

**As Re-reported by Senate Criminal Justice Committee**

**CORRECTED VERSION**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 110**

**Representative Hill**

**Cosponsors: Representatives Blessing, Brown, Rezabek, Rogers, Dever, Antonio, Baker, Boose, Buchy, Duffey, Green, Grossman, Hambley, Johnson, T., Kraus, Landis, Manning, O'Brien, M., O'Brien, S., Patterson, Perales, Phillips, Ruhl, Schaffer, Slaby, Smith, K., Stinziano, Young, Speaker Rosenberger**

**Senator Eklund**

---

**A BILL**

To amend sections 2925.11, 2929.13, 2929.141, 1  
2929.15, 2929.25, 2967.28, 4549.02, 4549.021, 2  
and 4742.03 and to enact sections 128.04 and 3  
4765.44 of the Revised Code to increase the 4  
penalty for failure to stop after a traffic 5  
accident that results in the death of a person 6  
or serious physical harm to a person; to name 7  
those penalty changes Brandon's Law; to require 8  
emergency medical service personnel to report 9  
the administration of naloxone on request of a 10  
law enforcement agency in specified 11  
circumstances; to provide immunity from arrest, 12  
prosecution, or conviction, or to permit a court 13  
to consider drug treatment or as a mitigating 14  
factor in supervised release sanctioning, for a 15  
minor drug possession offense for a person who 16  
seeks or obtains medical assistance for self or 17  
another person who is experiencing a drug 18

overdose or for a person who is experiencing 19  
such an overdose and for whom medical assistance 20  
is sought; to require training of certain 9-1-1 21  
operators regarding the immunity; and to require 22  
those 9-1-1 operators who receive a call about 23  
an apparent drug overdose to make reasonable 24  
efforts, upon the caller's inquiry, to inform 25  
the caller about the immunity. 26

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

**Section 1.** That sections 2925.11, 2929.13, 2929.141, 27  
2929.15, 2929.25, 2967.28, 4549.02, 4549.021, and 4742.03 be 28  
amended and sections 128.04 and 4765.44 of the Revised Code be 29  
enacted to read as follows: 30

**Sec. 128.04.** (A) Public safety answering point personnel 31  
who are certified as emergency service telecommunicators under 32  
section 4742.03 of the Revised Code shall receive training in 33  
informing individuals who call about an apparent drug overdose 34  
about the immunity from prosecution for a minor drug possession 35  
offense created by section 2925.11 of the Revised Code. 36

(B) Public safety answering point personnel who receive a 37  
call about an apparent drug overdose shall make reasonable 38  
efforts, upon the caller's inquiry, to inform the caller about 39  
the immunity from prosecution for a minor drug possession 40  
offense created by section 2925.11 of the Revised Code. 41

**Sec. 2925.11.** (A) No person shall knowingly obtain, 42  
possess, or use a controlled substance or a controlled substance 43  
analog. 44

(B) (1) This section does not apply to any of the 45  
following: 46

~~(1)~~ (a) Manufacturers, licensed health professionals 47  
authorized to prescribe drugs, pharmacists, owners of 48  
pharmacies, and other persons whose conduct was in accordance 49  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 50  
4741. of the Revised Code; 51

~~(2)~~ (b) If the offense involves an anabolic steroid, any 52  
person who is conducting or participating in a research project 53  
involving the use of an anabolic steroid if the project has been 54  
approved by the United States food and drug administration; 55

~~(3)~~ (c) Any person who sells, offers for sale, prescribes, 56  
dispenses, or administers for livestock or other nonhuman 57  
species an anabolic steroid that is expressly intended for 58  
administration through implants to livestock or other nonhuman 59  
species and approved for that purpose under the "Federal Food, 60  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 61  
as amended, and is sold, offered for sale, prescribed, 62  
dispensed, or administered for that purpose in accordance with 63  
that act; 64

~~(4)~~ (d) Any person who obtained the controlled substance 65  
pursuant to a lawful prescription issued by a licensed health 66  
professional authorized to prescribe drugs. 67

(2) (a) As used in division (B) (2) of this section: 68

(i) "Community addiction services provider" has the same 69  
meaning as in section 5119.01 of the Revised Code. 70

(ii) "Community control sanction" and "drug treatment 71  
program" have the same meanings as in section 2929.01 of the 72  
Revised Code. 73

(iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 74  
75

(iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 76  
77  
78

(v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 79  
80

(vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 81  
82

(vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 83  
84

(viii) "Qualified individual" means a person who is not on community control or post-release control and is a person acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 85  
86  
87  
88  
89  
90  
91  
92

(ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 93  
94  
95  
96

(b) Subject to division (B) (2) (f) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor drug possession offense if all of the following apply: 97  
98  
99  
100

(i) The evidence of the obtaining, possession, or use of 101

the controlled substance or controlled substance analog that 102  
would be the basis of the offense was obtained as a result of 103  
the qualified individual seeking the medical assistance or 104  
experiencing an overdose and needing medical assistance. 105

(ii) Subject to division (B)(2)(g) of this section, within 106  
thirty days after seeking or obtaining the medical assistance, 107  
the qualified individual seeks and obtains a screening and 108  
receives a referral for treatment from a community addiction 109  
services provider or a properly credentialed addiction treatment 110  
professional. 111

(iii) Subject to division (B)(2)(g) of this section, the 112  
qualified individual who obtains a screening and receives a 113  
referral for treatment under division (B)(2)(b)(ii) of this 114  
section, upon the request of any prosecuting attorney, submits 115  
documentation to the prosecuting attorney that verifies that the 116  
qualified individual satisfied the requirements of that 117  
division. The documentation shall be limited to the date and 118  
time of the screening obtained and referral received. 119

(c) If a person is found to be in violation of any 120  
community control sanction and if the violation is a result of 121  
either of the following, the court shall first consider ordering 122  
the person's participation or continued participation in a drug 123  
treatment program or mitigating the penalty specified in section 124  
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is 125  
applicable, after which the court has the discretion either to 126  
order the person's participation or continued participation in a 127  
drug treatment program or to impose the penalty with the 128  
mitigating factor specified in any of those applicable sections: 129

(i) Seeking or obtaining medical assistance in good faith 130  
for another person who is experiencing a drug overdose; 131

(ii) Experiencing a drug overdose and seeking medical assistance for that overdose or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section. 132  
133  
134  
135

(d) If a person is found to be in violation of any post-release control sanction and if the violation is a result of either of the following, the court or the parole board shall first consider ordering the person's participation or continued participation in a drug treatment program or mitigating the penalty specified in section 2929.141 or 2967.28 of the Revised Code, whichever is applicable, after which the court or the parole board has the discretion either to order the person's participation or continued participation in a drug treatment program or to impose the penalty with the mitigating factor specified in either of those applicable sections: 136  
137  
138  
139  
140  
141  
142  
143  
144  
145  
146

(i) Seeking or obtaining medical assistance in good faith for another person who is experiencing a drug overdose; 147  
148

(ii) Experiencing a drug overdose and seeking medical assistance for that emergency or being the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B)(2)(b) of this section. 149  
150  
151  
152

(e) Nothing in division (B)(2)(b) of this section shall be construed to do any of the following: 153  
154

(i) Limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regards to a defendant who does not qualify for the protections of division (B)(2)(b) of this section or with regards to any crime other than a minor drug possession offense committed by a person who qualifies for protection pursuant to division (B)(2)(b) of this 155  
156  
157  
158  
159  
160

<u>section for a minor drug possession offense;</u>	161
<u>(ii) Limit any seizure of evidence or contraband otherwise permitted by law;</u>	162
<u>(iii) Limit or abridge the authority of a peace officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in that division;</u>	163
<u>(iv) Limit, modify, or remove any immunity from liability available pursuant to law in effect prior to the effective date of this amendment to any public agency or to an employee of any public agency.</u>	164
<u>(f) Division (B) (2) (b) of this section does not apply to any person who twice previously has been granted an immunity under division (B) (2) (b) of this section. No person shall be granted an immunity under division (B) (2) (b) of this section more than two times.</u>	165
<u>(g) Nothing in this section shall compel any qualified individual to disclose protected health information in a way that conflicts with the requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and regulations promulgated by the United States department of health and human services to implement the act or the requirements of 42 C.F.R. Part 2.</u>	166
<u>(C) Whoever violates division (A) of this section is guilty of one of the following:</u>	167
<u>(1) If the drug involved in the violation is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, cocaine, L.S.D., heroin,</u>	168
	169
	170
	171
	172
	173
	174
	175
	176
	177
	178
	179
	180
	181
	182
	183
	184
	185
	186
	187
	188
	189

hashish, and controlled substance analogs, whoever violates 190  
division (A) of this section is guilty of aggravated possession 191  
of drugs. The penalty for the offense shall be determined as 192  
follows: 193

(a) Except as otherwise provided in division (C) (1) (b), 194  
(c), (d), or (e) of this section, aggravated possession of drugs 195  
is a felony of the fifth degree, and division (B) of section 196  
2929.13 of the Revised Code applies in determining whether to 197  
impose a prison term on the offender. 198

(b) If the amount of the drug involved equals or exceeds 199  
the bulk amount but is less than five times the bulk amount, 200  
aggravated possession of drugs is a felony of the third degree, 201  
and there is a presumption for a prison term for the offense. 202

(c) If the amount of the drug involved equals or exceeds 203  
five times the bulk amount but is less than fifty times the bulk 204  
amount, aggravated possession of drugs is a felony of the second 205  
degree, and the court shall impose as a mandatory prison term 206  
one of the prison terms prescribed for a felony of the second 207  
degree. 208

(d) If the amount of the drug involved equals or exceeds 209  
fifty times the bulk amount but is less than one hundred times 210  
the bulk amount, aggravated possession of drugs is a felony of 211  
the first degree, and the court shall impose as a mandatory 212  
prison term one of the prison terms prescribed for a felony of 213  
the first degree. 214

(e) If the amount of the drug involved equals or exceeds 215  
one hundred times the bulk amount, aggravated possession of 216  
drugs is a felony of the first degree, the offender is a major 217  
drug offender, and the court shall impose as a mandatory prison 218



term the maximum prison term prescribed for a felony of the 219  
first degree. 220

(2) If the drug involved in the violation is a compound, 221  
mixture, preparation, or substance included in schedule III, IV, 222  
or V, whoever violates division (A) of this section is guilty of 223  
possession of drugs. The penalty for the offense shall be 224  
determined as follows: 225

(a) Except as otherwise provided in division (C) (2) (b), 226  
(c), or (d) of this section, possession of drugs is a 227  
misdemeanor of the first degree or, if the offender previously 228  
has been convicted of a drug abuse offense, a felony of the 229  
fifth degree. 230

(b) If the amount of the drug involved equals or exceeds 231  
the bulk amount but is less than five times the bulk amount, 232  
possession of drugs is a felony of the fourth degree, and 233  
division (C) of section 2929.13 of the Revised Code applies in 234  
determining whether to impose a prison term on the offender. 235

(c) If the amount of the drug involved equals or exceeds 236  
five times the bulk amount but is less than fifty times the bulk 237  
amount, possession of drugs is a felony of the third degree, and 238  
there is a presumption for a prison term for the offense. 239

(d) If the amount of the drug involved equals or exceeds 240  
fifty times the bulk amount, possession of drugs is a felony of 241  
the second degree, and the court shall impose upon the offender 242  
as a mandatory prison term one of the prison terms prescribed 243  
for a felony of the second degree. 244

(3) If the drug involved in the violation is marihuana or 245  
a compound, mixture, preparation, or substance containing 246  
marihuana other than hashish, whoever violates division (A) of 247

this section is guilty of possession of marihuana. The penalty	248
for the offense shall be determined as follows:	249
(a) Except as otherwise provided in division (C) (3) (b),	250
(c), (d), (e), (f), or (g) of this section, possession of	251
marihuana is a minor misdemeanor.	252
(b) If the amount of the drug involved equals or exceeds	253
one hundred grams but is less than two hundred grams, possession	254
of marihuana is a misdemeanor of the fourth degree.	255
(c) If the amount of the drug involved equals or exceeds	256
two hundred grams but is less than one thousand grams,	257
possession of marihuana is a felony of the fifth degree, and	258
division (B) of section 2929.13 of the Revised Code applies in	259
determining whether to impose a prison term on the offender.	260
(d) If the amount of the drug involved equals or exceeds	261
one thousand grams but is less than five thousand grams,	262
possession of marihuana is a felony of the third degree, and	263
division (C) of section 2929.13 of the Revised Code applies in	264
determining whether to impose a prison term on the offender.	265
(e) If the amount of the drug involved equals or exceeds	266
five thousand grams but is less than twenty thousand grams,	267
possession of marihuana is a felony of the third degree, and	268
there is a presumption that a prison term shall be imposed for	269
the offense.	270
(f) If the amount of the drug involved equals or exceeds	271
twenty thousand grams but is less than forty thousand grams,	272
possession of marihuana is a felony of the second degree, and	273
the court shall impose a mandatory prison term of five, six,	274
seven, or eight years.	275
(g) If the amount of the drug involved equals or exceeds	276

forty thousand grams, possession of marihuana is a felony of the 277  
second degree, and the court shall impose as a mandatory prison 278  
term the maximum prison term prescribed for a felony of the 279  
second degree. 280

(4) If the drug involved in the violation is cocaine or a 281  
compound, mixture, preparation, or substance containing cocaine, 282  
whoever violates division (A) of this section is guilty of 283  
possession of cocaine. The penalty for the offense shall be 284  
determined as follows: 285

(a) Except as otherwise provided in division (C) (4) (b), 286  
(c), (d), (e), or (f) of this section, possession of cocaine is 287  
a felony of the fifth degree, and division (B) of section 288  
2929.13 of the Revised Code applies in determining whether to 289  
impose a prison term on the offender. 290

(b) If the amount of the drug involved equals or exceeds 291  
five grams but is less than ten grams of cocaine, possession of 292  
cocaine is a felony of the fourth degree, and division (B) of 293  
section 2929.13 of the Revised Code applies in determining 294  
whether to impose a prison term on the offender. 295

(c) If the amount of the drug involved equals or exceeds 296  
ten grams but is less than twenty grams of cocaine, possession 297  
of cocaine is a felony of the third degree, and, except as 298  
otherwise provided in this division, there is a presumption for 299  
a prison term for the offense. If possession of cocaine is a 300  
felony of the third degree under this division and if the 301  
offender two or more times previously has been convicted of or 302  
pleaded guilty to a felony drug abuse offense, the court shall 303  
impose as a mandatory prison term one of the prison terms 304  
prescribed for a felony of the third degree. 305

(d) If the amount of the drug involved equals or exceeds 306  
twenty grams but is less than twenty-seven grams of cocaine, 307  
possession of cocaine is a felony of the second degree, and the 308  
court shall impose as a mandatory prison term one of the prison 309  
terms prescribed for a felony of the second degree. 310

(e) If the amount of the drug involved equals or exceeds 311  
twenty-seven grams but is less than one hundred grams of 312  
cocaine, possession of cocaine is a felony of the first degree, 313  
and the court shall impose as a mandatory prison term one of the 314  
prison terms prescribed for a felony of the first degree. 315

(f) If the amount of the drug involved equals or exceeds 316  
one hundred grams of cocaine, possession of cocaine is a felony 317  
of the first degree, the offender is a major drug offender, and 318  
the court shall impose as a mandatory prison term the maximum 319  
prison term prescribed for a felony of the first degree. 320

(5) If the drug involved in the violation is L.S.D., 321  
whoever violates division (A) of this section is guilty of 322  
possession of L.S.D. The penalty for the offense shall be 323  
determined as follows: 324

(a) Except as otherwise provided in division (C) (5) (b), 325  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 326  
felony of the fifth degree, and division (B) of section 2929.13 327  
of the Revised Code applies in determining whether to impose a 328  
prison term on the offender. 329

(b) If the amount of L.S.D. involved equals or exceeds ten 330  
unit doses but is less than fifty unit doses of L.S.D. in a 331  
solid form or equals or exceeds one gram but is less than five 332  
grams of L.S.D. in a liquid concentrate, liquid extract, or 333  
liquid distillate form, possession of L.S.D. is a felony of the 334

fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of L.S.D. involved equals or exceeds fifty unit doses, but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) If the amount of L.S.D. involved equals or exceeds two hundred fifty unit doses but is less than one thousand unit doses of L.S.D. in a solid form or equals or exceeds twenty-five grams but is less than one hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree.

(e) If the amount of L.S.D. involved equals or exceeds one thousand unit doses but is less than five thousand unit doses of L.S.D. in a solid form or equals or exceeds one hundred grams but is less than five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D. is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of L.S.D. involved equals or exceeds five thousand unit doses of L.S.D. in a solid form or equals or exceeds five hundred grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, possession of L.S.D.

is a felony of the first degree, the offender is a major drug 365  
offender, and the court shall impose as a mandatory prison term 366  
the maximum prison term prescribed for a felony of the first 367  
degree. 368

(6) If the drug involved in the violation is heroin or a 369  
compound, mixture, preparation, or substance containing heroin, 370  
whoever violates division (A) of this section is guilty of 371  
possession of heroin. The penalty for the offense shall be 372  
determined as follows: 373

(a) Except as otherwise provided in division (C) (6) (b), 374  
(c), (d), (e), or (f) of this section, possession of heroin is a 375  
felony of the fifth degree, and division (B) of section 2929.13 376  
of the Revised Code applies in determining whether to impose a 377  
prison term on the offender. 378

(b) If the amount of the drug involved equals or exceeds 379  
ten unit doses but is less than fifty unit doses or equals or 380  
exceeds one gram but is less than five grams, possession of 381  
heroin is a felony of the fourth degree, and division (C) of 382  
section 2929.13 of the Revised Code applies in determining 383  
whether to impose a prison term on the offender. 384

(c) If the amount of the drug involved equals or exceeds 385  
fifty unit doses but is less than one hundred unit doses or 386  
equals or exceeds five grams but is less than ten grams, 387  
possession of heroin is a felony of the third degree, and there 388  
is a presumption for a prison term for the offense. 389

(d) If the amount of the drug involved equals or exceeds 390  
one hundred unit doses but is less than five hundred unit doses 391  
or equals or exceeds ten grams but is less than fifty grams, 392  
possession of heroin is a felony of the second degree, and the 393

court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. 394  
395

(e) If the amount of the drug involved equals or exceeds 396  
five hundred unit doses but is less than two thousand five 397  
hundred unit doses or equals or exceeds fifty grams but is less 398  
than two hundred fifty grams, possession of heroin is a felony 399  
of the first degree, and the court shall impose as a mandatory 400  
prison term one of the prison terms prescribed for a felony of 401  
the first degree. 402

(f) If the amount of the drug involved equals or exceeds 403  
two thousand five hundred unit doses or equals or exceeds two 404  
hundred fifty grams, possession of heroin is a felony of the 405  
first degree, the offender is a major drug offender, and the 406  
court shall impose as a mandatory prison term the maximum prison 407  
term prescribed for a felony of the first degree. 408

(7) If the drug involved in the violation is hashish or a 409  
compound, mixture, preparation, or substance containing hashish, 410  
whoever violates division (A) of this section is guilty of 411  
possession of hashish. The penalty for the offense shall be 412  
determined as follows: 413

(a) Except as otherwise provided in division (C) (7) (b), 414  
(c), (d), (e), (f), or (g) of this section, possession of 415  
hashish is a minor misdemeanor. 416

(b) If the amount of the drug involved equals or exceeds 417  
five grams but is less than ten grams of hashish in a solid form 418  
or equals or exceeds one gram but is less than two grams of 419  
hashish in a liquid concentrate, liquid extract, or liquid 420  
distillate form, possession of hashish is a misdemeanor of the 421  
fourth degree. 422

(c) If the amount of the drug involved equals or exceeds 423  
ten grams but is less than fifty grams of hashish in a solid 424  
form or equals or exceeds two grams but is less than ten grams 425  
of hashish in a liquid concentrate, liquid extract, or liquid 426  
distillate form, possession of hashish is a felony of the fifth 427  
degree, and division (B) of section 2929.13 of the Revised Code 428  
applies in determining whether to impose a prison term on the 429  
offender. 430

(d) If the amount of the drug involved equals or exceeds 431  
fifty grams but is less than two hundred fifty grams of hashish 432  
in a solid form or equals or exceeds ten grams but is less than 433  
fifty grams of hashish in a liquid concentrate, liquid extract, 434  
or liquid distillate form, possession of hashish is a felony of 435  
the third degree, and division (C) of section 2929.13 of the 436  
Revised Code applies in determining whether to impose a prison 437  
term on the offender. 438

(e) If the amount of the drug involved equals or exceeds 439  
two hundred fifty grams but is less than one thousand grams of 440  
hashish in a solid form or equals or exceeds fifty grams but is 441  
less than two hundred grams of hashish in a liquid concentrate, 442  
liquid extract, or liquid distillate form, possession of hashish 443  
is a felony of the third degree, and there is a presumption that 444  
a prison term shall be imposed for the offense. 445

(f) If the amount of the drug involved equals or exceeds 446  
one thousand grams but is less than two thousand grams of 447  
hashish in a solid form or equals or exceeds two hundred grams 448  
but is less than four hundred grams of hashish in a liquid 449  
concentrate, liquid extract, or liquid distillate form, 450  
possession of hashish is a felony of the second degree, and the 451  
court shall impose a mandatory prison term of five, six, seven, 452



or eight years. 453

(g) If the amount of the drug involved equals or exceeds 454  
two thousand grams of hashish in a solid form or equals or 455  
exceeds four hundred grams of hashish in a liquid concentrate, 456  
liquid extract, or liquid distillate form, possession of hashish 457  
is a felony of the second degree, and the court shall impose as 458  
a mandatory prison term the maximum prison term prescribed for a 459  
felony of the second degree. 460

(8) If the drug involved is a controlled substance analog 461  
or compound, mixture, preparation, or substance that contains a 462  
controlled substance analog, whoever violates division (A) of 463  
this section is guilty of possession of a controlled substance 464  
analog. The penalty for the offense shall be determined as 465  
follows: 466

(a) Except as otherwise provided in division (C) (8) (b), 467  
(c), (d), (e), or (f) of this section, possession of a 468  
controlled substance analog is a felony of the fifth degree, and 469  
division (B) of section 2929.13 of the Revised Code applies in 470  
determining whether to impose a prison term on the offender. 471

(b) If the amount of the drug involved equals or exceeds 472  
ten grams but is less than twenty grams, possession of a 473  
controlled substance analog is a felony of the fourth degree, 474  
and there is a presumption for a prison term for the offense. 475

(c) If the amount of the drug involved equals or exceeds 476  
twenty grams but is less than thirty grams, possession of a 477  
controlled substance analog is a felony of the third degree, and 478  
there is a presumption for a prison term for the offense. 479

(d) If the amount of the drug involved equals or exceeds 480  
thirty grams but is less than forty grams, possession of a 481

controlled substance analog is a felony of the second degree, 482  
and the court shall impose as a mandatory prison term one of the 483  
prison terms prescribed for a felony of the second degree. 484

(e) If the amount of the drug involved equals or exceeds 485  
forty grams but is less than fifty grams, possession of a 486  
controlled substance analog is a felony of the first degree, and 487  
the court shall impose as a mandatory prison term one of the 488  
prison terms prescribed for a felony of the first degree. 489

(f) If the amount of the drug involved equals or exceeds 490  
fifty grams, possession of a controlled substance analog is a 491  
felony of the first degree, the offender is a major drug 492  
offender, and the court shall impose as a mandatory prison term 493  
the maximum prison term prescribed for a felony of the first 494  
degree. 495

(D) Arrest or conviction for a minor misdemeanor violation 496  
of this section does not constitute a criminal record and need 497  
not be reported by the person so arrested or convicted in 498  
response to any inquiries about the person's criminal record, 499  
including any inquiries contained in any application for 500  
employment, license, or other right or privilege, or made in 501  
connection with the person's appearance as a witness. 502

(E) In addition to any prison term or jail term authorized 503  
or required by division (C) of this section and sections 504  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 505  
Code and in addition to any other sanction that is imposed for 506  
the offense under this section, sections 2929.11 to 2929.18, or 507  
sections 2929.21 to 2929.28 of the Revised Code, the court that 508  
sentences an offender who is convicted of or pleads guilty to a 509  
violation of division (A) of this section shall do all of the 510  
following that are applicable regarding the offender: 511

(1) (a) If the violation is a felony of the first, second, 512  
or third degree, the court shall impose upon the offender the 513  
mandatory fine specified for the offense under division (B) (1) 514  
of section 2929.18 of the Revised Code unless, as specified in 515  
that division, the court determines that the offender is 516  
indigent. 517

(b) Notwithstanding any contrary provision of section 518  
3719.21 of the Revised Code, the clerk of the court shall pay a 519  
mandatory fine or other fine imposed for a violation of this 520  
section pursuant to division (A) of section 2929.18 of the 521  
Revised Code in accordance with and subject to the requirements 522  
of division (F) of section 2925.03 of the Revised Code. The 523  
agency that receives the fine shall use the fine as specified in 524  
division (F) of section 2925.03 of the Revised Code. 525

(c) If a person is charged with a violation of this 526  
section that is a felony of the first, second, or third degree, 527  
posts bail, and forfeits the bail, the clerk shall pay the 528  
forfeited bail pursuant to division (E) (1) (b) of this section as 529  
if it were a mandatory fine imposed under division (E) (1) (a) of 530  
this section. 531

(2) The court shall suspend for not less than six months 532  
or more than five years the offender's driver's or commercial 533  
driver's license or permit. 534

(3) If the offender is a professionally licensed person, 535  
in addition to any other sanction imposed for a violation of 536  
this section, the court immediately shall comply with section 537  
2925.38 of the Revised Code. 538

(F) It is an affirmative defense, as provided in section 539  
2901.05 of the Revised Code, to a charge of a fourth degree 540

felony violation under this section that the controlled 541  
substance that gave rise to the charge is in an amount, is in a 542  
form, is prepared, compounded, or mixed with substances that are 543  
not controlled substances in a manner, or is possessed under any 544  
other circumstances, that indicate that the substance was 545  
possessed solely for personal use. Notwithstanding any contrary 546  
provision of this section, if, in accordance with section 547  
2901.05 of the Revised Code, an accused who is charged with a 548  
fourth degree felony violation of division (C) (2), (4), (5), or 549  
(6) of this section sustains the burden of going forward with 550  
evidence of and establishes by a preponderance of the evidence 551  
the affirmative defense described in this division, the accused 552  
may be prosecuted for and may plead guilty to or be convicted of 553  
a misdemeanor violation of division (C) (2) of this section or a 554  
fifth degree felony violation of division (C) (4), (5), or (6) of 555  
this section respectively. 556

(G) When a person is charged with possessing a bulk amount 557  
or multiple of a bulk amount, division (E) of section 2925.03 of 558  
the Revised Code applies regarding the determination of the 559  
amount of the controlled substance involved at the time of the 560  
offense. 561

(H) It is an affirmative defense to a charge of possession 562  
of a controlled substance analog under division (C) (8) of this 563  
section that the person charged with violating that offense 564  
obtained, possessed, or used an item described in division (HH) 565  
(2) (a), (b), or (c) of section 3719.01 of the Revised Code. 566

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 567  
or (G) of this section and unless a specific sanction is 568  
required to be imposed or is precluded from being imposed 569  
pursuant to law, a court that imposes a sentence upon an 570

offender for a felony may impose any sanction or combination of 571  
sanctions on the offender that are provided in sections 2929.14 572  
to 2929.18 of the Revised Code. 573

If the offender is eligible to be sentenced to community 574  
control sanctions, the court shall consider the appropriateness 575  
of imposing a financial sanction pursuant to section 2929.18 of 576  
the Revised Code or a sanction of community service pursuant to 577  
section 2929.17 of the Revised Code as the sole sanction for the 578  
offense. Except as otherwise provided in this division, if the 579  
court is required to impose a mandatory prison term for the 580  
offense for which sentence is being imposed, the court also 581  
shall impose any financial sanction pursuant to section 2929.18 582  
of the Revised Code that is required for the offense and may 583  
impose any other financial sanction pursuant to that section but 584  
may not impose any additional sanction or combination of 585  
sanctions under section 2929.16 or 2929.17 of the Revised Code. 586

If the offender is being sentenced for a fourth degree 587  
felony OVI offense or for a third degree felony OVI offense, in 588  
addition to the mandatory term of local incarceration or the 589  
mandatory prison term required for the offense by division (G) 590  
(1) or (2) of this section, the court shall impose upon the 591  
offender a mandatory fine in accordance with division (B)(3) of 592  
section 2929.18 of the Revised Code and may impose whichever of 593  
the following is applicable: 594

(1) For a fourth degree felony OVI offense for which 595  
sentence is imposed under division (G)(1) of this section, an 596  
additional community control sanction or combination of 597  
community control sanctions under section 2929.16 or 2929.17 of 598  
the Revised Code. If the court imposes upon the offender a 599  
community control sanction and the offender violates any 600

condition of the community control sanction, the court may take 601  
any action prescribed in division (B) of section 2929.15 of the 602  
Revised Code relative to the offender, including imposing a 603  
prison term on the offender pursuant to that division. 604

(2) For a third or fourth degree felony OVI offense for 605  
which sentence is imposed under division (G)(2) of this section, 606  
an additional prison term as described in division (B)(4) of 607  
section 2929.14 of the Revised Code or a community control 608  
sanction as described in division (G)(2) of this section. 609

(B)(1)(a) Except as provided in division (B)(1)(b) of this 610  
section, if an offender is convicted of or pleads guilty to a 611  
felony of the fourth or fifth degree that is not an offense of 612  
violence or that is a qualifying assault offense, the court 613  
shall sentence the offender to a community control sanction of 614  
at least one year's duration if all of the following apply: 615

(i) The offender previously has not been convicted of or 616  
pleaded guilty to a felony offense. 617

(ii) The most serious charge against the offender at the 618  
time of sentencing is a felony of the fourth or fifth degree. 619

(iii) If the court made a request of the department of 620  
rehabilitation and correction pursuant to division (B)(1)(c) of 621  
this section, the department, within the forty-five-day period 622  
specified in that division, provided the court with the names 623  
of, contact information for, and program details of one or more 624  
community control sanctions of at least one year's duration that 625  
are available for persons sentenced by the court. 626

(iv) The offender previously has not been convicted of or 627  
pleaded guilty to a misdemeanor offense of violence that the 628  
offender committed within two years prior to the offense for 629

which sentence is being imposed. 630

(b) The court has discretion to impose a prison term upon 631  
an offender who is convicted of or pleads guilty to a felony of 632  
the fourth or fifth degree that is not an offense of violence or 633  
that is a qualifying assault offense if any of the following 634  
apply: 635

(i) The offender committed the offense while having a 636  
firearm on or about the offender's person or under the 637  
offender's control. 638

(ii) If the offense is a qualifying assault offense, the 639  
offender caused serious physical harm to another person while 640  
committing the offense, and, if the offense is not a qualifying 641  
assault offense, the offender caused physical harm to another 642  
person while committing the offense. 643

(iii) The offender violated a term of the conditions of 644  
bond as set by the court. 645

(iv) The court made a request of the department of 646  
rehabilitation and correction pursuant to division (B) (1) (c) of 647  
this section, and the department, within the forty-five-day 648  
period specified in that division, did not provide the court 649  
with the name of, contact information for, and program details 650  
of any community control sanction of at least one year's 651  
duration that is available for persons sentenced by the court. 652

(v) The offense is a sex offense that is a fourth or fifth 653  
degree felony violation of any provision of Chapter 2907. of the 654  
Revised Code. 655

(vi) In committing the offense, the offender attempted to 656  
cause or made an actual threat of physical harm to a person with 657  
a deadly weapon. 658

(vii) In committing the offense, the offender attempted to 659  
cause or made an actual threat of physical harm to a person, and 660  
the offender previously was convicted of an offense that caused 661  
physical harm to a person. 662

(viii) The offender held a public office or position of 663  
trust, and the offense related to that office or position; the 664  
offender's position obliged the offender to prevent the offense 665  
or to bring those committing it to justice; or the offender's 666  
professional reputation or position facilitated the offense or 667  
was likely to influence the future conduct of others. 668

(ix) The offender committed the offense for hire or as 669  
part of an organized criminal activity. 670

(x) The offender at the time of the offense was serving, 671  
or the offender previously had served, a prison term. 672

(xi) The offender committed the offense while under a 673  
community control sanction, while on probation, or while 674  
released from custody on a bond or personal recognizance. 675

(c) If a court that is sentencing an offender who is 676  
convicted of or pleads guilty to a felony of the fourth or fifth 677  
degree that is not an offense of violence or that is a 678  
qualifying assault offense believes that no community control 679  
sanctions are available for its use that, if imposed on the 680  
offender, will adequately fulfill the overriding principles and 681  
purposes of sentencing, the court shall contact the department 682  
of rehabilitation and correction and ask the department to 683  
provide the court with the names of, contact information for, 684  
and program details of one or more community control sanctions 685  
of at least one year's duration that are available for persons 686  
sentenced by the court. Not later than forty-five days after 687



receipt of a request from a court under this division, the 688  
department shall provide the court with the names of, contact 689  
information for, and program details of one or more community 690  
control sanctions of at least one year's duration that are 691  
available for persons sentenced by the court, if any. Upon 692  
making a request under this division that relates to a 693  
particular offender, a court shall defer sentencing of that 694  
offender until it receives from the department the names of, 695  
contact information for, and program details of one or more 696  
community control sanctions of at least one year's duration that 697  
are available for persons sentenced by the court or for forty- 698  
five days, whichever is the earlier. 699

If the department provides the court with the names of, 700  
contact information for, and program details of one or more 701  
community control sanctions of at least one year's duration that 702  
are available for persons sentenced by the court within the 703  
forty-five-day period specified in this division, the court 704  
shall impose upon the offender a community control sanction 705  
under division (B) (1) (a) of this section, except that the court 706  
may impose a prison term under division (B) (1) (b) of this 707  
section if a factor described in division (B) (1) (b) (i) or (ii) 708  
of this section applies. If the department does not provide the 709  
court with the names of, contact information for, and program 710  
details of one or more community control sanctions of at least 711  
one year's duration that are available for persons sentenced by 712  
the court within the forty-five-day period specified in this 713  
division, the court may impose upon the offender a prison term 714  
under division (B) (1) (b) (iv) of this section. 715

(d) A sentencing court may impose an additional penalty 716  
under division (B) of section 2929.15 of the Revised Code upon 717  
an offender sentenced to a community control sanction under 718

division (B) (1) (a) of this section if the offender violates the 719  
conditions of the community control sanction, violates a law, or 720  
leaves the state without the permission of the court or the 721  
offender's probation officer. 722

(2) If division (B) (1) of this section does not apply, 723  
except as provided in division (E), (F), or (G) of this section, 724  
in determining whether to impose a prison term as a sanction for 725  
a felony of the fourth or fifth degree, the sentencing court 726  
shall comply with the purposes and principles of sentencing 727  
under section 2929.11 of the Revised Code and with section 728  
2929.12 of the Revised Code. 729

(C) Except as provided in division (D), (E), (F), or (G) 730  
of this section, in determining whether to impose a prison term 731  
as a sanction for a felony of the third degree or a felony drug 732  
offense that is a violation of a provision of Chapter 2925. of 733  
the Revised Code and that is specified as being subject to this 734  
division for purposes of sentencing, the sentencing court shall 735  
comply with the purposes and principles of sentencing under 736  
section 2929.11 of the Revised Code and with section 2929.12 of 737  
the Revised Code. 738

(D) (1) Except as provided in division (E) or (F) of this 739  
section, for a felony of the first or second degree, for a 740  
felony drug offense that is a violation of any provision of 741  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 742  
presumption in favor of a prison term is specified as being 743  
applicable, and for a violation of division (A) (4) or (B) of 744  
section 2907.05 of the Revised Code for which a presumption in 745  
favor of a prison term is specified as being applicable, it is 746  
presumed that a prison term is necessary in order to comply with 747  
the purposes and principles of sentencing under section 2929.11 748

of the Revised Code. Division (D) (2) of this section does not 749  
apply to a presumption established under this division for a 750  
violation of division (A) (4) of section 2907.05 of the Revised 751  
Code. 752

(2) Notwithstanding the presumption established under 753  
division (D) (1) of this section for the offenses listed in that 754  
division other than a violation of division (A) (4) or (B) of 755  
section 2907.05 of the Revised Code, the sentencing court may 756  
impose a community control sanction or a combination of 757  
community control sanctions instead of a prison term on an 758  
offender for a felony of the first or second degree or for a 759  
felony drug offense that is a violation of any provision of 760  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 761  
presumption in favor of a prison term is specified as being 762  
applicable if it makes both of the following findings: 763

(a) A community control sanction or a combination of 764  
community control sanctions would adequately punish the offender 765  
and protect the public from future crime, because the applicable 766  
factors under section 2929.12 of the Revised Code indicating a 767  
lesser likelihood of recidivism outweigh the applicable factors 768  
under that section indicating a greater likelihood of 769  
recidivism. 770

(b) A community control sanction or a combination of 771  
community control sanctions would not demean the seriousness of 772  
the offense, because one or more factors under section 2929.12 773  
of the Revised Code that indicate that the offender's conduct 774  
was less serious than conduct normally constituting the offense 775  
are applicable, and they outweigh the applicable factors under 776  
that section that indicate that the offender's conduct was more 777  
serious than conduct normally constituting the offense. 778

(E) (1) Except as provided in division (F) of this section, 779  
for any drug offense that is a violation of any provision of 780  
Chapter 2925. of the Revised Code and that is a felony of the 781  
third, fourth, or fifth degree, the applicability of a 782  
presumption under division (D) of this section in favor of a 783  
prison term or of division (B) or (C) of this section in 784  
determining whether to impose a prison term for the offense 785  
shall be determined as specified in section 2925.02, 2925.03, 786  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 787  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 788  
regarding the violation. 789

(2) If an offender who was convicted of or pleaded guilty 790  
to a felony violates the conditions of a community control 791  
sanction imposed for the offense solely by reason of producing 792  
positive results on a drug test or by acting pursuant to 793  
division (B) (2) (b) of section 2925.11 of the Revised Code with 794  
respect to a minor drug possession offense, the court, as 795  
punishment for the violation of the sanction, shall not order 796  
that the offender be imprisoned unless the court determines on 797  
the record either of the following: 798

(a) The offender had been ordered as a sanction for the 799  
felony to participate in a drug treatment program, in a drug 800  
education program, or in narcotics anonymous or a similar 801  
program, and the offender continued to use illegal drugs after a 802  
reasonable period of participation in the program. 803

(b) The imprisonment of the offender for the violation is 804  
consistent with the purposes and principles of sentencing set 805  
forth in section 2929.11 of the Revised Code. 806

(3) A court that sentences an offender for a drug abuse 807  
offense that is a felony of the third, fourth, or fifth degree 808

may require that the offender be assessed by a properly 809  
credentialed professional within a specified period of time. The 810  
court shall require the professional to file a written 811  
assessment of the offender with the court. If the offender is 812  
eligible for a community control sanction and after considering 813  
the written assessment, the court may impose a community control 814  
sanction that includes treatment and recovery support services 815  
authorized by division (A)(11) of section 340.03 of the Revised 816  
Code. If the court imposes treatment and recovery support 817  
services as a community control sanction, the court shall direct 818  
the level and type of treatment and recovery support services 819  
after considering the assessment and recommendation of community 820  
addiction services providers. 821

(F) Notwithstanding divisions (A) to (E) of this section, 822  
the court shall impose a prison term or terms under sections 823  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 824  
section 2971.03 of the Revised Code and except as specifically 825  
provided in section 2929.20, divisions (C) to (I) of section 826  
2967.19, or section 2967.191 of the Revised Code or when parole 827  
is authorized for the offense under section 2967.13 of the 828  
Revised Code shall not reduce the term or terms pursuant to 829  
section 2929.20, section 2967.19, section 2967.193, or any other 830  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 831  
for any of the following offenses: 832

(1) Aggravated murder when death is not imposed or murder; 833

(2) Any rape, regardless of whether force was involved and 834  
regardless of the age of the victim, or an attempt to commit 835  
rape if, had the offender completed the rape that was attempted, 836  
the offender would have been guilty of a violation of division 837  
(A)(1)(b) of section 2907.02 of the Revised Code and would be 838

sentenced under section 2971.03 of the Revised Code; 839

(3) Gross sexual imposition or sexual battery, if the 840  
victim is less than thirteen years of age and if any of the 841  
following applies: 842

(a) Regarding gross sexual imposition, the offender 843  
previously was convicted of or pleaded guilty to rape, the 844  
former offense of felonious sexual penetration, gross sexual 845  
imposition, or sexual battery, and the victim of the previous 846  
offense was less than thirteen years of age; 847

(b) Regarding gross sexual imposition, the offense was 848  
committed on or after August 3, 2006, and evidence other than 849  
the testimony of the victim was admitted in the case 850  
corroborating the violation. 851

(c) Regarding sexual battery, either of the following 852  
applies: 853

(i) The offense was committed prior to August 3, 2006, the 854  
offender previously was convicted of or pleaded guilty to rape, 855  
the former offense of felonious sexual penetration, or sexual 856  
battery, and the victim of the previous offense was less than 857  
thirteen years of age. 858

(ii) The offense was committed on or after August 3, 2006. 859

(4) A felony violation of section 2903.04, 2903.06, 860  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the 861  
Revised Code if the section requires the imposition of a prison 862  
term; 863

(5) A first, second, or third degree felony drug offense 864  
for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 865  
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, 866

or 4729.99 of the Revised Code, whichever is applicable 867  
regarding the violation, requires the imposition of a mandatory 868  
prison term; 869

(6) Any offense that is a first or second degree felony 870  
and that is not set forth in division (F)(1), (2), (3), or (4) 871  
of this section, if the offender previously was convicted of or 872  
pleaded guilty to aggravated murder, murder, any first or second 873  
degree felony, or an offense under an existing or former law of 874  
this state, another state, or the United States that is or was 875  
substantially equivalent to one of those offenses; 876

(7) Any offense that is a third degree felony and either 877  
is a violation of section 2903.04 of the Revised Code or an 878  
attempt to commit a felony of the second degree that is an 879  
offense of violence and involved an attempt to cause serious 880  
physical harm to a person or that resulted in serious physical 881  
harm to a person if the offender previously was convicted of or 882  
pleaded guilty to any of the following offenses: 883

(a) Aggravated murder, murder, involuntary manslaughter, 884  
rape, felonious sexual penetration as it existed under section 885  
2907.12 of the Revised Code prior to September 3, 1996, a felony 886  
of the first or second degree that resulted in the death of a 887  
person or in physical harm to a person, or complicity in or an 888  
attempt to commit any of those offenses; 889

(b) An offense under an existing or former law of this 890  
state, another state, or the United States that is or was 891  
substantially equivalent to an offense listed in division (F)(7) 892  
(a) of this section that resulted in the death of a person or in 893  
physical harm to a person. 894

(8) Any offense, other than a violation of section 2923.12 895

of the Revised Code, that is a felony, if the offender had a 896  
firearm on or about the offender's person or under the 897  
offender's control while committing the felony, with respect to 898  
a portion of the sentence imposed pursuant to division (B) (1) (a) 899  
of section 2929.14 of the Revised Code for having the firearm; 900

(9) Any offense of violence that is a felony, if the 901  
offender wore or carried body armor while committing the felony 902  
offense of violence, with respect to the portion of the sentence 903  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 904  
Revised Code for wearing or carrying the body armor; 905

(10) Corrupt activity in violation of section 2923.32 of 906  
the Revised Code when the most serious offense in the pattern of 907  
corrupt activity that is the basis of the offense is a felony of 908  
the first degree; 909

(11) Any violent sex offense or designated homicide, 910  
assault, or kidnapping offense if, in relation to that offense, 911  
the offender is adjudicated a sexually violent predator; 912

(12) A violation of division (A) (1) or (2) of section 913  
2921.36 of the Revised Code, or a violation of division (C) of 914  
that section involving an item listed in division (A) (1) or (2) 915  
of that section, if the offender is an officer or employee of 916  
the department of rehabilitation and correction; 917

(13) A violation of division (A) (1) or (2) of section 918  
2903.06 of the Revised Code if the victim of the offense is a 919  
peace officer, as defined in section 2935.01 of the Revised 920  
Code, or an investigator of the bureau of criminal 921  
identification and investigation, as defined in section 2903.11 922  
of the Revised Code, with respect to the portion of the sentence 923  
imposed pursuant to division (B) (5) of section 2929.14 of the 924



Revised Code;	925
(14) A violation of division (A) (1) or (2) of section	926
2903.06 of the Revised Code if the offender has been convicted	927
of or pleaded guilty to three or more violations of division (A)	928
or (B) of section 4511.19 of the Revised Code or an equivalent	929
offense, as defined in section 2941.1415 of the Revised Code, or	930
three or more violations of any combination of those divisions	931
and offenses, with respect to the portion of the sentence	932
imposed pursuant to division (B) (6) of section 2929.14 of the	933
Revised Code;	934
(15) Kidnapping, in the circumstances specified in section	935
2971.03 of the Revised Code and when no other provision of	936
division (F) of this section applies;	937
(16) Kidnapping, abduction, compelling prostitution,	938
promoting prostitution, engaging in a pattern of corrupt	939
activity, illegal use of a minor in a nudity-oriented material	940
or performance in violation of division (A) (1) or (2) of section	941
2907.323 of the Revised Code, or endangering children in	942
violation of division (B) (1), (2), (3), (4), or (5) of section	943
2919.22 of the Revised Code, if the offender is convicted of or	944
pleads guilty to a specification as described in section	945
2941.1422 of the Revised Code that was included in the	946
indictment, count in the indictment, or information charging the	947
offense;	948
(17) A felony violation of division (A) or (B) of section	949
2919.25 of the Revised Code if division (D) (3), (4), or (5) of	950
that section, and division (D) (6) of that section, require the	951
imposition of a prison term;	952
(18) A felony violation of section 2903.11, 2903.12, or	953

2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code.

(G) Notwithstanding divisions (A) to (E) of this section, if an offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, the court shall impose upon the offender a mandatory term of local incarceration or a mandatory prison term in accordance with the following:

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G) (1) (d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G) (1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A) (1) of this section.

(2) If the offender is being sentenced for a third degree 984  
felony OVI offense, or if the offender is being sentenced for a 985  
fourth degree felony OVI offense and the court does not impose a 986  
mandatory term of local incarceration under division (G) (1) of 987  
this section, the court shall impose upon the offender a 988  
mandatory prison term of one, two, three, four, or five years if 989  
the offender also is convicted of or also pleads guilty to a 990  
specification of the type described in section 2941.1413 of the 991  
Revised Code or shall impose upon the offender a mandatory 992  
prison term of sixty days or one hundred twenty days as 993  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 994  
Revised Code if the offender has not been convicted of and has 995  
not pleaded guilty to a specification of that type. Subject to 996  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 997  
court shall not reduce the term pursuant to section 2929.20, 998  
2967.19, 2967.193, or any other provision of the Revised Code. 999  
The offender shall serve the one-, two-, three-, four-, or five- 1000  
year mandatory prison term consecutively to and prior to the 1001  
prison term imposed for the underlying offense and consecutively 1002  
to any other mandatory prison term imposed in relation to the 1003  
offense. In no case shall an offender who once has been 1004  
sentenced to a mandatory term of local incarceration pursuant to 1005  
division (G) (1) of this section for a fourth degree felony OVI 1006  
offense be sentenced to another mandatory term of local 1007  
incarceration under that division for any violation of division 1008  
(A) of section 4511.19 of the Revised Code. In addition to the 1009  
mandatory prison term described in division (G) (2) of this 1010  
section, the court may sentence the offender to a community 1011  
control sanction under section 2929.16 or 2929.17 of the Revised 1012  
Code, but the offender shall serve the prison term prior to 1013  
serving the community control sanction. The department of 1014  
rehabilitation and correction may place an offender sentenced to 1015

a mandatory prison term under this division in an intensive 1016  
program prison established pursuant to section 5120.033 of the 1017  
Revised Code if the department gave the sentencing judge prior 1018  
notice of its intent to place the offender in an intensive 1019  
program prison established under that section and if the judge 1020  
did not notify the department that the judge disapproved the 1021  
placement. Upon the establishment of the initial intensive 1022  
program prison pursuant to section 5120.033 of the Revised Code 1023  
that is privately operated and managed by a contractor pursuant 1024  
to a contract entered into under section 9.06 of the Revised 1025  
Code, both of the following apply: 1026

(a) The department of rehabilitation and correction shall 1027  
make a reasonable effort to ensure that a sufficient number of 1028  
offenders sentenced to a mandatory prison term under this 1029  
division are placed in the privately operated and managed prison 1030  
so that the privately operated and managed prison has full 1031  
occupancy. 1032

(b) Unless the privately operated and managed prison has 1033  
full occupancy, the department of rehabilitation and correction 1034  
shall not place any offender sentenced to a mandatory prison 1035  
term under this division in any intensive program prison 1036  
established pursuant to section 5120.033 of the Revised Code 1037  
other than the privately operated and managed prison. 1038

(H) If an offender is being sentenced for a sexually 1039  
oriented offense or child-victim oriented offense that is a 1040  
felony committed on or after January 1, 1997, the judge shall 1041  
require the offender to submit to a DNA specimen collection 1042  
procedure pursuant to section 2901.07 of the Revised Code. 1043

(I) If an offender is being sentenced for a sexually 1044  
oriented offense or a child-victim oriented offense committed on 1045

or after January 1, 1997, the judge shall include in the 1046  
sentence a summary of the offender's duties imposed under 1047  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 1048  
Code and the duration of the duties. The judge shall inform the 1049  
offender, at the time of sentencing, of those duties and of 1050  
their duration. If required under division (A)(2) of section 1051  
2950.03 of the Revised Code, the judge shall perform the duties 1052  
specified in that section, or, if required under division (A)(6) 1053  
of section 2950.03 of the Revised Code, the judge shall perform 1054  
the duties specified in that division. 1055

(J)(1) Except as provided in division (J)(2) of this 1056  
section, when considering sentencing factors under this section 1057  
in relation to an offender who is convicted of or pleads guilty 1058  
to an attempt to commit an offense in violation of section 1059  
2923.02 of the Revised Code, the sentencing court shall consider 1060  
the factors applicable to the felony category of the violation 1061  
of section 2923.02 of the Revised Code instead of the factors 1062  
applicable to the felony category of the offense attempted. 1063

(2) When considering sentencing factors under this section 1064  
in relation to an offender who is convicted of or pleads guilty 1065  
to an attempt to commit a drug abuse offense for which the 1066  
penalty is determined by the amount or number of unit doses of 1067  
the controlled substance involved in the drug abuse offense, the 1068  
sentencing court shall consider the factors applicable to the 1069  
felony category that the drug abuse offense attempted would be 1070  
if that drug abuse offense had been committed and had involved 1071  
an amount or number of unit doses of the controlled substance 1072  
that is within the next lower range of controlled substance 1073  
amounts than was involved in the attempt. 1074

(K) As used in this section: 1075

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

(3) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.

(4) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C) (8) (b) or (C) (9) (b) of that section applies.

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

**Sec. 2929.141.** (A) Upon the conviction of or plea of guilty to a felony by a person on post-release control at the time of the commission of the felony, the court may terminate the term of post-release control, and the court may do either of the following regardless of whether the sentencing court or another court of this state imposed the original prison term for which the person is on post-release control:

(1) In addition to any prison term for the new felony, impose a prison term for the post-release control violation. The maximum prison term for the violation shall be the greater of

twelve months or the period of post-release control for the 1105  
earlier felony minus any time the person has spent under post- 1106  
release control for the earlier felony. In all cases, any prison 1107  
term imposed for the violation shall be reduced by any prison 1108  
term that is administratively imposed by the parole board as a 1109  
post-release control sanction. A prison term imposed for the 1110  
violation shall be served consecutively to any prison term 1111  
imposed for the new felony. The imposition of a prison term for 1112  
the post-release control violation shall terminate the period of 1113  
post-release control for the earlier felony. 1114

(2) Impose a sanction under sections 2929.15 to 2929.18 of 1115  
the Revised Code for the violation that shall be served 1116  
concurrently or consecutively, as specified by the court, with 1117  
any community control sanctions for the new felony. 1118

(B) If a person on post-release control was acting 1119  
pursuant to division (B)(2)(b) of section 2925.11 of the Revised 1120  
Code and in so doing violated the conditions of a post-release 1121  
control sanction based on a minor drug possession offense, as 1122  
defined in section 2925.11 of the Revised Code, the court may 1123  
consider the person's conduct in seeking or obtaining medical 1124  
assistance for another in good faith or for self or may consider 1125  
the person being the subject of another person seeking or 1126  
obtaining medical assistance in accordance with that division as 1127  
a mitigating factor before imposing any of the penalties 1128  
described in division (A) of this section. 1129

(C) Upon the conviction of or plea of guilty to a felony 1130  
by a person on transitional control under section 2967.26 of the 1131  
Revised Code at the time of the commission of the felony, the 1132  
court may, in addition to any prison term for the new felony, 1133  
impose a prison term not exceeding twelve months for having 1134

committed the felony while on transitional control. An 1135  
additional prison term imposed pursuant to this section shall be 1136  
served consecutively to any prison term imposed for the new 1137  
felony. The sentencing court may impose the additional prison 1138  
term authorized by this section regardless of whether the 1139  
sentencing court or another court of this state imposed the 1140  
original prison term for which the person is on transitional 1141  
control. 1142

**Sec. 2929.15.** (A) (1) If in sentencing an offender for a 1143  
felony the court is not required to impose a prison term, a 1144  
mandatory prison term, or a term of life imprisonment upon the 1145  
offender, the court may directly impose a sentence that consists 1146  
of one or more community control sanctions authorized pursuant 1147  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 1148  
the court is sentencing an offender for a fourth degree felony 1149  
OVI offense under division (G) (1) of section 2929.13 of the 1150  
Revised Code, in addition to the mandatory term of local 1151  
incarceration imposed under that division and the mandatory fine 1152  
required by division (B) (3) of section 2929.18 of the Revised 1153  
Code, the court may impose upon the offender a community control 1154  
sanction or combination of community control sanctions in 1155  
accordance with sections 2929.16 and 2929.17 of the Revised 1156  
Code. If the court is sentencing an offender for a third or 1157  
fourth degree felony OVI offense under division (G) (2) of 1158  
section 2929.13 of the Revised Code, in addition to the 1159  
mandatory prison term or mandatory prison term and additional 1160  
prison term imposed under that division, the court also may 1161  
impose upon the offender a community control sanction or 1162  
combination of community control sanctions under section 2929.16 1163  
or 2929.17 of the Revised Code, but the offender shall serve all 1164  
of the prison terms so imposed prior to serving the community 1165



control sanction. 1166

The duration of all community control sanctions imposed 1167  
upon an offender under this division shall not exceed five 1168  
years. If the offender absconds or otherwise leaves the 1169  
jurisdiction of the court in which the offender resides without 1170  
obtaining permission from the court or the offender's probation 1171  
officer to leave the jurisdiction of the court, or if the 1172  
offender is confined in any institution for the commission of 1173  
any offense while under a community control sanction, the period 1174  
of the community control sanction ceases to run until the 1175  
offender is brought before the court for its further action. If 1176  
the court sentences the offender to one or more nonresidential 1177  
sanctions under section 2929.17 of the Revised Code, the court 1178  
shall impose as a condition of the nonresidential sanctions 1179  
that, during the period of the sanctions, the offender must 1180  
abide by the law and must not leave the state without the 1181  
permission of the court or the offender's probation officer. The 1182  
court may impose any other conditions of release under a 1183  
community control sanction that the court considers appropriate, 1184  
including, but not limited to, requiring that the offender not 1185  
ingest or be injected with a drug of abuse and submit to random 1186  
drug testing as provided in division (D) of this section to 1187  
determine whether the offender ingested or was injected with a 1188  
drug of abuse and requiring that the results of the drug test 1189  
indicate that the offender did not ingest or was not injected 1190  
with a drug of abuse. 1191

(2) (a) If a court sentences an offender to any community 1192  
control sanction or combination of community control sanctions 1193  
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 1194  
the Revised Code, the court shall place the offender under the 1195  
general control and supervision of a department of probation in 1196

the county that serves the court for purposes of reporting to 1197  
the court a violation of any condition of the sanctions, any 1198  
condition of release under a community control sanction imposed 1199  
by the court, a violation of law, or the departure of the 1200  
offender from this state without the permission of the court or 1201  
the offender's probation officer. Alternatively, if the offender 1202  
resides in another county and a county department of probation 1203  
has been established in that county or that county is served by 1204  
a multicounty probation department established under section 1205  
2301.27 of the Revised Code, the court may request the court of 1206  
common pleas of that county to receive the offender into the 1207  
general control and supervision of that county or multicounty 1208  
department of probation for purposes of reporting to the court a 1209  
violation of any condition of the sanctions, any condition of 1210  
release under a community control sanction imposed by the court, 1211  
a violation of law, or the departure of the offender from this 1212  
state without the permission of the court or the offender's 1213  
probation officer, subject to the jurisdiction of the trial 1214  
judge over and with respect to the person of the offender, and 1215  
to the rules governing that department of probation. 1216

If there is no department of probation in the county that 1217  
serves the court, the court shall place the offender, regardless 1218  
of the offender's county of residence, under the general control 1219  
and supervision of the adult parole authority for purposes of 1220  
reporting to the court a violation of any of the sanctions, any 1221  
condition of release under a community control sanction imposed 1222  
by the court, a violation of law, or the departure of the 1223  
offender from this state without the permission of the court or 1224  
the offender's probation officer. 1225

(b) If the court imposing sentence upon an offender 1226  
sentences the offender to any community control sanction or 1227

combination of community control sanctions authorized pursuant 1228  
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 1229  
if the offender violates any condition of the sanctions, any 1230  
condition of release under a community control sanction imposed 1231  
by the court, violates any law, or departs the state without the 1232  
permission of the court or the offender's probation officer, the 1233  
public or private person or entity that operates or administers 1234  
the sanction or the program or activity that comprises the 1235  
sanction shall report the violation or departure directly to the 1236  
sentencing court, or shall report the violation or departure to 1237  
the county or multicounty department of probation with general 1238  
control and supervision over the offender under division (A)(2) 1239  
(a) of this section or the officer of that department who 1240  
supervises the offender, or, if there is no such department with 1241  
general control and supervision over the offender under that 1242  
division, to the adult parole authority. If the public or 1243  
private person or entity that operates or administers the 1244  
sanction or the program or activity that comprises the sanction 1245  
reports the violation or departure to the county or multicounty 1246  
department of probation or the adult parole authority, the 1247  
department's or authority's officers may treat the offender as 1248  
if the offender were on probation and in violation of the 1249  
probation, and shall report the violation of the condition of 1250  
the sanction, any condition of release under a community control 1251  
sanction imposed by the court, the violation of law, or the 1252  
departure from the state without the required permission to the 1253  
sentencing court. 1254

(3) If an offender who is eligible for community control 1255  
sanctions under this section admits to being drug addicted or 1256  
the court has reason to believe that the offender is drug 1257  
addicted, and if the offense for which the offender is being 1258

sentenced was related to the addiction, the court may require 1259  
that the offender be assessed by a properly credentialed 1260  
professional within a specified period of time and shall require 1261  
the professional to file a written assessment of the offender 1262  
with the court. If a court imposes treatment and recovery 1263  
support services as a community control sanction, the court 1264  
shall direct the level and type of treatment and recovery 1265  
support services after consideration of the written assessment, 1266  
if available at the time of sentencing, and recommendations of 1267  
the professional and other treatment and recovery support 1268  
services providers. 1269

(4) If an assessment completed pursuant to division (A) (3) 1270  
of this section indicates that the offender is addicted to drugs 1271  
or alcohol, the court may include in any community control 1272  
sanction imposed for a violation of section 2925.02, 2925.03, 1273  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 1274  
2925.36, or 2925.37 of the Revised Code a requirement that the 1275  
offender participate in a treatment and recovery support 1276  
services program certified under section 5119.36 of the Revised 1277  
Code or offered by another properly credentialed community 1278  
addiction services provider. 1279

(B) (1) If the conditions of a community control sanction 1280  
are violated or if the offender violates a law or leaves the 1281  
state without the permission of the court or the offender's 1282  
probation officer, the sentencing court may impose upon the 1283  
violator one or more of the following penalties: 1284

(a) A longer time under the same sanction if the total 1285  
time under the sanctions does not exceed the five-year limit 1286  
specified in division (A) of this section; 1287

(b) A more restrictive sanction under section 2929.16, 1288

2929.17, or 2929.18 of the Revised Code; 1289

(c) A prison term on the offender pursuant to section 1290  
2929.14 of the Revised Code. 1291

(2) If an offender was acting pursuant to division (B) (2) 1292  
(b) of section 2925.11 of the Revised Code and in so doing 1293  
violated the conditions of a community control sanction based on 1294  
a minor drug possession offense, as defined in section 2925.11 1295  
of the Revised Code, the sentencing court may consider the 1296  
offender's conduct in seeking or obtaining medical assistance 1297  
for another in good faith or for self or may consider the 1298  
offender being the subject of another person seeking or 1299  
obtaining medical assistance in accordance with that division as 1300  
a mitigating factor before imposing any of the penalties 1301  
described in division (B) (1) of this section. 1302

(3) The prison term, if any, imposed upon a violator 1303  
pursuant to this division shall be within the range of prison 1304  
terms available for the offense for which the sanction that was 1305  
violated was imposed and shall not exceed the prison term 1306  
specified in the notice provided to the offender at the 1307  
sentencing hearing pursuant to division (B) (2) of section 1308  
2929.19 of the Revised Code. The court may reduce the longer 1309  
period of time that the offender is required to spend under the 1310  
longer sanction, the more restrictive sanction, or a prison term 1311  
imposed pursuant to this division by the time the offender 1312  
successfully spent under the sanction that was initially 1313  
imposed. 1314

(C) If an offender, for a significant period of time, 1315  
fulfills the conditions of a sanction imposed pursuant to 1316  
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 1317  
exemplary manner, the court may reduce the period of time under 1318

the sanction or impose a less restrictive sanction, but the 1319  
court shall not permit the offender to violate any law or permit 1320  
the offender to leave the state without the permission of the 1321  
court or the offender's probation officer. 1322

(D) (1) If a court under division (A) (1) of this section 1323  
imposes a condition of release under a community control 1324  
sanction that requires the offender to submit to random drug 1325  
testing, the department of probation or the adult parole 1326  
authority that has general control and supervision of the 1327  
offender under division (A) (2) (a) of this section may cause the 1328  
offender to submit to random drug testing performed by a 1329  
laboratory or entity that has entered into a contract with any 1330  
of the governmental entities or officers authorized to enter 1331  
into a contract with that laboratory or entity under section 1332  
341.26, 753.33, or 5120.63 of the Revised Code. 1333

(2) If no laboratory or entity described in division (D) 1334  
(1) of this section has entered into a contract as specified in 1335  
that division, the department of probation or the adult parole 1336  
authority that has general control and supervision of the 1337  
offender under division (A) (2) (a) of this section shall cause 1338  
the offender to submit to random drug testing performed by a 1339  
reputable public laboratory to determine whether the individual 1340  
who is the subject of the drug test ingested or was injected 1341  
with a drug of abuse. 1342

(3) A laboratory or entity that has entered into a 1343  
contract pursuant to section 341.26, 753.33, or 5120.63 of the 1344  
Revised Code shall perform the random drug tests under division 1345  
(D) (1) of this section in accordance with the applicable 1346  
standards that are included in the terms of that contract. A 1347  
public laboratory shall perform the random drug tests under 1348

division (D) (2) of this section in accordance with the standards 1349  
set forth in the policies and procedures established by the 1350  
department of rehabilitation and correction pursuant to section 1351  
5120.63 of the Revised Code. An offender who is required under 1352  
division (A) (1) of this section to submit to random drug testing 1353  
as a condition of release under a community control sanction and 1354  
whose test results indicate that the offender ingested or was 1355  
injected with a drug of abuse shall pay the fee for the drug 1356  
test if the department of probation or the adult parole 1357  
authority that has general control and supervision of the 1358  
offender requires payment of a fee. A laboratory or entity that 1359  
performs the random drug testing on an offender under division 1360  
(D) (1) or (2) of this section shall transmit the results of the 1361  
drug test to the appropriate department of probation or the 1362  
adult parole authority that has general control and supervision 1363  
of the offender under division (A) (2) (a) of this section. 1364

**Sec. 2929.25.** (A) (1) Except as provided in sections 1365  
2929.22 and 2929.23 of the Revised Code or when a jail term is 1366  
required by law, in sentencing an offender for a misdemeanor, 1367  
other than a minor misdemeanor, the sentencing court may do 1368  
either of the following: 1369

(a) Directly impose a sentence that consists of one or 1370  
more community control sanctions authorized by section 2929.26, 1371  
2929.27, or 2929.28 of the Revised Code. The court may impose 1372  
any other conditions of release under a community control 1373  
sanction that the court considers appropriate. If the court 1374  
imposes a jail term upon the offender, the court may impose any 1375  
community control sanction or combination of community control 1376  
sanctions in addition to the jail term. 1377

(b) Impose a jail term under section 2929.24 of the 1378

Revised Code from the range of jail terms authorized under that 1379  
section for the offense, suspend all or a portion of the jail 1380  
term imposed, and place the offender under a community control 1381  
sanction or combination of community control sanctions 1382  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1383  
Revised Code. 1384

(2) The duration of all community control sanctions 1385  
imposed upon an offender and in effect for an offender at any 1386  
time shall not exceed five years. 1387

(3) At sentencing, if a court directly imposes a community 1388  
control sanction or combination of community control sanctions 1389  
pursuant to division (A) (1) (a) or (B) of this section, the court 1390  
shall state the duration of the community control sanctions 1391  
imposed and shall notify the offender that if any of the 1392  
conditions of the community control sanctions are violated the 1393  
court may do any of the following: 1394

(a) Impose a longer time under the same community control 1395  
sanction if the total time under all of the offender's community 1396  
control sanctions does not exceed the five-year limit specified 1397  
in division (A) (2) of this section; 1398

(b) Impose a more restrictive community control sanction 1399  
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 1400  
but the court is not required to impose any particular sanction 1401  
or sanctions; 1402

(c) Impose a definite jail term from the range of jail 1403  
terms authorized for the offense under section 2929.24 of the 1404  
Revised Code. 1405

(B) If a court sentences an offender to any community 1406  
control sanction or combination of community control sanctions 1407



pursuant to division (A) (1) (a) of this section, the sentencing 1408  
court retains jurisdiction over the offender and the period of 1409  
community control for the duration of the period of community 1410  
control. Upon the motion of either party or on the court's own 1411  
motion, the court, in the court's sole discretion and as the 1412  
circumstances warrant, may modify the community control 1413  
sanctions or conditions of release previously imposed, 1414  
substitute a community control sanction or condition of release 1415  
for another community control sanction or condition of release 1416  
previously imposed, or impose an additional community control 1417  
sanction or condition of release. 1418

(C) (1) If a court sentences an offender to any community 1419  
control sanction or combination of community control sanctions 1420  
authorized under section 2929.26, 2929.27, or 2929.28 of the 1421  
Revised Code, the court shall place the offender under the 1422  
general control and supervision of the court or of a department 1423  
of probation in the jurisdiction that serves the court for 1424  
purposes of reporting to the court a violation of any of the 1425  
conditions of the sanctions imposed. If the offender resides in 1426  
another jurisdiction and a department of probation has been 1427  
established to serve the municipal court or county court in that 1428  
jurisdiction, the sentencing court may request the municipal 1429  
court or the county court to receive the offender into the 1430  
general control and supervision of that department of probation 1431  
for purposes of reporting to the sentencing court a violation of 1432  
any of the conditions of the sanctions imposed. The sentencing 1433  
court retains jurisdiction over any offender whom it sentences 1434  
for the duration of the sanction or sanctions imposed. 1435

(2) The sentencing court shall require as a condition of 1436  
any community control sanction that the offender abide by the 1437  
law and not leave the state without the permission of the court 1438

or the offender's probation officer. In the interests of doing 1439  
justice, rehabilitating the offender, and ensuring the 1440  
offender's good behavior, the court may impose additional 1441  
requirements on the offender. The offender's compliance with the 1442  
additional requirements also shall be a condition of the 1443  
community control sanction imposed upon the offender. 1444

(D) (1) If the court imposing sentence upon an offender 1445  
sentences the offender to any community control sanction or 1446  
combination of community control sanctions authorized under 1447  
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 1448  
the offender violates any of the conditions of the sanctions, 1449  
the public or private person or entity that supervises or 1450  
administers the program or activity that comprises the sanction 1451  
shall report the violation directly to the sentencing court or 1452  
to the department of probation or probation officer with general 1453  
control and supervision over the offender. If the public or 1454  
private person or entity reports the violation to the department 1455  
of probation or probation officer, the department or officer 1456  
shall report the violation to the sentencing court. 1457

(2) If an offender violates any condition of a community 1458  
control sanction, the sentencing court may impose upon the 1459  
violator one or more of the following penalties: 1460

(a) A longer time under the same community control 1461  
sanction if the total time under all of the community control 1462  
sanctions imposed on the violator does not exceed the five-year 1463  
limit specified in division (A) (2) of this section; 1464

(b) A more restrictive community control sanction; 1465

(c) A combination of community control sanctions, 1466  
including a jail term. 1467

(3) If an offender was acting pursuant to division (B) (2) 1468  
(b) of section 2925.11 of the Revised Code and in so doing 1469  
violated the conditions of a community control sanction based on 1470  
a minor drug possession offense, as defined in section 2925.11 1471  
of the Revised Code, the sentencing court may consider the 1472  
offender's conduct in seeking or obtaining medical assistance 1473  
for another in good faith or for self or may consider the 1474  
offender being the subject of another person seeking or 1475  
obtaining medical assistance in accordance with that division as 1476  
a mitigating factor before imposing any of the penalties 1477  
described in division (D) (2) of this section. 1478

(4) If the court imposes a jail term upon a violator 1479  
pursuant to division (D) (2) of this section, the total time 1480  
spent in jail for the misdemeanor offense and the violation of a 1481  
condition of the community control sanction shall not exceed the 1482  
maximum jail term available for the offense for which the 1483  
sanction that was violated was imposed. The court may reduce the 1484  
longer period of time that the violator is required to spend 1485  
under the longer sanction or the more restrictive sanction 1486  
imposed under division (D) (2) of this section by all or part of 1487  
the time the violator successfully spent under the sanction that 1488  
was initially imposed. 1489

(E) Except as otherwise provided in this division, if an 1490  
offender, for a significant period of time, fulfills the 1491  
conditions of a community control sanction imposed pursuant to 1492  
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 1493  
exemplary manner, the court may reduce the period of time under 1494  
the community control sanction or impose a less restrictive 1495  
community control sanction. Fulfilling the conditions of a 1496  
community control sanction does not relieve the offender of a 1497  
duty to make restitution under section 2929.28 of the Revised 1498

Code.	1499
<b>Sec. 2967.28.</b> (A) As used in this section:	1500
(1) "Monitored time" means the monitored time sanction specified in section 2929.17 of the Revised Code.	1501 1502
(2) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	1503 1504
(3) "Felony sex offense" means a violation of a section contained in Chapter 2907. of the Revised Code that is a felony.	1505 1506
(4) "Risk reduction sentence" means a prison term imposed by a court, when the court recommends pursuant to section 2929.143 of the Revised Code that the offender serve the sentence under section 5120.036 of the Revised Code, and the offender may potentially be released from imprisonment prior to the expiration of the prison term if the offender successfully completes all assessment and treatment or programming required by the department of rehabilitation and correction under section 5120.036 of the Revised Code.	1507 1508 1509 1510 1511 1512 1513 1514 1515
(5) "Victim's immediate family" has the same meaning as in section 2967.12 of the Revised Code.	1516 1517
<u>(6) "Minor drug possession offense" has the same meaning as in section 2925.11 of the Revised Code.</u>	1518 1519
(B) Each sentence to a prison term for a felony of the first degree, for a felony of the second degree, for a felony sex offense, or for a felony of the third degree that is an offense of violence and is not a felony sex offense shall include a requirement that the offender be subject to a period of post-release control imposed by the parole board after the offender's release from imprisonment. This division applies with	1520 1521 1522 1523 1524 1525 1526

respect to all prison terms of a type described in this 1527  
division, including a term of any such type that is a risk 1528  
reduction sentence. If a court imposes a sentence including a 1529  
prison term of a type described in this division on or after 1530  
July 11, 2006, the failure of a sentencing court to notify the 1531  
offender pursuant to division (B) (2) (c) of section 2929.19 of 1532  
the Revised Code of this requirement or to include in the 1533  
judgment of conviction entered on the journal a statement that 1534  
the offender's sentence includes this requirement does not 1535  
negate, limit, or otherwise affect the mandatory period of 1536  
supervision that is required for the offender under this 1537  
division. Section 2929.191 of the Revised Code applies if, prior 1538  
to July 11, 2006, a court imposed a sentence including a prison 1539  
term of a type described in this division and failed to notify 1540  
the offender pursuant to division (B) (2) (c) of section 2929.19 1541  
of the Revised Code regarding post-release control or to include 1542  
in the judgment of conviction entered on the journal or in the 1543  
sentence pursuant to division (D) (1) of section 2929.14 of the 1544  
Revised Code a statement regarding post-release control. Unless 1545  
reduced by the parole board pursuant to division (D) of this 1546  
section when authorized under that division, a period of post- 1547  
release control required by this division for an offender shall 1548  
be of one of the following periods: 1549

(1) For a felony of the first degree or for a felony sex 1550  
offense, five years; 1551

(2) For a felony of the second degree that is not a felony 1552  
sex offense, three years; 1553

(3) For a felony of the third degree that is an offense of 1554  
violence and is not a felony sex offense, three years. 1555

(C) Any sentence to a prison term for a felony of the 1556

third, fourth, or fifth degree that is not subject to division 1557  
(B) (1) or (3) of this section shall include a requirement that 1558  
the offender be subject to a period of post-release control of 1559  
up to three years after the offender's release from 1560  
imprisonment, if the parole board, in accordance with division 1561  
(D) of this section, determines that a period of post-release 1562  
control is necessary for that offender. This division applies 1563  
with respect to all prison terms of a type described in this 1564  
division, including a term of any such type that is a risk 1565  
reduction sentence. Section 2929.191 of the Revised Code applies 1566  
if, prior to July 11, 2006, a court imposed a sentence including 1567  
a prison term of a type described in this division and failed to 1568  
notify the offender pursuant to division (B) (2) (d) of section 1569  
2929.19 of the Revised Code regarding post-release control or to 1570  
include in the judgment of conviction entered on the journal or 1571  
in the sentence pursuant to division (D) (2) of section 2929.14 1572  
of the Revised Code a statement regarding post-release control. 1573  
Pursuant to an agreement entered into under section 2967.29 of 1574  
the Revised Code, a court of common pleas or parole board may 1575  
impose sanctions or conditions on an offender who is placed on 1576  
post-release control under this division. 1577

(D) (1) Before the prisoner is released from imprisonment, 1578  
the parole board or, pursuant to an agreement under section 1579  
2967.29 of the Revised Code, the court shall impose upon a 1580  
prisoner described in division (B) of this section, shall impose 1581  
upon a prisoner described in division (C) of this section who is 1582  
to be released before the expiration of the prisoner's stated 1583  
prison term under a risk reduction sentence, may impose upon a 1584  
prisoner described in division (C) of this section who is not to 1585  
be released before the expiration of the prisoner's stated 1586  
prison term under a risk reduction sentence, and shall impose 1587

upon a prisoner described in division (B) (2) (b) of section 1588  
5120.031 or in division (B) (1) of section 5120.032 of the 1589  
Revised Code, one or more post-release control sanctions to 1590  
apply during the prisoner's period of post-release control. 1591  
Whenever the board or court imposes one or more post-release 1592  
control sanctions upon a prisoner, the board or court, in 1593  
addition to imposing the sanctions, also shall include as a 1594  
condition of the post-release control that the offender not 1595  
leave the state without permission of the court or the 1596  
offender's parole or probation officer and that the offender 1597  
abide by the law. The board or court may impose any other 1598  
conditions of release under a post-release control sanction that 1599  
the board or court considers appropriate, and the conditions of 1600  
release may include any community residential sanction, 1601  
community nonresidential sanction, or financial sanction that 1602  
the sentencing court was authorized to impose pursuant to 1603  
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 1604  
Prior to the release of a prisoner for whom it will impose one 1605  
or more post-release control sanctions under this division, the 1606  
parole board or court shall review the prisoner's criminal 1607  
history, results from the single validated risk assessment tool 1608  
selected by the department of rehabilitation and correction 1609  
under section 5120.114 of the Revised Code, all juvenile court 1610  
adjudications finding the prisoner, while a juvenile, to be a 1611  
delinquent child, and the record of the prisoner's conduct while 1612  
imprisoned. The parole board or court shall consider any 1613  
recommendation regarding post-release control sanctions for the 1614  
prisoner made by the office of victims' services. After 1615  
considering those materials, the board or court shall determine, 1616  
for a prisoner described in division (B) of this section, 1617  
division (B) (2) (b) of section 5120.031, or division (B) (1) of 1618  
section 5120.032 of the Revised Code and for a prisoner 1619

described in division (C) of this section who is to be released 1620  
before the expiration of the prisoner's stated prison term under 1621  
a risk reduction sentence, which post-release control sanction 1622  
or combination of post-release control sanctions is reasonable 1623  
under the circumstances or, for a prisoner described in division 1624  
(C) of this section who is not to be released before the 1625  
expiration of the prisoner's stated prison term under a risk 1626  
reduction sentence, whether a post-release control sanction is 1627  
necessary and, if so, which post-release control sanction or 1628  
combination of post-release control sanctions is reasonable 1629  
under the circumstances. In the case of a prisoner convicted of 1630  
a felony of the fourth or fifth degree other than a felony sex 1631  
offense, the board or court shall presume that monitored time is 1632  
the appropriate post-release control sanction unless the board 1633  
or court determines that a more restrictive sanction is 1634  
warranted. A post-release control sanction imposed under this 1635  
division takes effect upon the prisoner's release from 1636  
imprisonment. 1637

Regardless of whether the prisoner was sentenced to the 1638  
prison term prior to, on, or after July 11, 2006, prior to the 1639  
release of a prisoner for whom it will impose one or more post- 1640  
release control sanctions under this division, the parole board 1641  
shall notify the prisoner that, if the prisoner violates any 1642  
sanction so imposed or any condition of post-release control 1643  
described in division (B) of section 2967.131 of the Revised 1644  
Code that is imposed on the prisoner, the parole board may 1645  
impose a prison term of up to one-half of the stated prison term 1646  
originally imposed upon the prisoner. 1647

At least thirty days before the prisoner is released from 1648  
imprisonment, except as otherwise provided in this paragraph, 1649  
the department of rehabilitation and correction shall notify the 1650



victim and the victim's immediate family of the date on which 1651  
the prisoner will be released, the period for which the prisoner 1652  
will be under post-release control supervision, and the terms 1653  
and conditions of the prisoner's post-release control regardless 1654  
of whether the victim or victim's immediate family has requested 1655  
the notification. The notice described in this paragraph shall 1656  
not be given to a victim or victim's immediate family if the 1657  
victim or the victim's immediate family has requested pursuant 1658  
to division (B) (2) of section 2930.03 of the Revised Code that 1659  
the notice not be provided to the victim or the victim's 1660  
immediate family. At least thirty days before the prisoner is 1661  
released from imprisonment and regardless of whether the victim 1662  
or victim's immediate family has requested that the notice 1663  
described in this paragraph be provided or not be provided to 1664  
the victim or the victim's immediate family, the department also 1665  
shall provide notice of that nature to the prosecuting attorney 1666  
in the case and the law enforcement agency that arrested the 1667  
prisoner if any officer of that agency was a victim of the 1668  
offense. 1669

If the notice given under the preceding paragraph to the 1670  
victim or the victim's immediate family is based on an offense 1671  
committed prior to ~~the effective date of this amendment~~ March 1672  
22, 2013, and if the department of rehabilitation and correction 1673  
has not previously successfully provided any notice to the 1674  
victim or the victim's immediate family under division (B), (C), 1675  
or (D) of section 2930.16 of the Revised Code with respect to 1676  
that offense and the offender who committed it, the notice also 1677  
shall inform the victim or the victim's immediate family that 1678  
the victim or the victim's immediate family may request that the 1679  
victim or the victim's immediate family not be provided any 1680  
further notices with respect to that offense and the offender 1681

who committed it and shall describe the procedure for making 1682  
that request. The department may give the notices to which the 1683  
preceding paragraph applies by any reasonable means, including 1684  
regular mail, telephone, and electronic mail. If the department 1685  
attempts to provide notice to any specified person under the 1686  
preceding paragraph but the attempt is unsuccessful because the 1687  
department is unable to locate the specified person, is unable 1688  
to provide the notice by its chosen method because it cannot 1689  
determine the mailing address, electronic mail address, or 1690  
telephone number at which to provide the notice, or, if the 1691  
notice is sent by mail, the notice is returned, the department 1692  
shall make another attempt to provide the notice to the 1693  
specified person. If the second attempt is unsuccessful, the 1694  
department shall make at least one more attempt to provide the 1695  
notice. If the notice is based on an offense committed prior to 1696  
~~the effective date of this amendment~~ March 22, 2013, in each 1697  
attempt to provide the notice to the victim or victim's 1698  
immediate family, the notice shall include the opt-out 1699  
information described in this paragraph. The department, in the 1700  
manner described in division (D) (2) of section 2930.16 of the 1701  
Revised Code, shall keep a record of all attempts to provide the 1702  
notice, and of all notices provided, under this paragraph and 1703  
the preceding paragraph. The record shall be considered as if it 1704  
was kept under division (D) (2) of section 2930.16 of the Revised 1705  
Code. This paragraph, the preceding paragraph, and the notice- 1706  
related provisions of divisions (E) (2) and (K) of section 1707  
2929.20, division (D) (1) of section 2930.16, division (H) of 1708  
section 2967.12, division (E) (1) (b) of section 2967.19, division 1709  
(A) (3) (b) of section 2967.26, and division (A) (2) of section 1710  
5149.101 of the Revised Code enacted in the act in which this 1711  
paragraph and the preceding paragraph were enacted, shall be 1712  
known as "Roberta's Law." 1713

(2) If a prisoner who is placed on post-release control 1714  
under this section is released before the expiration of the 1715  
prisoner's stated prison term by reason of credit earned under 1716  
section 2967.193 of the Revised Code and if the prisoner earned 1717  
sixty or more days of credit, the adult parole authority shall 1718  
supervise the offender with an active global positioning system 1719  
device for the first fourteen days after the offender's release 1720  
from imprisonment. This division does not prohibit or limit the 1721  
imposition of any post-release control sanction otherwise 1722  
authorized by this section. 1723

(3) At any time after a prisoner is released from 1724  
imprisonment and during the period of post-release control 1725  
applicable to the releasee, the adult parole authority or, 1726  
pursuant to an agreement under section 2967.29 of the Revised 1727  
Code, the court may review the releasee's behavior under the 1728  
post-release control sanctions imposed upon the releasee under 1729  
this section. The authority or court may determine, based upon 1730  
the review and in accordance with the standards established 1731  
under division (E) of this section, that a more restrictive or a 1732  
less restrictive sanction is appropriate and may impose a 1733  
different sanction. The authority also may recommend that the 1734  
parole board or court increase or reduce the duration of the 1735  
period of post-release control imposed by the court. If the 1736  
authority recommends that the board or court increase the 1737  
duration of post-release control, the board or court shall 1738  
review the releasee's behavior and may increase the duration of 1739  
the period of post-release control imposed by the court up to 1740  
eight years. If the authority recommends that the board or court 1741  
reduce the duration of control for an offense described in 1742  
division (B) or (C) of this section, the board or court shall 1743  
review the releasee's behavior and may reduce the duration of 1744

the period of control imposed by the court. In no case shall the board or court reduce the duration of the period of control imposed for an offense described in division (B) (1) of this section to a period less than the length of the stated prison term originally imposed, and in no case shall the board or court permit the releasee to leave the state without permission of the court or the releasee's parole or probation officer.

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

(1) Establish standards for the imposition by the parole board of post-release control sanctions under this section that are consistent with the overriding purposes and sentencing principles set forth in section 2929.11 of the Revised Code and that are appropriate to the needs of releasees;

(2) Establish standards that provide for a period of post-release control of up to three years for all prisoners described in division (C) of this section who are to be released before the expiration of their stated prison term under a risk reduction sentence and standards by which the parole board can determine which prisoners described in division (C) of this section who are not to be released before the expiration of their stated prison term under a risk reduction sentence should be placed under a period of post-release control;

(3) Establish standards to be used by the parole board in reducing the duration of the period of post-release control imposed by the court when authorized under division (D) of this section, in imposing a more restrictive post-release control sanction than monitored time upon a prisoner convicted of a felony of the fourth or fifth degree other than a felony sex

offense, or in imposing a less restrictive control sanction upon 1775  
a releasee based on the releasee's activities including, but not 1776  
limited to, remaining free from criminal activity and from the 1777  
abuse of alcohol or other drugs, successfully participating in 1778  
approved rehabilitation programs, maintaining employment, and 1779  
paying restitution to the victim or meeting the terms of other 1780  
financial sanctions; 1781

(4) Establish standards to be used by the adult parole 1782  
authority in modifying a releasee's post-release control 1783  
sanctions pursuant to division (D) (2) of this section; 1784

(5) Establish standards to be used by the adult parole 1785  
authority or parole board in imposing further sanctions under 1786  
division (F) of this section on releasees who violate post- 1787  
release control sanctions, including standards that do the 1788  
following: 1789

(a) Classify violations according to the degree of 1790  
seriousness; 1791

(b) Define the circumstances under which formal action by 1792  
the parole board is warranted; 1793

(c) Govern the use of evidence at violation hearings; 1794

(d) Ensure procedural due process to an alleged violator; 1795

(e) Prescribe nonresidential community control sanctions 1796  
for most misdemeanor and technical violations; 1797

(f) Provide procedures for the return of a releasee to 1798  
imprisonment for violations of post-release control. 1799

(F) (1) Whenever the parole board imposes one or more post- 1800  
release control sanctions upon an offender under this section, 1801  
the offender upon release from imprisonment shall be under the 1802

general jurisdiction of the adult parole authority and generally 1803  
shall be supervised by the field services section through its 1804  
staff of parole and field officers as described in section 1805  
5149.04 of the Revised Code, as if the offender had been placed 1806  
on parole. If the offender upon release from imprisonment 1807  
violates the post-release control sanction or any conditions 1808  
described in division (A) of section 2967.131 of the Revised 1809  
Code that are imposed on the offender, the public or private 1810  
person or entity that operates or administers the sanction or 1811  
the program or activity that comprises the sanction shall report 1812  
the violation directly to the adult parole authority or to the 1813  
officer of the authority who supervises the offender. The 1814  
authority's officers may treat the offender as if the offender 1815  
were on parole and in violation of the parole, and otherwise 1816  
shall comply with this section. 1817

(2) If the adult parole authority or, pursuant to an 1818  
agreement under section 2967.29 of the Revised Code, the court 1819  
determines that a releasee has violated a post-release control 1820  
sanction or any conditions described in division (A) of section 1821  
2967.131 of the Revised Code imposed upon the releasee and that 1822  
a more restrictive sanction is appropriate, the authority or 1823  
court may impose a more restrictive sanction upon the releasee, 1824  
in accordance with the standards established under division (E) 1825  
of this section or in accordance with the agreement made under 1826  
section 2967.29 of the Revised Code, or may report the violation 1827  
to the parole board for a hearing pursuant to division (F) (3) of 1828  
this section. The authority or court may not, pursuant to this 1829  
division, increase the duration of the releasee's post-release 1830  
control or impose as a post-release control sanction a 1831  
residential sanction that includes a prison term, but the 1832  
authority or court may impose on the releasee any other 1833

residential sanction, nonresidential sanction, or financial 1834  
sanction that the sentencing court was authorized to impose 1835  
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 1836  
Revised Code. 1837

(3) The parole board or, pursuant to an agreement under 1838  
section 2967.29 of the Revised Code, the court may hold a 1839  
hearing on any alleged violation by a releasee of a post-release 1840  
control sanction or any conditions described in division (A) of 1841  
section 2967.131 of the Revised Code that are imposed upon the 1842  
releasee. If after the hearing the board or court finds that the 1843  
releasee violated the sanction or condition, the board or court 1844  
may increase the duration of the releasee's post-release control 1845  
up to the maximum duration authorized by division (B) or (C) of 1846  
this section or impose a more restrictive post-release control 1847  
sanction. If a releasee was acting pursuant to division (B) (2) 1848  
(b) of section 2925.11 of the Revised Code and in so doing 1849  
violated the conditions of a post-release control sanction based 1850  
on a minor drug possession offense as defined in that section, 1851  
the board or the court may consider the releasee's conduct in 1852  
seeking or obtaining medical assistance for another in good 1853  
faith or for self or may consider the releasee being the subject 1854  
of another person seeking or obtaining medical assistance in 1855  
accordance with that division as a mitigating factor before 1856  
imposing any of the penalties described in this division. When 1857  
appropriate, the board or court may impose as a post-release 1858  
control sanction a residential sanction that includes a prison 1859  
term. The board or court shall consider a prison term as a post- 1860  
release control sanction imposed for a violation of post-release 1861  
control when the violation involves a deadly weapon or dangerous 1862  
ordnance, physical harm or attempted serious physical harm to a 1863  
person, or sexual misconduct, or when the releasee committed 1864

repeated violations of post-release control sanctions. Unless a  
releasee's stated prison term was reduced pursuant to section  
5120.032 of the Revised Code, the period of a prison term that  
is imposed as a post-release control sanction under this  
division shall not exceed nine months, and the maximum  
cumulative prison term for all violations under this division  
shall not exceed one-half of the stated prison term originally  
imposed upon the offender as part of this sentence. If a  
releasee's stated prison term was reduced pursuant to section  
5120.032 of the Revised Code, the period of a prison term that  
is imposed as a post-release control sanction under this  
division and the maximum cumulative prison term for all  
violations under this division shall not exceed the period of  
time not served in prison under the sentence imposed by the  
court. The period of a prison term that is imposed as a post-  
release control sanction under this division shall not count as,  
or be credited toward, the remaining period of post-release  
control.

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

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



post-release control in the following manner: 1896

(a) If a period of post-release control is imposed upon 1897  
the offender and if the offender also is subject to a period of 1898  
parole under a life sentence or an indefinite sentence, and if 1899  
the period of post-release control ends prior to the period of 1900  
parole, the offender shall be supervised on parole. The offender 1901  
shall receive credit for post-release control supervision during 1902  
the period of parole. The offender is not eligible for final 1903  
release under section 2967.16 of the Revised Code until the 1904  
post-release control period otherwise would have ended. 1905

(b) If a period of post-release control is imposed upon 1906  
the offender and if the offender also is subject to a period of 1907  
parole under an indefinite sentence, and if the period of parole 1908  
ends prior to the period of post-release control, the offender 1909  
shall be supervised on post-release control. The requirements of 1910  
parole supervision shall be satisfied during the post-release 1911  
control period. 1912

(c) If an offender is subject to more than one period of 1913  
post-release control, the period of post-release control for all 1914  
of the sentences shall be the period of post-release control 1915  
that expires last, as determined by the parole board or court. 1916  
Periods of post-release control shall be served concurrently and 1917  
shall not be imposed consecutively to each other. 1918

(d) The period of post-release control for a releasee who 1919  
commits a felony while under post-release control for an earlier 1920  
felony shall be the longer of the period of post-release control 1921  
specified for the new felony under division (B) or (C) of this 1922  
section or the time remaining under the period of post-release 1923  
control imposed for the earlier felony as determined by the 1924  
parole board or court. 1925

**Sec. 4549.02.** (A) (1) In the case of a motor vehicle 1926  
accident ~~to~~ or collision with persons or property ~~upon any of~~ 1927  
~~the~~ on a public roads or highways, due to the driving or 1928  
~~operation thereon of any motor vehicle, the person driving or~~ 1929  
~~operating~~ road or highway, the operator of the motor vehicle, 1930  
having knowledge of the accident or collision, immediately shall 1931  
stop the ~~driver's or operator's~~ motor vehicle at the scene of 1932  
the accident or collision. The operator ~~and~~ shall remain at the 1933  
scene of the accident or collision until the ~~driver or operator~~ 1934  
has given the ~~driver's or operator's~~ name and address and, if 1935  
the ~~driver or operator~~ is not the owner, the name and address of 1936  
the owner of that motor vehicle, together with the registered 1937  
number of that motor vehicle, to ~~any~~ all of the following: 1938

(a) Any person injured in the accident or collision ~~or to~~ 1939  
~~the~~; 1940

(b) The operator, occupant, owner, or attendant of any 1941  
motor vehicle damaged in the accident or collision, ~~or to any~~; 1942

(c) The police officer at the scene of the accident or 1943  
collision. 1944

(2) In the event ~~the~~ an injured person is unable to 1945  
comprehend and record the information required to be given ~~by~~ 1946  
under division (A) (1) of this section, the other ~~driver operator~~ 1947  
involved in the accident or collision ~~forthwith~~ shall notify the 1948  
nearest police authority concerning the location of the accident 1949  
or collision, and the ~~driver's operator's~~ name, address, and the 1950  
registered number of the motor vehicle the ~~driver operator~~ was 1951  
operating, ~~and then~~. The operator shall remain at the scene of 1952  
the accident or collision until a police officer arrives, unless 1953  
removed from the scene by an emergency vehicle operated by a 1954  
political subdivision or an ambulance. 1955

(3) If the accident or collision is with an unoccupied or  
unattended motor vehicle, the operator who collides with the  
motor vehicle shall securely attach the information required to  
be given in this section, in writing, to a conspicuous place in  
or on the unoccupied or unattended motor vehicle.

(B) (1) Whoever violates division (A) of this section is  
guilty of failure to stop after an accident, ~~7.~~ Except as  
otherwise provided in division (B) (2) or (3) of this section,  
failure to stop after an accident is a misdemeanor of the first  
degree. ~~If~~

(2) If the accident or collision results in serious  
physical harm to a person, failure to stop after an accident is  
whichever of the following is applicable:

(a) Except as otherwise provided in division (B) (2) (b) of  
this section, a felony of the fifth degree;

(b) If the offender knew that the accident or collision  
resulted in serious physical harm to a person, a felony of the  
fourth degree. ~~If~~

(3) If the accident or collision results in the death of a  
person, failure to stop after an accident is whichever of the  
following is applicable:

(a) Except as provided in division (B) (3) (b) of this  
section, a felony of the third degree;

(b) If the offender knew that the accident or collision  
resulted in the death of a person, a felony of the second  
degree. ~~The~~

(4) In all cases, the court, in addition to any other  
penalties provided by law, shall impose upon the offender a

class five suspension of the offender's driver's license, 1984  
commercial driver's license, temporary instruction permit, 1985  
probationary license, or nonresident operating privilege from 1986  
the range specified in division (A) (5) of section 4510.02 of the 1987  
Revised Code. No judge shall suspend the first six months of 1988  
suspension of an offender's license, permit, or privilege 1989  
required by this division. 1990

The offender shall provide the court with proof of 1991  
financial responsibility as defined in section 4509.01 of the 1992  
Revised Code. If the offender fails to provide that proof of 1993  
financial responsibility, then, in addition to any other 1994  
penalties provided by law, the court may order restitution 1995  
pursuant to section 2929.18 or 2929.28 of the Revised Code in an 1996  
amount not exceeding five thousand dollars for any economic loss 1997  
arising from an accident or collision that was the direct and 1998  
proximate result of the offender's operation of the motor 1999  
vehicle before, during, or after committing the offense charged 2000  
under this section. 2001

**Sec. 4549.021.** (A) (1) In the case of a motor vehicle 2002  
accident or collision resulting in injury or damage to persons 2003  
or property ~~upon~~ on any public or private property other than 2004  
~~public roads or highways, due to the driving or operation~~ 2005  
~~thereon of any motor vehicle, the person driving or operating a~~ 2006  
public road or highway, the operator of the motor vehicle, 2007  
having knowledge of the accident or collision, shall stop, ~~and,~~ 2008  
~~upon~~ at the scene of the accident or collision. Upon request of 2009  
~~the~~ any person who is injured or damaged, or any other person, 2010  
the operator shall give that person the ~~driver's or operator's~~ 2011  
name and address, and, if the ~~driver or operator~~ is not the 2012  
owner, the name and address of the owner of that motor vehicle, 2013  
together with the registered number of that motor vehicle, and, 2014

if available, exhibit the ~~driver's or operator's~~ driver's or  
commercial driver's license. 2015  
2016

(2) If the owner or person in charge of the damaged 2017  
property is not furnished such information, the driver operator 2018  
of the motor vehicle involved in the accident or collision does 2019  
not provide the information specified in division (A) (1) of this 2020  
section, the operator shall give that information, within 2021  
twenty-four hours after the accident or collision, ~~shall forward~~ 2022  
to the police department of the city or village in which the 2023  
accident or collision occurred, or if it occurred outside the 2024  
corporate limits of a city or village, to the sheriff of the 2025  
county in which the accident or collision occurred ~~the same~~ 2026  
~~information required to be given to the owner or person in~~ 2027  
~~control of the damaged property and give the date, time, and~~ 2028  
~~location of the accident or collision.~~ 2029

(3) If the accident or collision is with an unoccupied or 2030  
unattended motor vehicle, the operator who collides with the 2031  
motor vehicle shall securely attach the information required ~~to~~ 2032  
~~be given in under division (A) (1) of this~~ section, in writing, 2033  
to a conspicuous place in or on the unoccupied or unattended 2034  
motor vehicle. 2035

(B) (1) Whoever violates division (A) of this section is 2036  
guilty of failure to stop after a nonpublic road accident, or 2037  
Except as otherwise provided in division (B) (2) or (3) of this 2038  
section, failure to stop after a nonpublic road accident is a 2039  
misdemeanor of the first degree. ~~If~~ 2040

(2) If the accident or collision results in serious 2041  
physical harm to a person, failure to stop after a nonpublic 2042  
road accident is whichever of the following is applicable: 2043

(a) Except as otherwise provided in division (B) (2) (b) of this section, a felony of the fifth degree; 2044  
2045

(b) If the offender knew that the accident or collision resulted in serious physical harm to a person, a felony of the fourth degree. If- 2046  
2047  
2048

(3) If the accident or collision results in the death of a person, failure to stop after a nonpublic road accident is whichever of the following is applicable: 2049  
2050  
2051

(a) Except as provided in division (B) (3) (b) of this section, a felony of the third degree; 2052  
2053

(b) If the offender knew that the accident or collision resulted in the death of a person, a felony of the second degree. The- 2054  
2055  
2056

(4) In all cases, the court, in addition to any other penalties provided by law, shall impose upon the offender a class five suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A) (5) of section 4510.02 of the Revised Code. No judge shall suspend the first six months of suspension of an offender's license, permit, or privilege required by this division. 2057  
2058  
2059  
2060  
2061  
2062  
2063  
2064  
2065

The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then, in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.18 or 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss 2066  
2067  
2068  
2069  
2070  
2071  
2072

arising from an accident or collision that was the direct and 2073  
proximate result of the offender's operation of the motor 2074  
vehicle before, during, or after committing the offense charged 2075  
under this section. 2076

**Sec. 4742.03.** (A) A person may obtain certification as an 2077  
emergency service telecommunicator by successfully completing a 2078  
basic course of emergency service telecommunicator training that 2079  
is conducted by the state board of education under section 2080  
4742.02 of the Revised Code. The basic course of emergency 2081  
service telecommunicator training shall include, but not be 2082  
limited to, both of the following: 2083

(1) At least forty hours of instruction or training; 2084

(2) Instructional or training units in all of the 2085  
following subjects: 2086

(a) The role of the emergency service telecommunicator; 2087

(b) Effective communication skills; 2088

(c) Emergency service telecommunicator liability; 2089

(d) Telephone techniques; 2090

(e) Requirements of the "Americans With Disabilities Act 2091  
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 2092  
pertain to emergency service telecommunicators; 2093

(f) Handling hysterical and suicidal callers; 2094

(g) Informing individuals who call about an apparent drug 2095  
overdose about the immunity from prosecution for a minor drug 2096  
possession offense created by section 2925.11 of the Revised 2097  
Code; 2098

(h) Law enforcement terminology; 2099

<del>(h)</del> <u>(i)</u> Fire service terminology;	2100
<del>(i)</del> <u>(j)</u> Emergency medical service terminology;	2101
<del>(j)</del> <u>(k)</u> Emergency call processing guides for law enforcement;	2102 2103
<del>(k)</del> <u>(l)</u> Emergency call processing guides for fire service;	2104
<del>(l)</del> <u>(m)</u> Emergency call processing guides for emergency medical service;	2105 2106
<del>(m)</del> <u>(n)</u> Radio broadcast techniques;	2107
<del>(n)</del> <u>(o)</u> Disaster planning;	2108
<del>(o)</del> <u>(p)</u> Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	2109 2110 2111
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	2112 2113 2114 2115 2116 2117 2118 2119 2120
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	2121 2122 2123 2124 2125 2126 2127



If a person successfully completes the continuing 2128  
education coursework described in division (B) of this section, 2129  
the state board of education or a designee of the board shall 2130  
certify the person's successful completion. The board shall send 2131  
a copy of the certification to the person and to the emergency 2132  
service provider by whom the person is employed. 2133

Sec. 4765.44. (A) As used in this section, "law 2134  
enforcement agency" has the same meaning as in section 2925.61 2135  
of the Revised Code. 2136

(B) (1) Upon request of a law enforcement agency as 2137  
described in division (B) (2) of this section, emergency medical 2138  
service personnel and any firefighter or volunteer firefighter 2139  
acting within the course of the firefighting profession shall 2140  
disclose the name and address, if known, of an individual to 2141  
whom the emergency medical services personnel, firefighter, or 2142  
volunteer firefighter administered naloxone due to an actual or 2143  
suspected drug overdose, unless the emergency medical services 2144  
personnel, firefighter, or volunteer firefighter reasonably 2145  
believes that the law enforcement agency making the request does 2146  
not have jurisdiction over the place where the naloxone was 2147  
administered. 2148

(2) A law enforcement agency may request a name and 2149  
address of an individual under division (B) (1) of this section 2150  
for the purposes of investigation or treatment referral and may 2151  
use a name and address received under that division for either 2152  
or both of those purposes. 2153

**Section 2.** That existing sections 2925.11, 2929.13, 2154  
2929.141, 2929.15, 2929.25, 2967.28, 4549.02, 4549.021, and 2155  
4742.03 of the Revised Code are hereby repealed. 2156

**Section 3.** The amendments to sections 4549.02 and 4549.021 2157  
of the Revised Code made in this act shall be known as Brandon's 2158  
Law. 2159