juvenile court. 5953

The fund also may be used for prevention, early intervention, 5954
diversion, treatment, and rehabilitation programs that are 5955
provided for alleged or adjudicated unruly children, delinquent 5956
children, or juvenile traffic offenders or for children who are at 5957
risk of becoming unruly children, delinquent children, or juvenile 5958
traffic offenders. Consistent with division (B)(1) of this 5959
section, a county and the juvenile court of a county shall not use 5960
any of those moneys for capital construction projects. 5961

(iii) Moneys in the fund shall not be used to support 5962
programs or services that do not comply with federal juvenile 5963
justice and delinquency prevention core requirements or to support 5964
programs or services that research has shown to be ineffective. 5965

(iv) The county and the juvenile court that serves the county 5966
may ~~not~~ use moneys in the fund ~~for the provision of care and 5967~~
~~services for children, including, but not limited to, care and 5968~~
~~services in a detention facility, in another facility, or in to 5969~~
provide out-of-home placement, ~~unless the minimum standards that 5970~~
~~apply to the care and services and that the department prescribes 5971~~
~~in rules adopted pursuant to division (D) of section 5139.04 of 5972~~
~~the Revised Code have been satisfied~~ of children only in detention 5973
centers, community rehabilitation centers, or community 5974
corrections facilities approved by the department pursuant to 5975

standards adopted by the department, licensed by an authorized 5976
state agency, or accredited by the American correctional 5977
association or another national organization recognized by the 5978
department. 5979

(b) Each juvenile court shall comply with division (B)(3)(d) 5980
of this section as implemented by the department. If a juvenile 5981
court fails to comply with division (B)(3)(d) of this section, the 5982
department shall not be required to make any disbursements in 5983
accordance with division (C) or (D) of section 5139.41 or division 5984
(C)(2) of section 5139.34 of the Revised Code. 5985

(3) In accordance with rules adopted by the department 5986
pursuant to division (D) of section 5139.04 of the Revised Code, 5987
each juvenile court and the county served by that juvenile court 5988
shall do all of the following that apply: 5989

(a) The juvenile court shall prepare an annual grant 5990
agreement and application for funding that satisfies the 5991
requirements of this section and section 5139.34 of the Revised 5992
Code and that pertains to the use, upon an order of the juvenile 5993
court and subject to appropriation by the board of county 5994
commissioners, of the moneys in its felony delinquent care and 5995
custody fund for specified programs, care, and services as 5996
described in division (B)(2)(a) of this section, shall submit that 5997
agreement and application to the county family and children first 5998
council, the regional family and children first council, or the 5999
local intersystem services to children cluster as described in 6000
sections 121.37 and 121.38 of the Revised Code, whichever is 6001
applicable, and shall file that agreement and application with the 6002
department for its approval. The annual grant agreement and 6003
application for funding shall include a method of ensuring equal 6004
access for minority youth to the programs, care, and services 6005
specified in it. 6006

The department may approve an annual grant agreement and 6007

application for funding only if the juvenile court involved has 6008
complied with the preparation, submission, and filing requirements 6009
described in division (B)(3)(a) of this section. If the juvenile 6010
court complies with those requirements and the department approves 6011
that agreement and application, the juvenile court and the county 6012
served by the juvenile court may expend the state subsidy funds 6013
granted to the county pursuant to section 5139.34 of the Revised 6014
Code only in accordance with division (B)(2)(a) of this section, 6015
the rules pertaining to state subsidy funds that the department 6016
adopts pursuant to division (D) of section 5139.04 of the Revised 6017
Code, and the approved agreement and application. 6018

(b) By the thirty-first day of August of each year, the 6019
juvenile court shall file with the department a report that 6020
contains all of the statistical and other information for each 6021
month of the prior state fiscal year. If the juvenile court fails 6022
to file the report required by division (B)(3)(b) of this section 6023
by the thirty-first day of August of any year, the department 6024
shall not disburse any payment of state subsidy funds to which the 6025
county otherwise is entitled pursuant to section 5139.34 of the 6026
Revised Code and shall not disburse pursuant to division (B) of 6027
section 5139.41 of the Revised Code the applicable allocation 6028
until the juvenile court fully complies with division (B)(3)(b) of 6029
this section. 6030

(c) If the department requires the juvenile court to prepare 6031
monthly statistical reports and to submit the reports on forms 6032
provided by the department, the juvenile court shall file those 6033
reports with the department on the forms so provided. If the 6034
juvenile court fails to prepare and submit those monthly 6035
statistical reports within the department's timelines, the 6036
department shall not disburse any payment of state subsidy funds 6037
to which the county otherwise is entitled pursuant to section 6038
5139.34 of the Revised Code and shall not disburse pursuant to 6039

division (B) of section 5139.41 of the Revised Code the applicable 6040
allocation until the juvenile court fully complies with division 6041
(B)(3)(c) of this section. If the juvenile court fails to prepare 6042
and submit those monthly statistical reports within one hundred 6043
eighty days of the date the department establishes for their 6044
submission, the department shall not disburse any payment of state 6045
subsidy funds to which the county otherwise is entitled pursuant 6046
to section 5139.34 of the Revised Code and shall not disburse 6047
pursuant to division (B) of section 5139.41 of the Revised Code 6048
the applicable allocation, and the state subsidy funds and the 6049
remainder of the applicable allocation shall revert to the 6050
department. If a juvenile court states in a monthly statistical 6051
report that the juvenile court adjudicated within a state fiscal 6052
year five hundred or more children to be delinquent children for 6053
committing acts that would be felonies if committed by adults and 6054
if the department determines that the data in the report may be 6055
inaccurate, the juvenile court shall have an independent auditor 6056
or other qualified entity certify the accuracy of the data on a 6057
date determined by the department. 6058

(d) If the department requires the juvenile court and the 6059
county to participate in a fiscal monitoring program or another 6060
monitoring program that is conducted by the department to ensure 6061
compliance by the juvenile court and the county with division (B) 6062
of this section, the juvenile court and the county shall 6063
participate in the program and fully comply with any guidelines 6064
for the performance of audits adopted by the department pursuant 6065
to that program and all requests made by the department pursuant 6066
to that program for information necessary to reconcile fiscal 6067
accounting. If an audit that is performed pursuant to a fiscal 6068
monitoring program or another monitoring program described in this 6069
division determines that the juvenile court or the county used 6070
moneys in the county's felony delinquent care and custody fund for 6071
expenses that are not authorized under division (B) of this 6072

section, within forty-five days after the department notifies the 6073
county of the unauthorized expenditures, the county either shall 6074
repay the amount of the unauthorized expenditures from the county 6075
general revenue fund to the state's general revenue fund or shall 6076
file a written appeal with the department. If an appeal is timely 6077
filed, the director of the department shall render a decision on 6078
the appeal and shall notify the appellant county or its juvenile 6079
court of that decision within forty-five days after the date that 6080
the appeal is filed. If the director denies an appeal, the 6081
county's fiscal agent shall repay the amount of the unauthorized 6082
expenditures from the county general revenue fund to the state's 6083
general revenue fund within thirty days after receiving the 6084
director's notification of the appeal decision. ~~If the county 6085
fails to make the repayment within that thirty day period and if 6086
the unauthorized expenditures pertain to moneys allocated under 6087
sections 5139.41 to 5139.43 of the Revised Code, the department 6088
shall deduct the amount of the unauthorized expenditures from the 6089
next allocation of those moneys to the county in accordance with 6090
this section or from the allocations that otherwise would be made 6091
under those sections to the county during the next state fiscal 6092
year in accordance with this section and shall return that 6093
deducted amount to the state's general revenue fund. If the county 6094
fails to make the repayment within that thirty day period and if 6095
the unauthorized expenditures pertain to moneys granted pursuant 6096
to section 5139.34 of the Revised Code, the department shall 6097
deduct the amount of the unauthorized expenditures from the next 6098
annual grant to the county pursuant to that section and shall 6099
return that deducted amount to the state's general revenue fund.~~ 6100

(C) The determination of which county a reduction of the care 6101
and custody allocation will be charged against for a particular 6102
youth shall be made as outlined below for all youths who do not 6103
qualify as public safety beds. The determination of which county a 6104
reduction of the care and custody allocation will be charged 6105

against shall be made as follows until each youth is released: 6106

6107

(1) In the event of a commitment, the reduction shall be 6108

charged against the committing county. 6109

(2) In the event of a recommitment, the reduction shall be 6110

charged against the original committing county until the 6111

expiration of the minimum period of institutionalization under the 6112

original order of commitment or until the date on which the youth 6113

is admitted to the department of youth services pursuant to the 6114

order of recommitment, whichever is later. Reductions of the 6115

allocation shall be charged against the county that recommitted 6116

the youth after the minimum expiration date of the original 6117

commitment. 6118

(3) In the event of a revocation of a release on parole, the 6119

reduction shall be charged against the county that revokes the 6120

youth's parole. 6121

(D) A juvenile court is not precluded by its allocation 6122

amount for the care and custody of felony delinquents from 6123

committing a felony delinquent to the department of youth services 6124

for care and custody in an institution or a community corrections 6125

facility when the juvenile court determines that the commitment is 6126

appropriate. 6127

Sec. 5139.50. (A) The release authority of the department of 6128

youth services is hereby created as a bureau in the department. 6129

The release authority shall consist of five members who are 6130

appointed by the director of youth services and who have the 6131

qualifications specified in division (B) of this section. The 6132

members of the release authority shall devote their full time to 6133

the duties of the release authority and shall neither seek nor 6134

hold other public office. The members shall be in the unclassified 6135

civil service. 6136

(B) A person appointed as a member of the release authority 6137
shall have a bachelor's degree from an accredited college or 6138
university or equivalent relevant experience and shall have the 6139
skills, training, or experience necessary to analyze issues of 6140
law, administration, and public policy. The membership of the 6141
release authority shall represent, insofar as practicable, the 6142
diversity found in the children in the legal custody of the 6143
department of youth services. 6144

In appointing the five members, the director shall ensure 6145
that the appointments include all of the following: 6146

(1) At least four members who have five or more years of 6147
experience in criminal justice, juvenile justice, or an equivalent 6148
relevant profession; 6149

(2) At least one member who has experience in victim services 6150
or advocacy or who has been a victim of a crime or is a family 6151
member of a victim; 6152

(3) At least one member who has experience in direct care 6153
services to delinquent children. 6154

(C) The initial appointments of members of the release 6155
authority shall be for a term of six years for the chairperson and 6156
one member, a term of four years for two members, and a term of 6157
two years for one member. Thereafter, members shall be appointed 6158
for six-year terms until the effective date of this amendment, 6159
after which members shall be appointed for four-year terms. At the 6160
conclusion of a term, a member shall hold office until the 6161
appointment and qualification of the member's successor. The 6162
director shall fill a vacancy occurring before the expiration of a 6163
term for the remainder of that term and, if a member is on 6164
extended leave or disability status for more than thirty work 6165
days, may appoint an interim member to fulfill the duties of that 6166
member. A member may be reappointed, ~~but a member may serve no~~ 6167

~~more than two consecutive terms regardless of the length of the~~ 6168
~~member's initial term.~~ A member may be removed for good cause by 6169
the director. 6170

(D) The director of youth services shall designate as 6171
chairperson of the release authority one of the members who has 6172
experience in criminal justice, juvenile justice, or an equivalent 6173
relevant profession. The chairperson shall be a managing officer 6174
of the department, shall supervise the members of the board and 6175
the other staff in the bureau, and shall perform all duties and 6176
functions necessary to ensure that the release authority 6177
discharges its responsibilities. The chairperson shall serve as 6178
the official spokesperson for the release authority. 6179

(E) The release authority shall do all of the following: 6180

(1) Serve as the final and sole authority for making 6181
decisions, in the interests of public safety and the children 6182
involved, regarding the release and discharge of all children 6183
committed to the legal custody of the department of youth 6184
services, except children placed by a juvenile court on judicial 6185
release to court supervision or on judicial release to department 6186
of youth services supervision, children who have not completed a 6187
prescribed minimum period of time or prescribed period of time in 6188
a secure facility, or children who are required to remain in a 6189
secure facility until they attain twenty-one years of age; 6190

(2) Establish written policies and procedures for conducting 6191
reviews of the status for all youth in the custody of the 6192
department, setting or modifying dates of release and discharge, 6193
specifying the duration, terms, and conditions of release to be 6194
carried out in supervised release subject to the addition of 6195
additional consistent terms and conditions by a court in 6196
accordance with section 5139.51 of the Revised Code, and giving a 6197
child notice of all reviews; 6198

(3) Maintain records of its official actions, decisions, orders, and hearing summaries and make the records accessible in accordance with division (D) of section 5139.05 of the Revised Code;	6199 6200 6201 6202
(4) Cooperate with public and private agencies, communities, private groups, and individuals for the development and improvement of its services;	6203 6204 6205
(5) Collect, develop, and maintain statistical information regarding its services and decisions;	6206 6207
(6) Submit to the director an annual report that includes a description of the operations of the release authority, an evaluation of its effectiveness, recommendations for statutory, budgetary, or other changes necessary to improve its effectiveness, and any other information required by the director.	6208 6209 6210 6211 6212
(F) The release authority may do any of the following:	6213
(1) Conduct inquiries, investigations, and reviews and hold hearings and other proceedings necessary to properly discharge its responsibilities;	6214 6215 6216
(2) Issue subpoenas, enforceable in a court of law, to compel a person to appear, give testimony, or produce documentary information or other tangible items relating to a matter under inquiry, investigation, review, or hearing;	6217 6218 6219 6220
(3) Administer oaths and receive testimony of persons under oath;	6221 6222
(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;	6223 6224 6225 6226
(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the	6227 6228

department's legal custody information to enable the release 6229
authority to properly discharge its responsibilities with respect 6230
to that child and receive the information from the public agency 6231
or other entity in a reasonable period of time. 6232

(G) The release authority may delegate responsibilities to 6233
hearing officers or other designated staff under the release 6234
authority's auspices. However, the release authority shall not 6235
delegate its authority to make final decisions regarding policy or 6236
the release of a child. 6237

The release authority shall adopt a written policy and 6238
procedures governing appeals of its release and discharge 6239
decisions. 6240

(H) The legal staff of the department of youth services shall 6241
provide assistance to the release authority in the formulation of 6242
policy and in its handling of individual cases. 6243

Sec. 5145.01. Courts shall impose sentences to a state 6244
correctional institution for felonies pursuant to sections 2929.13 6245
and 2929.14 of the Revised Code. All prison terms may be ended in 6246
the manner provided by law, but no prison term shall exceed the 6247
maximum term provided for the felony of which the prisoner was 6248
convicted as extended pursuant to section 2929.141, ~~2967.11~~, or 6249
2967.28 of the Revised Code. 6250

If a prisoner is sentenced for two or more separate felonies, 6251
the prisoner's term of imprisonment shall run as a concurrent 6252
sentence, except if the consecutive sentence provisions of 6253
sections 2929.14 and 2929.41 of the Revised Code apply. If 6254
sentenced consecutively, for the purposes of sections 5145.01 to 6255
5145.27 of the Revised Code, the prisoner shall be held to be 6256
serving one continuous term of imprisonment. 6257

If a court imposes a sentence to a state correctional 6258

institution for a felony of the fourth or fifth degree, the 6259
department of rehabilitation and correction, notwithstanding the 6260
court's designation of a state correctional institution as the 6261
place of service of the sentence, may designate that the person 6262
sentenced is to be housed in a county, multicounty, municipal, 6263
municipal-county, or multicounty-municipal jail or workhouse if 6264
authorized pursuant to section 5120.161 of the Revised Code. 6265

If, through oversight or otherwise, a person is sentenced to 6266
a state correctional institution under a definite term for an 6267
offense for which a definite term of imprisonment is not provided 6268
by statute, the sentence shall not thereby become void, but the 6269
person shall be subject to the liabilities of such sections and 6270
receive the benefits thereof, as if the person had been sentenced 6271
in the manner required by this section. 6272

As used in this section, "prison term" has the same meaning 6273
as in section 2929.01 of the Revised Code. 6274

Sec. 5145.163. (A) As used in this section: 6275

(1) "Customer model enterprise" means an enterprise conducted 6276
under a federal prison industries enhancement certification 6277
program in which a private party participates in the enterprise 6278
only as a purchaser of goods and services. 6279

(2) "Employer model enterprise" means an enterprise conducted 6280
under a federal prison industries enhancement certification 6281
program in which a private party participates in the enterprise as 6282
an operator of the enterprise. 6283

(3) "Injury" means a diagnosable injury to an inmate 6284
supported by medical findings that it was sustained in the course 6285
of and arose out of authorized work activity that was an integral 6286
part of the inmate's participation in the Ohio penal industries 6287
program. 6288

~~(4) "Inmate" includes means any person who is committed to a detention facility, who is in the custody of the department of rehabilitation and correction, and who is participating in an approved assignment Ohio penal industries program that is under the federal prison industries enhancement certification program. "Inmate" does not include a prisoner confined within a detention facility operated by or for a political subdivision.~~

~~(2)(5) "Federal prison industries enhancement certification program" means the program authorized pursuant to 18 U.S.C. 1761.~~

~~(6) "Loss of earning capacity" means an impairment of the body of an inmate to a degree that makes the inmate unable to return to work activity under the Ohio penal industries program and results in a reduction of compensation earned by the inmate at the time the injury occurred.~~

~~(B) Private employers who purchase goods made by inmates or utilize inmate labor in the production of goods under the federal prison industries enhancement certification program Every inmate shall purchase and be solely responsible to provide covered by a policy of disability insurance for inmates participating in the program to provide benefits for loss of earning capacity due to an injury and for medical treatment of the injury following the inmate's release from prison. If the enterprise for which the inmate works is a customer model enterprise, Ohio penal industries shall purchase the policy. If the enterprise for which the inmate works is an employer model enterprise, the private participant shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation.~~

~~(C) The policy of insurance required by this section shall provide benefit payments for any inmate who sustains a compensable injury while participating in the program. The benefit payments shall compensate the inmate for any temporary or permanent loss of~~

~~earning capacity that results from a compensable injury and is present at the time of the inmate's release~~ Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall accept or reject an award within thirty days after a determination of the inmate's entitlement to the award. ~~The~~ If the inmate accepts the award, the benefits shall be awarded paid upon the inmate's release from prison by parole or final discharge. The policy of insurance shall provide coverage for injuries occurring during activities that are an integral part of the inmate's participation in the program production. ~~The policy of insurance~~ The amount of disability benefits payable to the inmate shall be reduced by sick leave benefits or other compensation for lost pay made by Ohio penal industries to the inmate due to an injury that rendered the inmate unable to work. An inmate shall not ~~pay~~ receive disability benefits for injuries occurring as the result of a fight, assault, horseplay, purposely self-inflicted injury, use of alcohol or controlled substances, misuse of prescription drugs, or other activity that is prohibited by the department's or institution's inmate conduct rules or the work rules of the private participant in the enterprise.

(D) ~~Private employers shall submit to the prison labor advisory board as a requirement for participation in the federal prison industries enhancement certification program proof of liability coverage that meets or exceeds the requirements set forth in 18 U.S.C. 1761(c)(3).~~

(E) ~~Inmates covered under this section~~ are not employees of the department of rehabilitation and correction or the private

~~employer. Nothing in this section shall be construed as creating a~~ 6353
~~contract for hire between the inmate and any other entity~~ 6354
~~participant in an enterprise.~~ 6355

~~(F) Any (E) An inmate participating in the federal prison~~ 6356
~~industries enhancement certification program~~ is ineligible to 6357
receive compensation or benefits under Chapter 4121., 4123., 6358
4127., or 4131. of the Revised Code for any injury, death, or 6359
occupational disease received in the course of, and arising out 6360
of, participation in ~~that~~ the Ohio penal industries program. Any 6361
claim for an injury arising from an inmate's participation in the 6362
program is specifically excluded from the jurisdiction of the Ohio 6363
bureau of workers' compensation and the industrial commission of 6364
Ohio. 6365

~~(G)(F) Any liability disability benefit awarded for any~~ 6366
~~injury award accepted by an inmate under this provision section~~ 6367
shall be the inmate's exclusive remedy against the insurer, the 6368
private employer participant in an enterprise, and the state. If 6369
an inmate rejects an award or a disability claim is denied, the 6370
inmate may bring an action in the court of claims within the 6371
appropriate period of limitations. 6372

~~(H)(G) If any inmate awarded liability who is paid disability~~ 6373
~~benefits under this provision section is recommitted to the~~ 6374
~~eustody of the department of rehabilitation and correction~~ 6375
~~reincarcerated,~~ the benefits shall immediately cease but shall 6376
resume upon the inmate's subsequent parole or discharge release 6377
from incarceration. 6378

Sec. 5149.06. ~~(A)~~ One of the primary duties of the field 6379
services section is to assist the counties in developing their own 6380
probation services on either a single-county or multiple-county 6381
basis. The section, within limits of available personnel and 6382
funds, may supervise selected probationers from local courts. 6383

~~(B) The adult parole authority probation services fund shall be created in the state treasury. The fund shall consist of all moneys that are paid to the treasurer of any county under section 2951.021 of the Revised Code for deposit into the county's probation services fund established under division (A)(1) of section 321.44 of the Revised Code and that subsequently are appropriated and transferred to the adult parole authority probation services fund under division (A)(2) of that section. The chief of the adult parole authority, with the approval of the director of the department of rehabilitation and correction, shall use the money contained in the adult parole authority probation services fund for probation related expenses in the counties for which the authority provides probation services. Probation related expenses may include specialized staff, purchase of equipment, purchase of services, reconciliation programs for victims and offenders, other treatment programs, including alcohol and drug addiction programs certified under section 3793.06 of the Revised Code, determined to be appropriate by the chief of the authority, and other similar probation related expenses.~~

Section 2. That existing sections 9.06, 121.05, 124.11, 309.02, 321.44, 341.192, 1713.34, 2921.36, 2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 2929.17, 2929.19, 2929.20, 2935.36, 2943.032, 2949.12, 2951.021, 2951.041, 2953.08, 2953.13, 2967.03, 2967.05, 2967.12, 2967.121, 2967.141, 2967.15, 2967.26, 2967.28, 4507.51, 5120.52, 5120.63, 5120.66, 5139.02, 5139.18, 5139.281, 5139.31, 5139.36, 5139.38, 5139.41, 5139.43, 5139.50, 5145.01, 5145.163, and 5149.06 and section 2967.11 of the Revised Code is hereby repealed.

Section 3. Section 5120.07 of the Revised Code is hereby repealed, effective December 31, 2011.

Section 4. The items of law contained in this act, and their

applications, are severable. If any item of law contained in this	6415
act, or if any application of any item of law contained in this	6416
act, is held invalid, the invalidity does not affect other items	6417
of law contained in this act and their applications that can be	6418
given effect without the invalid item of law or application.	6419